

CLOSED,RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:03-cv-09163-RWS**

Conrad v. N.Y.C., et al
Assigned to: Judge Robert W. Sweet
Demand: \$0
Related Cases: [1:03-cv-02819-RWS](#)
[1:03-cv-04195-JGK](#)

Date Filed: 11/19/2003
Date Terminated: 01/09/2008
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Case in other court: U.S.C.A. 2nd Cir., 04-04335-cv
Cause: 28:1331 Federal Question: Other Civil Rights

Plaintiff**Jeremy Conrad**

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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LEAD ATTORNEY

V.

Defendant**The City of New York**

represented by **Gail Donoghue**
O. Peter Sherwood, Corp. Counsel City of
N.Y.
100 Church Street, Room 5J19
New York, NY 10007
(212) 788-0761
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Raymond W. Kelly
*Commissioner of the New York City
Police Department*

represented by **Gail Donoghue**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

1-10 John Does
*officers of the New York City Police
Department*

represented by **Gail Donoghue**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

1-10 Jane Does
*officers of the New York City Police
Department*

represented by **Gail Donoghue**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/19/2003	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 491714. (laq) (Entered: 11/20/2003)

11/19/2003	2	RULE 7.1 CERTIFICATE filed by Jeremy Conrad . (laq) (Entered: 11/20/2003)
11/19/2003		CASE REFERRED TO Judge Robert W. Sweet as possibly related to 1:03cv2819 and 1:03cv4915. (laq) (Entered: 11/20/2003)
11/24/2003	3	RETURN OF SERVICE of Summons and Complaint. The City of New York served on 11/19/2003, answer due 12/9/2003. Service was accepted by Linda Lawyer, Process Clerk. Document filed by Jeremy Conrad. (djc,) (Entered: 12/04/2003)
11/24/2003	4	SUMMONS RETURNED EXECUTED Summons and Complaint served. Raymond W. Kelly served on 11/19/2003, answer due 12/9/2003. Service was accepted by Michael Cappello. Document filed by Jeremy Conrad. (djc,) (Entered: 12/04/2003)
12/03/2003		CASE ACCEPTED AS RELATED TO 1:03-cv-2819. Notice of Assignment to follow. (laq,) (Entered: 02/11/2004)
12/03/2003		CASE ACCEPTED AS RELATED TO 1:03-cv-4195. Notice of Assignment to follow. (laq,) (Entered: 02/11/2004)
12/03/2003	6	NOTICE OF CASE ASSIGNMENT to Judge Robert W. Sweet. Judge Unassigned no longer assigned to the case. (laq,) (Entered: 02/11/2004)
01/21/2004		ENDORSED LETTER addressed to Judge Robert W. Sweet from Fran Obeid dated 1/14/2004; counsel for defendant City of New York writes to request an extension of time for defendants to respond to the complaints in 03cv9162, 03cv9163, and 03cv9164 to 1/23/2004. So Ordered. (Signed by Judge Robert W. Sweet on 1/16/2004) Original document filed under case no. 03cv9162 (RWS), doc. #7.(kkc,) (Entered: 01/29/2004)
01/23/2004		Letter addressed to Judge Robert W. Sweet from Fran Obeid dated 1/21/04 re: Counsel for Defendants submits this letter to correct the misstatement made by Mr.Dunn in his letter to the Court dated 1/21/04. Contrary, Defendants have requested from plaintiffs a letter setting forth the discovery they wish to take in these cases: 03cv9162; 03cv9163 and 03cv9164. Document filed by Jane Does, John Does, Raymond W. Kelly, The City of New York. Original Document filed in 03 Civ. 9162, Doc#11.(sac,) (Entered: 02/03/2004)
01/26/2004		ENDORSED LETTER addressed to Judge Robert W. Sweet from Gail Donoghue dated 1/23/04 re: granting defendants request to enlarge time to answer for a few more days until Wednesday, 1/28/04. (Signed by Judge Robert W. Sweet on 1/26/04). Original Document filed in 03 Civ. 9162, Doc#10. (sac,) (Entered: 02/03/2004)
01/26/2004		Set Answer Due Date purs. to Endorsed Letter, as to Jane Does answer due on 1/28/2004; John Does answer due on 1/28/2004; Raymond W. Kelly answer due on 1/28/2004; The City of New York answer due on 1/28/2004. (sac,) (Entered: 02/03/2004)
01/28/2004	5	ANSWER to Complaint with JURY DEMAND. Document filed by Jane Does, John Does, Raymond W. Kelly, The City of New York.(jge,) (Entered: 02/02/2004)
02/09/2004	7	ORDER on Law Student Intern Appearance Form; I authorize student Elizabeth Moller: (a) to appear in court or other proceedings on behalf of client Jeremy Conrad; and (b) to prepare documents on behalf of the client. (Signed by Judge Robert W. Sweet (not dated)) (kkc,) (Entered: 02/11/2004)
02/09/2004	8	ORDER on Law Student Intern Appearance Form; I authorize student Justin Giovannelli: (a) to appear in court or other proceedings on behalf of client Jeremy Conrad; and (b) to prepare documents on behalf of the client. (Signed by Judge Robert W. Sweet on 2/4/2004) (kkc,) (Entered: 02/11/2004)
02/09/2004	9	ORDER on Law Student Intern Appearance Form; I authorize student Joseph Treloar: (a) to appear in court or other proceedings on behalf of client Jeremy Conrad; and (b) to prepare documents on behalf of the client. (Signed by Judge Robert W. Sweet on 2/4/2004) (kkc,) (Entered: 02/13/2004)

