

CLOSED,CASREF,ECF,RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-02173-SAS**

Casale et al v. Kelly et al
Assigned to: Judge Shira A. Scheindlin
Referred to: Magistrate Judge Theodore H. Katz (Settlement)
Demand: \$9,999,000
Related Case: 1:05-cv-05442-SAS
Cause: 42:1983 Civil Rights Act

Date Filed: 03/04/2008
Date Terminated: 01/03/2013
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Paul Casale
on behalf of Themselves and Others
Simarly Situated

represented by **Debra Lea Greenberger**
Emery Celli Brinckerhoff & Abady, LLP
600 Fifth Avenue 10th Floor
New York, NY 10020
(212)-763-5000
Fax: (212)-763-5001
Email: dgreenberger@ecbalaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Earl S Ward
Earl S. Ward, Attorney at Law
75 Rockefeller Plaza
20th Fl.
New York, NY 10019
(212)763-5000
Fax: (212)763-5001
Email: eward@ecbalaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. McGregor Smyth , Jr
New York Lawyers for the Public Interest
151 West 30th Street, 11th Floor
New York, NY 10001
212-244-4664
Fax: 212-244-4570
Email: msmyth@nylpi.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine R. Rosenfeld
Emery Celli Brinckerhoff & Abady, LLP
600 Fifth Avenue 10th Floor
New York, NY 10020
212-763-5010
Fax: 212-763-5001
Email: krosenfeld@ecbalaw.com
TERMINATED: 08/28/2014
LEAD ATTORNEY

Matthew D. Brinckerhoff
Emery Celli Brinckerhoff & Abady, LLP
600 Fifth Avenue 10th Floor
New York, NY 10020
212-763-5000
Fax: 212-763-5001
Email: mbrinckerhoff@ecbalaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mariana Louise Kovel
The Bronx Defenders
860 Courtlandt Ave
Bronx, NY 10451
(718)-508-3421
Fax: (718)-508-3542
Email: mollyk@bronxdefenders.org
ATTORNEY TO BE NOTICED

Plaintiff

Anthony Garcia
on behalf of Themselves and Others
Simarly Situated

represented by **Earl S Ward**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. McGregor Smyth , Jr
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine R. Rosenfeld
(See above for address)
TERMINATED: 08/28/2014
LEAD ATTORNEY

Matthew D. Brinckerhoff
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mariana Louise Kovel
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Raymond W. Kelly
Commissioner of the New York City
Police Department (NYPD)

represented by **Rachel Amy Seligman**
New York City Law Department
100 Church Street, Room 4-114
New York, NY 10007
(212) 788-0784
Fax: (212) 788-9776
Email: rseligma@law.nyc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Does 1-50
NYPD Supervisory, Training and Policy
Personal

Defendant

City of New York

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

Defendant

Jane Does 1–50

*NYPD Supervisory, Training and Policy
Personnel*

Defendant**John Does 51–100**

NYPD Police Officers

Defendant**Jane Does 51–100**

NYPD Police Officers

Date Filed	#	Docket Text
03/04/2008	<u>1</u>	COMPLAINT against Raymond W. Kelly, John Does 1–50, City of New York, Jane Does 1–50, John Does 51–100, Jane Does 51–100. (Filing Fee \$ 350.00, Receipt Number 643766) Document filed by Paul Casale, Anthony Garcia. (rdz) (Entered: 03/06/2008)
03/04/2008		SUMMONS ISSUED as to Raymond W. Kelly, John Does 1–50, City of New York, Jane Does 1–50, John Does 51–100, Jane Does 51–100. (rdz) (Entered: 03/06/2008)
03/04/2008		CASE REFERRED TO Judge Shira A. Scheindlin as possibly Related to 08–cv–5442. (rdz) (Entered: 03/06/2008)
03/04/2008		Case Designated ECF. (rdz) (Entered: 03/06/2008)
03/11/2008		CASE ACCEPTED AS RELATED. Create association to 1:05–cv–05442–SAS–THK. Notice of Assignment to follow. (rdz) (Entered: 03/12/2008)
03/11/2008	<u>2</u>	NOTICE OF CASE ASSIGNMENT to Judge Shira A. Scheindlin. (rdz) (Entered: 03/12/2008)
03/11/2008		Magistrate Judge Theodore H. Katz is so designated. (rdz) (Entered: 03/12/2008)
03/19/2008	<u>3</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. City of New York served on 3/13/2008, answer due 4/2/2008. Service was accepted by Madelyn Santana, Authorized to Accept. Document filed by Paul Casale; Anthony Garcia. (Rosenfeld, Katherine) (Entered: 03/19/2008)
03/19/2008	<u>4</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Raymond W. Kelly served on 3/13/2008, answer due 4/2/2008. Service was accepted by Madelyn Santana, co–worker of the defendant. Document filed by Paul Casale; Anthony Garcia. (Rosenfeld, Katherine) (Entered: 03/19/2008)
03/19/2008	<u>5</u>	ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE: Initial Conference set for 4/11/2008 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin. (Signed by Judge Shira A. Scheindlin on 3/19/2008) (jpo) (Entered: 03/20/2008)
04/04/2008	<u>6</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel Seligman Weiss dated 4/2/2008 re: Requesting an enlargement of time to answer or otherwise respond to plaintiffs complaint and requesting an adjournment of the initial pre–trial conference scheduled for April 11, 2008. ENDORSEMENT: Defendants request for an enlargement of time from April 2, 2008 to June 2, 2008 to move or answer plaintiffs complaint is granted pending the initial conference. Defendants request for an adjournment of the initial pretrial conference is denied. The parties must appear at the conference previously scheduled for April 11, 2008 at 3:30 p.m. (Signed by Judge Shira A. Scheindlin on 4/4/2008) (jpo) (Entered: 04/04/2008)
04/24/2008	<u>7</u>	UNSEALING ORDER: It is hereby ordered that the Bronx County District Attorney's Office, the Kings County District Attorney's Office, the Queens County District Attorney's Office and the New York City Police Department provide

