

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:12-cv-01354-PAE**

Matthews v. City of New York et al  
Assigned to: Judge Paul A. Engelmayer  
Referred to: Magistrate Judge Debra C. Freeman (Settlement)  
Cause: 42:1983 Civil Rights Act

Date Filed: 02/23/2012  
Date Terminated: 12/07/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Craig Matthews**

represented by **Christopher T Dunn**  
New York Civil Liberties Union  
125 Broad Street, 17th floor  
New York, NY 10004  
(212) 344-3005  
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**ATTORNEY TO BE NOTICED**

**Erin Beth Harrist**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**City of New York**

represented by **William Solomon Jacob Fraenkel**  
NYC Law Department, Office of the  
Corporation Counsel (NYC)  
100 Church Street  
New York, NY 10007  
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Email: [wfraenke@law.nyc.gov](mailto:wfraenke@law.nyc.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Raymond Kelly**  
*as Commissioner of the New York City  
Police Department*

represented by **William Solomon Jacob Fraenkel**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Jon Bloch**  
*a deputy inspector in the New York City  
Police Department*

represented by **William Solomon Jacob Fraenkel**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Mark Sedran**  
*a lieutenant in the New York City Police  
Department*

represented by **William Solomon Jacob Fraenkel**  
(See above for address)  
**LEAD ATTORNEY**

## ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/23/2012	<u>1</u>	COMPLAINT against Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. (Filing Fee \$ 350.00, Receipt Number 465401030545) Document filed by Craig Matthews.(rdz) (Entered: 02/27/2012)
02/23/2012		SUMMONS ISSUED as to Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. (rdz) (Entered: 02/27/2012)
02/23/2012		Magistrate Judge Debra C. Freeman is so designated. (rdz) (Entered: 02/27/2012)
02/23/2012		Case Designated ECF. (rdz) (Entered: 02/27/2012)
02/27/2012	<u>2</u>	NOTICE OF APPEARANCE by William Solomon Jacob Fraenkel on behalf of Jon Bloch, City of New York, Raymond Kelly, Mark Sedran (Fraenkel, William) (Entered: 02/27/2012)
02/29/2012	<u>3</u>	ORDER: The Court is in receipt of Plaintiff's letter request that the Court schedule a conference so that he may present an Order to Show Cause to expedite discovery and to schedule a preliminary injunction hearing in this matter. The Parties are directed to appear for such conference on March 8, 2012, at 2:30 p.m. in Courtroom 17C of the United States District Court, 500 Pearl Street, New York, NY 10007. (Signed by Judge Barbara S. Jones on 2/29/2012) (mro) Modified on 3/2/2012 (mro). (Entered: 03/01/2012)
03/05/2012	<u>4</u>	AFFIDAVIT OF SERVICE. Raymond Kelly served on 2/24/2012, answer due 3/16/2012. Service was accepted by Dimitriy Aranov. Document filed by Craig Matthews. (Dunn, Christopher) (Entered: 03/05/2012)
03/05/2012	<u>5</u>	AFFIDAVIT OF SERVICE. Jon Bloch served on 2/24/2012, answer due 3/16/2012. Service was accepted by Syria Henriquez. Document filed by Craig Matthews. (Dunn, Christopher) (Entered: 03/05/2012)
03/05/2012	<u>6</u>	AFFIDAVIT OF SERVICE. Mark Sedran served on 2/24/2012, answer due 3/16/2012. Service was accepted by Syria Henriquez. Document filed by Craig Matthews. (Dunn, Christopher) (Entered: 03/05/2012)
03/05/2012	<u>7</u>	AFFIDAVIT OF SERVICE. City of New York served on 2/24/2012, answer due 3/16/2012. Service was accepted by Dimitriy Aronov. Document filed by Craig Matthews. (Dunn, Christopher) (Entered: 03/05/2012)
03/05/2012	<u>8</u>	AFFIDAVIT OF SERVICE. Service was accepted by Dimitriy Aronov. Document filed by Craig Matthews. (Dunn, Christopher) (Entered: 03/05/2012)
03/06/2012	<u>9</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from William S.J. Fraenkel dated 3/1/2012 re: Request for rescheduling of March 8th conference. ENDORSEMENT: The conference is rescheduled for 10:00 a.m. on March 9, 2012. (Signed by Judge Barbara S. Jones on 3/5/2012) (rjm) (Entered: 03/06/2012)
03/09/2012	<u>10</u>	ORDER: After hearing the parties' arguments at a conference on March 9, 2012, regarding Plaintiff's Order to Show Cause to Expedite Discovery and to Schedule Preliminary Injunction Proceedings, the Court denies Plaintiff's request for expedited discovery pending the Court's decision on Defendant's Motion to Dismiss. Defendant shall submit its Motion to Dismiss and supporting Memorandum of Law on or before Friday, March 16, 2012. The Plaintiff shall submit his Opposition Memorandum on or before Tuesday, March 27, 2012. Defendant shall submit any Reply on or before March 30, 2012. The Court will hold oral argument on the Motion to Dismiss on April 4, 2012, at 10 a.m. in Courtroom 17C of the United States District Court, 500 Pearl Street, New York, NY 10007. (Signed by Judge Barbara S. Jones on 3/9/2012) (jfe) (Entered: 03/09/2012)
03/09/2012		Set Deadlines/Hearings: Motions due by 3/16/2012. Replies due by 3/30/2012. Responses due by 3/27/2012 Oral Argument set for 4/4/2012 at 10:00 AM in Courtroom 17C, 500 Pearl Street, New York, NY 10007 before Judge Barbara S. Jones. (jfe) (Entered: 03/09/2012)

