

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:11-cv-06957-JSR**

Garcia et al v. Bloomberg et al  
Assigned to: Judge Jed S. Rakoff  
Related Case: 1:14-cv-07519-JSR  
Cause: 42:1983 Civil Rights Act

Date Filed: 10/04/2011  
Date Terminated: 09/15/2015  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Karina Garcia**  
*as Class Representative on behalf of  
herself and others similarly situated*

represented by **Mara Verheyden-Hilliard**  
Partnership for Civil Justice  
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Washington, DC 20001  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrea Hope Costello**  
Southern Legal Counsel  
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Gainesville, FL 32601  
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**ATTORNEY TO BE NOTICED**

**Carl L Messineo**  
Partnership for Civil Justice  
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Washington, DC 20001  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Marcel Cartier**  
*as Class Representative on behalf of  
himself and others similarly situated*  
**TERMINATED: 01/30/2012**

represented by **Mara Verheyden-Hilliard**  
(See above for address)  
**LEAD ATTORNEY**

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

**Carl L Messineo**  
(See above for address)

**Plaintiff**

**Yari Osorio**  
*as Class Representative on behalf of  
herself and others similarly situated*

represented by **Mara Verheyden-Hilliard**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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

**Carl L Messineo**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Benjamin Becker**  
*as Class Representative on behalf of  
himself and others similarly situated*

represented by **Mara Verheyden–Hilliard**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Carl L Messineo**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Cassandra Regan**  
*as Class Representative on behalf of  
herself and others similarly situated*

represented by **Mara Verheyden–Hilliard**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Carl L Messineo**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Yareidis Perez**  
*as Class Representative on behalf of  
herself and others similarly situated*

represented by **Mara Verheyden–Hilliard**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Carl L Messineo**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Tyler Sova**  
*as Class Representative on behalf of  
himself and others similarly situated*

represented by **Mara Verheyden–Hilliard**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Carl L Messineo**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

represented by

**Stephanie Jean Umoh**  
*as Class Representative on behalf of  
herself and others similarly situated*

**Mara Verheyden–Hilliard**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Carl L Messineo**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Brooke Feinstein**  
*as Class Representative on behalf of  
herself and others similarly situated*

represented by **Mara Verheyden–Hilliard**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Carl L Messineo**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Michael Crickmore**  
*as Class Representative on behalf of  
himself and others similarly situated*

represented by **Mara Verheyden–Hilliard**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Carl L Messineo**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Michael R. Bloomberg**  
*in his official capacity*

represented by **Arthur Gabriel Larkin , III**  
The New York City Law Department  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dara Lynn Weiss**  
City of New York Law Department  
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Fax: 212–788–9776  
Email: [DAWEISS@LAW.NYC.GOV](mailto:DAWEISS@LAW.NYC.GOV)  
*ATTORNEY TO BE NOTICED*

**Defendant****Michael R. Bloomberg**  
*Individually*represented by **Arthur Gabriel Larkin , III**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED****Dara Lynn Weiss**  
(See above for address)  
**ATTORNEY TO BE NOTICED****Defendant****The City of New York**represented by **Arthur Gabriel Larkin , III**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED****Dara Lynn Weiss**  
(See above for address)  
**ATTORNEY TO BE NOTICED****Defendant****Raymond W. Kelly**  
*Individually*represented by **Arthur Gabriel Larkin , III**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED****Dara Lynn Weiss**  
(See above for address)  
**ATTORNEY TO BE NOTICED****Defendant****Raymond W. Kelly**  
*in his official capacity*represented by **Arthur Gabriel Larkin , III**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED****Dara Lynn Weiss**  
(See above for address)  
**ATTORNEY TO BE NOTICED****Defendant****Jane and John Does 1–40**  
*Individually***Defendant****Jane and John Does 1–40**  
*in their official capacities*

Date Filed	#	Docket Text
10/04/2011	<u>1</u>	COMPLAINT against Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Jane and John Does 1–40, Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York. (Filing Fee \$ 350.00, Receipt Number 18141)Document filed by Yari Osorio, Marcel Cartier, Karina Garcia, Benjamin Becker, Cassandra Regan.(ama) (ama). (Additional attachment(s) added on 12/5/2011: # <u>1</u> ex.a) (ama). (Entered: 10/05/2011)
10/04/2011		SUMMONS ISSUED as to Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Jane and John Does 1–40, Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York. (ama)