		Michael A. Cardozo, Corporation Counsel of the City of New York, or his authorized representative, records of any criminal actions pertaining to individuals who were arrested, summonsed, and/or charged with N.Y.P.L. 240.35(3) from February 23, 1983 until today, the date of this Order and/or N.Y.P.L. 240.35(7) from February 1988 until today, the date of this Order, as set forth herein. (Signed by Judge Shira A. Scheindlin on 4/24/2008) (jpo) (Entered: 04/25/2008)
04/24/2008	<u>8</u>	STIPULATION AND PROTECTIVE ORDER: Regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Shira A. Scheindlin on 4/24/2008) (jpo) (Entered: 04/25/2008)
05/02/2008	<u>9</u>	STIPULATION AND ORDER: The City Defendants' position that their current policy prohibits enforcement of New York Penal Law 240.35(3) and New York Penal Law 240.35(7). The City defendants agree to abide by and reinforce this policy. On April 21, 2008, the City defendants sent a FINEST notice to all NYPD precincts and commands to be read at ten (10) consecutive roll calls reminding them that New York Penal Law 240.35(3) and New York Penal Law 240.(7) are unconstitutional, and directing members of the service not to enforce these subsections. A copy of this FINEST notice is attached as Exhibits A. The City Defendants shall send notification to the District Attorneys of Bronx, Queens, New York, Richmond and King Counties stating that New York Penal Law 240.35(3) and New York Penal Law 240.35(7) are unconstitutional and unenforceable. The City defendants shall send notification to Judge Juanita Bing Newton, Administrative Judge, Criminal Court, New York City, stating that New York Penal Law 240.35(3) and New York Penal Law 240.35(7) are unconstitutional, and requesting that appropriate notice be disseminated throughout the court system. While this litigation is pending, the City of New York shall produce to plaintiffs on a monthly basis a report on all summonses issued from the date of the filing of the Complaint in this matter, March 4, 2008, for violations of the New York Penal Law 240.35(3) and New York Penal Law 240.(7), subject to an appropriate protective order agreed upon by the parties. (Signed by Judge Shira A. Scheindlin on 5/2/2008) (jpo) (Entered: 05/05/2008)
06/02/2008	<u>10</u>	ANSWER to Complaint with JURY DEMAND. Document filed by Raymond W. Kelly, City of New York.(Seligman, Rachel) (Entered: 06/02/2008)
06/11/2008	<u>11</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld dated 6/11/2008 re: Requesting a pre-motion conference. ENDORSEMENT: Plaintiffs request for a pre-motion conference is granted. A conference before the Court is scheduled for Tuesday, June 17, 2008 at 4:30 p.m. (Signed by Judge Shira A. Scheindlin on 6/10/2008) (jpo) (Entered: 06/12/2008)
08/07/2008	<u>12</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel Seligman Weiss dated 8/6/2008 re: Counsel request that the following briefing schedule for the class certification be set as followed: Plaintiff's time to move for class certification to October 17, 2008. Defendant's opposition to until November 25, 2008. Plaintiff's reply on December 12, 2008. ENDORSEMENT: The following motion schedule is acceptable to the Court. Moving papers on the class certification: October 17, Response papers Nov. 25, Reply papers Dec. 12. So Ordered. (Signed by Judge Shira A. Scheindlin on 8/6/2008) (jfe) (Entered: 08/07/2008)
10/21/2008	<u>13</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Matthew D. Brinckerhoff dated 10/17/08 re: Counsel for Plaintiffs request that the Court (1) direct defendants to meaningfully respond to plaintiffs' months old request for feedback concerning plaintiffs' proposed stipulation and protective order governing how the parties handle the arrest and summons information obtained from the Office of Court Administration; and (2) amend the current briefing schedule so that plaintiffs' motion for class certification is served six weeks after the parties receive the data from OCA, defendants' opposition is due four weeks later, and plaintiffs' reply is due two weeks after that. ENDORSEMENT: Plaintiffs request is hereby granted. Plaintiffs motion for class certification will be due on December 8, 2008. Defendants' reply will be due on January 12, 2009. Plaintiffs' reply will be due on January 26, 2009. (Signed by Judge Shira A. Scheindlin on 10/21/08) (tro) Modified on 1/16/2009 (rw). (Entered: 10/22/2008)

10/29/2008	<u>14</u>	MEMO ENDORSEMENT ON SUBPOENA IN A CIVIL CASE, To: NYS Office of Court Administration, re documents or objects described in the Subpoena Rider annexed hereto as Exhibit A, at the offices of The Bronx Defenders, 860 Courtlandt Avenue, Bronx, NY 10451: So ordered. (Signed by Judge Shira A. Scheindlin on 10/29/08) (cd) (Entered: 10/29/2008)
10/29/2008	<u>15</u>	STIPULATION AND PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... (Signed by Judge Shira A. Scheindlin on 10/29/08) (cd) (Entered: 10/29/2008)
12/08/2008	<u>16</u>	MOTION to Certify Class. Document filed by Paul Casale.(Greenberger, Debra) (Entered: 12/08/2008)
12/08/2008	<u>17</u>	MEMORANDUM OF LAW in Support re: <u>16</u> MOTION to Certify Class.. Document filed by Paul Casale. (Greenberger, Debra) (Entered: 12/08/2008)
12/08/2008	<u>18</u>	DECLARATION of J. McGregor Smyth in Support re: <u>16</u> MOTION to Certify Class.. Document filed by Paul Casale. (Greenberger, Debra) (Entered: 12/08/2008)
01/12/2009	<u>19</u>	DECLARATION of Rachel Seligman Weiss in Opposition re: <u>16</u> MOTION to Certify Class.. Document filed by Raymond W. Kelly, City of New York. (Attachments: # <u>1</u> Exhibit A through G)(Seligman, Rachel) (Entered: 01/12/2009)
01/12/2009	<u>20</u>	MEMORANDUM OF LAW in Opposition re: <u>16</u> MOTION to Certify Class.. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) (Entered: 01/12/2009)
01/26/2009	<u>21</u>	REPLY MEMORANDUM OF LAW in Support re: <u>16</u> MOTION to Certify Class.. Document filed by Paul Casale. (Greenberger, Debra) (Entered: 01/26/2009)
01/26/2009	<u>22</u>	DECLARATION of Debra L. Greenberger in Support re: <u>16</u> MOTION to Certify Class.. Document filed by Paul Casale. (Attachments: # <u>1</u> Exhibit A: Excerpts of Casale Deposition, # <u>2</u> Exhibit B: Excerpts of Garcia Deposition)(Greenberger, Debra) (Entered: 01/26/2009)
04/28/2009	<u>23</u>	OPINION AND ORDER re:# 97458 <u>16</u> MOTION to Certify Class filed by Paul Casale. For the reasons set forth herein, plaintiffs' motion for class certification is granted. Specifically, pursuant to F.R.C.P. 23(b)(2), a class certified consisting of all persons who have been or will be arrested, charged, or prosecuted for a violation of section 240.35(3) or 240.35(7) in New York City after those statutes were declared unconstitutional. Pursuant to Rule 23(b)(3), a class certified consisting of all person who have been arrested, charged or prosecuted for a violation of either section 240.35(3) or 240.35(7) in New York City within the applicable stature of limitations. For the purpose of case management, subclasses are certified to address potential defenses applicable only to plaintiffs who were never prosecuted and to those charged with additional crimes at the time they were charged with a violation of section 240.35(3) or 240.35(7). The Clerk of the Court is directed to close this motion (Docket Number 16). A conference is scheduled for May 6, 2009, at 3:30 p.m. (Signed by Judge Shira A. Scheindlin on 4/28/09) (tro) Modified on 4/30/2009 (jab). (Entered: 04/29/2009)
05/07/2009	<u>24</u>	SCHEDULING ORDER: A schedule for the production of documents or in accordance with Rule 34 July 6, 2009. December 15, 2009 – expert reports exchanged; January 15, 2010 – rebuttal and depositions completed by February 15, 2010. Fact discovery to be completed by December 1, 2009. Final pre–trial conference pursuant to F.R.C.P. 16(d) will be held on December 9, 2009 at 4:30 p.m. Anticipated length of trial is 3 weeks. This case is to be tried by a jury. (Signed by Judge Shira A. Scheindlin on 5/6/2009) (jfe) (Entered: 05/07/2009)
05/26/2009	<u>25</u>	ORDER; For the reasons stated on the record at the conference held in the above–captioned case on 5/26/09, this Court's opinion of 4/28/09 is hereby withdrawn. (Signed by Judge Shira A. Scheindlin on 5/26/09) (tro) Modified on 6/3/2009 (jab). (Entered: 05/27/2009)
06/01/2009	<u>26</u>	AMENDED OPINION AND ORDER # 97458; granting in full re: <u>16</u> MOTION to Certify Class, filed by Paul Casale. (Signed by Judge Shira A. Scheindlin on 6/1/09) (ae) (Entered: 06/19/2009)