02/11/2004		Mailed notice to the attorney(s) of record. (laq,) (Entered: 02/11/2004)
04/02/2004		Minute Entry for proceedings held before Judge Robert W. Sweet : Interim Pretrial Conference held on 4/2/2004. (kw,) (Entered: 04/07/2004)
04/02/2004		MEMORANDUM TO THE DOCKET CLERK: Interim Pretrial Conference held on 4/2/2004 before Judge Robert W. Sweet. (kw,) (Entered: 04/07/2004)
04/15/2004		DISCOVERY ORDER, that defendants shall respond to plaintiffs' 2/4/04, request for documents as promptly as possible; Counsel for the parties shall make themselves available for depositions for up to eight days between 5/1/04, and 5/14/04 as further set forth. Leave is granted to oppose such a deposition by mid May. Original Document entered in Case #03-cv9162, Doc. #16. (Signed by Judge Robert W. Sweet on 4/13/04) (tp,). (Entered: 04/19/2004)
04/22/2004		Letter addressed to Judge Robert W. Sweet from Gail Donoghue dated 4/13/04 re: objections to paragraphs 5 and 6 of plaintiffs' proposed order concerning discovery. Original document filed in case #03cv9162, document #17.(dle,) (Entered: 04/23/2004)
04/29/2004		Letter addressed to Judge Robert W. Sweet from Jeffrey E. Fogel dated 4/27/04 re: counsel represents Leslie Cagan, the National Coordinator of United for Peace and Justice (UFPJ), who as received a subpoena from defendants in this action to testify at a deposition and produce documents. Also, in receipt of Gail Donoghue's letter to you of 4/23/04 and understand that these issues will be addressed by the Court on Wednesday, 4/28/04 at 12:00 P.M.. Original Document filed in 03 Civ. 9162, Doc#18. (sac,) (Entered: 04/30/2004)
04/30/2004		MOTION for Protective Order Concerning deposition of Plaintiffs' Counsel. Return Date set for 5/5/2004 12:00 PM. Document filed by Jeremy Conrad. (orig. docmt dktd in case no. 03 cv 9162, docmt #20) (djc,) (Entered: 05/03/2004)
04/30/2004		MEMORANDUM OF LAW in Support re: MOTION for Protective Order. Document filed by Jeremy Conrad.(orig. docmt dktd in case no. 03 cv 9162, doicmt #21) (djc,) (Entered: 05/03/2004)
04/30/2004		AFFIRMATION of Christopher Dunn. Document filed by Jeremy Conrad. (orig. docmt dktd in case no. 03 cv 9162, docmt #22) (djc,) (Entered: 05/03/2004)
05/07/2004		Letter addressed to Hon. Robert W. Sweet from Gail Donoghue dated 4/28/04 re: reply to the letter dated 4/27/04 of Jeffrey Fogel, in opposition to defendants' letter application to compel Ms. Cagan to produce documents requested by subpoena dated 3/24/04. Document filed by Jane Does, John Does, Raymond W. Kelly, The City of New York. Original entry in 03cv9162 document number 27.(yv,) (Entered: 05/10/2004)
05/12/2004		OPINION # 90073: for reasons further set forth in said order, plaintiffs' motion for a protective order barring the defendants from taking Dunn's depositions is GRANTED. Original document filed in 03-cv-9162 (RWS), document # 29. (Signed by Judge Robert W. Sweet on 5/7/04) (db,) Modified on 5/13/2004 (db,). (Entered: 05/13/2004)
05/27/2004	0	ENDORSED LETTER addressed to Judge Sweet from Gail Donoghue dated 5/14/04 re: Granting defendant's request rescheduling the evidentiary hearing for 6/2/04. (Signed by Judge Robert W. Sweet on 5/24/04) (tp,). ORIGINAL DOCUMENT ENTERED IN CASE #03cv9162, DOC. #30. (Entered: 05/27/2004)
06/02/2004		MOTION for Preliminary Injunction. Document filed by Jeremy Conrad. Original filed in case 03cv9162, doc #32. (jco,) (Entered: 06/03/2004)
06/02/2004		Minute Entry for proceedings held before Judge Robert W. Sweet : Evidentiary Hearing held on 6/2/2004, 6/3/04, 6/4/04 &6/7/04, to be continued on 6/17/04 at 9:30 a.m. The parties are notified. Original document filed in 03cv9162. (db,) (Entered: 06/14/2004)
06/02/2004		Set/Reset Hearings: Evidentiary Hearing set for 6/17/2004 09:30 AM before Judge Robert W. Sweet. (db,) (Entered: 06/14/2004)

