

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:14-cv-05261-CM**

Goodman v. The City Of New York , et al
Assigned to: Judge Colleen McMahon
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/15/2014
Date Terminated: 04/20/2015
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Debra Goodman

represented by **Earl S Ward**
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V.

Defendant

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Defendant

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Shield no. 28141

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Defendant

Police Officers John Doe

Defendant

Richard Roe

Defendant

**other unidentified member of the New
 York City Police Department**

Date Filed	#	Docket Text
07/15/2014	<u>1</u>	COMPLAINT against Police Officers John Doe, Steven Rodriguez, Richard Roe, The City Of New York,, other unidentified member of the New York City Police Department. (Filing Fee \$ 350.00, Receipt Number 465401100149)Document filed by Debra Goodman.(moh) (Entered: 07/16/2014)
07/15/2014		SUMMONS ISSUED as to Police Officers John Doe, Steven Rodriguez, Richard Roe, The City Of New York,, other unidentified member of the New York City Police Department. (moh) (Entered: 07/16/2014)
07/15/2014		Magistrate Judge Andrew J. Peck is so designated. (moh) (Entered: 07/16/2014)
07/15/2014		Case Designated ECF. (moh) (Entered: 07/16/2014)
07/15/2014	<u>2</u>	CIVIL COVER SHEET filed. (moh) (Entered: 07/16/2014)
07/15/2014		NOTICE OF PARTICIPATION IN SECTION 1983 PLAN: Unless otherwise ordered, this case shall participate in the Southern District of New York's Plan for Certain Section 1983 Cases against The City of New York (the "Section 1983 Plan"). Please reference the Court's website, www.nysd.uscourts.gov , to review the Section 1983 Plan, updated 1/2/2014, for important information.(rpr) (Entered: 07/17/2014)
07/22/2014	<u>3</u>	NOTICE OF APPEARANCE by Mark David Zuckerman on behalf of The City Of New York,. (Zuckerman, Mark) (Entered: 07/22/2014)
08/04/2014	<u>4</u>	AFFIDAVIT OF SERVICE. The City Of New York, served on 7/18/2014, answer due 8/8/2014. Service was accepted by B. Yee – designated agent of the Law Dept of the City of New York. Document filed by Debra Goodman. (Sprayregen, Sharon) (Entered: 08/04/2014)
08/07/2014	<u>5</u>	AFFIDAVIT OF SERVICE. Steven Rodriguez served on 7/24/2014, answer due 8/14/2014. Service was accepted by Brandi Clark, co-worker of defendant. Document filed by Debra Goodman. (Sprayregen, Sharon) (Entered: 08/07/2014)
08/07/2014	<u>6</u>	LETTER addressed to Judge Colleen McMahan from Norman Siegel, Herbert Teitelbaum, Earl Ward, Sharon Sprayregen, dated August 7, 2014 re: Exemption from the Section 1983 Plan. Document filed by Debra Goodman.(Sprayregen, Sharon) (Entered: 08/07/2014)

08/08/2014	<u>7</u>	MEMO ENDORSEMENT on re: <u>6</u> Letter filed by Debra Goodman. ENDORSEMENT: So Ordered. The City Of New York, answer due 10/6/2014. (Signed by Judge Colleen McMahon on 8/8 /2014) (ja) (Entered: 08/08/2014)
10/03/2014	<u>8</u>	ANSWER to <u>1</u> Complaint, with JURY DEMAND. Document filed by Steven Rodriguez, The City Of New York.,(Zuckerman, Mark) (Entered: 10/03/2014)
10/03/2014	<u>9</u>	MOTION for Summary Judgment (<i>qualified immunity</i>). Document filed by Steven Rodriguez.(Zuckerman, Mark) (Entered: 10/03/2014)
10/17/2014	<u>10</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Sharon Sprayregen dated 10/16/2014 re: We write to confirm our understanding of Your Honor's rules regarding the motion schedule for summary judgment motions premised on qualified immunity. ENDORSEMENT: You have 30 days to take an EBT and 2 weeks thereafter to file your response. If it is so unclear why, in all these years, has no one ever felt the need to ask? (Signed by Judge Colleen McMahon on 10/17/2014) (kgo) (Entered: 10/17/2014)
10/17/2014	<u>11</u>	MOTION for Earl S. Ward to Withdraw as Attorney . Document filed by Debra Goodman.(Ward, Earl) (Entered: 10/17/2014)
10/17/2014	<u>12</u>	AFFIRMATION of Earl S. Ward in Support re: <u>11</u> MOTION for Earl S. Ward to Withdraw as Attorney .. Document filed by Debra Goodman. (Ward, Earl) (Entered: 10/17/2014)
11/03/2014	<u>13</u>	MOTION for Partial Summary Judgment (<i>qualified immunity</i>). Document filed by Steven Rodriguez.(Zuckerman, Mark) (Entered: 11/03/2014)
11/03/2014	<u>14</u>	RULE 56.1 STATEMENT. Document filed by Steven Rodriguez. (Zuckerman, Mark) (Entered: 11/03/2014)
11/03/2014	<u>15</u>	DECLARATION of Mark D. Zuckerman in Support re: <u>13</u> MOTION for Partial Summary Judgment (<i>qualified immunity</i>).. Document filed by Steven Rodriguez. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Zuckerman, Mark) (Entered: 11/03/2014)
11/03/2014	<u>16</u>	MEMORANDUM OF LAW in Support re: <u>13</u> MOTION for Partial Summary Judgment (<i>qualified immunity</i>). . Document filed by Steven Rodriguez. (Zuckerman, Mark) (Entered: 11/03/2014)
11/04/2014	<u>18</u>	LETTER addressed to Judge Colleen McMahon from Earl S. Ward dated 11/4/14 re: motion to withdraw, dkt. 11. Document filed by Debra Goodman.(Ward, Earl) (Entered: 11/04/2014)
11/04/2014	<u>21</u>	EXHIBIT B (in hard copy CD format) re: <u>15</u> to the Declaration of Mark D. Zuckerman. ***Accepted for filing by Judge McMahon on 11/5/2014.(tn) (Entered: 11/12/2014)
11/05/2014	<u>19</u>	MEMO ENDORSEMENT granting <u>11</u> Motion to Withdraw as Attorney. ENDORSEMENT: granted (***)Attorney Earl S Ward terminated.) (Signed by Judge Colleen McMahon on 11/5/2014) (kgo) (Entered: 11/05/2014)
11/17/2014	<u>22</u>	DECLARATION of Herbert Teitelbaum in Opposition re: <u>9</u> MOTION for Summary Judgment (<i>qualified immunity</i>)., <u>13</u> MOTION for Partial Summary Judgment (<i>qualified immunity</i>).. Document filed by Debra Goodman. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Sprayregen, Sharon) (Entered: 11/17/2014)
11/17/2014	<u>23</u>	RESPONSE to Motion re: <u>9</u> MOTION for Summary Judgment (<i>qualified immunity</i>)., <u>13</u> MOTION for Partial Summary Judgment (<i>qualified immunity</i>). <i>Response to Defendant's Rule 56.1 Sttement</i> . Document filed by Debra Goodman. (Sprayregen, Sharon) (Entered: 11/17/2014)
11/18/2014	<u>24</u>	MEMORANDUM OF LAW in Opposition re: <u>9</u> MOTION for Summary Judgment (<i>qualified immunity</i>)., <u>13</u> MOTION for Partial Summary Judgment (<i>qualified immunity</i>). . Document filed by Debra Goodman. (Sprayregen, Sharon) (Entered: 11/18/2014)
11/24/2014	<u>25</u>	REPLY MEMORANDUM OF LAW in Support re: <u>13</u> MOTION for Partial Summary Judgment (<i>qualified immunity</i>). . Document filed by Steven Rodriguez. (Zuckerman,

