

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-03339-MGC**

Bandele et al v. The City of New York et al
Assigned to: Judge Miriam Goldman Cedarbaum
Cause: 42:1983 Civil Rights Act

Date Filed: 04/26/2007
Date Terminated: 09/22/2008
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Lumumba Bandele

represented by **Andrea Hope Costello**
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LEAD ATTORNEY
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Plaintiff

Djibril Toure

represented by **Andrea Hope Costello**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Karl Ferdinand Franklin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert J. Boyle
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

David Floyd

represented by

Andrea Hope Costello
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Karl Ferdinand Franklin
(See above for address)
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Robert J. Boyle
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V.

Defendant

The City of New York

represented by **Rachel Amy Seligman**
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LEAD ATTORNEY

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ATTORNEY TO BE NOTICED

Defendant

Police Officer Thomas Stevens
*Shield #11092, in his individual and
official capacity as an employee of the
City of New York Police Department*

represented by **Rachel Amy Seligman**
(See above for address)
LEAD ATTORNEY

Linda Donahue
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Police Officers John Doe # 1
*in their individual and official capacity as
an employee of the City of New York
Police Department
TERMINATED: 02/29/2008*

Defendant

Police Officer John Doe # 2
*in their individual and official capacity as
an employee of the City of New York
Police Department
TERMINATED: 02/29/2008*

Defendant

Police Officer Carlos Vega
in his individual and official capacity

represented by **Linda Donahue**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

NYC Police Officer Erick Nolan
in his individual and official capacity

represented by **Linda Donahue**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

NYC Police Sergeant Seamus Lavin
in his individual and official capacity

represented by **Linda Donahue**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

NYC Police Sergeant Holt
in his individual and official capacity

represented by **Linda Donahue**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/26/2007	<u>1</u>	COMPLAINT against The City of New York, Thomas Stevens, John Doe # 1, John Doe # 2. (Filing Fee \$ 350.00, Receipt Number 613359) Document filed by David Floyd, Lumumba Bandele, Djibril Toure. (tro) Additional attachment(s) added on 4/30/2007 (Becerra, Maribel). (Entered: 04/26/2007)
04/26/2007		SUMMONS ISSUED as to The City of New York, Thomas Stevens, John Doe # 1, John Doe # 2. (tro) (Entered: 04/26/2007)
04/26/2007		Magistrate Judge James C. Francis is so designated. (tro) (Entered: 04/26/2007)
04/26/2007		Case Designated ECF. (tro) (Entered: 04/26/2007)
07/13/2007	<u>2</u>	STIPULATION, that the time for defendant City of NY to answer the complaint is enlarged to 9/12/07. The City of New York answer due 9/12/2007. (Signed by Judge Miriam Goldman Cedarbaum on 7/12/07) (cd) Modified on 7/16/2007 (Daniec, Chris). (Entered: 07/16/2007)
07/16/2007	<u>3</u>	NOTICE OF CHANGE OF ADDRESS by Robert J. Boyle on behalf of all plaintiffs. New Address: Robert J. Boyle, 299 Broadway, Suite 806, New York, New York, USA 10007, 212-431-0229. (Boyle, Robert) (Entered: 07/16/2007)
09/11/2007	<u>4</u>	STIPULATION: the time for defendant City of New York to answer or otherwise respond to the complaint is extended to 10/29/07. The City of New York answer due 10/29/2007. (Signed by Judge Miriam Goldman Cedarbaum on 9/11/07) (db) (Entered: 09/11/2007)
10/29/2007	<u>5</u>	STIPULATION: the time for defendant City of New York to answer or otherwise respond to the complaint is extended to 11/30/07. The City of New York answer due 11/30/2007. (Signed by Judge Miriam Goldman Cedarbaum on 10/29/07) (db) (Entered: 10/29/2007)
10/31/2007	<u>6</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. The City of New York served on 6/22/2007, answer due 11/30/2007; Thomas Stevens served on 6/28/2007, answer due 7/18/2007; John Doe # 1 served on 6/22/2007, answer due 7/12/2007; John Doe # 2 served on 6/22/2007, answer due 7/12/2007. Service was accepted by Madelyn Santana; Sgt. Horvath; Sgt. Kaszovitz. Document filed by Lumumba Bandele. (Franklin, Karl) (Entered: 10/31/2007)
11/30/2007	<u>7</u>	ANSWER to Complaint with JURY DEMAND. Document filed by The City of New York, Thomas Stevens. (Seligman, Rachel) (Entered: 11/30/2007)
12/11/2007		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum: Initial Pretrial Conference held on 12/11/2007. (dle) (Entered: 12/18/2007)