06/07/2004		Letter addressed to Judge Sweet from Terri Feinstein Sasanow dated 5/25/04 re: that this letter is in reply to plaintiffs' submission in opposition to our application for a protective order precluding plaintiffs from deposing NYC Police Commissioner Raymond W. Kelly as further set forth herein. Document filed by Jane Does, John Does, Raymond W. Kelly, The City of New York. Original Document Entered In Case #03cv9162, Doc. #34.(tp,) (Entered: 06/08/2004)
06/07/2004		Letter addressed to Judge Robert W. Sweet from Christopher Dunn dated 5/25/04 re: City's request for a protective order. Document filed by Jeremy Conrad. Original document filed in case #03cv9162, document #35.(dle,) Modified on 6/8/2004 (dle,). (Entered: 06/08/2004)
06/07/2004		Letter addressed to Judge Robert W. Sweet from Christopher Dunn dated 5/27/04 re: basis for dfts assertion of the law enforcement privilege with respect to training materials requested in plaintiffs' fifth request for the production of documents.. Document filed by Jeremy Conrad. Original document filed in case #03cv9162, document #36.(dle,) Modified on 6/8/2004 (dle,). (Entered: 06/08/2004)
06/07/2004		Letter addressed to Judge Robert W. Sweet from Christopher Dunn dated 5/20/04 re: Counsel writes in response to theletter the City sent seeking a protective order. Document filed by New York Civil Liberties Union, Ann Stauber. Original filed in case 03cv9162, doc #37.(jco,) (Entered: 06/08/2004)
06/16/2004		CORRECTED POST-HEARING MEMORANDUM OF LAW. Document filed by Raymond W. Kelly, The City of New York. (Orig. entry is docketed in 03 civ. 9162 as doc. #42).(kw,) (Entered: 06/18/2004)
06/17/2004		Proposed Findings of Fact and Conclusions of Law. Document filed by Raymond W. Kelly, The City of New York. Original filed in case 03cv9162, doc #45.(jco,) (Entered: 06/21/2004)
06/21/2004		LETTER addressed to Judge Sweet from Scott Shorr dated 06/18/04 re: response to letter submitted to this Court by the NY Civil Liberties Union; (orig. docmt dktd in case no. 03 v 9162, docmt #46). Document filed by Jane Does, John Does, Raymond W. Kelly, The City of New York.(djc,) (Entered: 06/24/2004)
06/21/2004		LETTER addressed to Judge Sweet from Scott Shorr dated 06/21/04 re: response to letter submitted to this Court by the NY Civil Liberties Union dated Junen 18, 2004;. Document filed by Jane Does, John Does, Raymond W. Kelly, The City of New York.(orig. docmt dktd in case no. 03 cv 9162, docmt #47)(djc,) (Entered: 06/24/2004)
07/19/2004		MEMORANDUM AND OPINION # 90360 For the reasons set forth in this opinion the plaintiffs' claim for relief with respect to the access policy is granted and the NYPD is enjoined from closing streets and sidewalks at demonstrations without making reasonable efforts to notify persons how they can otherwise access the demonstration sites; plaintiffs' claim for relief with respect to the Mounted Unit is denied for lack of standing; plaintiffs' claim for injunctive relief with respect to the access policy is granted and the NYPD is enjoined from unreasonable restricting access to and participation in demonstrations as further set forth in this opinion; plaintiffs' claim for injunctive relief with respect to the bag search policy is granted, and the NYPD is enjoined from searching the bags of all demonstrators without individualized suspicion at particular demonstrations as further set forth in this opinion. Original document filed in case #03cv9162, document #49. (Signed by Judge Robert W. Sweet on 7/16/04) (dle,) (Entered: 07/19/2004)
07/20/2004		AMENDMENT OPINION # 90360: the opinion of this Court in this action dated 7/16/04, is hereby amended as follows; On page 36, the last sentence of the first paragraph, beginning with "Focusing only on the allegations and not on the merits, see Vasquez, 145 F.3d at 81, the NYCLU also has standing to challenge the current use of the Mounted Unit as a First Amended violation." is hereby DELETED. Original document filed in 03cv9162 (RWS), document # 50. (Signed by Judge Robert W. Sweet on 7/19/04) (db,) (Entered: 07/21/2004)
07/22/2004		LETTER addressed to Judge Robert W. Sweet from Christopher Dunn dated 6/16/04 re: response to City's post hearing memorandum. Document filed by Jeremy Conrad. Original document filed in case #03cv9162, document #52.(dle,) (Entered: 07/26/2004)

