

CLOSED

U.S. District Court
Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:01-cv-06078-CM-MDF

Sarnicola v. The County of Westch, et al
Assigned to: Judge Colleen McMahon
Referred to: Magistrate Judge Mark D. Fox
Demand: \$0
Cause: 28:1331 Fed. Question: Other

Date Filed: 07/05/2001
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Nicole Sarnicola

represented by **James I. Meyerson**
396 Broadway
Suite 601
New York, NY 10013
(212) 226-3310
LEAD ATTORNEY

V.

Defendant

The County of Westchester
a municipal entity

represented by **Jane Hogan Felix**
Westchester County Attorney's Office
600 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601
(914) 995-2708
LEAD ATTORNEY

Mary Lynn Nicolas
Westchester County Attorney's Office
148 Martine Avenue, Room 600
White Plains, NY 10601
(845) 995-2893
LEAD ATTORNEY

Defendant

John Does
Westchester County Police Officers,
individually and in their official capacities
TERMINATED: 01/08/2002

represented by **Jane Hogan Felix**
(See above for address)
TERMINATED: 01/08/2002
LEAD ATTORNEY

Defendant

Maria Beckley
Westchester County Police Officer, Shield
#189, individually and in his official

represented by **Jane Hogan Felix**
(See above for address)
TERMINATED: 01/08/2002

capacity.

TERMINATED: 01/08/2002

LEAD ATTORNEY

Defendant

Vincent Antonecchia

Westchester County Police Officer,
individually and in his official capacity.

TERMINATED: 01/08/2002

represented by **Jane Hogan Felix**

(See above for address)

TERMINATED: 01/08/2002

LEAD ATTORNEY

Defendant

Officer Mark Pierro

Westchester County Police Officer,
individually and in his official capacity.

TERMINATED: 01/08/2002

represented by **Jane Hogan Felix**

(See above for address)

TERMINATED: 01/08/2002

LEAD ATTORNEY

Defendant

West. Co. Police Sgt Thomas McGurn

Westchester County Police Sergeant
Thomas McGurn, individually and in his
official capacity,

Date Filed	#	Docket Text
07/05/2001	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 410837. (sv) (Entered: 07/06/2001)
07/05/2001		Magistrate Judge Mark D. Fox is so designated. (sv) (Entered: 07/06/2001)
07/24/2001	2	ANSWER to Complaint by The County of Westch, John Does, Beckley, Vinnie Antonucci, Mark Pierro (Attorney Jane Hogan Felix from the Firm: Westchester Co. DA) . (ll) (Entered: 07/25/2001)
08/02/2001	3	ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE:... If such a consent order is not filed within the time provided, a pretrial conference will be held for 9:00 9/28/01 , in courtroom 521, 300 Quarropas Street, White Plains, NY... (signed by Judge Colleen McMahon) (dc) (Entered: 08/03/2001)
10/01/2001		Memorandum to Docket Clerk: 09/28/01 - Parties Present. Scheduling Order & Mag. referred attached. See documents for details. Submitted By: CM, USDJ. (dc) (Entered: 10/03/2001)
10/01/2001	4	Order that case be referred to a Magistrate Judge for Any and All Discovery Disputes and Settlement Conference. Referred to Magistrate Judge Mark D. Fox . (signed by Judge Colleen McMahon) (pf) (Entered: 10/04/2001)
10/01/2001	5	SCHEDULING ORDER: Consent Scheduling Order: Rule 26(a) discovery completed. No additional parties may be oined after 11/30/01. No amendments to the pleadings afte 11/30/01. All discovery shall be completed on or before 12/30/01. Plaintiff's deposition shall proceed first and must be completed by 11/30/01. A joint pretrial order shall be filed on or before 2/02/02. Responses to

