

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:13-cv-02941-JMF**

Felix et al v. City of New York et al
Assigned to: Judge Jesse M. Furman
Referred to: Magistrate Judge Kevin Nathaniel Fox (Settlement)
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/02/2013
Date Terminated: 12/18/2013
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Maurosol Felix

represented by **Katherine R. Rosenfeld**
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Plaintiff

Danilo Melendez

represented by **Katherine R. Rosenfeld**
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ATTORNEY TO BE NOTICED

Scott Duffield Levy
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Abraham Collins

represented by **Katherine R. Rosenfeld**
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ATTORNEY TO BE NOTICED

Samuel Shapiro
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Scott Duffield Levy
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Plaintiff

Francisco Zapata

represented by **Katherine R. Rosenfeld**
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Samuel Shapiro
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Scott Duffield Levy
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Plaintiff

Angel Sanchez

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Plaintiff

Anthony Fearon

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Samuel Shapiro
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V.

Defendant

City of New York

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

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

represented by **Patrick Neil Beath**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Defendant

Russell J. Green
NYPD Deputy Inspector

represented by **Patrick Neil Beath**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Hart
NYPD Deputy Inspector

represented by **Patrick Neil Beath**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Captain Marc Busell

represented by **Patrick Neil Beath**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

NYPD Officer Cintron
Shield # 17999

represented by **Mitchell Garber**
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ATTORNEY TO BE NOTICED

Defendant

NYPD Officer Edwin Jerez
Shield # 9352

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas LaBarbera
(See above for address)
ATTORNEY TO BE NOTICED

John William Burns
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

NYPD Officer Guagliardi

Defendant

NYPD Officer Malvi Moncion
Shield # 12778

Defendant

NYPD Sergeant Diana Castro

represented by **Anthony J. DiFiore**
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ATTORNEY TO BE NOTICED

Defendant

NYPD Officer Kevin M. Martin
Shield # 24921

represented by **Mitchell Garber**
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LEAD ATTORNEY
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Douglas LaBarbera
(See above for address)
ATTORNEY TO BE NOTICED

John William Burns
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Police Officer Primitivo Montanez
Tax # 939058

Defendant

NYPD Officer Andry Duarte
Shield # 7302

represented by **Mitchell Garber**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas LaBarbera
(See above for address)
ATTORNEY TO BE NOTICED

John William Burns
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ATTORNEY TO BE NOTICED

Defendant

NYPD Officer Bryan J. Flynn
Shield # 2084

represented by **Anthony J. DiFiore**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew C Quinn
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Richard Roes # 1-10

Defendant

John/Jane Does # 1-5

Defendant

Steven Lancia
Shield # 8781

Cross Claimant

NYPD Officer Andry Duarte
Shield # 7302

represented by **Mitchell Garber**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

City of New York
TERMINATED: 12/18/2013

represented by **Patrick Neil Beath**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Cross Claimant

NYPD Officer Cintron
Shield # 17999

Cross Claimant

NYPD Officer Kevin M. Martin
Shield # 24921

Cross Claimant

NYPD Officer Edwin Jerez
Shield # 9352

Cross Claimant

NYPD Officer Andry Duarte
Shield # 7302

represented by **Mitchell Garber**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

City of New York
TERMINATED: 12/18/2013

represented by **Patrick Neil Beath**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Cross Claimant

NYPD Officer Bryan J. Flynn
Shield # 2084

represented by **Anthony J. DiFiore**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew C Quinn
(See above for address)
ATTORNEY TO BE NOTICED

Cross Claimant

NYPD Sergeant Diana Castro

represented by **Anthony J. DiFiore**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew C Quinn
(See above for address)
ATTORNEY TO BE NOTICED

V.