07/22/2004		LETTER addressed to Judge Robert W. Sweet from Terri Sasanow dated 6/1/04 re: counsel for City requests that the court make certain in limine rulings. Document filed by Jeremy Conrad.(dle,) Modified on 7/26/2004 (dle,). Original document filed in case #03cv9162, document #53. (Entered: 07/26/2004)
07/23/2004		LETTER addressed to Judge Robert W. Sweet from Christopher Dunn dated 7/23/04 re: plaintiff writes to inform the Court of discussions between the parties on this point and to submit a propose order from the plaintiffs which is enclosed. (orig. docketed in 03cv9163 as document #57. (pl,) (Entered: 08/11/2004)
07/27/2004		ORDER: the 7/16/04 Opinion is amended to add "or" to correct the omission on page 78 between the words "demonstration" and "without". The City's request for a further hearing in the event that its proposed form of preliminary injunction is not adopted is DENIED. The City has also requested a stay related to the bag search policy portion of the Preliminary Injunction to permit an application to the Court of Appeals. Its request is GRANTED, and paragraph 4 of the Preliminary Injunction is stayed for ten days from the date of this Order for that purpose. Original document filed in 03cv9162 (RWS), document # 54. (Signed by Judge Robert W. Sweet on 7/27/04) (db,) (Entered: 07/29/2004)
07/27/2004		PRELIMINARY INJUNCTION Plaintiffs' claim for relief with respect to the access policy is granted and the NYPD is enjoined from closing streets and sidewalks at demonstrations without making reasonable efforts to notify persons how they can otherwise access the demonstration sites; plaintiffs' claim for relief with respect to the Mounted Unit is denied for lack of standing; plaintiffs' claim for injunctive relief with respect to the access policy is granted and the NYPD is enjoined from unreasonably restricting access to and participation in demonstrations through the use of pens; plaintiffs' claim for injunctive relief with respect to the bag search policy is granted; and the NYPD is enjoined as further set forth in this order. Original document filed in case #03cv9162, document #55. (Signed by Judge Robert W. Sweet on 7/27/04) (dle,) (dle,) (Entered: 08/02/2004)
08/06/2004	10	NOTICE OF INTERLOCUTORY APPEAL from Memorandum &Opinion, Memorandum &Opinion, Order, Preliminary Injunction. Document filed by Jane Does, John Does, Raymond W. Kelly, The City of New York. Filing fee \$ 255.00, receipt number E 516152. Copies of Notice of Interlocutory Appeal mailed to Attorney(s) of Record: Corporation Counsel. (tp,) (Entered: 08/09/2004)
08/09/2004		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 10 Notice of Interlocutory Appeal. (tp,) (Entered: 08/09/2004)
08/09/2004		Transmission of Notice of Appeal to the District Judge re: 10 Notice of Interlocutory Appeal. (tp,) (Entered: 08/09/2004)
08/11/2004		LETTER addressed to Robert W. Sweet from Christopher Dunn dated 7/26/04 re: the plaintiffs urge the court to reject the order proposed by the City and to adopt the order proposed by the plaintiffs. (pl,) (Entered: 08/11/2004)
08/12/2004		LETTER addressed to Judge Robert W. Sweet from Michael A. Cardozo dated 7/23/04 re: proposed form of order granting in part and denying in part plaintiffs motion for preliminary injunction. Document filed by Raymond W. Kelly, The City of New York. Original document filed in 03cv9162 (RWS), document # 59.(db,) (Entered: 08/16/2004)
09/16/2004	11	USCA SCHEDULING ORDER as to 10 Notice of Interlocutory Appeal, filed by The City of New York, John Does, Raymond W. Kelly, Jane Does USCA Case Number 04-4335-cv. Roseann B. MacKechnie, Clerk USCA. Certified: 9/8/04. Appeal Record due by 10/4/2004. Appellant Brief due by 10/12/2004. Appellee Brief due by 11/12/2004. (tp,) (Entered: 09/16/2004)
09/16/2004		USCA Case Number 04-4335-cv from the U.S.C.A. 2nd Cir. assigned to 10 Notice of Interlocutory Appeal, filed by The City of New York, John Does, Raymond W. Kelly, Jane Does. (tp,) (Entered: 09/16/2004)
04/27/2005		CORRECTED PRETRIAL ORDER. This Order is issued to correct a Pretrial Order signed on March 28, 2005 that bore an incomplete caption. The March 28, 2005 Order bore only one docket number, 03 cv 4526. The substance of the Order, which is repeated herein, has not changed...; (orig. docmt dktd in case no. 03 cv

