

**U.S. District Court
Eastern District of New York (Hauppauge)
CIVIL DOCKET FOR CASE #: 0:99-cv-04238-DRH**

Iaffaldano v. County of Nassau, et al
Assigned to: Judge Denis R. Hurley
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 07/27/1999
Date Terminated: 01/11/2005
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

John Iaffaldano
*on behalf of himself and all others
similarly situated*

represented by **Jeffrey G. Smith**
Wolf Haldenstein Adler Freeman & Herz
270 Madison Avenue
New York, NY 10016
212 545-4600
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John M. Cromwell
CROMWELL & YERMAN
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Robert L. Herbst
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V.

Defendant

County of Nassau

represented by **Paul F. Millus**
Meyer Suozzi English & Klein, P.C.
990 Stewart Avenue
Suite 300
Garden City, NY 11530
516-741-6565
Fax: 516-741-6706
Email: pmillus@msek.com
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Defendant

Thomas S. Gulotta
Nassau County Executive
TERMINATED: 11/22/1999

represented by **Paul F. Millus**
(See above for address)
TERMINATED: 11/22/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Nassau County Sheriff's Department

represented by **Paul F. Millus**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**Division of Corrections**

represented by **Paul F. Millus**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Joseph P. Jablonsky
Sheriff of Nassau County

represented by **Paul F. Millus**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Port Washington Police District
TERMINATED: 06/16/2000

represented by **Lindafel Lynnette Sarno**
Seyfarth Shaw
620 Eighth Avenue
New York, NY 10018
212-218-55200
Fax: 212-218-5526
Email: Lsarno@seyfarth.com
*TERMINATED: 06/16/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

William Kilfoil
*Chief of Police, Port Washington Police
Department
TERMINATED: 06/16/2000*

represented by **Lindafel Lynnette Sarno**
(See above for address)
*TERMINATED: 06/16/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/27/1999	1	COMPLAINT filed and summons(es) issued for County of Nassau, Thomas S. Gulotta, Nassau County Sherif, Division of Correcti, Joseph P. Jablonsky, Port Washington Poli, William Kilfoil FILING FEE \$ 150.00 RECEIPT # 221562 (Campbell, Jennifer) (Entered: 07/30/1999)
08/12/1999	2	NOTICE of attorney appearance for Joseph P. Jablonsky, Division of Correcti, Nassau County Sherif, Thomas S. Gulotta, County of Nassau by Paul F. Millus (Warner, Pam) (Entered: 08/19/1999)
08/12/1999	3	RETURN OF SERVICE executed as to Joseph P. Jablonsky 8/9/99 Answer due on 8/29/99 for Joseph P. Jablonsky (Warner, Pam) (Entered: 08/19/1999)
08/12/1999	3	RETURN OF SERVICE executed as to Nassau County Sherif 8/9/99 Answer due on 8/29/99 for Nassau County Sherif (Warner, Pam) (Entered: 08/19/1999)
08/12/1999	3	RETURN OF SERVICE executed as to Thomas S. Gulotta, County of Nassau 8/4/99 Answer due on 8/24/99 for County of Nassau, for Thomas S. Gulotta (Warner, Pam) (Entered: 08/19/1999)
08/12/1999	3	RETURN OF SERVICE executed as to William Kilfoil, Port Washington Poli 8/5/99 Answer due on 8/25/99 for Port Washington Poli, for William Kilfoil (Warner, Pam) (Entered: 08/19/1999)
09/15/1999	4	STIPULATION and ORDER, extending time , and resetting answer due for 9/22/99 for County of Nassau, for Thomas S. Gulotta, for Nassau County Sherif, for Division of Correcti, for Joseph P. Jablonsky, for Port Washington Poli, for William Kilfoil (signed by Judge Denis Hurley , on 9/8/99) (Bollbach, Jean) (Entered: 09/15/1999)