06/25/2009	<u>27</u>	MANDATE of USCA (Certified Copy) USCA Case Number 09–2065–mv. IT IS HEREBY ORDERED that the motion to withdraw the petition pursuant to 23(f) for permission to appeal, filed on May 15, 2009, is GRANTED. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 6/24/2009. (nd) (Entered: 06/25/2009)
06/26/2009	<u>28</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MOTION to Reopen <i>Time to Appeal the Amended Order and Opinion dated June 1, 2009</i> . Document filed by Raymond W. Kelly, City of New York.(Seligman, Rachel) Modified on 6/29/2009 (kco). (Entered: 06/26/2009)
06/26/2009	<u>29</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Rachel Seligman Weiss in Support re: <u>28</u> MOTION to Reopen <i>Time to Appeal the Amended Order and Opinion dated June 1, 2009</i> .. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) Modified on 6/29/2009 (kco). (Entered: 06/26/2009)
06/26/2009	<u>30</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – NOTICE of Motion. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) Modified on 6/29/2009 (kco). (Entered: 06/26/2009)
06/29/2009		***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – EVENT TYPE ERROR. Note to Attorney Rachel Seligman to RE–FILE Document <u>30</u> Notice (Other), <u>28</u> MOTION to Reopen <i>Time to Appeal the Amended Order and Opinion dated June 1, 2009</i> . Use the event type MOTION TO REOPEN found under the event list MOTIONS. ***PLEASE FILE THIS DOCUMENT AS A MOTION FIRST*** (kco) (Entered: 06/29/2009)
06/29/2009		***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – EVENT TYPE ERROR. Note to Attorney Rachel Seligman to RE–FILE Document <u>28</u> MOTION to Reopen <i>Time to Appeal the Amended Order and Opinion dated June 1, 2009</i> . Use the event type MEMORANDUM OF LAW IN SUPPORT found under the event list REPLIES, OPPOSITIONS AND SUPPORTING DOCUMENTS. ***LINK THIS DOCUMENT TO THE CORRECTLY RE–FILED MOTION TO REOPEN*** (kco) (Entered: 06/29/2009)
06/29/2009		***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Rachel Seligman to RE–FILE Document <u>29</u> Declaration in Support of Motion, ERROR(S): FILINGS CANNOT BE LINKED TO DEFICIENT DOCKET ENTRIES. ***PLEASE RE–FILE THIS DOCUMENT AND LINK IT TO THE CORRECTLY RE–FILED MOTION TO REOPEN*** (kco) (Entered: 06/29/2009)
06/30/2009	<u>31</u>	MEMORANDUM OF LAW in Support re: <u>28</u> MOTION to Reopen <i>Time to Appeal the Amended Order and Opinion dated June 1, 2009</i> .. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) (Entered: 06/30/2009)
06/30/2009	<u>32</u>	DECLARATION of Rachel Seligman Weiss in Support re: <u>28</u> MOTION to Reopen <i>Time to Appeal the Amended Order and Opinion dated June 1, 2009</i> .. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) (Entered: 06/30/2009)
06/30/2009	<u>33</u>	ORDER: Therefore, the period during which defendants may file a petition for leave to appeal the Order is hereby reopened for a period of ten days. (Signed by Judge Shira A. Scheindlin on 6/29/2009) (jpo) (Entered: 06/30/2009)
06/30/2009	34	TRANSCRIPT of proceedings held on May 6, 2009 before Judge Shira A. Scheindlin. (dj) (Entered: 07/01/2009)
10/21/2009		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Discovery Hearing held on 10/21/2009. (mro) (Entered: 10/23/2009)
12/08/2009	35	TRANSCRIPT of proceedings held on November 9, 2009 before Judge Shira A. Scheindlin. (mro) (Entered: 12/09/2009)
12/22/2009	<u>40</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld dated 12/22/09 re: Request by plaintiff to file a brief of not more than 40 pages in length. ENDORSEMENT: Parties to every case think that the issues presented in their case are unique. If that were true, rules would be irrelevant.

		There is no basis to grant plaintiffs' substantial page-limit extension request. Each side may file briefs of no more than 33 pages. So ordered. (Signed by Judge Shira A. Scheindlin on 12/22/09) (cd) (Entered: 12/28/2009)
12/23/2009	<u>36</u>	MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> . Document filed by Paul Casale, Anthony Garcia.(Rosenfeld, Katherine) (Entered: 12/23/2009)
12/23/2009	<u>37</u>	MEMORANDUM OF LAW in Support re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Paul Casale, Anthony Garcia. (Rosenfeld, Katherine) (Entered: 12/23/2009)
12/23/2009	<u>38</u>	DECLARATION of J. McGregor Smyth in Support re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Paul Casale, Anthony Garcia. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Rosenfeld, Katherine) (Entered: 12/23/2009)
12/23/2009	<u>39</u>	DECLARATION of Katherine Rosenfeld in Support re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Paul Casale, Anthony Garcia. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Errata 7, # <u>8</u> Exhibit 8, Part 1, # <u>9</u> Exhibit 8, Part 2, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15)(Rosenfeld, Katherine) (Entered: 12/23/2009)
01/04/2010	41	TRANSCRIPT of proceedings held on December 9, 2009 4:47 p.m. before Judge Shira A. Scheindlin. (ajc) (Entered: 01/04/2010)
02/08/2010	<u>42</u>	ENDORSED LETTER addressed to Judge Shira A.Scheindlin from Rachedl Seligman dated 2/8/10 re: Request for a 3 day extension of time from 2/8/10 until 2/11/10 for defendants to file their opposition to plaintiff's motion for contempt. ENDORSEMENT: Request DENIED. Six weeks is more than enough time to respond. And asking for an adjournment on the day a submission is due is unprofessional. The City's response is due by 11:59 pm--on 2/8/10. Any later submission will be rejected and not considered. (Signed by Judge Shira A. Scheindlin on 2/8/10) (cd) (Entered: 02/08/2010)
02/08/2010	<u>43</u>	DECLARATION of Rosemary Debellis, Esq. in Opposition re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Raymond W. Kelly, City of New York. (Attachments: # <u>1</u> Exhibit Exhibit F, # <u>2</u> Exhibit G through O, # <u>3</u> Exhibit P through W)(Seligman, Rachel) (Entered: 02/08/2010)
02/08/2010	<u>44</u>	DECLARATION of Rachel Seligman Weiss in Opposition re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Raymond W. Kelly, City of New York. (Attachments: # <u>1</u> Exhibit A through G, # <u>2</u> Exhibit H through L, # <u>3</u> Exhibit M through O)(Seligman, Rachel) (Entered: 02/08/2010)
02/08/2010	<u>45</u>	MEMORANDUM OF LAW in Opposition re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) (Entered: 02/08/2010)
02/09/2010	<u>46</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel Seligman-Weiss dated 2/8/2010 re: ACC writes requesting permission for leave to file a declaration in opposition to plaintiff's motion for contempt, a preliminary injunction, and discovery sanctions which exceeds 10 pages in length and 15 exhibits. ENDORSEMENT: Defendant's request to file an oversize declaration is hereby granted. SO ORDERED. (Signed by Judge Shira A. Scheindlin on 2/9/2010) (tve) (Entered: 02/09/2010)
02/11/2010	<u>47</u>	ENDORSED LETTER: addressed to Judge SHira A. Scheindlin from Rachel Seligman dated 2/11/2010 re: Defendants request leave to file the attached redated Exhibit E as a substitute for the Original Exhibit E with to the Declaration of Rachel Seligman Weiss. ENDORSEMENT: Defendants' request to submit a substitute, redacted version of Exhibit E to the Declaration of Rachel Seligman