		(Entered: 10/05/2011)
10/04/2011		Magistrate Judge Frank Maas is so designated. (ama) (Entered: 10/05/2011)
10/04/2011		Case Designated ECF. (ama) (Entered: 10/05/2011)
10/05/2011	<u>2</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. The City of New York served on 10/5/2011, answer due 10/26/2011. Service was accepted by Lumumba Ansah, service window clerk. Document filed by Yari Osorio; Marcel Cartier; Karina Garcia; Benjamin Becker; Cassandra Regan. (Verheyden-Hilliard, Mara) (Entered: 10/05/2011)
10/06/2011		Minute Entry for proceedings held before Judge Jed S. Rakoff: Initial Pretrial Conference held on 10/6/2011. Defendant shall file any motion by 11/4/2011; response by 11/18/2011; reply by 11/30/2011. Oral argument set for 12/7/2011 @ 3:00 pm. (cd) (Entered: 10/07/2011)
10/06/2011		Set/Reset Hearings: Oral Argument set for 12/7/2011 at 03:00 PM before Judge Jed S. Rakoff. Motions due by 11/4/2011. Responses due by 11/18/2011, Replies due by 11/30/2011. (cd) (Entered: 10/07/2011)
10/06/2011		Set/Reset Deadlines: All Defendants. Motions due by 11/4/2011. (rdz) (Entered: 10/12/2011)
10/11/2011	<u>3</u>	ORDER: This Order confirms the schedule set during a the parties' initial pretrial conference with the Court on October 6, 2011. The defendants have until November 4, 2011 to either answer or move to dismiss the Complaint. Opposition papers to any motion to dismiss must be filed by November 18, 2011. Reply papers must be filed by November 30, 2011. Oral argument will be held on December 7, 2011 at 3:00 P.M. (Signed by Judge Jed S. Rakoff on 10/6/2011) (rdz) (Entered: 10/12/2011)
10/26/2011	<u>4</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. Raymond W. Kelly(in his official capacity) served on 10/19/2011, answer due 11/9/2011; Raymond W. Kelly(Individually) served on 10/19/2011, answer due 11/9/2011. Service was made by MAIL. Document filed by Yari Osorio; Marcel Cartier; Karina Garcia; Benjamin Becker; Cassandra Regan. (Messineo, Carl) (Entered: 10/26/2011)
10/26/2011	<u>5</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. Michael R. Bloomberg(Individually) served on 10/19/2011, answer due 11/9/2011; Michael R. Bloomberg(in his official capacity) served on 10/19/2011, answer due 11/9/2011. Service was made by MAIL. Document filed by Yari Osorio; Marcel Cartier; Karina Garcia; Benjamin Becker; Cassandra Regan. (Messineo, Carl) (Entered: 10/26/2011)
11/01/2011	<u>6</u>	NOTICE OF APPEARANCE by Arthur Gabriel Larkin, III on behalf of Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York (Larkin, Arthur) (Entered: 11/01/2011)
11/09/2011	<u>7</u>	MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6)</i> . Document filed by Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York. Responses due by 11/30/2011 Return Date set for 12/12/2011 at 03:00 PM.(Larkin, Arthur) (Entered: 11/09/2011)
11/09/2011	<u>8</u>	DECLARATION of Arthur G. Larkin in Support re: <u>7</u> MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6)</i> . MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6)</i> .. Document filed by Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York. (Larkin, Arthur) (Entered: 11/09/2011)
11/09/2011	<u>9</u>	MEMORANDUM OF LAW in Support re: <u>7</u> MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6)</i> . MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6)</i> .. Document filed by Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York. (Larkin, Arthur) (Entered: 11/09/2011)