09/29/1999	5	Letter MOTION by John Iaffaldano to schedule a joint initial conference in 99 CV 3126, 99 CV 2844, and 99 CV 4238 , Motion hearing (Branciforte, Ralph) Modified on 11/04/1999 (Entered: 10/05/1999)
09/29/1999		Endorsed order granting [5-1] motion to schedule a joint initial conference in 99 CV 3126, 98 CV 2844, and 99 CV 4238 (Signed by Magistrate-Judge Arlene R. Lindsay , on 9/29/99) EOD# 5 CF (Branciforte, Ralph) (Entered: 10/05/1999)
09/30/1999	6	Letter MOTION by Thomas S. Gulotta, County of Nassau for a pre-motion conference for a motion to dismiss pursuant to Rule 12(b)(6). Motion hearing (Branciforte, Ralph) (Entered: 10/06/1999)
09/30/1999		Endorsed order terminating [6-1] motion for a pre-motion conference. No conference is required for a 12(b)(6) motion. Defendant's to serve motion by 11/1/99 , Response to motion by 12/1/99 , Reply to Response to Motion on 1/4/00 , setting motion filing deadline for 1/4/00 (Signed by Judge Denis Hurley , on 9/30/99) EOD# 6 CM (Branciforte, Ralph) (Entered: 10/06/1999)
10/01/1999	7	ANSWER to Complaint by Joseph P. Jablonsky, Nassau County Sherif, County of Nassau (Branciforte, Ralph) (Entered: 10/21/1999)
10/08/1999	8	STIPULATION and ORDER, resetting answer due for 9/29/99 for Port Washington Poli, for William Kilfoil (signed by Judge Denis Hurley , on 10/8/99) CM (Branciforte, Ralph) (Entered: 10/21/1999)
11/16/1999	9	Calendar entry: Before USMJ Lindsay on 11/6/99. Counsel on civil action numbers: 99 CV 2844; 99 CV 3126; and 99 CV 4238 are to appear before the undersigned for an initial conference on 1/6/00 at 2:00 PM. CM (Branciforte, Ralph) (Entered: 11/23/1999)
11/22/1999	10	STIPULATION and ORDER Plaintiff withdraws any and all claims in this action against County Executive Thomas S. Gulotta, without prejudice. In the event that plaintiff allegedly determines that County executive Thomas S. Gulotta should be reinstated as a proper party defendant, plaintiff must seek leave of the Court to do so, unless otherwise stipulated between the parties. In the event that plaintiff seeks to reinstate the claims in this action against County executive Thomas S. Gulotta, while preserving any and all other defenses to such claims, defendants shall not raise the Statute of Limitations as a bar to such claims. (signed by Judge Denis Hurley , on 11/22/99) (Branciforte, Ralph) (Entered: 11/30/1999)
12/22/1999	11	LETTER dated 10/14/99 from Jeffrey G. Smith to Judge Hurley re: plaintiff's proposed motion to strike. (Sapienza, Lorraine) (Entered: 12/22/1999)
12/22/1999	12	Letter MOTION by Port Washington Poli for leave to file Motion to Dismiss , Motion hearing (Branciforte, Ralph) (Entered: 01/05/2000)
12/22/1999		Endorsed order granting the Port Washington defendants [12-1] motion for leave to file Motion to Dismiss. The parties shall confer on a briefing schedul and file all papers with the court when the motion is fully briefed. (Signed by Judge Denis Hurley , on 12/22/99) EOD# 12 (Branciforte, Ralph) (Entered: 01/05/2000)
01/06/2000		Status conference held (Branciforte, Ralph) (Entered: 01/12/2000)
01/06/2000	13	Calendar entry: Before USMJ Lindsay on 1/6/00 @ 2:00 PM. Civil Cause For Initial Confernece. Case called. Counsel for parties present. Pre-trial Scheduling order adopted. (Branciforte, Ralph) (Entered: 01/12/2000)
01/06/2000	14	SCHEDULING ORDER setting Settlement Conference by 10:30 7/20/00 ; Discovery cutoff 6/23/00 ; Pretrial order to be submitted on or before 7/14/00 ; Request for Pre-Motion 6/30/00. (signed by Magistrate Arlene R. Lindsay , on 1/6/00) CG (Branciforte, Ralph) (Entered: 01/12/2000)
02/01/2000	15	STIPULATION and ORDER Plaintiff's opposition to the Port Washington Defendants' motion to dismiss, and strike plaintiff's class allegations or, in the alternative, for summary judgment with respect to plaintiff's class allegations, shall be served by 2/22/00; Port Washington Defendants' reply papers served by 3/22/00. (signed by Judge Denis Hurley , on 2/1/00) CM (Branciforte, Ralph) (Entered: 02/02/2000)