Cross Defendant

City of New York
TERMINATED: 12/18/2013

represented by **Patrick Neil Beath**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Date Filed	#	Docket Text
05/02/2013	<u>1</u>	COMPLAINT against Marc Busell, Diana Castro, Cintron, City of New York, John/Jane Does # 1-4, Andry Duarte, Bryan J. Flynn, Russell J. Green, Guagliardi, John Hart, Edwin Jerez, Raymond W. Kelly, Kevin M. Martin, Malvi Moncion, Primitivo Montanez, Richard Roes # 1-10. (Filing Fee \$ 350.00, Receipt Number 465401066376) Document filed by Abraham Collins, Maurosol Felix, Angel Sanchez, Danilo Melendez, Francisco Zapata.(cde) (Entered: 05/07/2013)
05/02/2013		SUMMONS ISSUED as to Marc Busell, Diana Castro, Cintron, City of New York, John/Jane Does # 1-4, Andry Duarte, Bryan J. Flynn, Russell J. Green, Guagliardi, John Hart, Edwin Jerez, Raymond W. Kelly, Kevin M. Martin, Malvi Moncion, Primitivo Montanez, Richard Roes # 1-10. (cde) (Entered: 05/07/2013)
05/02/2013		CASE REFERRED TO Judge Shira A. Scheindlin as possibly related to 1:08-cv-1034. (cde) (Entered: 05/07/2013)
05/02/2013		Case Designated ECF. (cde) (Entered: 05/07/2013)
05/02/2013		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 to review the Section 1983 Plan for important information.(rpr) (Entered: 05/08/2013)
05/17/2013	<u>2</u>	NOTICE OF APPEARANCE by Rachel Amy Seligman on behalf of City of New York, Raymond W. Kelly (Seligman, Rachel) (Entered: 05/17/2013)
05/20/2013		CASE DECLINED AS NOT RELATED. Case referred as related to 08-cv-1034 and declined by Judge Shira A. Scheindlin and returned to wheel for assignment. (pgu) (Entered: 05/20/2013)
05/20/2013	<u>3</u>	NOTICE OF CASE ASSIGNMENT to Judge Jesse M. Furman. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 05/20/2013)
05/20/2013		Magistrate Judge Kevin Nathaniel Fox is so designated. (pgu) (Entered: 05/20/2013)
05/21/2013	<u>4</u>	ORDER FOR INITIAL PRETRIAL CONFERENCE: As the case is designated for inclusion in the Court's Plan for Section 1983 cases against the New York City Police Department, it is hereby ORDERED that counsel for all parties appear for an Initial Conference set for 1/22/2014 at 03:00 PM in Courtroom 1105, 40 Centre Street, New York, NY 10007 before Judge Jesse M. Furman. (Signed by Judge Jesse M. Furman on 5/21/2013) (ab) (Entered: 05/21/2013)
05/22/2013	<u>5</u>	NOTICE OF APPEARANCE by Patrick Neil Beath on behalf of City of New York, Raymond W. Kelly (Beath, Patrick) (Entered: 05/22/2013)
05/29/2013	<u>6</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. Marc Busell served on 5/11/2013, answer due 6/3/2013; Cintron served on 5/11/2013, answer due 6/3/2013; City of New York served on 5/9/2013, answer due 5/30/2013; Andry Duarte served on 5/24/2013, answer due 6/14/2013; Bryan J. Flynn served on 5/10/2013, answer due 5/31/2013; Russell J. Green served on 5/11/2013, answer due 6/3/2013; John Hart served on 5/11/2013, answer due 6/3/2013; Edwin Jerez served on 5/11/2013, answer due 6/3/2013; Raymond W. Kelly served on 5/13/2013, answer due 6/3/2013; Kevin M. Martin served on 5/11/2013, answer due 6/3/2013; Malvi Moncion served on 5/11/2013, answer due 6/3/2013; Primitivo Montanez served on 5/11/2013, answer due 6/3/2013. Service was accepted by Dmitriy Aronov, P.O. Mr. Calvin, Sgt. 'Jane' Fontanez, David Goldfarb, Esq., P.O. Mr. Alexander, and P.O. Mr. Gonzalez. Document filed by Abraham Collins; Maurosol Felix; Angel Sanchez; Danilo Melendez; Francisco Zapata. (Shapiro, Samuel) (Entered: 05/29/2013)
05/30/2013	<u>7</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against Marc Busell, Diana Castro, Cintron, City of New York, John/Jane Does # 1-4, Andry Duarte, Bryan J. Flynn, Russell J. Green, Guagliardi, John Hart, Edwin Jerez, Raymond W. Kelly, Kevin M. Martin, Malvi Moncion, Primitivo Montanez, Richard Roes # 1-10, Steven Lancia with JURY DEMAND. Document filed by Abraham Collins,