11/10/2011	<u>10</u>	NOTICE OF APPEARANCE by Dara Lynn Weiss on behalf of Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York (Weiss, Dara) (Entered: 11/10/2011)
11/30/2011	<u>11</u>	NOTICE of Filing of First Amended Complaint re: <u>1</u> Complaint, <u>7</u> MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6)</i> . MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6)</i> .. Document filed by Benjamin Becker, Marcel Cartier, Karina Garcia, Yari Osorio, Cassandra Regan. (Messineo, Carl) (Entered: 11/30/2011)
11/30/2011	<u>12</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Jane and John Does 1–40, Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York, Jane and John Does 1–40 with JURY DEMAND.Document filed by Yari Osorio, Karina Garcia, Cassandra Regan, Marcel Cartier, Benjamin Becker, Yareidis Perez, Tyler Sova, Stephanie Jean Umoh, Brook Feinstein, Michael Crickmore. Related document: <u>1</u> Complaint, filed by Benjamin Becker, Yari Osorio, Cassandra Regan, Marcel Cartier, Karina Garcia. (Received in the night deposit box on 11/30/11 at 7:19pm)(mro) (Entered: 12/01/2011)
12/01/2011		***NOTE TO ATTORNEY TO Re–E–MAIL PDF. PDF that was sent was too large, please re–send. Note to Attorney Mara Verheyden–Hilliard for noncompliance with Section 14.3 of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E–MAIL the PDF for Document 12 Amended Complaint to: caseopenings@nysd.uscourts.gov. (mro) (Entered: 12/01/2011)
12/12/2011	<u>13</u>	SECOND AMENDED COMPLAINT amending 12 Amended Complaint,, against Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Jane and John Does 1–40(Individually), Jane and John Does 1–40(in their official capacities), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York with JURY DEMAND.Document filed by Yari Osorio, Tyler Sova, Karina Garcia, Michael Crickmore, Cassandra Regan, Stephanie Jean Umoh, Brooke Feinstein, Marcel Cartier, Yareidis Perez, Benjamin Becker. Related document: 12 Amended Complaint,, filed by Tyler Sova, Yareidis Perez, Michael Crickmore, Benjamin Becker, Yari Osorio, Cassandra Regan, Stephanie Jean Umoh, Karina Garcia, Marcel Cartier.(lmb) (Additional attachment(s) added on 12/16/2011: # <u>1</u> Exhibit A) (lmb). (Entered: 12/16/2011)
12/23/2011	<u>14</u>	MOTION to Dismiss <i>Plaintiffs' Second Amended Complaint, with prejudice</i> . Document filed by Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually). Responses due by 1/6/2012 Return Date set for 1/19/2012 at 05:00 PM.(Larkin, Arthur) (Entered: 12/23/2011)
12/23/2011	<u>15</u>	DECLARATION of Arthur G. Larkin in Support re: <u>14</u> MOTION to Dismiss <i>Plaintiffs' Second Amended Complaint, with prejudice</i> .. Document filed by Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York. (Larkin, Arthur) (Entered: 12/23/2011)
12/23/2011	<u>16</u>	MEMORANDUM OF LAW in Support re: <u>14</u> MOTION to Dismiss <i>Plaintiffs' Second Amended Complaint, with prejudice</i> .. Document filed by Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York. (Larkin, Arthur) (Entered: 12/23/2011)
01/06/2012	<u>17</u>	NOTICE of Motion Answering Papers. Document filed by Benjamin Becker, Marcel Cartier, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yari Osorio, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh. (Messineo, Carl) (Entered: 01/06/2012)
01/06/2012	<u>18</u>	DECLARATION of Carl L. Messineo in Support re: <u>17</u> Notice (Other). Document filed by Benjamin Becker, Marcel Cartier, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yari Osorio, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh. (Messineo, Carl) (Entered: 01/06/2012)