02/22/2000	17	MOTION by William Kilfoil, Port Washington Poli to dismiss pursuant to Rule 12(b)(6) and Rule 23, determining that this action shall not be maintained as a class action against the Port Washington Defendants and to strike the allegations of the of the complaint to the extent that it purports to allege a claim for relief as a class action, or for summary judgment , Motion hearing Motion file stamped: 4/6/00 and mailed/served: 2/22/00 (Branciforte, Ralph) (Entered: 04/07/2000)
02/22/2000	18	MEMORANDUM by William Kilfoil, Port Washington Poli in support of [17-1] motion to dismiss pursuant to Rule 12(b)(6) and Rule 23, determining that this action shall not be maintained as a class action against the Port Washington Defendants and to strike the allegations of the of the complaint to the extent that it purports to allege a claim for relief as a class action, or for summary judgment. Motion file stamped: 4/6/00 and mailed/served: 2/22/00 (Branciforte, Ralph) (Entered: 04/07/2000)
02/22/2000	19	AFFIDAVIT by L. Lynnette Sarno for William Kilfoil, Port Washington Poli in support [17-1] motion to dismiss pursuant to Rule 12(b)(6) and Rule 23, determining that this action shall not be maintained as a class action against the Port Washington Defendants and strike the allegations of the of the complaint to the that it purports to allege a claim for relief as a class action, or for summary judgment. Motion file stamped: 4/6/00 and mailed/served: 2/22/00. (Branciforte, Ralph) (Entered: 04/07/2000)
02/22/2000	20	AFFIDAVIT by William Kilfoil in support of [17-1] motion to dismiss pursuant to Rule 12(b)(6) and Rule 23, determining that action shall not be maintained as a class action against Port Washington Defendants and to strike the allegations of the of the complaint to the extent that it purports to allege a claim for relief as a class action, or for summary judgment (Branciforte, Ralph) (Entered: 04/07/2000)
02/22/2000	21	MEMORANDUM by John Iaffaldano in opposition to [17-1] motion to dismiss pursuant to Rule 12(b)(6) and Rule 23, determining that this action shall not be maintained as a class action against the Port Washington Defendants and to strike the allegations of the of the complaint to the extent that it purports to allege a claim for relief as a class action, or for summary judgment. Motion file stamped: 4/6/00 and mailed/served: 2/22/00. (Branciforte, Ralph) (Entered: 04/07/2000)
03/10/2000	16	Letter MOTION by Port Washington Poli, Joseph P. Jablonsky, Division of Correcti, Nassau County Sherif, County of Nassau To modify the briefing schedule regarding the motion for injunction relief, class certification and consolidation of 99 CV 2844, 99 CV 4238, and 99 CV 3126 , Motion hearing (Branciforte, Ralph) (Entered: 03/10/2000)
03/10/2000		Endorsed order granting [16-1] motion To modify the briefing schedule regarding the motion for injunction relief, class certification and consolidation of 99 CV 2844, 99 CV 4238, and 99 CV 3126, Defendants' opposition papers served on plaintiff's counsel on 4/3/00; Reply papers due by 4/17/00 (Signed by Judge Denis Hurley , on 3/10/00) EOD# 16 (Branciforte, Ralph) (Entered: 03/10/2000)
04/06/2000	22	REPLY MEMORANDUM OF LAW by William Kilfoil, Port Washington Poli in further support of [17-1] motion to dismiss pursuant to Rule 12(b)(6) and Rule 23, determining that this action shall be maintained as a class action against the Port Washington Defendants and to strike the allegations of the of the complaint to the extent that it purports to allege a claim for relief as a class action, or for summary judgment. Motion file stamped: 4/6/00 and mailed/served: 2/22/00. (Branciforte, Ralph) (Entered: 04/07/2000)
06/06/2000	23	MEMORANDUM by William Kilfoil, Port Washington Poli in opposition to Plaintiff's motion for consolidation and class certification. (Branciforte, Ralph) (Entered: 06/08/2000)
06/06/2000	24	DECLARATION by L. Lynnette Sarno for William Kilfoil, Port Washington Poli in opposition to the motion for consolidation and class certification in 99 CV 3126. (Branciforte, Ralph) (Entered: 06/08/2000)
06/16/2000	25	PARTIAL STIPULATION and ORDER, dismissing this case with prejudice as to the defendants Port Washington Police District, William Kilfoil, Chief of Police, The Port Washington Police District (signed by Judge Denis Hurley , on 6/16/00) (Branciforte, Ralph) (Entered: 06/19/2000)