		Maurosol Felix, Angel Sanchez, Danilo Melendez, Francisco Zapata, Anthony Fearon. Related document: <u>1</u> Complaint, filed by Danilo Melendez, Abraham Collins, Francisco Zapata, Maurosol Felix, Angel Sanchez.(tro) (Entered: 06/07/2013)
05/30/2013		SUMMONS ISSUED as to Marc Busell, Diana Castro, Cintron, City of New York, John/Jane Does # 1-4, Andry Duarte, Bryan J. Flynn, Russell J. Green, Guagliardi, John Hart, Edwin Jerez, Raymond W. Kelly, Steven Lancia, Kevin M. Martin, Malvi Moncion, Primitivo Montanez, Richard Roes # 1-10. (tro) (Entered: 06/07/2013)
06/11/2013	<u>8</u>	ENDORSED LETTER addressed to Judge Jesse M. Furman from Patrick Beath dated 6/10/2013 re: Defendants write, with consent of plaintiff's counsel, to respectfully request (1) an enlargement of time until August 2, 2013, to answer or otherwise respond to the amended complaint, and (2) that the initial conference in this matter be rescheduled from January 22, 2014, to a date convenient to the Court which is closer in time to August 2, 2013. ENDORSEMENT: Application GRANTED. All defendants are granted an extension to August 2, 2013, to respond to the Complaint. In addition, the pretrial conference is rescheduled for August 14, 2013, at 2:30 pm., Marc Busell answer due 8/2/2013; Diana Castro answer due 8/2/2013; Cintron answer due 8/2/2013; City of New York answer due 8/2/2013; John/Jane Does # 1-4 answer due 8/2/2013; Andry Duarte answer due 8/2/2013; Bryan J. Flynn answer due 8/2/2013; Russell J. Green answer due 8/2/2013; Guagliardi answer due 8/2/2013; John Hart answer due 8/2/2013; Edwin Jerez answer due 8/2/2013; Raymond W. Kelly answer due 8/2/2013; Steven Lancia answer due 8/2/2013; Kevin M. Martin answer due 8/2/2013; Malvi Moncion answer due 8/2/2013; Primitivo Montanez answer due 8/2/2013; Richard Roes # 1-10 answer due 8/2/2013., (Initial Conference set for 8/14/2013 at 02:30 PM before Judge Jesse M. Furman.) (Signed by Judge Jesse M. Furman on 6/11/2013) (lmb) (Entered: 06/11/2013)
06/14/2013	<u>9</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,, City of New York served on 6/4/2013, answer due 8/2/2013; Raymond W. Kelly served on 6/4/2013, answer due 8/2/2013. Service was accepted by Dmitriy Aronov. Document filed by Abraham Collins; Anthony Fearon; Maurosol Felix; Angel Sanchez; Danilo Melendez; Francisco Zapata. (Rosenfeld, Katherine) (Entered: 06/14/2013)
06/19/2013	<u>10</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,, Steven Lancia served on 6/13/2013, answer due 8/2/2013. Service was accepted by P.O. 'Jane' Francis, Co-Worker of the Defendant. Service was made by Mail. Document filed by Abraham Collins; Anthony Fearon; Maurosol Felix; Angel Sanchez; Danilo Melendez; Francisco Zapata. (Rosenfeld, Katherine) (Entered: 06/19/2013)
07/24/2013	<u>11</u>	NOTICE of Notice of Voluntary Dismissal of Fourth, Fifth, and Sixth Claims Against Defendant The City of New York Without Prejudice. Document filed by Abraham Collins, Anthony Fearon, Maurosol Felix, Danilo Melendez, Angel Sanchez, Francisco Zapata. (Rosenfeld, Katherine) (Entered: 07/24/2013)
07/26/2013	<u>12</u>	NOTICE OF VOLUNTARY DISMISSAL OF FOURTH, FIFTH, AND SIXTH CLAIMS FOR RELIEF AGAINST DEFENDANT THE CITY OF NEW YORK PURSUANT TO F.R.C.P. 41(a): PLEASE TAKE NOTICE that pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs MAUROSOL FELIX; DANILO MELENDEZ; ABRAHAM COLLINS; FRANCISCO ZAPATA; and ANTHONY FEARON, by their attorneys Emery Celli Brinckerhoff & Abady LLP and The Bronx Defenders, hereby dismiss, without prejudice, the following claims in the Amended Complaint in the above-captioned action against defendant the City of New York only: Fourth Claim For Relief (Malicious Prosecution); Fifth Claim for Relief (Violation of N.Y. Crim. Proc. Law § 160.10); and Sixth Claim for Relief (Negligent Hiring/Training/Discipline/Retention of Employment Services). (Signed by Judge Jesse M. Furman on 7/26/2013) (lmb) (Entered: 07/26/2013)
08/01/2013	<u>13</u>	ENDORSED LETTER: addressed to Judge Jesse M. Furman from Patrick Beath dated 7/31/2013 re: Counsel for defendants City and Kelly respectfully request that their time to answer or move to dismiss the amended complaint be extended to