01/06/2012	<u>19</u>	MEMORANDUM OF LAW in Opposition re: <u>14</u> MOTION to Dismiss <i>Plaintiffs' Second Amended Complaint, with prejudice.</i> , <u>7</u> MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6).</i> MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6).</i> Document filed by Benjamin Becker, Marcel Cartier, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yari Osorio, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh. (Messineo, Carl) (Entered: 01/06/2012)
01/13/2012	<u>20</u>	REPLY MEMORANDUM OF LAW in Support re: <u>14</u> MOTION to Dismiss <i>Plaintiffs' Second Amended Complaint, with prejudice.</i> Document filed by Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York. (Larkin, Arthur) (Entered: 01/13/2012)
01/19/2012		Minute Entry for proceedings held before Judge Jed S. Rakoff: Oral Argument held on 1/19/2012 at 5:15 p.m. (mro) (Entered: 02/15/2012)
01/24/2012	<u>21</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY – SIGNATURE ERROR – NOTICE OF VOLUNTARY DISMISSAL</b> Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above–captioned action is voluntarily dismissed, against the defendant(s) All Defendants. Document filed by Marcel Cartier. (Messineo, Carl) Modified on 1/25/2012 (dt). (Entered: 01/24/2012)
01/25/2012		<b>***NOTE TO ATTORNEY TO E–MAIL PDF. Note to Attorney Carl Messineo for noncompliance with Section 18.4 of the S.D.N.Y. Electronic Case Filing Rules &amp; Instructions. E–MAIL the PDF for Document <u>21</u> Notice of Voluntary Dismissal, (Please sign the Notice of Voluntary Dismissal, then e–mail it to <a href="mailto:judgments@nysd.uscourts.gov">judgments@nysd.uscourts.gov</a>). (dt)</b> (Entered: 01/25/2012)
01/30/2012	<u>22</u>	NOTICE OF DISMISSAL Pursuant to Rule 41(a)(1)(A) FILED SOLELY AND EXCLUSIVELY ON BEHALF OF MARCEL CARTIER: This Notice of Voluntary Dismissal pertains solely and exclusively to the claims of individual plaintiff Marcel Cartier. (Signed by Judge Jed S. Rakoff on 1/30/2012) (tro) (Entered: 01/30/2012)
05/02/2012	<u>23</u>	TRANSCRIPT of Proceedings re: ORAL ARGUMENT held on 1/19/2012 before Judge Jed S. Rakoff. Court Reporter/Transcriber: Khristine Sellin, (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 8/3/2012.(McGuirk, Kelly) (Entered: 05/02/2012)
05/02/2012	<u>24</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ORAL ARGUMENT proceeding held on 1/19/12 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: 05/02/2012)
06/07/2012	<u>25</u>	OPINION AND ORDER: #101958 In sum, for the reasons stated within, the Court denies defendants' motion to dismiss plaintiffs' claims against the officers who arrested them, but grants the motion to dismiss plaintiffs' Monell claims against the City, Mayor Bloomberg, and Commissioner Kelly. The Clerk of the Court is hereby ordered to close items number <u>7</u> and <u>14</u> on the docket of this case. The Court directs the parties to jointly call Chambers no later than June 15, 2012 to schedule further proceedings in this case. (re: <u>14</u> MOTION to Dismiss <i>Plaintiffs' Second Amended Complaint, with prejudice</i> filed by Michael R. Bloomberg, Raymond W. Kelly, <u>7</u> MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6).</i> MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6)</i> filed by Michael R. Bloomberg, The City of New York, Raymond W. Kelly.) (Signed by Judge Jed S. Rakoff on 6/7/2012) (laq) Modified on 6/20/2012 (jab). (Entered: 06/07/2012)
06/28/2012	<u>26</u>	NOTICE OF APPEARANCE by Andrea Hope Costello on behalf of Benjamin Becker, Marcel Cartier, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yari Osorio, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh (Costello,