06/23/2000	27	LETTER dated 6/22/00 from Jeffrey Smith to USMJ Lindsay RE: Enclosed please find copies of plaintiff's application to Extend Deadlines in the Pre-Trial Scheduling Orders. (Branciforte, Ralph) (Entered: 07/06/2000)
06/23/2000		Endorsment on [27-1] letter. The Court declines to enter the pretrial scheduling order requested. However, a 90-day extension of discovery is granted. All discovery is to conclude by 9/25/00. Request for a pre-motion conference by 10/10/00. Joint pretrial order by 10/19/00. Settlement conference on 10/24/00 at 3:00 p.m. In the event the certification motion changes the landscape of the discovery in this matter, parties are to so advise the undersigned. (Signed by Magistrate Arlene R. Lindsay , on 6/23/00) CM (Branciforte, Ralph) (Entered: 07/06/2000)
06/23/2000		Deadline updated; resetting discovery due for 9/25/00 , resetting pretrial order due for 10/19/00 , resetting settlement conference for 3:00 10/24/00 before Magistrate Arlene R. Lindsay (Branciforte, Ralph) (Entered: 07/06/2000)
06/26/2000	26	ORDER Plaintiffs' application to extend the Scheduling Order issued by USMJ Lindsay is referred to USMJ Lindsay. In addition, the motion to dismiss filed by the Port Washington Defendants in 99 CV 4238 is administratively terminated as such defendants were dismissed from that case by order dtd. 6/16/00. (Judge Denis R. Hurley, dtd. 6/26/00) (Branciforte, Ralph) (Entered: 06/27/2000)
07/13/2000	28	ORDER, resetting settlement conference for 2:00 11/2/00 before Magistrate Arlene R. Lindsay (signed by Magistrate Arlene R. Lindsay , on 7/12/00) CM (Branciforte, Ralph) (Entered: 07/14/2000)
09/22/2000	29	ORDER, that request by counsel for defts for extension of time is denied however, a 60 day extension of discovery is granted. All discovery is to conclude by 11/27/00. The parties are advised that, due to the age of this case, no further extensions of discovery will be granted. Request for a premotion conference by 12/7/00. Joint pretrial order by 12/14/00. Settlement conference scheduled for 11/2/00 is hereby adjourned and rescheduled for 12/21/00 @2:00 (signed by Magistrate Arlene R. Lindsay , on 9/22/00) (Mierzewski, Liz) Modified on 10/04/2000 (Entered: 10/04/2000)
12/07/2000		LETTER dated 12/7/00 from counsel for plttf to Judge Hurley re: Request for a pre-motion conference. (Docketed on 99 cv 3126 #26) (Mierzewski, Liz) (Entered: 12/12/2000)
12/12/2000	30	LETTER dated 12/1/00 from Robert L. Herbst to Judge Lindsay re: Request for additional time to complete discovery in this matter. (Mierzewski, Liz) (Entered: 01/02/2001)
12/12/2000	31	Letter MOTION to extend time for the settlement conference scheduled for 12/21/00 , Motion hearing [31-1] motion (Mierzewski, Liz) (Entered: 01/02/2001)
12/12/2000	31	ORDER granting [31-1] motion to extend time for the settlement conference scheduled for 12/21/00 (signed by Magistrate Arlene R. Lindsay , on 12/12/00) cf (Mierzewski, Liz) (Entered: 01/02/2001)
02/09/2001	32	Calendar entry:, Before Magistrate Judge Lindsay dtd 2/9/01 Civil Cause for Conference. All parties present. set status conference for 10:00 3/14/01 before Magistrate Arlene R. Lindsay (Mierzewski, Liz) (Entered: 02/12/2001)
03/07/2001	33	ORDER, reset status conference for 3:00 4/2/01 (signed by Magistrate Arlene R. Lindsay , on 3/7/01) cm (Mierzewski, Liz) (Entered: 03/08/2001)
03/08/2001	34	----- MEMORANDUM and ORDER granting in part, denying in part [16-1] motion to consolidate 99 CV 2844 and 99 CV 5126 pursuant to Rule 42(a); certifying this case as a class action pursuant to Rule 23; appointing Herbst & Greenwald LLP as class and lead counsel; The motion to consolidate this case with 99 CV 2844 and 99 CV 5126 is granted. to the extent it seeks certification of a unified class action is denied and motion to appoint Herbst & Greenwald as lead counsel is denied without prejudice to renew text----- MEMORANDUM and ORDER, consolidating cases (signed by Judge Denis Hurley , on 3/8/01) (Mierzewski, Liz) (Entered: 03/12/2001)