		<p>August 16, 2013, and it is further requested that the individual defendants obligation to answer the complaint be stayed until the resolution of the IAB investigation in the incidents underlying the complaint ENDORSEMENT: The City and Raymond Kelly are granted until August 16, 2013, to respond to the complaint. No further extensions will be granted. The Court reserves judgment on the request for a stay with respect to the individual defendants. The City Law Department is directed to submit a letter no later than August 5, 2013, advising the Court with respect to how long the IAB investigation is anticipated to take. Plaintiffs may submit a letter, not to exceed three pages, in response to the request for a stay, no later than August 7, 2013. (Signed by Judge Jesse M. Furman on 8/1/2013) (js) Modified on 8/1/2013 (js). (Entered: 08/01/2013)</p>
08/06/2013	<u>14</u>	<p>LETTER addressed to Judge Jesse M. Furman from Patrick Beath dated 8/5/2013 re: I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, and one of the attorneys assigned to represent defendants City of New York (City) and Raymond Kelly in the above-referenced matter. Defendants write in accordance with Your Honors Order, dated August 1, 2013, which, in relevant part, directed defendants to inform the Court as to the anticipated length of the Internal Affairs Bureau (IAB) investigation into the incident underlying the suit. Upon information and belief, IAB cannot undertake any substantive investigative actions until it has received statements from the plaintiffs in this matter. In this regard, plaintiffs have agreed to provide to IAB copies of their N.Y. Gen. Mun. Law. 50-h testimony by early September 2013. IAB estimates that, following receipt of plaintiffs 50-h testimony, the investigation will take between eleven and twelve months. Document filed by City of New York, Raymond W. Kelly.(rsh) (Entered: 08/06/2013)</p>
08/08/2013	<u>15</u>	<p>ENDORSED LETTER addressed to Judge Jesse M. Furman from Samuel Shapiro and Scott D. Levy dated 8/7/2013 re: Pursuant to the Court's direction, we write to oppose defendants' request for a one-year stay of this case pending an Internal Affairs Bureau (IAB) investigation into plaintiffs' allegations. Defendants offer no persuasive justification for their attempt to delay this case for an additional year. Their request should be denied. ENDORSEMENT: Substantially for the reasons set forth herein, the Court declines to issue a sua sponte stay. Plaintiffs shall file their Second Amended Complaint by September 6, 2013. All defendants are granted an extension to respond to the complaint until fourteen days after Plaintiffs file their Second Amended Complaint., (Amended Pleadings due by 9/6/2013.) (Signed by Judge Jesse M. Furman on 8/8/2013) (lmb) Modified on 8/12/2013 (lmb). (Entered: 08/08/2013)</p>
08/12/2013	<u>16</u>	<p>AFFIDAVIT OF SERVICE of Summons and Amended Complaint,, Diana Castro served on 8/1/2013, answer due 8/22/2013. Service was accepted by Ms. Vegas, co-worker of the Defendant. Document filed by Abraham Collins; Anthony Fearon; Maurosol Felix; Angel Sanchez; Danilo Melendez; Francisco Zapata. (Shapiro, Samuel) (Entered: 08/12/2013)</p>
08/12/2013	<u>17</u>	<p>REVISED SCHEDULING ORDER: In light of Plaintiffs' plan to file an amended complaint and Defendants' extension of time to respond to the complaint, IT IS HEREBY ORDERED that the conference in this matter, previously scheduled for August 14, 2013, at 2:30 p.m., is RESCHEDULED for September 23, 2013, at 2:30 p.m., in Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York. Initial Conference set for 9/23/2013 at 02:30 PM in Courtroom 1105, 40 Centre Street, New York, NY 10007 before Judge Jesse M. Furman. (Signed by Judge Jesse M. Furman on 8/12/2013) (lmb) (Entered: 08/12/2013)</p>
09/06/2013	<u>18</u>	<p>SECOND AMENDED COMPLAINT amending <u>7</u> Amended Complaint,, against All Defendants with JURY DEMAND.Document filed by Abraham Collins, Anthony Fearon, Maurosol Felix, Angel Sanchez, Danilo Melendez, Francisco Zapata. Related document: <u>7</u> Amended Complaint,, filed by Danilo Melendez, Abraham Collins, Francisco Zapata, Anthony Fearon, Maurosol Felix, Angel Sanchez.(ama) (ca). (Entered: 09/09/2013)</p>
09/06/2013		<p>***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Katherine R. Rosenfeld to E-MAIL the PDF for Document <u>18</u> Amended Complaint, to: caseopenings@nysd.uscourts.gov. (ama) (Entered: 09/09/2013)</p>