		Andrea) (Entered: 06/28/2012)
06/28/2012	<u>27</u>	NOTICE OF APPEAL from <u>25</u> Opinion & Order. Document filed by Jane and John Does 1-40(Individually), Jane and John Does 1-40(in their official capacities). Filing fee \$ 455.00, receipt number 465401042307. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (nd) (Entered: 06/29/2012)
06/29/2012		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>27</u> Notice of Appeal,. (nd) (Entered: 06/29/2012)
06/29/2012		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>26</u> Notice of Appearance filed by Tyler Sova, Yareidis Perez, Michael Crickmore, Benjamin Becker, Yari Osorio, Cassandra Regan, Stephanie Jean Umoh, Karina Garcia, Brooke Feinstein, Marcel Cartier, <u>24</u> Notice of Filing Transcript,, <u>19</u> Memorandum of Law in Opposition to Motion, filed by Tyler Sova, Yareidis Perez, Michael Crickmore, Benjamin Becker, Yari Osorio, Cassandra Regan, Stephanie Jean Umoh, Karina Garcia, Brooke Feinstein, Marcel Cartier, <u>1</u> Complaint, filed by Benjamin Becker, Yari Osorio, Cassandra Regan, Karina Garcia, Marcel Cartier, <u>23</u> Transcript,, <u>13</u> Amended Complaint,, filed by Tyler Sova, Yareidis Perez, Michael Crickmore, Benjamin Becker, Yari Osorio, Cassandra Regan, Stephanie Jean Umoh, Karina Garcia, Brooke Feinstein, Marcel Cartier, <u>17</u> Notice (Other) filed by Tyler Sova, Yareidis Perez, Michael Crickmore, Benjamin Becker, Yari Osorio, Cassandra Regan, Stephanie Jean Umoh, Karina Garcia, Brooke Feinstein, Marcel Cartier, <u>22</u> Notice of Voluntary Dismissal – Signed, <u>14</u> MOTION to Dismiss <i>Plaintiffs' Second Amended Complaint, with prejudice.</i> filed by Raymond W. Kelly, Michael R. Bloomberg, <u>11</u> Notice (Other), Notice (Other) filed by Benjamin Becker, Yari Osorio, Cassandra Regan, Karina Garcia, Marcel Cartier, <u>7</u> MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6).</i> MOTION to Dismiss <i>the complaint in its entirety, pursuant to Rule 12(b)(6).</i> filed by Raymond W. Kelly, Michael R. Bloomberg, The City of New York, <u>15</u> Declaration in Support of Motion, filed by Raymond W. Kelly, Michael R. Bloomberg, The City of New York, <u>20</u> Reply Memorandum of Law in Support of Motion, filed by Raymond W. Kelly, Michael R. Bloomberg, The City of New York, <u>25</u> Memorandum & Opinion,,, <u>27</u> Notice of Appeal, filed by Jane and John Does 1-40, <u>3</u> Scheduling Order, <u>16</u> Memorandum of Law in Support of Motion, filed by Raymond W. Kelly, Michael R. Bloomberg, The City of New York, <u>2</u> Summons Returned Executed, filed by Benjamin Becker, Yari Osorio, Cassandra Regan, Karina Garcia, Marcel Cartier, <u>18</u> Declaration in Support, filed by Tyler Sova, Yareidis Perez, Michael Crickmore, Benjamin Becker, Yari Osorio, Cassandra Regan, Stephanie Jean Umoh, Karina Garcia, Brooke Feinstein, Marcel Cartier, <u>9</u> Memorandum of Law in Support of Motion, filed by Raymond W. Kelly, Michael R. Bloomberg, The City of New York, <u>10</u> Notice of Appearance filed by Raymond W. Kelly, Michael R. Bloomberg, The City of New York, <u>5</u> Affidavit of Service Complaints, filed by Benjamin Becker, Yari Osorio, Cassandra Regan, Karina Garcia, Marcel Cartier, <u>6</u> Notice of Appearance, filed by Raymond W. Kelly, Michael R. Bloomberg, The City of New York, <u>8</u> Declaration in Support of Motion, filed by Raymond W. Kelly, Michael R. Bloomberg, The City of New York, <u>4</u> Affidavit of Service Complaints, filed by Benjamin Becker, Yari Osorio, Cassandra Regan, Karina Garcia, Marcel Cartier were transmitted to the U.S. Court of Appeals. (nd) (Entered: 06/29/2012)
07/03/2012		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 7/3/2012. (djc) (Entered: 07/06/2012)
07/26/2012	<u>28</u>	Letter addressed to Judge Jed S. Rakoff from Carl Messineo dated 6/28/2012 re: Pursuant to the June 26, 2012 status conference, Plaintiffs respectfully submit this letter brief to assist in consideration of Plaintiffs' request to conduct limited discovery on the identity of John and Jane Doe (Doe) Defendants named in the Second Amended Complaint (ECF No. 13) (i.e., persons who caused the mass arrest and/or who arrested the Plaintiffs). (rjm) (Entered: 07/27/2012)
07/27/2012	<u>29</u>	MEMORANDUM ORDER: Accordingly, plaintiffs' request for discovery regarding defendants' identities is hereby denied, without prejudice to being renewed once defendants' appeal is decided. (Signed by Judge Jed S. Rakoff on 7/26/2012) (lmb) (Entered: 07/27/2012)