		Weiss (filed February 8, 2010) is hereby granted. The Clerk of the Court is directed to replace the current, unredacted Exhibit E with redacted version to be submitted by defendants. So Ordered. (Signed by Judge Shira A. Scheindlin on 2/11/2010) (js) (Entered: 02/16/2010)
02/22/2010	<u>48</u>	REPLY AFFIRMATION of Katherine Rosenfeld, Esq. in Support re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Paul Casale. (Attachments: # <u>1</u> Exhibit Exhibit I, # <u>2</u> Exhibit Exhibit J, # <u>3</u> Exhibit Exhibit K)(Rosenfeld, Katherine) (Entered: 02/22/2010)
02/22/2010	<u>49</u>	REPLY MEMORANDUM OF LAW in Support re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Paul Casale. (Rosenfeld, Katherine) (Entered: 02/22/2010)
02/22/2010	<u>50</u>	REPLY AFFIRMATION of J. McGregor Smyth in Support re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Paul Casale. (Attachments: # <u>1</u> Exhibit A)(Rosenfeld, Katherine) (Entered: 02/22/2010)
04/13/2010	<u>51</u>	DECLARATION of Katherine Rosenfeld in Support re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Paul Casale. (Rosenfeld, Katherine) (Entered: 04/13/2010)
04/13/2010	<u>52</u>	DECLARATION of Rosemary Debellis in Opposition re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) (Entered: 04/13/2010)
04/23/2010	<u>53</u>	DECLARATION of J. McGregor Smyth Jr. in Support re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions</i> .. Document filed by Paul Casale. (Smyth, J.) (Entered: 04/23/2010)
04/23/2010	<u>54</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT (LETTER) – RESPONSE to Motion re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions. Requested by Court</i> . Document filed by City of New York. (Donahue, Linda) Modified on 4/26/2010 (jar). (Entered: 04/23/2010)
04/26/2010	<u>55</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT (LETTER) – RESPONSE in Opposition re: <u>36</u> MOTION for Preliminary Injunction <i>Contempt, and Discovery Sanctions. Requested by Court</i> . Document filed by City of New York. (Donahue, Linda) Modified on 4/26/2010 (jar). (Entered: 04/26/2010)
04/26/2010		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>54</u> HAS BEEN REJECTED. Note to Attorney Linda Donahue : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (jar) (Entered: 04/26/2010)
04/26/2010		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>55</u> HAS BEEN REJECTED. Note to Attorney Linda Donahue : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (jar) (Entered: 04/26/2010)
04/26/2010		Set/Reset Hearings: Status Conference set for 5/12/2010 at 02:30 PM before Judge Shira A. Scheindlin. (jfe) (Entered: 04/26/2010)
04/26/2010	<u>56</u>	OPINION AND ORDER: #98878 For the reasons set forth above, plaintiffs' motion for contempt and discovery sanctions is granted. Plaintiffs' motion for a preliminary injunction is denied without prejudice. Plaintiffs are directed to submit a fee application by May 14, 2010. The Clerk of the Court is directed to close this motion (document number 36). A conference is scheduled for May 12, 2010 at 2:30 p.m. (Signed by Judge Shira A. Scheindlin on 4/26/2010) (jfe) Modified on 4/26/2010 (jfe). Modified on 4/28/2010 (ajc). (Entered: 04/26/2010)
04/27/2010	<u>57</u>	ENDORSED LETTER: addressed to Judge Shira A. Scheindlin from Linda Donahue dated 4/23/2010 re: Defendants submit the below response to Your

		Honor's questions of April 22, 2010. In the course of responding to Your Honor's questions a concern arose that the defendants may not have accounted for certain summonses for which OCA had provided hard copies but which did not appear in NYPD's database. While none of these summonses issued in the last six months, defendants request until 5:00 pm Monday to ascertain how this review impacts on defendants' calculations of summonses. We note that defendants had produced these summonses to plaintiffs in November 2009. ENDORSEMENT: The Clerk of Court is directed to docket this order. So Ordered. (Signed by Judge Shira A. Scheindlin on 4/26/2010) (js) (Entered: 04/27/2010)
04/27/2010	<u>58</u>	ENDORSED LETTER: addressed to Judge Shira A. Scheindlin from Linda Donahue dated 4/26/2010. re: Pursuant to permission from the Court, defendants submit the below revision to defendants' April 23, 2010 responses to Your Honor's questions of April 22, 2010, which questions are reproduced below. These revisions include calculations for the last six months measured from September 2009–February 2010, per the Court's request of April 23, 2010, as well as additional summonses. ENDORSEMENT: The Clerk of Court is directed to docket this letter. So Ordered. (Signed by Judge Shira A. Scheindlin on 4/26/2010) (js) Modified on 4/27/2010 (js). (Entered: 04/27/2010)
05/10/2010	<u>59</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU (Memorandum of Law) – MOTION for Reconsideration / <i>Reargument of the Court's April 26, 2010 Contempt Order</i> . Document filed by Raymond W. Kelly, City of New York.(Seligman, Rachel) Modified on 5/11/2010 (jar). (Entered: 05/10/2010)
05/10/2010	<u>60</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – DECLARATION of Rachel Seligman Weiss in Support re: <u>59</u> MOTION for Reconsideration / <i>Reargument of the Court's April 26, 2010 Contempt Order</i> .. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) Modified on 5/11/2010 (jar). (Entered: 05/10/2010)
05/11/2010	<u>61</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU (Motion for Reconsideration) – NOTICE of Motion for Reconsideration. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) Modified on 5/11/2010 (jar). (Entered: 05/11/2010)
05/11/2010	<u>62</u>	MOTION for Reconsideration / <i>Reargument of the Court's April 26, 2010 Order</i> . Document filed by Raymond W. Kelly, City of New York.(Seligman, Rachel) (Entered: 05/11/2010)
05/11/2010	<u>63</u>	MEMORANDUM OF LAW in Support re: <u>62</u> MOTION for Reconsideration / <i>Reargument of the Court's April 26, 2010 Order</i> .. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) (Entered: 05/11/2010)
05/11/2010	<u>64</u>	DECLARATION of Rachel Seligman Weiss in Support re: <u>62</u> MOTION for Reconsideration / <i>Reargument of the Court's April 26, 2010 Order</i> .. Document filed by Raymond W. Kelly, City of New York. (Seligman, Rachel) (Entered: 05/11/2010)
05/21/2010	<u>65</u>	MOTION for Attorney Fees <i>pursuant to Court's Order of 4/26/10</i> . Document filed by Paul Casale.(Smyth, J.) (Entered: 05/21/2010)
05/21/2010	<u>66</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MOTION for Attorney Fees <i>pursuant to Court's Order of 4/26/10</i> . Document filed by Paul Casale. (Attachments: # <u>1</u> Exhibit Ex. A–C)(Smyth, J.) Modified on 5/24/2010 (db). (Entered: 05/21/2010)
05/21/2010		***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – EVENT TYPE ERROR. Note to Attorney J. McGregor Smyth to RE–FILE Document <u>66</u> MOTION for Attorney Fees <i>pursuant to Court's Order of 4/26/10</i> . Use the event type Declaration in Support of Motion found under the event list Replies, Opposition and Supporting Documents. (db) (Entered: 05/24/2010)
05/22/2010	<u>67</u>	DECLARATION of J. McGregor Smyth Jr. in Support re: <u>65</u> MOTION for Attorney Fees <i>pursuant to Court's Order of 4/26/10</i> .. Document filed by Paul Casale. (Attachments: # <u>1</u> Exhibit Ex. A–C)(Smyth, J.) (Entered: 05/22/2010)