		Mark) (Entered: 11/24/2014)
02/17/2015		***DELETED DOCUMENT. Deleted document number <u>26</u> ORDER. The document was incorrectly filed in this case. (kgo) (Entered: 02/17/2015)
02/18/2015	<u>26</u>	ORDER: For the foregoing reasons herein, plaintiff's claims for false arrest, malicious prosecution and First Amendment retaliation against defendant Police Officer Steven Rodriguez are dismissed because the officer defendant is shielded by qualified immunity. This leaves but one claim for further litigation: plaintiff's allegation that Rodriguez used excessive force on her in connection with this incident. The parties have until April 30, to complete discovery on this issue. Plaintiff must turn over any pertinent medical authorizations by February 25; otherwise she will be barred from offering proof of medical injury. (Signed by Judge Colleen McMahon on 2/18/2015) (kgo) (Entered: 02/18/2015)
02/18/2015		Set/Reset Deadlines: Discovery due by 4/30/2015. (kgo) (Entered: 02/18/2015)
02/24/2015	<u>27</u>	ORDER granting <u>9</u> Motion for Summary Judgment; granting <u>13</u> Motion for Partial Summary Judgment. On October 3, 2014 and November 3, 2014 individual defendant Steven Rodriguez filed motions for partial summary judgment on the basis of qualified immunity with respect to all of Plaintiff's claims other than excessive force. (Docket ##9, 13.) On February 18, 2015, I issued an order granting those motions. (Docket #26.) The Clerk of the Court is therefore directed to remove Docket #9 and Docket #13 from the Court's list of pending motions. (Signed by Judge Colleen McMahon on 2/24/2015) (kgo) (Entered: 02/24/2015)
03/11/2015	<u>28</u>	NOTICE OF INTERLOCUTORY APPEAL from <u>26</u> Order,,. Document filed by Debra Goodman. Filing fee \$ 505.00, receipt number 0208-10688265. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Sprayregen, Sharon) (Entered: 03/11/2015)
03/11/2015		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>28</u> Notice of Interlocutory Appeal. (tp) (Entered: 03/11/2015)
03/11/2015		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>28</u> Notice of Interlocutory Appeal filed by Debra Goodman were transmitted to the U.S. Court of Appeals. (tp) (Entered: 03/11/2015)
03/25/2015	<u>29</u>	MANDATE of USCA (Certified Copy) as to <u>28</u> Notice of Interlocutory Appeal filed by Debra Goodman USCA Case Number 15-764....that the appeal is hereby WITHDRAWN pursuant to Rule 42 of the Federal Rules of Appellate Procedure. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 03/25/2015. (nd) (Entered: 03/26/2015)
04/20/2015	<u>30</u>	STIPULATION AND ORDER OF DISMISSAL: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that The above-referenced action is hereby dismissed with prejudice; Notwithstanding the dismissal of this action in accordance with this agreement, the District Court shall continue to maintain jurisdiction over this action for the purpose of enforcing the terms of the settlement agreement reached between the parties and set forth in the Stipulation of Settlement executed by the parties in this matter. SO ORDERED. (Signed by Judge Colleen McMahon on 4/20/2015) (ama) (Entered: 04/20/2015)