09/12/2013	<u>19</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. City of New York served on 9/9/2013, answer due 9/30/2013. Service was accepted by Madelyn Santana. Document filed by Abraham Collins; Anthony Fearon; Maurosol Felix; Angel Sanchez; Danilo Melendez; Francisco Zapata. (Shapiro, Samuel) (Entered: 09/12/2013)
09/18/2013	<u>20</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. Marc Busell served on 9/11/2013, answer due 10/2/2013; Diana Castro served on 9/11/2013, answer due 10/2/2013; Cintron served on 9/11/2013, answer due 10/2/2013; Andry Duarte served on 9/11/2013, answer due 10/2/2013; Bryan J. Flynn served on 9/11/2013, answer due 10/2/2013; John Hart served on 9/11/2013, answer due 10/2/2013; Edwin Jerez served on 9/11/2013, answer due 10/2/2013; Kevin M. Martin served on 9/11/2013, answer due 10/2/2013; Malvi Moncion served on 9/11/2013, answer due 10/2/2013; Primitivo Montanez served on 9/11/2013, answer due 10/2/2013. Service was accepted by P.O. "Jane" Palacios, Regina Cooley, and P.O. "John" Dennis. Document filed by Abraham Collins; Anthony Fearon; Maurosol Felix; Angel Sanchez; Danilo Melendez; Francisco Zapata. (Shapiro, Samuel) (Entered: 09/18/2013)
09/19/2013	<u>21</u>	LETTER addressed to Judge Jesse M. Furman from Samuel Shapiro dated September 19, 2013 re: Initial Case Management Conference. Document filed by Abraham Collins, Anthony Fearon, Maurosol Felix, Danilo Melendez, Angel Sanchez, Francisco Zapata. (Attachments: # <u>1</u> Exhibit A)(Shapiro, Samuel) (Entered: 09/19/2013)
09/23/2013	<u>22</u>	REVISED SCHEDULING ORDER: As discussed during the initial pre-trial conference held on September 23, 2013, IT IS HEREBY ORDERED that the deadline for all Defendants to respond to Plaintiffs' Amended Complaint is extended until November 7, 2013. If any Defendant files a motion to dismiss the Amended Complaint, Plaintiffs' opposition shall be due two weeks thereafter and any reply one week thereafter. All other deadlines remain as indicated in the Case Management Plan. (Signed by Judge Jesse M. Furman on 9/23/2013) (mro) Modified on 9/24/2013 (mro). (Entered: 09/24/2013)
09/23/2013		Set/Reset Deadlines: Marc Busell answer due 11/7/2013; Diana Castro answer due 11/7/2013; Cintron answer due 11/7/2013; City of New York answer due 11/7/2013; Andry Duarte answer due 11/7/2013; Bryan J. Flynn answer due 11/7/2013; Russell J. Green answer due 11/7/2013; Guagliardi answer due 11/7/2013; John Hart answer due 11/7/2013; Edwin Jerez answer due 11/7/2013; John/Jane Does # 1-5 answer due 11/7/2013; Raymond W. Kelly answer due 11/7/2013; Steven Lancia answer due 11/7/2013; Kevin M. Martin answer due 11/7/2013; Malvi Moncion answer due 11/7/2013; Primitivo Montanez answer due 11/7/2013; Richard Roes # 1-10 answer due 11/7/2013. (mro) (Entered: 09/24/2013)
09/23/2013	<u>23</u>	CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: All parties do not consent to conduct all further proceedings before a United States Magistrate Judge, including motions and trial. This case is to be tried to a jury. Counsel for the parties have conferred, and the present best estimate of the length of trial is 10 trial days. As discussed on the record at the initial conference, the parties shall meet and confer with respect to limited discovery of documents relating to operations orders and advise the Court by joint letter, no later than noon on Sept. 25, 2013, if they agree on the matter or, if not, the nature of the disagreement. The City shall produce CCRB indexes by Sept. 27, 2013, and the parties shall confer with respect to any additional related discovery by the close of business on Sept. 30, 2013. The parties shall submit a joint letter with respect to any agreement or disagreement on that score no later than October 1, 2013. Fact Discovery due by 3/7/2014. Expert Discovery due by 4/21/2014. Pretrial Conference set for 3/11/2014 at 03:00 PM in Courtroom 1105, 40 Centre Street, New York, NY 10007 before Judge Jesse M. Furman. (Signed by Judge Jesse M. Furman on 9/23/2013) (lmb) (Entered: 09/24/2013)
09/23/2013		Minute Entry for proceedings held before Judge Jesse M. Furman: Initial Pretrial Conference held on 9/23/2013. Katherine Rosenfeld, Samuel Shapiro and Scott Levy present for the Plaintiffs. Patrick Beath and Rachel Seligman present for the Defendants. (ab) (Entered: 09/25/2013)