05/22/2010	<u>68</u>	DECLARATION of Matthew Brinckerhoff in Support re: <u>65</u> MOTION for Attorney Fees <i>pursuant to Court's Order of 4/26/10.</i> . Document filed by Paul Casale. (Smyth, J.) (Entered: 05/22/2010)
05/22/2010	<u>69</u>	DECLARATION of Katherine Rosenfeld in Support re: <u>65</u> MOTION for Attorney Fees <i>pursuant to Court's Order of 4/26/10.</i> . Document filed by Paul Casale. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Smyth, J.) (Entered: 05/22/2010)
05/22/2010	<u>70</u>	MEMORANDUM OF LAW in Support re: <u>65</u> MOTION for Attorney Fees <i>pursuant to Court's Order of 4/26/10.</i> . Document filed by Paul Casale. (Smyth, J.) (Entered: 05/22/2010)
06/02/2010	73	TRANSCRIPT of proceedings held on 5/12/2010 before Judge Shira A. Scheindlin. (tro) (Entered: 06/04/2010)
06/03/2010	<u>71</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel Seligman Weiss dated 6/3/2010 re: Defendants request that their submissions of an opposition to plaintiffs' motion be held in abeyance pending the parties negotiations. ENDORSEMENT: Defendants' request is granted. The parties shall report to the Court. In June 11, 2010 regarding their fee negotiations. No further extensions will be given unless plaintiffs withdraw their motion. (Signed by Judge Shira A. Scheindlin on 6/3/2010) (jpo) (Entered: 06/03/2010)
06/03/2010		***DELETED DOCUMENT. Deleted document number 72 ENDORSED LETTER. The document was duplicated in this case. (jfe) (Entered: 06/08/2010)
07/01/2010	<u>74</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 Theodore H. Katz. ENDORSEMENT: September would be best. SO ORDERED. (Signed by Judge Shira A. Scheindlin on 6/29/2010) (tve) (Entered: 07/01/2010)
07/06/2010	<u>75</u>	STIPULATION AND SETTLEMENT OF ATTORNEYS' FEES. Defendant City of New York shall pay to plaintiffs' counsel Emery Celli Brinckerhoff & Abady LLP the sum total of One Hundred and Seventy-Five Thousand Dollars (\$175,000.00) for work conducted by ECBA and The Bronx Defenders in this action in connection with plaintiffs' motion for contempt, a preliminary injunction and discovery sanctions dated December 23, 2009. This payment shall be in full satisfaction of all claims by ECBA, The Bronx Defenders, and/or plaintiffs for attorneys' fees, costs and/or expenses accrued in connection with plaintiffs' motion for contempt, a preliminary injunction and discovery sanctions dated December 23, 2009, as reflected in plaintiffs' attorneys' timesheets submitted as exhibits to plaintiffs' motion for attorneys' fees dated May 21, 2010. In the event of any future award of attorneys' fees and costs in this action, plaintiffs' counsel and/or plaintiffs will not seek any additional compensation for attorneys' fees, costs and/or expenses accrued in connection with plaintiffs' motion for contempt, a preliminary injunction and discovery sanctions dated December 23, 2009. Relates to 08-2173, 05-5442. (Signed by Judge Shira A. Scheindlin on 7/6/10) (rjm) (Entered: 07/06/2010)
09/30/2010		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 9/30/2010. (mro) (Entered: 10/01/2010)
10/12/2010	<u>76</u>	ORDER denying <u>62</u> Motion for Reconsideration ; denying <u>65</u> Motion for Attorney Fees. For all of the reasons stated on the record at the May 12, 2010 conference, defendants' motion for reconsideration of the April 26, 2010 Opinion and Order is denied, except that the orders stated in footnote 59 of that opinion are vacated due to an agreement between parties. Plaintiffs' motion for attorney fees is denied as moot. The parties settled this issue. The Clerk of Court is directed to close these motions (Docket Entries ## 62 and 65). SO ORDERED. (Signed by Judge Shira A. Scheindlin on 10/8/2010) (jmi) (Entered: 10/12/2010)
10/22/2010		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Initial Pretrial Conference held on 10/22/2010. (mbe) (Entered: 10/25/2010)
10/27/2010	<u>77</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel Seligman Weiss dated 10/19/2010 re: Defendants respectfully request that the

		Court schedule a pre-motion conference to address vacating the contempt order of 4/26/2010 or in the alternative, extending the 6 month grace period for an additional 6 months or until the cases are closed. Defendants respectfully urge the Court to lift a sanction that would, at this point have only a punitive rather than a corrective effect. ENDORSEMENT: Request granted in part. The six - month grace period of the Court's contempt order is hereby extended for an additional six months through April 26, 2011. So Ordered. (Signed by Judge Shira A. Scheindlin on 10/27/2010) (jfe) (Entered: 10/27/2010)
11/16/2010	<u>78</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld, dated 11/12/2010, re: This office represents the plaintiffs in the above-captioned actions. On behalf all parties, we write to jointly request that the Court extend the fact discovery deadline in this case beyond the current deadline of November 30, 2010. The reason for this request is that ongoing settlement discussions could obviate the need for additional fact discovery, and in particular for the depositions of several New York City Police Department ("NYPD") supervisory officials who were noticed for their depositions in August 2010. Therefore, the parties wish to exhaust settlement discussions before completing the final segment of fact discovery relating to municipal liability under Monell v. Department of Soc. Services., 436 U.S. 658 (1978), including the depositions of the witnesses listed herein. The parties respectfully request that we be permitted to update the Court at the next scheduled conference before Your Honor on December 15, 2010 at 4:30 pm regarding (1) the status of settlement; and (2) the proposed final date for the completion of fact discovery. ENDORSEMENT: The parties request for an adjournment of the fact discovery deadline, currently set for 11/13/2010, is hereby granted. A final end date will be determined at the conference, scheduled for 12/15/10 at 4:30 pm. (Status Conference set for 12/15/2010 at 04:30 PM before Judge Shira A. Scheindlin) (Signed by Judge Shira A. Scheindlin on 11/15/2010) (lnl) (Entered: 11/16/2010)
11/18/2010		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 11/18/2010. (mro) (Entered: 11/23/2010)
12/07/2010		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 12/7/2010. (mbe) (Entered: 12/13/2010)
12/13/2010	<u>79</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld, dated 12/13/2010, re: On behalf of all parties, counsel writes to jointly request that the Court adjourn the status conference before Your Honor on Wednesday, December 15th at 4:30pm. ENDORSEMENT: Conference adjourned to January 18 at 4:30. So Ordered. (Status Conference set for 1/18/2011 at 04:30 PM before Judge Shira A. Scheindlin) (Signed by Judge Shira A. Scheindlin on 12/13/2010) (lnl) (Entered: 12/13/2010)
12/15/2010		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 12/15/2010. (mro) (Entered: 12/21/2010)
01/10/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 1/10/2011. (mro) (Entered: 01/13/2011)
04/06/2011	<u>80</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld, dated 4/6/2011, re: Counsel for the plaintiffs write on behalf of all parties to request a brief adjournment of the conference scheduled before Your Honor on April 13, 2011. ENDORSEMENT: Plaintiffs' request is granted. The conference is adjourned to April 22, 2011 at 4:30 pm. SO ORDERED. (Status Conference set for 4/22/2011 at 04:30 PM before Judge Shira A. Scheindlin) (Signed by Judge Shira A. Scheindlin on 4/6/2011) (lnl) (Entered: 04/07/2011)
04/13/2011	<u>81</u>	MANDATE of USCA (Certified Copy) USCA Case Number 09-2883-mv. Petitioners, through counsel, move, pursuant to FRCP 23(f), for leave to appeal the District Court's order granting Respondents' motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is unwarranted. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 01/06/2011. (nd) (Entered: 04/13/2011)
04/13/2011		Transmission of USCA Mandate/Order to the District Judge re: <u>81</u> USCA Mandate,. (nd) (Entered: 04/13/2011)