		in limine motions shall be filed by 2/16/02. . (signed by Judge Colleen McMahon); Copies mailed. (sv) (Entered: 10/05/2001)
10/15/2001	6	ORDER: In order to facilitate the progress of pre-trial discovery of this litigation in a just, speedy and inexpensive manner, ...(see document for details)...So Ordered: (signed by Magistrate Judge Mark D. Fox); Copies mailed. (pf) (Entered: 10/16/2001)
10/15/2001	8	Stipulation & ORDER of terms and conditions to govern the acquisition, retention and disclosure of documents, etc. (see document for details) So Ordered: . (signed by Magistrate Judge Mark D. Fox); Copies mailed. (ll) (Entered: 10/22/2001)
10/16/2001	7	AMENDED COMPLAINT by Nicole Sarnicola (Answer due 10/29/01 for Mark Pierro, for Vinnie Antonucci, for Beckley, for John Does, for The County of Westch) amending [1-1] complaint against Thomas McGurn; Summons issued. (ll) (Entered: 10/18/2001)
10/29/2001	9	AMENDED ANSWER to Complaint by The County of Westch, Maria Beckley, Vincent Antonecchia, Mark Pierro, Thomas McGurn. (dc) (Entered: 10/30/2001)
01/08/2002	10	PARTIAL STIPULATION OF DISMISSAL: IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the plaintiff and deft's, County of Westchester and the individually named deft's, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the actio, the above entitled action be, and the same hereby is dismissed as against deft's Westchester County Police Officer Ana Maria Beckley, Westchester County Police Officer Vincent Antonechia, Westchester County Police Officer Mark Pierro and Westchester County Police Officers sued herein as "John Does", with prejudice and without costs to either party as against the other. Cae to remain open against Thomas McGurn and Westchester County. SO ORDERED: (signed by Judge Colleen McMahon) (dc) (Entered: 01/09/2002)
01/10/2002	11	Memo-Endorsement on letter addressed to Judge McMahon from Jane Hogan Felix, dated 01/08/02. Re: Request for a thirty day adjournment until 03/01/02, for the submission of all pretrial filings as mandated by your individual practice rules. ENDORSED: Application Granted. (signed by Judge Colleen McMahon); Copies mailed. (dc) (Entered: 01/11/2002)
02/07/2002	12	NOTICE OF MOTION by The County of Westch, Thomas McGurn for summary judgment . Return date 3/1/02. (pf) (Entered: 02/08/2002)
02/07/2002	13	RULE 56.1 STATEMENT filed by The County of Westch, Thomas McGurn (pf) (Entered: 02/08/2002)
02/07/2002	14	MEMORANDUM OF LAW by The County of Westch, Thomas McGurn in support of [12-1] motion for summary judgment . (pf) (Entered: 02/08/2002)
02/15/2002	15	Memo-Endorsement on letter addressed to Judge McMahon from James I. Meyerson, dated February 14, 2002. Re: seeking to filed a memorandum in opposition. ENDORSED: Granted - but try to make it shorter. (signed by Judge Colleen McMahon); Copies mailed. (sv) (Entered: 02/20/2002)

02/22/2002	16	NOTICE OF CROSS MOTION by Nicole Sarnicola for summary judgment . Return date 3/1/02. (pf) (Entered: 02/22/2002)
02/22/2002	17	RESPONSE by Nicole Sarnicola Re: [13-1] settlement notice (pf) (Entered: 02/22/2002)
02/22/2002	18	RULE 56.1 STATEMENT filed by Nicole Sarnicola (pf) (Entered: 02/22/2002)
02/22/2002	19	MEMORANDUM OF LAW by Nicole Sarnicola in support of [16-1] cross motion for summary judgment, and in opposition to [12-1] motion for summary judgment . (pf) (Entered: 02/22/2002)
03/01/2002	20	MEMORANDUM OF LAW in Reply by The County of Westch in opposition to Co. Defendant's motion for summary judgment and in opposition to [16-1] cross motion for summary judgment, (ll) (Entered: 03/01/2002)
03/01/2002	21	Trial BRIEF by The County of Westch and Thomas McGurn re: (ll) (Entered: 03/01/2002)
03/01/2002	22	MEMORANDUM OF LAW by The County of Westch in support of motion to preclude. (ll) (Entered: 03/01/2002)
03/01/2002	23	NOTICE OF MOTION by The County of Westch to preclude the plaintiff from offering certain irrelevant evidence at the trial of this matter and for such other and further relief . Return date 3/15/02. (ll) (Entered: 03/01/2002)
03/01/2002	24	RULE 56.1 STATEMENT filed by The County of Westch (ll) (Entered: 03/01/2002)
03/01/2002	25	unsigned pretrial ORDER . (); Copies mailed. (ll) (Entered: 03/01/2002)
03/07/2002		REPLY by Nicole Sarnicola Re: [23-1] motion to preclude the plaintiff from offering certain irrelevant evidence at the trial of this matter and for such other and further relief (sv) (Entered: 03/08/2002)
03/07/2002	26	RESPONSE by Nicole Sarnicola to [23-1] motion to preclude the plaintiff from offering certain irrelevant evidence at the trial of this matter and for such other and further relief (sv) (Entered: 03/08/2002)
03/11/2002	27	PLAINTIFF'S TRIAL MEMORANDUM by Nicole Sarnicola. (dc) (Entered: 03/11/2002)
03/12/2002	28	REPLY by Nicole Sarnicola Re: (sv) (Entered: 03/12/2002)
09/23/2002	29	Letter filed addressed to All Counsel from Judge McMahon, dated 9-20-02, re: additional briefing for summary judgment. (dh) (Entered: 09/23/2002)
10/01/2002	30	MEMORANDUM OF LAW by Nicole Sarnicola re: [29-1] miscellaneous . (sv) (Entered: 10/02/2002)
10/01/2002	31	Memo-Endorsement on letter addressed to Judge McMahon from James I. Meyerson, dated September 30, 2002. Re: whether or not the parties are permitted a response to the other's primary submission....Endorsed: I don't think I should need further responses - but I'll let you know if I do. . (signed by Judge Colleen McMahon); (sv) (Entered: 10/02/2002)