07/27/2012	<u>30</u>	Letter addressed to Judge Jed S. Rakoff from Dara L. Weiss dated 7/6/2012 re: Defendant respectfully requests that the Court stay all further proceedings pending defendant's appeal to the Court of Appeals on the issue of qualified immunity pursuant to Rule 8 of the Federal Rules of Appellate Procedure. Document filed by Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York.(lmb) (Entered: 07/27/2012)
07/30/2012		First Supplemental ROA Sent to USCA (Electronic File). USCA Case Number 12-2634, Certified Supplemental Indexed record on Appeal Electronic Files for <u>29</u> Order, <u>28</u> Letter, <u>30</u> Letter,, filed by Michael R. Bloomberg, The City of New York, Raymond W. Kelly were transmitted to the U.S. Court of Appeals. (nd) (Entered: 07/30/2012)
09/21/2012		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 9/21/2012. (Kotowski, Linda) (Entered: 10/05/2012)
09/24/2012	<u>31</u>	STIPULATION AND ORDER: 1. The Second Amended Complaint is deemed to be amended nunc pro tunc as of the date it was filed, i.e., December 13, 2011, to substitute Chief Joseph Esposito, Assistant Chief Thomas Purtell, Captain Jack Jaskaran, and Police Officers Angela Villota (Shield # 4206), Paul K. Reres (Shield # 19924), Hang-Yip Chen (Shield # 11880), Miguel Cruz (Shield # 14629), Matthew Grady (Shield # 7632), Rosalynn Mejia (Shield # 28084), Rafael Velazquez (Shield # 4327), and Erwin Arrunategui (Shield # 30170) for the defendants denominated "John/Jane Does" ## 1-11; and 2. The court's opinion and order dated June 7, 2012, is hereby amended nunc pro tunc to apply to the foregoing individual defendants. (Signed by Judge Jed S. Rakoff on 9/21/2012) (djc) (Entered: 09/24/2012)
09/27/2012		Second Supplemental ROA Sent to USCA (Electronic File). <b>USCA Case Number 12-2634</b> , Certified Supplemental Indexed record on Appeal Electronic Files for <u>31</u> Stipulation and Order were transmitted to the U.S. Court of Appeals. (nd) (Entered: 09/27/2012)
01/03/2013	<u>32</u>	STIPULATION: IT IS HEREBY STIPULATED, by and between all parties to this action, that: The City Law Department agrees to accept service of the summons and Second Amended Complaint on behalf of the following individual defendants: Chief Joseph Esposito, Assistant Chief Thomas Purtell, Captain Jack Jaskaran, and Police Officers Angela Villota (Shield # 4206), Paul K. Reres (Shield # 19924), Hang-Yip Chen (Shield # 11880), Miguel Cruz (Shield # 14629), Matthew Grady (Shield # 7632), Rosalynn Mejia (Shield # 28084), Rafael Velazquez (Shield # 4327), and Erwin Arrunategui (Shield # 30170); The above-named defendants waive all objections to the manner of service and timeliness of service; Service shall be made by overnight delivery of one (1) summons addressed to each of the above-named defendants, and one (1) copy of the Second Amended Complaint, to the City Law Department, Attn: Arthur G. Larkin, Esq., Senior Counsel, 100 Church Street, New York, New York 10007, within thirty (30) days of the date of this stipulation; and the above-named defendant's answer to the Second Amended Complaint shall be due thirty (30) days after the U.S. Court of Appeals for the Second Circuit issues a final decision or order resolving the appeal in this matter (Docket #12-2634) (Signed by Judge Jed S. Rakoff on 1/2/2013) (ago) (Entered: 01/03/2013)
01/03/2013		Transmission to Docket Assistant Clerk. Transmitted re: <u>32</u> Stipulation and Order to the Docket Assistant Clerk for case processing. (ago) (Entered: 01/03/2013)
01/29/2013	<u>33</u>	AFFIDAVIT OF SERVICE of Summons and Second Amended Complaint served on Chief Joseph Esposito, Assistant Chief Thomas Purtell, Captain Jack Jaskaran, and Police Officers Angela Villota (Shield #4206), Paul K. Reres (Shield #19924), Hang-Yip Chen (Shield #11880), Miguel Cruz (Shield #14629), Matthew Grady (Shield #7632), Rosalynn Mejia (Shield #28084), Rafael Velazquez (Shield #4327) and Erwin Arrunategui (Shield #30170) on 01/23/2013. Service was accepted by Arthur G. Larkin, Esq, Senior Counsel. Service was made by Overnight Delivery. Document filed by Benjamin Becker, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yari Osorio, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh. (Attachments: # <u>1</u> Exhibit)(Costello, Andrea) (Entered: 01/29/2013)
04/14/2014		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 4/14/2014. (Landers, Rigoberto) (Entered: 04/17/2014)