04/20/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 4/20/2011. (mbe) (Entered: 04/26/2011)
04/21/2011	<u>82</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel S. Weiss dated 4/21/2011 re: defendants request that the grace period (see order) be extended for an additional six months while the parties make effort to conclude settlement negotiations. ENDORSEMENT: The "grace period" is extended for three (3) months – until 7/29/2011. (Signed by Judge Shira A. Scheindlin on 4/21/2011) (jar) (Entered: 04/21/2011)
04/22/2011	<u>83</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel Seligman Weiss dated 4/22/2011 re: Requesting an adjournment of the status conference presently scheduled for today at 4:30 pm. ENDORSEMENT: Defendants' request to adjourn the status conference is granted and rescheduled to May 31st, 2011 at 4:30 pm. (Signed by Judge Shira A. Scheindlin on 4/22/2011) (jpo) (Entered: 04/22/2011)
05/13/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 5/13/2011. (eef) (Entered: 05/16/2011)
05/31/2011	<u>84</u>	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from Katherine Rosenfeld, dated 5/27/2011, re: Counsel writes to request one additional conference with the Court in mid-June to provide a useful opportunity to address any final outstanding issues. ENDORSEMENT: The next settlement conference will take place on June 14, 2011 at 10:00 AM. SO ORDERED. (Settlement Conference set for 6/14/2011 at 10:00 AM before Magistrate Judge Theodore H. Katz) (Signed by Magistrate Judge Theodore H. Katz on 5/31/2011) (lnl) (Entered: 05/31/2011)
05/31/2011		Minute Entry for proceedings held before Judge Shira A. Scheindlin: Status Conference held on 5/31/2011. (mbe) (Entered: 06/06/2011)
06/13/2011	<u>85</u>	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from Rachel Seligman Weiss dated 6/13/11 re: Defendants request an adjournment of the settlement conference currently scheduled for 6/14/11. ENDORSEMENT: The conference is adjourned to Monday, June 20, 2011 at 2:00 P.M. (Settlement Conference set for 6/20/2011 at 02:00 PM before Magistrate Judge Theodore H. Katz.) (Signed by Magistrate Judge Theodore H. Katz on 6/13/2011) (tro) (Entered: 06/13/2011)
06/20/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 6/20/2011. (eef) (Entered: 06/22/2011)
07/13/2011		Minute Entry for proceedings held before Judge Shira A. Scheindlin: Status Conference held on 7/13/2011. (lmb) (Entered: 07/19/2011)
07/20/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 7/20/2011. (eef) (Entered: 07/21/2011)
07/26/2011	<u>86</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel Seligman Weiss dated 7/25/11 re: Request that the Court extend the grace period for an additional three months. ENDORSEMENT: Request granted. On plaintiffs' consent, the grace period is hereby extended until 10/28/11. (Signed by Judge Shira A. Scheindlin on 7/25/11) (cd) (Entered: 07/27/2011)
07/27/2011		Minute Entry for proceedings held before Judge Shira A. Scheindlin: Status Conference held on 7/27/2011. (lmb) (Entered: 08/05/2011)
08/30/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 8/30/2011. (eef) (Entered: 09/07/2011)
09/08/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Telephone/Pretrial Conference held on 9/8/2011. (eef) (Entered: 09/15/2011)
10/31/2011	<u>87</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel Amy Seligman dated 10/28/2011 re: Counsel for the Defendants writes to request an extension of the grace period for an additional 30 days during which time the parties expect to finalize the Stipulation of Settlement and Dismissal in these cases. ENDORSEMENT: Request granted. (Signed by Judge Shira A. Scheindlin on

		10/28/2011) (ab) (Entered: 10/31/2011)
11/17/2011	<u>88</u>	TRANSCRIPT of Proceedings re: Conference held on 9/15/2011 before Judge Shira A. Scheindlin. Court Reporter/Transcriber: Andrew Walker, (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 12/12/2011. Redacted Transcript Deadline set for 12/22/2011. Release of Transcript Restriction set for 2/18/2012.(McGuirk, Kelly) (Entered: 11/17/2011)
11/17/2011	<u>89</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 9/15/11 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: 11/17/2011)
11/29/2011	<u>90</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel Seligman dated 11/28/11 re: Counsel for the defendants writes with the consent of plaintiffs' counsel to request that the grace period in respect to the contempt order be extended until 12/23/11. ENDORSEMENT: The grace period with respect to the contempt order is extended to and including December 23, 2011. So ordered. (Signed by Judge Shira A. Scheindlin on 11/29/2011) (mro) Modified on 12/2/2011 (mro). (Entered: 11/29/2011)
12/22/2011	<u>91</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Rachel Seligman Weiss dated 12/22/2011 re: Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the defendants in the above matter. On April 26, 2010, Your Honor issued a contempt order, against defendant's imposing a monetary penalty for the issuance of any summonses under New York Penal Law §§ 240.35(1), (3), and (7). Since then, Your Honor has granted defendants several extensions of the grace period. Accordingly, and with plaintiffs' consent, defendants respectfully request that Your Honor extend the grace period up to and until January 13, 2012. ENDORSEMENT: Request granted the "grace period" is extended to and including January 13, 2012. So Ordered. (Signed by Judge Shira A. Scheindlin on 12/22/2011) (js) (Entered: 12/23/2011)
02/06/2012	<u>92</u>	STIPULATION AND ORDER OF SETTLEMENT: The parties enter into this Stipulation for the purpose of avoiding the burdens of further litigation, and mutually to support vigorous, lawful, and nondiscriminatory enforcement of the law. Settlement of this action under the terms stated in this Stipulation is in the public interest because the Stipulation avoids diversion of private and City resources to further adversarial action by the parties, as further set forth within. (Signed by Judge Shira A. Scheindlin on 2/6/2012) (ab) (Entered: 02/06/2012)
02/06/2012	<u>93</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld and Matthew D. Brinckerhoff dated 1/27/2012 re: The parties write to request that the grace period be extended until the Court determines whether to grant preliminary approval of the Stipulation, which under its terms would then replace and resolve all prospective obligations. ENDORSEMENT: The "grace period" is extended nunc pro tunc from 1/23/2012 through 2/6/2012. (Signed by Judge Shira A. Scheindlin on 2/6/2012) (ab) (Entered: 02/06/2012)
02/22/2012	<u>94</u>	UNSEALING ORDER: NOW, THEREFORE, WITH THE AGREEMENT OF ALL PARTIES, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS: The records in the possession of the NYPD and NYDOC pertaining to members of the Settlement Class, and that are sealed pursuant to the provisions of N.Y.C.P.L §§ 160.50, 160.55, 160.58, 720.15, and/or 720.35 (hereinafter "the sealed records"), are hereby unsealed for the limited purpose of allowing the NYPD and/or the NYDOC to search for and provide the sealed records to MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, or his authorized representative, so that MICHAEL A. CARDOZO, Corporation Counsel of the City of New York, or his authorized representative, may transmit any identifying information pertaining to members of the Settlement Class contained in

		the sealed records (such as their most recent addresses and social security numbers) to class counsel and the designated Administrator in the above-captioned case. The use of the sealed records is restricted to use in the above-captioned action for the limited purpose defined above and in accordance with the attached Stipulation and Order of Settlement. (Signed by Judge Shira A. Scheindlin on 2/22/2012) (jfe) Modified on 2/23/2012 (jfe). (Entered: 02/23/2012)
02/22/2012		Transmission to Sealed Records Clerk. Transmitted re: <u>94</u> Order,,,,, to the Sealed Records Clerk for the sealing or unsealing of document or case. (jfe) (Entered: 02/23/2012)
02/24/2012	<u>95</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld dated 2/23/2012 re: Along with The Bronx Defenders, we represent the certified plaintiff classes in the above-captioned actions. With the consent of all parties, and as referenced in plaintiffs' letter to the Court dated January 27, 2012, we write to respectfully request that the Court appoint Rust Consulting Inc. ("Rust") as the Administrator of this class action. ENDORSEMENT: Request granted. Rust Consulting Inc is named as the administrator of this class action. (Signed by Judge Shira A. Scheindlin on 2/23/2012) (djc)(djc) (Entered: 02/24/2012)
03/13/2012	<u>96</u>	ORDER APPROVING NOTICES AND PLAN OF ADMINISTRATION: the Agreement for the purpose of interpretation and compliance with the Agreement and this Agreed Order of Dismissal with Prejudice. The date and time of the Fairness Hearing shall be set forth in the Class Notice and Summary Notice, but the hearing may be subject to adjournment by the Court without further notice to the members of the Settlement Class other than that which may be posted by the Court. The Administrator will advise SCMs of any scheduling issues at www.nycloitering.com. (Signed by Judge Shira A. Scheindlin on 3/8/2012) (ft) (Entered: 03/13/2012)
05/04/2012	<u>97</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld dated 5/3/2012 re: With the consent of all parties, we write to respectfully request that the Court extend by 30 days the Date of Class Notice provided in the Stipulation and Order of Settlement, and schedule a date for the Fairness Hearing in this action. ENDORSEMENT: Request granted. The Administrator shall mail claim packets to class members by June 8, 2012 and the Fairness Hearing is scheduled for November 15, 2012 at 4:30 p.m. (Fairness Hearing set for 11/15/2012 at 04:30 PM before Judge Shira A. Scheindlin.)(Signed by Judge Shira A. Scheindlin on 5/3/2012) (djc) (Entered: 05/07/2012)
06/14/2012	<u>98</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld dated 6/14/2012 re: Counsel respectfully request that the Court approve an additional payment of \$200,000 (Two Hundred Thousand Dollars) from the City of New York to the Administrator in this class action. ENDORSEMENT: Request granted. An additional payment of \$200,000 from the City to the Administrator is authorized. (Signed by Judge Shira A. Scheindlin on 6/14/2012) (jfe) (Entered: 06/15/2012)
10/09/2012	<u>99</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld dated 10/5/2012 re: For the foregoing reasons, we request that the Court extend the Bar Date from October 9, 2012 to November 8, 2012, and that the Fairness Hearing be held thereafter during the week of December 10, 2012. ENDORSEMENT: Plaintiffs' request, made on consent, is hereby granted. (1) The "Bar Date" currently set in this case is hereby extended by 30 days, from Oct. 9, 2012 to Nov. 8, 2012, for the approximately 11,000 settlement class members who apparently received claims packets in the mail but who have not yet returned a claim form. (2) A similar extension is hereby ordered for the fairness hearing, from Nov. 15, 2012 (as currently scheduled) to 4:30pm on Dec. 13, 2012., (Fairness Hearing set for 12/13/2012 at 04:30 PM before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 10/9/2012) (lmb) (Entered: 10/09/2012)
10/12/2012	<u>100</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Linda Donahue dated 10/11/2012 re: Request for adjournment of Fairness Hearing. ENDORSEMENT: Defendants' request, made on consent, is hereby granted. The Fairness Hearing is rescheduled for Dec. 14, 2012, at 4:30 p.m. So ordered.