09/24/2013	<u>24</u>	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. Russell J. Green served on 9/18/2013, answer due 11/7/2013; Raymond W. Kelly served on 9/19/2013, answer due 11/7/2013; Steven Lancia served on 9/18/2013, answer due 11/7/2013. Service was accepted by Ms. Watson and Eileen Flaherty. Document filed by Abraham Collins; Anthony Fearon; Maurosol Felix; Angel Sanchez; Danilo Melendez; Francisco Zapata. (Shapiro, Samuel) (Entered: 09/24/2013)
09/25/2013	<u>25</u>	LETTER addressed to Judge Jesse M. Furman from Samuel Shapiro dated September 25, 2013 re: Limited Discovery Relating to Operations Order #49. Document filed by Abraham Collins, Anthony Fearon, Maurosol Felix, Danilo Melendez, Angel Sanchez, Francisco Zapata.(Shapiro, Samuel) (Entered: 09/25/2013)
09/30/2013	<u>26</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 Kevin Nathaniel Fox. (Signed by Judge Jesse M. Furman on 9/30/2013) (lmb) (Entered: 09/30/2013)
10/01/2013	<u>27</u>	LETTER MOTION for Extension of Time to File <i>Joint Letter Concerning Scope of Initial Limited Discovery</i> addressed to Judge Jesse M. Furman from Patrick Beath dated October 1, 2013. Document filed by Marc Busell, City of New York, Russell J. Green, John Hart.(Beath, Patrick) (Entered: 10/01/2013)
10/02/2013	28	ORDER granting <u>27</u> Letter Motion for Extension of Time to File letter regarding the parties' agreement (or lack thereof) over the scope of discovery. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 10/02/2013)
10/03/2013	<u>29</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 9/23/2013 before Judge Jesse M. Furman. Court Reporter/Transcriber: Alena Lynch, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/28/2013. Redacted Transcript Deadline set for 11/7/2013. Release of Transcript Restriction set for 1/4/2014.(Rodriguez, Somari) (Entered: 10/03/2013)
10/03/2013	<u>30</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 9/23/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 10/03/2013)
10/04/2013	<u>31</u>	ORDER: Settlement Conference set for 10/29/2013 at 02:30 PM in Courtroom 228, 40 Centre Street, New York, NY 10007 before Magistrate Judge Kevin Nathaniel Fox. (Signed by Magistrate Judge Kevin Nathaniel Fox on 10/4/2013) (tn) (Entered: 10/04/2013)
10/04/2013	<u>32</u>	LETTER addressed to Judge Jesse M. Furman from Katherine Rosenfeld dated 10/4/2013 re: Joint Letter on Behalf of All Parties Concerning Scope of Discovery. Document filed by Abraham Collins, Anthony Fearon, Maurosol Felix, Danilo Melendez, Angel Sanchez, Francisco Zapata.(Rosenfeld, Katherine) (Entered: 10/04/2013)
10/04/2013	<u>33</u>	MEMO ENDORSEMENT on re: <u>32</u> Letter, filed by Danilo Melendez, Abraham Collins, Francisco Zapata, Anthony Fearon, Maurosol Felix, Angel Sanchez. ENDORSEMENT: So ordered. (Signed by Judge Jesse M. Furman on 10/4/2013) (lmb) (Entered: 10/07/2013)
10/23/2013	<u>34</u>	ENDORSED LETTER addressed to Magistrate Judge Kevin Nathaniel Fox from Katherine Rosenfeld, Samuel Shapiro and Scott D. Levy dated 10/22/2013 re: Counsel for plaintiffs requests plaintiffs' absence from the settlement conference. ENDORSEMENT: Plaintiff Maurosol Felix may participate in the settlement conference via telephone, owing to his "serious illness." Mr. Felix must be on the telephone for the duration of the conference. Mr. Felix should call (212) 805-6705 at least five minutes prior to the commencement of the settlement conference. All other plaintiffs must appear at the courthouse to participate in the settlement