03/16/2012	<u>11</u>	FIRST MOTION to Dismiss. Document filed by Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. Responses due by 3/27/2012 Return Date set for 4/4/2012 at 10:00 AM.(Fraenkel, William) (Entered: 03/16/2012)
03/16/2012	<u>12</u>	FIRST MEMORANDUM OF LAW in Support re: <u>11</u> FIRST MOTION to Dismiss.. Document filed by Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. (Fraenkel, William) (Entered: 03/16/2012)
03/20/2012	<u>13</u>	LAW STUDENT INTERN APPEARANCE FORM for Holly Mowforth, as further set forth in this document. (Signed by Judge Barbara S. Jones on 3/9/2012) (cd) (Entered: 03/20/2012)
03/20/2012	<u>14</u>	LAW STUDENT INTERN APPEARANCE FORM for Jake Turner, as further set forth in this document. (Signed by Judge Barbara S. Jones on 3/9/2012) (cd) (Entered: 03/20/2012)
03/20/2012	<u>15</u>	LAW STUDENT INTERN APPEARANCE FORM for Kate Deniger, and as further set forth in this document. (Signed by Judge Barbara S. Jones on 3/9/2012) (cd) (Entered: 03/20/2012)
03/27/2012	<u>16</u>	MEMORANDUM OF LAW in Opposition re: <u>11</u> FIRST MOTION to Dismiss.. Document filed by Craig Matthews. (Dunn, Christopher) (Entered: 03/27/2012)
03/30/2012	<u>17</u>	REPLY MEMORANDUM OF LAW in Support re: <u>11</u> FIRST MOTION to Dismiss.. Document filed by Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. (Fraenkel, William) (Entered: 03/30/2012)
04/12/2012	<u>18</u>	ORDER: granting <u>11</u> Motion to Dismiss. The City's Motion to Dismiss is GRANTED. The clerk of the court is directed to terminate the motion at docket number 11. (Signed by Judge Barbara S. Jones on 4/12/2012) (pl) Modified on 4/12/2012 (pl). (Entered: 04/12/2012)
04/12/2012		Transmission to Judgments and Orders Clerk. Transmitted re: <u>18</u> Order on Motion to Dismiss, to the Judgments and Orders Clerk. (tro) (Entered: 04/23/2012)
04/20/2012	<u>19</u>	NOTICE OF APPEAL from <u>18</u> Order on Motion to Dismiss. Document filed by Craig Matthews. Filing fee \$ 455.00, receipt number 0208-7399084. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Dunn, Christopher) (Entered: 04/20/2012)
04/20/2012		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>19</u> Notice of Appeal. (tp) (Entered: 04/20/2012)
04/20/2012		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>15</u> Order, <u>9</u> Endorsed Letter, Set Hearings, <u>1</u> Complaint filed by Craig Matthews, <u>7</u> Affidavit of Service Complaints filed by Craig Matthews, <u>6</u> Affidavit of Service Complaints filed by Craig Matthews, <u>13</u> Order, <u>17</u> Reply Memorandum of Law in Support of Motion filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>10</u> Order, <u>14</u> Order, <u>8</u> Affidavit of Service Complaints filed by Craig Matthews, <u>11</u> FIRST MOTION to Dismiss filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>19</u> Notice of Appeal filed by Craig Matthews, <u>3</u> Order, Set Hearings, <u>2</u> Notice of Appearance filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>4</u> Affidavit of Service Complaints filed by Craig Matthews, <u>12</u> Memorandum of Law in Support of Motion filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>5</u> Affidavit of Service Complaints filed by Craig Matthews, <u>18</u> Order on Motion to Dismiss, <u>16</u> Memorandum of Law in Opposition to Motion filed by Craig Matthews were transmitted to the U.S. Court of Appeals. (tp) (Entered: 04/20/2012)
04/23/2012	<u>20</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated April 12, 2012, the City's motion to dismiss is granted. (Signed by Clerk of Court Ruby Krajick on 4/23/12) (Attachments: # <u>1</u> Notice of Right to Appeal)(dt) (Entered: 04/23/2012)
05/04/2012	<u>21</u>	TRANSCRIPT of Proceedings re: CONFERNCE held on 4/5/2012 before Judge Barbara S. Jones. Court Reporter/Transcriber: Jennifer Thun, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/29/2012.