		(Fairness Hearing set for 12/14/2012 at 04:30 PM before Judge Shira A. Scheindlin.) (Signed by Judge Shira A. Scheindlin on 10/12/2012) (rjm) (Entered: 10/12/2012)
11/15/2012	<u>101</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld dated 11/13/2012 re: For all the foregoing reasons, the parties request that the Court: (1) approve a briefing schedule for submissions in support of Final Approval of the Settlement of November 19, 2012 (Plaintiffs' Motion for Final Approval of the Settlement and Request for Attorneys' Fees), December 10, 2012 by 4:30pm (Defendants' Response) and December 13, 2012 by 4:30pm (Plaintiffs' Reply); and (2) approve the parties' proposal to initially submit to the Court briefing concerning the threshold legal question of whether the Court should exercise its discretion to use the common fund or the lodestar method in setting the amount of the settlement to be allocated to attorneys' fees, with later briefing to be submitted as necessary to address any detailed arguments necessary for a full lodestar analysis. With defendants' consent, Plaintiffs also request permission to submit a moving brief of no more than fifty (50) pages. ENDORSEMENT: Request granted (in part). Plaintiffs' motion is due November 19, 2012. The moving brief may not exceed thirty-five pages. With respect to fees, I accept plaintiffs' suggestion that they will initially brief the question of the method of deferring the fee award rather than the amount. Defendants' response, if any, is due December 10 (35 pg) and the reply December 13 (15 pg). No further extensions will be granted., (Motions due by 11/19/2012., Responses due by 12/10/2012., Replies due by 12/13/2012.) (Signed by Judge Shira A. Scheindlin on 11/15/2012) (lmb) (Entered: 11/16/2012)
11/19/2012	<u>102</u>	MOTION to Approve Stipulation of Settlement and Plaintiffs' Request for Attorneys' Fees and Costs. Document filed by Paul Casale. Return Date set for 12/14/2012 at 04:30 PM.(Rosenfeld, Katherine) (Entered: 11/19/2012)
11/19/2012	<u>103</u>	DECLARATION of April Hyduk in Support re: <u>102</u> MOTION to Approve Stipulation of Settlement and Plaintiffs' Request for Attorneys' Fees and Costs.. Document filed by Paul Casale. (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, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G, # <u>8</u> Exhibit Exhibit H, # <u>9</u> Exhibit Exhibit I, # <u>10</u> Exhibit Exhibit J)(Rosenfeld, Katherine) (Entered: 11/19/2012)
11/19/2012	<u>104</u>	DECLARATION of J. McGregor Smyth in Support re: <u>102</u> MOTION to Approve Stipulation of Settlement and Plaintiffs' Request for Attorneys' Fees and Costs.. Document filed by Paul Casale. (Rosenfeld, Katherine) (Entered: 11/19/2012)
11/19/2012	<u>105</u>	DECLARATION of Katherine Rosenfeld in Support re: <u>102</u> MOTION to Approve Stipulation of Settlement and Plaintiffs' Request for Attorneys' Fees and Costs.. Document filed by Paul Casale. (Attachments: # <u>1</u> Exhibit Exhibit 1 Part 1, # <u>2</u> Exhibit Exhibit 1 Part 2, # <u>3</u> Exhibit Exhibit 2)(Rosenfeld, Katherine) (Entered: 11/19/2012)
11/19/2012	<u>106</u>	DECLARATION of Matthew D. Brinckerhoff in Support re: <u>102</u> MOTION to Approve Stipulation of Settlement and Plaintiffs' Request for Attorneys' Fees and Costs.. Document filed by Paul Casale. (Attachments: # <u>1</u> Exhibit Exhibit AA, # <u>2</u> Exhibit Exhibit BB, # <u>3</u> Exhibit Exhibit CC)(Rosenfeld, Katherine) (Entered: 11/19/2012)
11/19/2012	<u>107</u>	MEMORANDUM OF LAW in Support re: <u>102</u> MOTION to Approve Stipulation of Settlement and Plaintiffs' Request for Attorneys' Fees and Costs.. Document filed by Paul Casale. (Rosenfeld, Katherine) (Entered: 11/19/2012)
12/10/2012	<u>109</u>	MEMORANDUM OF LAW in Opposition re: <u>102</u> MOTION to Approve Stipulation of Settlement and Plaintiffs' Request for Attorneys' Fees and Costs.. Document filed by City of New York, Raymond W. Kelly. (Donahue, Linda) (Entered: 12/10/2012)
12/10/2012	<u>110</u>	DECLARATION of Linda Donahue in Opposition re: <u>102</u> MOTION to Approve Stipulation of Settlement and Plaintiffs' Request for Attorneys' Fees and Costs.. Document filed by City of New York, Raymond W. Kelly. (Attachments: # <u>1</u> Exhibit Exhibit A Part I, # <u>2</u> Exhibit Exhibit A Part II)(Donahue, Linda) (Entered: 12/10/2012)