		4526, docmt #28) (Signed by Judge Robert W. Sweet on 4/26/05) (dj,) (Entered: 05/02/2005)
05/04/2005		PRETRIAL ORDER that as a result of unforeseen circumstances, the pretrial conference scheduled for 5/3/05 must be postponed; this pretrial conference rescheduled for 5/5/05 at 10:00 a.m. in courtroom 18C. (Signed by Judge Robert W. Sweet on 5/2/05) (dle,) Original document filed in case #03cv4526, document #29. (Entered: 05/05/2005)
05/04/2005		Set/Reset Hearings: Pretrial Conference set for 5/5/2005 10:00 AM before Judge Robert W. Sweet. (dle,) (Entered: 05/05/2005)
08/19/2005	12	MANDATE of USCA WITHDRAWING APPEAL (Certified Copy) as to 10 Notice of Interlocutory Appeal, filed by The City of New York,, John Does,, Raymond W. Kelly,, Jane Does, USCA Case Number 04-4331(L), 04-4335 (Con), 04-4336 (Con)...that the appeal is hereby WITHDRAWN pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. Roseann B. MacKechnie, Clerk USCA. Certified: 7/21/2005. (nd,) (Entered: 08/22/2005)
08/19/2005		Transmission of USCA Mandate/Order to the District Judge re: 12 USCA Mandate Withdrawing Appeal,. (nd,) (Entered: 08/22/2005)
05/16/2007		Minute Entry for proceedings held before Judge Robert W. Sweet : Conference held on 5/16/2007. Parties are directed to report to the court within 30 days if case is settled. (mbe) (Entered: 05/22/2007)
10/23/2007		ORDER: Pretrial Conference set for 11/14/2007 at 04:30 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet. (Original filed in 03cv9162; document #65.) (Signed by Judge Robert W. Sweet on 10/19/2007) (jar) (Entered: 10/26/2007)
11/14/2007		MEMORANDUM TO THE DOCKET CLERK: Conference held on and concluded on 11/14/07. (jmi) (Entered: 11/26/2007)
01/09/2008	13	ORDER: The Clerk of the Court terminate all pending motions and the action is dismissed. (Signed by Judge Robert W. Sweet on 1/4/2007) (jar) (Entered: 01/11/2008)
04/07/2008	14	STIPULATION OF SETTLEMENT AND ORDER: The City of New York agrees to pay plaintiff Jeremy Conrad \$15,000 to settle his claim for damages arising out of his alleged physical injuries and false arrest, to pay Marilyn Gutman as executor of the Estate of Jeremiah Gutman \$10,000 for damages to settle the claim of Jeremiah Gutman arising out of the alleged physical injuries alleged int he complaint; and to pay \$100,000 to the New York Civil Liberties Union Foundation to settled all plaintiffs' claims for attorneys' fees. These amounts are in full satisfaction of all claims against defendants alleged int he complaint, or related to the claims alleged in the complaint, including claims for equitable or injunctive relief and as further set forth in this Order. (Signed by Judge Robert W. Sweet on 4/1/08) (tro) (Entered: 04/08/2008)