		Redacted Transcript Deadline set for 6/7/2012. Release of Transcript Restriction set for 8/6/2012.(McGuirk, Kelly) (Entered: 05/04/2012)
05/04/2012	<u>22</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 4/5/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 05/04/2012)
09/10/2012	<u>23</u>	TRANSCRIPT of Proceedings re: ARGUMENT held on 3/9/2012 before Judge Barbara S. Jones. Court Reporter/Transcriber: Kristen Carannante, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/4/2012. Redacted Transcript Deadline set for 10/15/2012. Release of Transcript Restriction set for 12/13/2012.(McGuirk, Kelly) (Entered: 09/10/2012)
09/10/2012	<u>24</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ARGUMENT proceeding held on 3/9/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/10/2012)
11/28/2012	<u>25</u>	TRUE COPY ORDER of USCA as to <u>19</u> Notice of Appeal filed by Craig Matthews USCA Case Number 12-1622-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED and the case is REMANDED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 11/28/2012. (nd) (Entered: 11/28/2012)
12/04/2012	<u>26</u>	NOTICE OF CASE REASSIGNMENT to Judge Paul A. Engelmayer. Judge Barbara S. Jones is no longer assigned to the case. (pgu) (Entered: 12/04/2012)
12/05/2012	<u>27</u>	ORDER: Conference set for 12/20/2012 at 09:00 AM before Judge Paul A. Engelmayer, and as further set forth in this document. (Signed by Judge Paul A. Engelmayer on 12/5/2012) (cd) (Entered: 12/05/2012)
12/07/2012	<u>28</u>	ENDORSED LETTER addressed to Judge Paul A. Engelmayer from Christopher Dunn dated 12/6/2012 re: Counsel requests that the Court reschedule an initial conference it set yesterday for December 20, 2012, at 9:00 a.m. ENDORSEMENT: Granted. The conference will be held at 10:00 a.m. on Monday, December 17, 2012. (Initial Conference set for 12/17/2012 at 10:00 AM before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 12/7/2012) (ft) Modified on 12/7/2012 (ft). (Entered: 12/07/2012)
12/07/2012		<b>***DELETED DOCUMENT. Deleted document number <u>29</u> STIPULATION AND ORDER. The document was incorrectly filed in this case. (ft)</b> (Entered: 12/07/2012)
12/17/2012		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Initial Pretrial Conference held on 12/17/2012. Discovery to close March 1, 2013. Summary Judgment motion due 3/18/13; Response due 4/5/13; Reply due 4/12/13. Counsel will submit a Civil Case Management Plan and Scheduling Order to the Court. (mro) (Entered: 12/28/2012)
12/19/2012	<u>29</u>	INITIAL CASE MANAGEMENT PLAN: Initial disclosures pertaining to all issues in the case shall be served by Friday, January 11, 2012. Requests for documents pertaining to all issues in the case may be served at any time after December 18, 2012. Deposition due by 3/1/2013. Motions due by 3/18/2013. Responses due by 4/5/2013. Replies due by 4/12/2013. To the extent the case proceeds beyond the summary judgment stage described in paragraph 4, the Court shall set a separate schedule for additional discovery and pre-trial proceedings. (Signed by Judge Paul A. Engelmayer on 12/19/2012) (ft) (Entered: 12/19/2012)