12/13/2012	<u>111</u>	REPLY MEMORANDUM OF LAW in Support re: <u>102</u> MOTION to Approve Stipulation of Settlement and Plaintiffs' Request for Attorneys' Fees and Costs.. Document filed by Paul Casale. (Rosenfeld, Katherine) (Entered: 12/13/2012)
12/14/2012		Minute Entry for proceedings held before Judge Shira A. Scheindlin: Status Conference held on 12/14/2012. (cd) (Entered: 12/20/2012)
12/17/2012	<u>112</u>	NOTICE OF APPEARANCE by Mariana Louise Kovel on behalf of Paul Casale, Anthony Garcia (Kovel, Mariana) (Entered: 12/17/2012)
12/21/2012	<u>113</u>	ORDER APPROVING THE JANUARY 26, 2012 STIPULATION OF SETTLEMENT: The Settlement meets the requirements of Fed. R. Civ. P. 23(e) because it is procedurally and substantively fair, reasonable, and adequate. The \$25,000 service awards to the eight Named Plaintiffs, totaling \$200,000, from the Settlement Costs are fair and reasonable given the time and effort they expended assisting in the prosecution of this litigation. An checks mailed to Class Members shall bear the notation, "CASH PROMPTLY, VOID AND WILL NOT BE RE-ISSUED 120 DAYS AFTER DATE OF ISSUANCE". (Signed by Judge Shira A. Scheindlin on 12/21/2012) (ft) (Entered: 12/26/2012)
01/03/2013	<u>114</u>	FINAL JUDGMENT that for the reasons set forth in the Order signed by the Court on December 21, 2012 and entered December 26, 2012 (Ex. A), that: The January 26, 2012 Stipulation of Settlement (Ex. B) is hereby approved; The parties shall abide by all the terms of the Stipulation of Settlement and the Court's December 21, 2012 Order: The City of New York shall make all payments set forth in the December 21, 2012 Order in accordance with the terms in that Order;The Court retains jurisdiction over this action to enforce the terms of the December 21, 2012 Order and the Stipulation of Settlement. (Original Doc.# 202 filed in 05 Civ. 5442). (Signed by Judge Shira A. Scheindlin on 1/3/12) (Attachments: # <u>1</u> Notice of Right to Appeal)(dt) (Entered: 01/03/2013)
02/07/2013	<u>115</u>	NOTICE OF CHANGE OF ADDRESS by J. McGregor Smyth, Jr on behalf of All Parties. New Address: New York Lawyers for the Public Interest, 151 West 30th Street, 11th Floor, New York, NY, USA 10001, 212.244.4664. (Smyth, J.) (Entered: 02/07/2013)
02/26/2013	<u>116</u>	ORDER: Plaintiffs' request to continue reviewing and accepting good cause explanations that may be received from the outstanding 14 eligible late claimants beyond the thirty day deadline, if they are postmarked on or before March 6, 2013 is granted. Plaintiffs' request to accept the three class members who have submitted valid claim forms postmarked after the January 8, 2013 deadline as well as any other eligible claims that are submitted by March 6, 2013, provided that the claimants provide good cause for the late filing is granted. Plaintiffs may continue to review and accept good cause explanations submitted within thirty days from the date of such requests. Permission for the six claims that had requested another claim form be mailed to them before the court-ordered late claim deadline be accepted as late claims – without further showing of good cause for late filing is granted if the claim forms are returned and postmarked by March 6, 2013. With respect to all valid claims received and accepted prior to March 6, 2013 (including the three categories of claims described above), permission is granted to include those claimants in the group of class members who are paid out of the Remainder funds. Should there be any valid claims that are not ready for payment as for the March 6, 2013 deadline, only those claimants would be paid out of the Reserve Fund of \$100,000. SO ORDERED. (Signed by Judge Shira A. Scheindlin on 2/25/2013) (ja) (Entered: 02/26/2013)
06/13/2013	<u>117</u>	ORDER: Plaintiffs' request to pay three settlement class members (S. Kessoo, Johnny Williams, and J. Ruffin) who submitted late claims and timely good cause for late filing but who were not included in the initial distribution due to administrative error is GRANTED. These three settlement class members are to be paid the full award amount they would have otherwise received from the balance of the Remainder funds. Plaintiffs' request to pay two settlement class members (Jeffrey Williams, J. Zayas) who requested that a claim form be mailed to their new addresses before the deadline to submit claim forms but who were not subsequently mailed claim forms to those addresses due to administrative error is GRANTED, provided that these class members submit valid claim forms to the Administrator or Class Counsel postmarked by no later than one month from the date of this Order.

		Should these two class members submit valid claim forms by such time, they are to be paid the full award amount they would have otherwise received from the balance of the Remainder funds. The Administrator having determined that no other settlement class members were subject to the same administrative error in the mailing process, the deadline to have submitted a claim form for all other settlement class members remains March 6, 2013, pursuant to this Court's previous Order. (Signed by Judge Shira A. Scheindlin on 6/13/2013) (ja) (Entered: 06/14/2013)
10/07/2013	<u>118</u>	LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld dated 10/7/13 re: Intention to Proceed with a Second Distribution of Settlement Funds. Document filed by Paul Casale, Anthony Garcia.(Rosenfeld, Katherine) (Entered: 10/07/2013)
01/21/2014	<u>119</u>	LETTER addressed to Judge Shira A. Scheindlin from Katherine Rosenfeld dated January 21, 2014 re: Status of the Preparation and Filing of the Omnibus Motion to Vacate and Seal Unconstitutional Loitering Charges from Class Members' Criminal Records. Document filed by Paul Casale, Anthony Garcia. (Attachments: # <u>1</u> Text of Proposed Order)(Rosenfeld, Katherine) (Entered: 01/21/2014)
01/22/2014	<u>120</u>	ORDER re: (207 in 1:05-cv-05442-SAS) Letter, filed by Eddie Wise, Michael Brown, (119 in 1:08-cv-02173-SAS) Letter, filed by Paul Casale, Anthony Garcia: Plaintiffs' request to pay an Award Amount to twenty-one (21) Settlement Class Members who submitted valid late Claim Forms without providing written good cause for late filing, and who were not included in the initial distribution, is GRANTED. As part of the second distribution of class funds to be made in 2014, these twenty-one Settlement Class Members are to be paid the full Award Amount they would have otherwise received. (Signed by Judge Shira A. Scheindlin on 1/21/2014) (tn) (Entered: 01/22/2014)
08/28/2014	<u>121</u>	MOTION for Katherine R. Rosenfeld to Withdraw as Attorney <i>for Plaintiffs and Class</i> . Document filed by Paul Casale, Anthony Garcia.(Rosenfeld, Katherine) (Entered: 08/28/2014)
08/28/2014	<u>122</u>	AFFIRMATION of Katherine R. Rosenfeld in Support re: <u>121</u> MOTION for Katherine R. Rosenfeld to Withdraw as Attorney <i>for Plaintiffs and Class</i> .. Document filed by Paul Casale, Anthony Garcia. (Rosenfeld, Katherine) (Entered: 08/28/2014)
08/28/2014	<u>123</u>	MEMO ENDORSEMENT granting <u>121</u> Motion to Withdraw as Attorney. ENDORSEMENT: Motion granted. Attorney Katherine R. Rosenfeld terminated. (Signed by Judge Shira A. Scheindlin on 8/28/2014) (lmb) (Entered: 08/28/2014)
10/23/2014	<u>124</u>	LETTER addressed to Judge Shira A. Scheindlin from Matthew D. Brinckerhoff dated 10.23.14 re: Appointment of NYLPI as Class Counsel. Document filed by Paul Casale, Anthony Garcia.(Brinckerhoff, Matthew) (Entered: 10/23/2014)
01/12/2015	<u>125</u>	LETTER addressed to Judge Shira A. Scheindlin from Matthew D. Brinckerhoff dated January 12, 2015 re: Enclosed requested proposed order. Document filed by Paul Casale, Anthony Garcia.(Brinckerhoff, Matthew) (Entered: 01/12/2015)
01/14/2015	<u>126</u>	ORDER: Plaintiffs' request to appoint the New York Lawyers for the Public Interest ("NYLPI") as co-Class Counsel, pursuant to Fed. R. Civ. P. 23(g)(1)(E), and with the consent of defendants, is GRANTED. (Signed by Judge Shira A. Scheindlin on 1/14/2015) (djc) (Entered: 01/14/2015)
01/15/2015	<u>127</u>	NOTICE OF APPEARANCE by Katherine R. Rosenfeld on behalf of Paul Casale, Anthony Garcia. (Rosenfeld, Katherine) (Entered: 01/15/2015)
04/23/2015	<u>128</u>	ORDER: NOW, THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED: Class Counsel's request to conduct a cy pres distribution out of the remaining funds in the Settlement Fund, to Picture the Homeless, Ali Forney Center, Streetwise & Safe, and the Urban Justice Center Sex Workers Project, in the amount of \$40,910.46 per organization, and with the consent of Defendants, is GRANTED. The Class Administrator shall distribute \$40,910.46 to each of the four named non-profit organizations within ten days of this Order. (Signed by Judge Shira A. Scheindlin on 4/23/2015) (mro) (Entered: 04/23/2015)