		conference. (Signed by Magistrate Judge Kevin Nathaniel Fox on 10/23/2013) (tn) (Entered: 10/23/2013)
10/29/2013		Minute Entry for proceedings held before Magistrate Judge Kevin Nathaniel Fox: Settlement Conference was held on 10/29/2013. The parties were unable to resolve their dispute. (Midwood, Laura) (Entered: 10/30/2013)
11/06/2013	<u>35</u>	LETTER MOTION for Extension of Time <i>to file motion to dismiss</i> addressed to Judge Jesse M. Furman from Rachel Seligman Weiss dated November 6, 2013. Document filed by City of New York.(Seligman, Rachel) (Entered: 11/06/2013)
11/06/2013	36	ORDER granting <u>35</u> Letter Motion for Extension of Time as modified. Defendants' deadline to file a motion to dismiss is extended to November 27, 2013. Any opposition shall be filed by December 13, 2013, and any reply by December 20, 2013. No further extensions will be granted on the basis of the ongoing settlement negotiations or Rule 68 offer of judgment. Further, the discovery deadlines remain in effect and will not be extended on these bases. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 11/06/2013)
11/07/2013	<u>37</u>	NOTICE OF APPEARANCE by Mitchell Garber on behalf of Andry Duarte. (Garber, Mitchell) (Entered: 11/07/2013)
11/07/2013	<u>38</u>	ANSWER to <u>18</u> Amended Complaint, with JURY DEMAND., CROSSCLAIM against City of New York. Document filed by Andry Duarte.(Garber, Mitchell) (Entered: 11/07/2013)
11/07/2013	<u>39</u>	NOTICE OF APPEARANCE by Anthony J. DiFiore on behalf of Diana Castro, Bryan J. Flynn. (DiFiore, Anthony) (Entered: 11/07/2013)
11/07/2013	<u>40</u>	NOTICE OF APPEARANCE by Andrew C Quinn on behalf of Diana Castro, Bryan J. Flynn. (Quinn, Andrew) (Entered: 11/07/2013)
11/07/2013	<u>41</u>	LETTER MOTION for Extension of Time <i>to File Answer or Move to Dismiss</i> addressed to Judge Jesse M. Furman from Anthony J. DiFiore dated November 7, 2013. Document filed by Diana Castro, Bryan J. Flynn.(DiFiore, Anthony) (Entered: 11/07/2013)
11/07/2013		SECTION 1983 PLAN 100-DAY REVIEW: The mediator shall be available to the parties throughout the discovery phase of the Plan and shall schedule and hold the first mediation session in the case within ten (10) days of the close of the discovery period. In the event that the mediation cannot begin within the time set forth herein, the assigned mediator shall promptly notify the Mediation Supervisor of the date by which the mediation will begin and the reason for the delay. The mediator shall correspond with the Mediation Office to arrange a mutually convenient date and time to hold the first session. 1983-Plan Review due by 2/15/2014. Mediator to be Assigned by 11/18/2013.(rpr) (Entered: 11/08/2013)
11/07/2013		NOTICE OF SELECTION FOR MEDIATION: This case has been selected for participation in the Southern District of New York's mediation program.(rpr) (Entered: 11/08/2013)
11/08/2013	<u>42</u>	ORDER granting <u>41</u> Letter Motion for Extension of Time. Application GRANTED. (Signed by Judge Jesse M. Furman on 11/7/2013) (lmb) Modified on 11/8/2013 (lmb). (Entered: 11/08/2013)
11/08/2013		Set/Reset Deadlines: Diana Castro answer due 11/27/2013; Bryan J. Flynn answer due 11/27/2013. (lmb) (Entered: 11/08/2013)
11/08/2013		NOTICE OF MEDIATOR ASSIGNMENT – Notice of assignment of mediator.(cda) (Entered: 11/08/2013)
11/26/2013	<u>43</u>	AMENDED ANSWER to <u>18</u> Amended Complaint, with JURY DEMAND., CROSSCLAIM against City of New York. Document filed by Cintron, Kevin M. Martin, Edwin Jerez, Andry Duarte. (Garber, Mitchell) (Entered: 11/26/2013)
11/26/2013	<u>44</u>	NOTICE OF APPEARANCE by Mitchell Garber on behalf of Cintron, Edwin Jerez, Kevin M. Martin. (Garber, Mitchell) (Entered: 11/26/2013)