10/24/2002	32	MEMORANDUM AND DECISION granting in part, denying in part [16-1] cross motion for summary judgment, granting in part, denying in part [12-1] motion for summary judgment. CONCLUSION: Plaintiff is granted Summary Judgment against deft. McGurn on her Third Cause of Action and on her Fifth Cause of Action as related to the strip Search. Deft's are granted Summary Judgment dismissing the First, Second, and Seventh Causes of Action, and the remainder of the Fifth Cause of Action. The Cross-Motions for Summary Judgment on the Fourth and Sixth Causes of Action against Westchester County are denied. SO ORDERED: (signed by Judge Colleen McMahon); Clerk's Office Mailed Copies. (dc) (Entered: 10/24/2002)
10/25/2002	33	Letter filed by The County of Westch addressed to Honorable Jude McMahon from Jane Hogan Felix, dated September 27, 2002, re: response to your Honor's request that the paties brief the following questions..... (sv) (Entered: 10/25/2002)
10/25/2002	34	Letter filed by Nicole Sarnicola addressed to Judge McMahon from James I. Meyerson, dated April 17. 2002, re: supplement prior submissions. (sv) (Entered: 10/25/2002)
11/14/2002	35	NOTICE OF APPEAL by The County of Westch, Thomas McGurn from [32-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: Mary Lynn Nicholas, James I. Meyerson . (sv) (Entered: 11/19/2002)
11/14/2002		Notice of appeal and certified copy of docket to USCA: [35-1] appeal by Thomas McGurn, The County of Westch ; Copy of notice of appeal sent to District Judge. \$105.00 Fee Paid. Receipt #451543, C&D Forms Issued (sv) (Entered: 11/19/2002)
11/27/2002	36	Memo-Endorsement on letter addressed to Judge McMahon from Lori A. Alesio, dated November 22, 2002. Re: Consel therefore jointly requests that this matter be stayed until the beginning of next year. ENDORSED: Stay granted. (signed by Judge Colleen McMahon); clk/m/cpys. (sv) (Entered: 12/02/2002)
01/13/2003	37	STIPULATION OF DISCONTINUANCE: It is hereby Stipulated and Agreed by and among the parties to the matter that this matter is hereby discontinued with prejudice, each party to bear its own costs. So Ordered: (signed by Judge Colleen McMahon) Copies mailed by Clerk's Office (pf) (Entered: 01/14/2003)
01/13/2003		Case closed. (pf) (Entered: 01/14/2003)
04/14/2003	38	MANDATE OF USCA (certified copy) Re: [35-1] appeal by Thomas McGurn, The County of Westch ... In light of the Settlement Agreement and Stipulation of Discontinuance executed by the parties in the U.S. District Court for the SDNY..., the undersigned hereby stipulate that the appeal is hereby withdrawn without costs and without any attys' fees pursuant to Rule 42(b) of the Fed. Rules of Appellate Procedure. (CERTIFIED: 4/4/03) Copies mailed by Clerk's Office (pf) (Entered: 04/15/2003)

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02/21/2006 17:32:50			
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