12/19/2012	<u>30</u>	MANDATE of USCA (Certified Copy) as to <u>19</u> Notice of Appeal filed by Craig Matthews USCA Case Number 12-1622-cv. Ordered, Adjudged and Decreed that the order of the District Court is VACATED and the case is REMANDED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 12/19/2012. (nd) (Entered: 12/19/2012)
12/19/2012		Transmission of USCA Mandate/Order to the District Judge re: <u>30</u> USCA Mandate,. (nd) (Entered: 12/19/2012)
01/15/2013	<u>31</u>	ANSWER to <u>1</u> Complaint. Document filed by Jon Bloch, City of New York, Raymond Kelly, Mark Sedran.(Fraenkel, William) (Entered: 01/15/2013)
02/21/2013	<u>32</u>	NOTICE OF APPEARANCE by Erin Beth Harrist on behalf of Craig Matthews (Harrist, Erin) (Entered: 02/21/2013)
02/27/2013	<u>33</u>	REVISED CASE MANAGEMENT PLAN: Defendants' Summary Judgment Motions due by 5/20/2013. Responses due by 6/7/2013 Replies due by 6/14/2013. Deposition due by 5/3/2013. There will be no further extensions of these deadlines. (Signed by Judge Paul A. Engelmayer on 2/27/2013) (djc) Modified on 2/27/2013 (djc). (Entered: 02/27/2013)
03/04/2013	<u>34</u>	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge Paul A. Engelmayer on 3/4/2013) (djc) (Entered: 03/04/2013)
05/20/2013	<u>35</u>	MOTION for Summary Judgment. Document filed by Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. Responses due by 6/7/2013(Fraenkel, William) (Entered: 05/20/2013)
05/20/2013	<u>36</u>	MEMORANDUM OF LAW in Support re: <u>35</u> MOTION for Summary Judgment.. Document filed by Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. (Fraenkel, William) (Entered: 05/20/2013)
05/20/2013	<u>37</u>	AFFIDAVIT of William S.J. Fraenkel, Esq. in Support re: <u>35</u> MOTION for Summary Judgment.. Document filed by Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D)(Fraenkel, William) (Entered: 05/20/2013)
05/20/2013	<u>38</u>	RULE 56.1 STATEMENT. Document filed by Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. (Fraenkel, William) (Entered: 05/20/2013)
06/07/2013	<u>39</u>	MEMORANDUM OF LAW in Opposition re: <u>35</u> MOTION for Summary Judgment.. Document filed by Craig Matthews. (Harrist, Erin) (Entered: 06/07/2013)
06/07/2013	<u>40</u>	DECLARATION of Erin Beth Harrist in Opposition re: <u>35</u> MOTION for Summary Judgment.. Document filed by Craig Matthews. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13)(Harrist, Erin) (Entered: 06/07/2013)
06/07/2013	<u>41</u>	AFFIDAVIT of Craig Matthews in Opposition re: <u>35</u> MOTION for Summary Judgment.. Document filed by Craig Matthews. (Harrist, Erin) (Entered: 06/07/2013)
06/07/2013	<u>42</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU –</b> RESPONSE in Opposition re: <u>35</u> MOTION for Summary Judgment. <i>Response to Defendants' 56.1 Statement and Plaintiff's 56.1 Counterstatement.</i> Document filed by Craig Matthews. (Harrist, Erin) Modified on 6/10/2013 (db). (Entered: 06/07/2013)
06/10/2013		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Note to Attorney Erin Beth Harrist to RE-FILE Document <u>42</u> Response in Opposition to Motion. Use the event type Counter Statement to Rule 56.1 found under the event list Other Answers. (db)</b> (Entered: 06/10/2013)
06/10/2013	<u>43</u>	COUNTER STATEMENT TO <u>38</u> Rule 56.1 Statement. Document filed by Craig Matthews. (Harrist, Erin) (Entered: 06/10/2013)
06/12/2013	<u>44</u>	ENDORSED LETTER addressed to Judge Paul A. Engelmayer from William S.J. Fraenkel dated 6/11/2013 re: I am an Assistant Corporation Counsel in the office of

		Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to represent the defendants in this matter. I write in response to plaintiff's letter of yesterday afternoon which requested oral argument on defendants' summary judgment motion. Defendants' reply papers concerning this motion are to be filed this Friday June 14th. Should the Court elect to grant plaintiff's request for oral argument, I wish to inform the Court that I will be out of the country from June 30th through July 8th, and unavailable on June 20th, 27th and July 16th. ENDORSEMENT: Oral argument will be held on July 19, 2013, at 10:00 a.m. (Oral Argument set for 7/19/2013 at 10:00 AM before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 6/12/2013) (djc) (Entered: 06/12/2013)
06/14/2013	<u>45</u>	REPLY MEMORANDUM OF LAW in Support re: <u>35</u> MOTION for Summary Judgment.. Document filed by Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. (Fraenkel, William) (Entered: 06/14/2013)
06/14/2013	<u>46</u>	REPLY AFFIDAVIT of William S.J. Fraenkel in Support re: <u>35</u> MOTION for Summary Judgment.. Document filed by Jon Bloch, City of New York, Raymond Kelly, Mark Sedran. (Fraenkel, William) (Entered: 06/14/2013)
07/19/2013		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Oral Argument held on 7/19/2013 re: <u>35</u> MOTION for Summary Judgment. filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York. Court's decision reserved. (Court Reporter Ann Hairston) (Hummel, June) (Entered: 07/19/2013)
07/29/2013	<u>47</u>	OPINION & ORDER re: <u>35</u> MOTION for Summary Judgment filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York. For the reasons stated, defendants' motion for summary judgment is granted. The Clerk of Court is directed to terminate the motion pending at docket number 35, and to close this case. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 7/29/2013) (rsh) (Entered: 07/29/2013)
07/29/2013		Transmission to Judgments and Orders Clerk. Transmitted re: <u>47</u> Memorandum & Opinion to the Judgments and Orders Clerk. (rsh) (Entered: 07/29/2013)
07/30/2013	<u>48</u>	CLERK'S JUDGMENT: That for the reasons stated in the Court's Opinion and Order dated July 29, 2013, defendants motion for summary judgment is granted; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 7/30/2013) (Attachments: # <u>1</u> Notice of Right to Appeal)(dt) (Entered: 07/30/2013)
07/30/2013		Terminate Transcript Deadlines (dt) (Entered: 07/30/2013)
08/01/2013	<u>49</u>	<b>FILING ERROR – NO ORDER SELECTED FOR APPEAL – NOTICE OF APPEAL.</b> Document filed by Craig Matthews. Filing fee \$ 455.00, receipt number 0208–8744191. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Dunn, Christopher) Modified on 8/1/2013 (tp). (Entered: 08/01/2013)
08/01/2013		<b>***NOTE TO ATTORNEY REGARDING DEFICIENT APPEAL. Note to Attorney Dunn, Christopher to RE–FILE Document No. <u>49</u> Notice of Appeal. No Order being appealed was selected. Re–file the document as a Corrected Notice of Appeal event and select the correct Order being appealed. (tp)</b> (Entered: 08/01/2013)
08/01/2013	<u>50</u>	CORRECTED NOTICE OF APPEAL re: <u>49</u> Notice of Appeal, <u>47</u> Memorandum & Opinion,. Document filed by Craig Matthews. (Dunn, Christopher) (Entered: 08/01/2013)
08/01/2013		Appeal Fee Paid electronically via Pay.gov: for <u>50</u> Corrected Notice of Appeal. Filing fee \$ 455.00. Pay.gov receipt number 0208–8744191, paid on 8/1/2013. (tp) (Entered: 08/01/2013)
08/01/2013		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>50</u> Corrected Notice of Appeal. (tp) (Entered: 08/01/2013)
08/01/2013		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>15</u> Order, <u>9</u> Endorsed Letter, Set Hearings, <u>49</u> Notice of Appeal, filed by Craig Matthews, <u>1</u> Complaint filed by Craig Matthews, <u>32</u> Notice of Appearance filed by Craig Matthews, <u>20</u> Clerk's Judgment, <u>39</u> Memorandum of Law in Opposition to Motion filed by Craig Matthews, <u>45</u> Reply Memorandum of Law in Support of Motion filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New