11/26/2013	<u>45</u>	NOTICE OF APPEARANCE by John William Burns on behalf of Cintron, Andry Duarte, Edwin Jerez, Kevin M. Martin. (Burns, John) (Entered: 11/26/2013)
11/26/2013	<u>46</u>	NOTICE OF APPEARANCE by Douglas LaBarbera on behalf of Cintron, Andry Duarte, Edwin Jerez, Kevin M. Martin. (LaBarbera, Douglas) (Entered: 11/26/2013)
11/27/2013	<u>47</u>	ANSWER to <u>18</u> Amended Complaint, with JURY DEMAND., CROSSCLAIM against City of New York. Document filed by Bryan J. Flynn, Diana Castro.(DiFiore, Anthony) (Entered: 11/27/2013)
12/18/2013	<u>48</u>	STIPULATION OF DISMISSAL OF CROSS CLAIMS: that the cross-claims asserted against defendant City of New York are hereby dismissed pursuant to Federal Rule of Civil Procedure 41(c), with prejudice, and without costs, expenses, or attorneys' fees to any party. (Signed by Judge Jesse M. Furman on 12/18/2013) (tn) (Entered: 12/18/2013)
12/18/2013	<u>49</u>	STIPULATION OF DISMISSAL OF CROSS CLAIMS: The cross-claims asserted against defendant City of New York are hereby dismissed pursuant to Federal Rule of Civil Procedure 41(c), with prejudice, and without costs, expenses, or attorneys' fees to any party. All claims and cross-claims in this case having been resolved, the Clerk of Court is directed to close the case. (Signed by Judge Jesse M. Furman on 12/18/2013) (tn) (Entered: 12/18/2013)
12/18/2013		Terminate Transcript Deadlines (tn) (Entered: 12/18/2013)
12/30/2013	<u>50</u>	LETTER MOTION for Extension of Time <i>to file Motion for Attorneys' Fees and Costs</i> addressed to Judge Jesse M. Furman from Samuel Shapiro dated December 30, 2013. Document filed by Abraham Collins, Anthony Fearon, Maurosol Felix, Danilo Melendez, Angel Sanchez, Francisco Zapata.(Shapiro, Samuel) (Entered: 12/30/2013)
12/31/2013	51	ORDER granting <u>50</u> Letter Motion for Extension of Time to file application for attorney's fees and costs. Any application must be filed by January 31, 2014; any opposition is due by February 14, 2014; and any reply is due by February 21, 2014. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 12/31/2013)
01/07/2014	<u>52</u>	JUDGMENT PURSUANT TO FED. R. CIV. P. 68: in favor of Danilo Melendez against City of New York in the amount of \$12,501.00; in favor of Angel Sanchez against City of New York in th amount of \$12,501.00; in favor of Anthony Fearon against City of New York in the amount of \$17,501.00; in favor of Abraham Collins against City of New York in the amount of \$12,501.00; in favor of Francisco Zapata against City of New York in the amount of \$50,001.00; and in favor of Maurosol Felix against City of New York in the amount of \$ 50,001.00. (Signed by Judge Jesse M. Furman on 12/18/2013) (Attachments: # <u>1</u> Notice of Right to Appeal)(dt) (Entered: 01/08/2014)
02/03/2014	<u>53</u>	STIPULATION AND ORDER OF SETTLEMENT OF ATTORNEYS' FEES: IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows: 1. Defendant City of New York shall pay to plaintiffs' counsel, Emery Celli Brinkerhoff & Abady LLP and The Bronx Defenders, the sum total of ONE-HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) in full satisfaction of plaintiffs' attorneys' fees, expenses and costs. Such sum shall be paid by check made payable to Emery Celli Brinckerhoff & Abady LLP within ninety (90) days of the date of this Stipulation. 2, In consideration for the payment of this sum, plaintiffs, Emery Celli Brinckerhoff & Abady LLP, and The Bronx Defenders do hereby release and discharge the defendants, their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses and costs relating to this matter as further set forth in this order. (Signed by Judge Jesse M. Furman on 2/3/2014) (lmb) (Entered: 02/03/2014)