02/24/2015	<u>34</u>	OPINION of USCA as to <u>27</u> Notice of Appeal, filed by Jane and John Does 1–40. USCA Case Number 12–2634–cv. Defendants–appellants, New York Police Department officers, appeal from an order of the United States District Court for the Southern District of New York (Jed S. Rakoff, Judge) denying their motion pursuant to Rule 12(b)(6) to dismiss plaintiffs–appellees' complaint against them on qualified immunity grounds. Defendants argue that the district court erred in concluding that plaintiffs' complaint, and other materials that could properly be considered on a motion to dismiss for failure to state a claim, did not establish that defendants had arguable probable cause to arrest plaintiffs for disorderly conduct. On August 21, 2014, we issued an opinion affirming the district court's judgment. On December 17, 2014, this opinion was withdrawn. On appellants' petition for rehearing, we now grant the petition, reverse the judgment of the district court, and remand with instructions to dismiss the complaint. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 02/24/2015. (nd) (Entered: 02/24/2015)
02/24/2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 2/24/2015. (Kotowski, Linda) (Entered: 03/02/2015)
04/20/2015	<u>35</u>	MANDATE of USCA (Certified Copy) as to <u>27</u> Notice of Appeal, filed by Jane and John Does 1–40 USCA Case Number 12–2634. The appeal in the above captioned case from a judgment of the United States District Court for the Southern District of New York was argued on the district courts record and the parties briefs. Upon consideration thereof, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the district court is REVERSED, and the case is REMANDED with instructions to dismiss the Complaint. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 4/20/2015. (tp) (Entered: 04/21/2015)
04/21/2015		Transmission of USCA Mandate/Order to the District Judge re: <u>35</u> USCA Mandate. (tp) (Entered: 04/21/2015)
04/21/2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 4/21/2015. (Kotowski, Linda) (Entered: 04/22/2015)
04/28/2015	<u>36</u>	MOTION to Amend/Correct <u>13</u> Amended Complaint,,, . Document filed by Benjamin Becker, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh.(Messineo, Carl) (Entered: 04/28/2015)
04/28/2015	<u>37</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY (SEE DOCUMENT #41) –</b> MEMORANDUM OF LAW in Support re: <u>36</u> MOTION to Amend/Correct <u>13</u> Amended Complaint,,, . . Document filed by Benjamin Becker, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh. (Messineo, Carl) Modified on 5/20/2015 (Idi). (Entered: 04/28/2015)
04/28/2015	<u>38</u>	DECLARATION of Carl Messineo in Support re: <u>36</u> MOTION to Amend/Correct <u>13</u> Amended Complaint,,, .. Document filed by Benjamin Becker, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh. (Attachments: # <u>1</u> Exhibit 1: Third Amended Complaint, # <u>2</u> Exhibit 2: Comparison of Second and Third Amended Complaints)(Messineo, Carl) (Entered: 04/28/2015)
05/12/2015	<u>39</u>	MEMORANDUM OF LAW in Opposition re: <u>36</u> MOTION to Amend/Correct <u>13</u> Amended Complaint,,, . . Document filed by Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York. (Larkin, Arthur) (Entered: 05/12/2015)
05/12/2015	<u>40</u>	DECLARATION of Arthur G. Larkin in Opposition re: <u>36</u> MOTION to Amend/Correct <u>13</u> Amended Complaint,,, .. Document filed by Michael R. Bloomberg(Individually), Michael R. Bloomberg(in his official capacity), Raymond W. Kelly(in his official capacity), Raymond W. Kelly(Individually), The City of New York. (Larkin, Arthur) (Entered: 05/12/2015)
05/19/2015	<u>41</u>	MEMORANDUM OF LAW in Support re: <u>36</u> MOTION to Amend/Correct <u>13</u> Amended Complaint,,, . . Document filed by Benjamin Becker, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh. (Attachments: # <u>1</u> Errata Submitting Table of Contents and