		<p>York, <u>37</u> Affidavit in Support of Motion, filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>7</u> Affidavit of Service Complaints filed by Craig Matthews, <u>38</u> Rule 56.1 Statement filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>27</u> Order, Set Deadlines/Hearings, <u>34</u> Protective Order, <u>50</u> Corrected Notice of Appeal filed by Craig Matthews, <u>47</u> Memorandum &amp; Opinion, <u>33</u> Case Management Plan, <u>23</u> Transcript, <u>24</u> Notice of Filing Transcript, <u>6</u> Affidavit of Service Complaints filed by Craig Matthews, <u>13</u> Order, <u>17</u> Reply Memorandum of Law in Support of Motion filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>10</u> Order, <u>22</u> Notice of Filing Transcript, <u>46</u> Reply Affidavit in Support of Motion filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>25</u> USCA Order, <u>30</u> USCA Mandate, <u>14</u> Order, <u>42</u> Response in Opposition to Motion, filed by Craig Matthews, <u>8</u> Affidavit of Service Complaints filed by Craig Matthews, <u>11</u> FIRST MOTION to Dismiss filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>36</u> Memorandum of Law in Support of Motion filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>21</u> Transcript, <u>44</u> Endorsed Letter, Set Hearings, <u>26</u> Notice of Case Assignment/Reassignment, <u>19</u> Notice of Appeal filed by Craig Matthews, <u>35</u> MOTION for Summary Judgment filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>43</u> Counter Statement to Rule 56.1 filed by Craig Matthews, <u>48</u> Clerk's Judgment, <u>3</u> Order, Set Hearings, <u>2</u> Notice of Appearance filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>29</u> Case Management Plan, <u>4</u> Affidavit of Service Complaints filed by Craig Matthews, <u>41</u> Affidavit in Opposition to Motion filed by Craig Matthews, <u>28</u> Endorsed Letter, Set Hearings, <u>40</u> Declaration in Opposition to Motion, filed by Craig Matthews, <u>31</u> Answer to Complaint filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>12</u> Memorandum of Law in Support of Motion filed by Jon Bloch, Mark Sedran, Raymond Kelly, City of New York, <u>5</u> Affidavit of Service Complaints filed by Craig Matthews, <u>18</u> Order on Motion to Dismiss, <u>16</u> Memorandum of Law in Opposition to Motion filed by Craig Matthews were transmitted to the U.S. Court of Appeals. (tp) (Entered: 08/01/2013)</p>
08/09/2013	<u>51</u>	<p>TRANSCRIPT of Proceedings re: CONFERENCE held on 7/19/2013 before Judge Paul A. Engelmayer. Court Reporter/Transcriber: Ann Hairston, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/3/2013. Redacted Transcript Deadline set for 9/12/2013. Release of Transcript Restriction set for 11/12/2013.(Rodriguez, Somari) (Entered: 08/09/2013)</p>
08/09/2013	<u>52</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 7/19/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 08/09/2013)</p>
02/26/2015	<u>53</u>	<p>OPINION of USCA as to <u>50</u> Corrected Notice of Appeal filed by Craig Matthews. USCA Case Number 13-2915-cv. For the reasons stated in this opinion, we VACATE the District Court's grant of defendants' motions for summary judgment and REMAND for further proceedings consistent with this opinion. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 02/26/2015. (nd) (Entered: 02/26/2015)</p>
08/03/2015	<u>54</u>	<p>MANDATE of USCA (Certified Copy) as to <u>50</u> Corrected Notice of Appeal, filed by Craig Matthews. USCA Case Number 13-2915. The appeal in the above captioned case from an order of the United States District Court for the Southern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the district court's grant of Appellees' motions for summary judgment is VACATED and the matter is REMANDED for further proceedings in accordance with the <u>53</u> opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 03/30/2015. (Attachments: # <u>1</u> Opinion)(nd) (Entered: 08/03/2015)</p>
08/03/2015		<p>Transmission of USCA Mandate to the District Judge re: <u>54</u> USCA Mandate,.. (nd) (Entered: 08/03/2015)</p>