12/21/2007	<u>8</u>	ORDER CASE ELIGIBLE FOR MEDIATION...the above-entitled action is eligible for mediation, pursuant to the Civil Justice Expense and Delay Reduction Plan. This action is eligible for mediation subject to the limitations and restrictions as noted: ALL ISSUES ARE ELIGIBLE. (Signed by Judge Miriam Goldman Cedarbaum on 12/20/07) (tro) (Entered: 12/21/2007)
12/31/2007	<u>9</u>	NOTICE OF APPEARANCE by Linda Donahue on behalf of The City of New York, Thomas Stevens (Donahue, Linda) (Entered: 12/31/2007)
02/11/2008	<u>10</u>	STIPULATION: that the time for plaintiff's attorneys to amend the complaint is enlarged to 2/29/08. (Amended Pleadings due by 2/29/2008.) (Signed by Judge Miriam Goldman Cedarbaum on 2/8/08) (tro) (Entered: 02/11/2008)
02/22/2008	<u>11</u>	NOTICE SELECTING MEDIATOR – Notice of selection of mediator.(sc) (Entered: 02/22/2008)
02/29/2008	<u>12</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against Carlos Vega, Erick Nolan, Seamus Lavin, Holt, The City of New York, Thomas Stevens. Document filed by David Floyd, Lumumba Bandele, Djibril Toure. Related document: <u>1</u> Complaint, filed by David Floyd, Djibril Toure, Lumumba Bandele.(dle) (dle). (Entered: 03/04/2008)
02/29/2008		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Kamau Karl Franklin, Andrea Costello, Robert J. Boyle for noncompliance with Section (3) of the S.D.N.Y. 3rd Amended Instructions For Filing An Electronic Case or Appeal and Section 1(d) of the S.D.N.Y. Procedures For Electronic Case Filing. E-MAIL the PDF for Document <u>12</u> Amended Complaint, to: case_openings@nysd.uscourts.gov. (dle) (Entered: 03/04/2008)
03/04/2008	<u>13</u>	AFFIDAVIT OF SERVICE. The City of New York served on 2/29/2008, answer due 3/20/2008. Service was made by mail. Document filed by Lumumba Bandele. (Franklin, Karl) (Entered: 03/04/2008)
03/20/2008	<u>14</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by The City of New York, Thomas Stevens.(Donahue, Linda) (Entered: 03/20/2008)
04/10/2008	<u>15</u>	AFFIDAVIT OF SERVICE. Thomas Stevens served on 4/9/2008, answer due 4/29/2008; Carlos Vega served on 4/9/2008, answer due 4/29/2008; Erick Nolan served on 4/9/2008, answer due 4/29/2008; Seamus Lavin served on 4/9/2008, answer due 4/29/2008; Holt served on 4/9/2008, answer due 4/29/2008. Service was accepted by Lt. Schneider, Sgt. Medina, Sgt. Welsch. Document filed by Lumumba Bandele. (Franklin, Karl) (Entered: 04/10/2008)
04/28/2008	<u>16</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Carlos Vega, Erick Nolan, Seamus Lavin, Holt. Related document: <u>12</u> Amended Complaint, filed by David Floyd, Djibril Toure, Lumumba Bandele.(Donahue, Linda) (Entered: 04/28/2008)
08/05/2008	<u>17</u>	STIPULATION It is hereby stipulated and agreed that the time for plaintiffs and defendants attorneys to complete discovery is enlarged to September 30, 2008. (Discovery due by 9/30/2008.) (Signed by Judge Miriam Goldman Cedarbaum on 8/5/08) (mme) (Entered: 08/05/2008)
08/19/2008	<u>18</u>	MOTION for Andrea Hope Costello to Withdraw as Attorney. Document filed by David Floyd, Lumumba Bandele, Djibril Toure.(Costello, Andrea) (Entered: 08/19/2008)
09/22/2008	<u>19</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amounts specified in paragraphs "2" through "4". Defendant City of New York hereby agrees to pay plaintiff LUMUMBA BANDELE the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS, in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the defendants CITY OF NEW YORK; NEW YORK CITY POLICE OFFICER THOMAS STEVENS (SHIELD # 11092), in his individual and official capacity, NEW YORK CITY POLICE OFFICER CARLOS VEGA, in his individual and official capacity; NEW YORK CITY POLICE OFFICER

ERICK NOLAN, in his individual and official capacity; NEW YORK CITY POLICE SERGEANT SEAMUS LAVTN, in his individual and official capacity; NEW YORK CITY POLICE SERGEANT HOLT, in his individual and official capacity, and to release all defendants and all present and former employees and agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees. Defendant City of New York hereby agrees to pay plaintiff DJIBRIL TOURE the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS, in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the defendants CITY OF NEW YORK; NEW YORK CITY POLICE OFFICER THOMAS STEVENS (SHIELD # 11092), in his individual and official capacity, NEW YORK CITY POLICE OFFICER CARLOS VEGA, in his individual and official capacity; NEW YORK CITY POLICE OFFICER ERICK NOLAN, in his individual and official capacity; NEW YORK CITY POLICE SERGEANT SEAMUS LAVIN, in his individual and official capacity; NEW YORK CITY POLICE SERGEANT HOLT, in his individual and official capacity, and to release all defendants and all present and former employees and agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees. Defendant City of New York hereby agrees to pay plaintiff DAVID FLOYD the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS, in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the defendants CITY OF NEW YORK; NEW YORK CITY POLICE OFFICER THOMAS STEVENS (SHIELD # 11092), in his individual and official capacity, NEW YORK CITY POLICE OFFICER CARLOS VEGA, in his individual and official capacity; NEW YORK CITY POLICE OFFICER ERICK NOLAN, in his individual and official capacity; NEW YORK CITY POLICE SERGEANT SEAMUS LAVIN, in his individual and official capacity: NEW YORK CITY POLICE SERGEANT HOLT, in his individual and official capacity, and to release all defendants and all present and former employees and agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees. (Signed by Judge Miriam Goldman Cedarbaum on 9/19/08) (mme) Modified on 10/7/2008 (mme). (Entered: 09/22/2008)