		Table of Authorities)(Messineo, Carl) (Entered: 05/19/2015)
05/19/2015	<u>42</u>	REPLY MEMORANDUM OF LAW in Support re: <u>36</u> MOTION to Amend/Correct <u>13</u> Amended Complaint,, . . Document filed by Benjamin Becker, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh. (Messineo, Carl) (Entered: 05/19/2015)
05/19/2015	<u>43</u>	DECLARATION of Carl Messineo in Support re: <u>36</u> MOTION to Amend/Correct <u>13</u> Amended Complaint,, . . Document filed by Benjamin Becker, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh. (Messineo, Carl) (Entered: 05/19/2015)
09/10/2015	<u>44</u>	MEMORANDUM ORDER. For the foregoing reasons, the Court concludes that plaintiffs' proposed amendments are futile and denies their motion for leave to amend. The Clerk of the Court is directed to enter final judgment dismissing the complaint with prejudice and to close the case in its entirety. Denying <u>36</u> Motion to Amend/Correct. (Signed by Judge Jed S. Rakoff on 9/9/2015) (rjm) (Entered: 09/11/2015)
09/10/2015		Transmission to Judgments and Orders Clerk. Transmitted re: <u>44</u> Order on Motion to Amend/Correct to the Judgments and Orders Clerk. (rjm) (Entered: 09/11/2015)
09/15/2015	<u>45</u>	CLERK'S JUDGMENT: It is, ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Order dated September 10, 2015, the Court concludes that Plaintiffs' proposed amendments are futile and denies their motion for leave to amend; and judgment is entered dismissing the complaint with prejudice; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 09/15/2015) (Attachments: # <u>1</u> Right to Appeal, # <u>2</u> Right to Appeal)(km) (Entered: 09/15/2015)
09/15/2015		Terminate Transcript Deadlines (km) (Entered: 09/15/2015)
10/02/2015	<u>46</u>	NOTICE OF APPEAL from <u>45</u> Clerk's Judgment,. Document filed by Benjamin Becker, Michael Crickmore, Brooke Feinstein, Karina Garcia, Yari Osorio, Yareidis Perez, Cassandra Regan, Tyler Sova, Stephanie Jean Umoh. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Messineo, Carl) (Entered: 10/02/2015)
10/02/2015		Appeal Fee Due: for <u>46</u> Notice of Appeal. Appeal fee due by 10/16/2015. (tp) (Entered: 10/05/2015)
10/02/2015		USCA Appeal Fees received \$ 505.00 receipt number 465401136218 on 10/02/2015 re: <u>46</u> Notice of Appeal, filed by Tyler Sova, Yareidis Perez, Michael Crickmore, Benjamin Becker, Yari Osorio, Cassandra Regan, Stephanie Jean Umoh, Karina Garcia, Brooke Feinstein. (nd) (Entered: 10/05/2015)
10/05/2015		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>46</u> Notice of Appeal. (tp) (Entered: 10/05/2015)
10/05/2015		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>46</u> Notice of Appeal, filed by Tyler Sova, Yareidis Perez, Michael Crickmore, Benjamin Becker, Yari Osorio, Cassandra Regan, Stephanie Jean Umoh, Karina Garcia, Brooke Feinstein were transmitted to the U.S. Court of Appeals. (tp) (Entered: 10/05/2015)
11/04/2016	<u>47</u>	MANDATE of USCA (Certified Copy) as to <u>46</u> Notice of Appeal, filed by Tyler Sova, Yareidis Perez, Michael Crickmore, Benjamin Becker, Yari Osorio, Cassandra Regan, Stephanie Jean Umoh, Karina Garcia, Brooke Feinstein. USCA Case Number 15-3113-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 11/4/2016. (nd) (Entered: 11/04/2016)