08/03/2015	<u>55</u>	Costs Taxed as to <u>54</u> USCA Mandate,, USCA Case Number 13–2915. in the amount of \$455.00. on 08/03/2015 in favor of Craig Matthews, Plaintiff–Appellant, against City of New York, Raymond Kelly, as Commissioner of the New York City Police Department, Jon Bloch, a deputy inspector in the New York City Police Department, Mark Sedran, a lieutenant in the New York City Police Department, Defendants–Appellees.. (nd) (Entered: 08/03/2015)
08/12/2015	<u>56</u>	NOTICE OF PRETRIAL CONFERENCE: On February 26, 2015, the Second Circuit vacated this Court's grant of defendants' motion for summary judgment and remanded for further proceedings. Dkt. 53. The Circuit's mandate to this Court issued on August 3, 2015. Dkt. 54. The Court directs counsel for all parties to prepare a Revised Civil Case Management Plan and Scheduling Order in accordance with the Court's Individual Rules, available at <a href="http://www.nysd.uscourts.gov/judge/Engelmayer">http://www.nysd.uscourts.gov/judge/Engelmayer</a> , to be submitted to the Court by Friday, August 21, 2015. The proposed schedule should contemplate the completion of all fact discovery by Friday, November 20, 2015. The Court also directs counsel for all parties to appear at a pretrial conference with the Court on Friday, December 18, 2015 at 10:30 a.m. in Courtroom 1305 at the Thurgood Marshall U.S. Courthouse, 40 Centre Street, New York, New York 10007. (As further set forth in this Order) (Fact Discovery due by 11/20/2015., Pretrial Conference set for 12/18/2015 at 10:30 AM in Courtroom 1305, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 8/12/2015) (kl) (Entered: 08/12/2015)
08/20/2015	<u>57</u>	LETTER addressed to Judge Paul A. Engelmayer from Plaintiff dated 8/20/2015 re: submission of proposed case management plan. Document filed by Craig Matthews.(Harrist, Erin) (Entered: 08/20/2015)
08/21/2015	<u>58</u>	CASE MANAGEMENT PLAN AND SCHEDULING ORDER: The parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). This case is to be tried to a jury. Deposition due by 11/20/2015. Fact Discovery due by 11/20/2015. Expert Discovery due by 1/4/2016. Counsel for the parties have conferred and their present best estimate of the length of trial is 5 days. Case Management Conference set for 12/18/2015 at 10:30 AM before Judge Paul A. Engelmayer. (As further set forth in this Order) (Signed by Judge Paul A. Engelmayer on 8/21/2015) (kl) (Entered: 08/21/2015)
08/21/2015	<u>59</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Debra C. Freeman. Plaintiff's counsel will contact the Magistrate Judge to schedule a settlement conference when both parties are ready. (Signed by Judge Paul A. Engelmayer on 8/21/2015) (kl) (Entered: 08/21/2015)
10/27/2015		Minute Entry for proceedings held before Magistrate Judge Debra C. Freeman: Settlement Conference held via telephone on 10/27/2015. (aba) (Entered: 10/27/2015)
11/05/2015	<u>60</u>	LETTER addressed to Magistrate Judge Debra C. Freeman from Plaintiff's Counsel dated November 5, 2015 re: status of settlement discussions. Document filed by Craig Matthews.(Harrist, Erin) (Entered: 11/05/2015)
11/17/2015	<u>61</u>	LETTER MOTION for Discovery <i>Deadline Adjournment Given Agreement on Material Terms of Settlement</i> addressed to Judge Paul A. Engelmayer from Plaintiff's Counsel dated 11/17/2015. Document filed by Craig Matthews.(Harrist, Erin) (Entered: 11/17/2015)
11/18/2015	<u>62</u>	ORDER granting <u>61</u> Letter Motion for Discovery. The Court appreciates the notification. The parties' request to adjourn the discovery deadlines set in the case management plan is GRANTED. (Signed by Judge Paul A. Engelmayer on 11/18/2015) (kl) (Entered: 11/18/2015)
11/25/2015	<u>63</u>	LETTER addressed to Judge Paul A. Engelmayer from Plaintiff's Counsel dated November 25, 2015 re: settlement update. Document filed by Craig Matthews.(Harrist, Erin) (Entered: 11/25/2015)
11/30/2015	<u>64</u>	MEMO ENDORSEMENT on re: <u>63</u> Letter request regarding settlement update, filed by Craig Matthews. ENDORSEMENT: The Court appreciates the notification. The parties are directed to either submit a proposed stipulation of discontinuance and order of dismissal, or a revised proposed case management plan, by December 4, 2015. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 11/30/2015) (kl) (Entered: 11/30/2015)



		11/30/2015)
12/03/2015	<u>65</u>	LETTER MOTION for Extension of Time <i>by one business day to submit proposed stipulation and order</i> addressed to Judge Paul A. Engelmayer from Plaintiff's Counsel dated December 3, 2015. Document filed by Craig Matthews.(Harrist, Erin) (Entered: 12/03/2015)
12/04/2015	<u>66</u>	ORDER granting <u>65</u> Letter Motion for Extension of Time. GRANTED. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 12/4/2015) (kl) (Entered: 12/04/2015)
12/07/2015	<u>67</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: IT IS HEREBY STIPULATED, by and between the parties, as represented below, and ORDERED as follows: Upon defendants, compliance with paragraph 2, the above-referenced action is dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below. Defendant City of New York hereby agrees: i) to void plaintiff's 2011 evaluation's 2.5 rating and to confirm in writing that plaintiff is no longer subject to Level 1 Command Monitoring as a result of his 2011 negative rating now deemed void; ii) to pay plaintiff back wages in the total amount of \$32,582.78, less lawful deductions, including but not limited to taxes; iii) to pay plaintiff compensatory damages in the amount of \$125,000; and iv) to pay the New York Civil Liberties Union Foundation attorney fees in the amount of \$130,000. (As further set forth in this Order) (Signed by Judge Paul A. Engelmayer on 12/7/2015) (kl) (Entered: 12/07/2015)
12/07/2015		Terminate Transcript Deadlines (kl) (Entered: 12/07/2015)