03/08/2001		Cases associated. (Mahon, Cinthia) (Entered: 11/19/2004)
03/12/2001		Consolidated Member Case . Lead Case Number: 0cv99 2844 (Mierzewski, Liz) (Entered: 03/12/2001)
03/26/2001		LETTER dated 3/23/01 from counsel for plttfs to Judge Hurley re: Request for a pre-motion conference. (Mierzewski, Liz) (Entered: 03/27/2001)
03/26/2001	35	LETTER dated 3/26/01 from Counsel for defts to Judge Hurley re: Request that the Court deny plttfs' request for a conference and permission to file a motion to renew and reargue in this matter. (Mierzewski, Liz) (Entered: 03/30/2001)
04/02/2001		ORDER, ORDER, that the Court waives the requirement of a pre-motion conference and sets the following presumptive briefing schedule and page limitations: Plttfs shall serve their motion and 15 page limited memorandum in support on or before 4/6/01; Defts shall serve their 15 page limited memo in opposition on or before 4/13/01 and plttf shall serve their 10 page limited reply memorandum, if any, and file all papers with the Court on or before 4/17/01 (signed by Judge Denis Hurley , on 3/28/01) cm (Docketed on 99cv3126 #38) (Mierzewski, Liz) Modified on 04/02/2001 (Entered: 04/02/2001)
05/30/2001		CASE NO LONGER REFERRED TO Magistrate Arlene R. Lindsay (Garcia, Maria) (Entered: 05/30/2001)
10/20/2003	40	Letter REQUEST dtd. 10/17/03 from Paul F. Millus to Hon. J. Hurley: pursuant to the Court's rules dfts request permission to file a summary judgment motion on the issue of whether liability has been conceded for all purposes in this action against all dfts as requested in decision dtd 9/23/03. (Barhome, Sydelle) (Entered: 11/18/2003)
10/22/2003	39	Letter dtd. 10/10/03 from Paul f. Millus to Hon. J. Hurley responding to Mr. Herbst's letter to Court dtd. 10/20/03 in w hich he again seeks this Court's reconsideration of the class certification issue. Nassau county requests permission to submit a response to Mr. Herbst's letter by 11/3/01.(Barhome, Sydelle) (Entered: 11/18/2003)
12/05/2003	41	Minute Entry Case called for proceedings held before Denis R. Hurley : Final Pretrial Conference held on 12/5/2003. For Plaintiff: Robert Herbst, For Defendant: Paul Millus. Status Conference set for 1/16/2004 03:00 PM before Senior-Judge Sterling Johnson Jr. Paul Millus withdraws as counsel for the County. County Attorney to file appearance. February 2, 2004 jury selection adjourned. Parties to discuss settlement. (Mierzejewski,(Mierzejewski, Elizabeth) (Entered: 12/11/2003)
01/11/2005	<u>42</u>	ORDER DISMISSING CASE without prejudice. Signed by Judge Denis R. Hurley on 1/11/2005. (Best, Patricia) (Entered: 01/11/2005)
08/03/2005	<u>43</u>	NOTICE OF APPEAL by John Iaffaldano. Appeal Record due by 8/11/2005. (Wales, David) (Entered: 08/03/2005)
08/03/2005	<u>44</u>	NOTICE by John Iaffaldano re <u>43</u> Notice of Appeal -- <i>Notice of Attachments</i> (Wales, David) (Entered: 08/03/2005)
08/08/2005	<u>45</u>	NOTICE by John Iaffaldano re <u>43</u> Notice of Appeal - <i>EXHIBITS A through E</i> (Attachments: # <u>1</u> Exhibit Exhibits C, D, and E)(Wales, David) (Entered: 08/08/2005)
08/08/2005		Electronic Index to Record on Appeal sent to US Court of Appeals re <u>42</u> Order Dismissing Case, <u>45</u> Notice (Other), <u>43</u> Notice of Appeal, <u>44</u> Notice (Other) For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. (Romano, Daniel) (Entered: 08/08/2005)
08/08/2005		USCA Appeal Fees received \$ 255 receipt number 17184 re <u>43</u> Notice of Appeal filed by John Iaffaldano, (Romano, Daniel) (Entered: 08/10/2005)
09/30/2005	<u>46</u>	USCA Scheduling Order as to <u>43</u> Notice of Appeal filed by John Iaffaldano,. Appeal Record due by 10/5/2005.Appellant's brief due by 10/12/05, appellee's brief by 11/14/05, argued not befor 1/2/06. (Romano, Daniel) (Entered: 09/30/2005)
03/27/2008	<u>47</u>	MEMORANDUM AND OPINION granting class certification. A pre-trial conference will be held on May 9, 2008 at 2:00 pm.. See attached order.. Ordered by Senior Judge Denis R. Hurley on 3/27/2008. (Best, Patricia) (Entered: 03/27/2008)

05/01/2008	<u>48</u>	ORDER re <u>47</u> Memorandum & Opinion; That class certification is granted for damages purposes, and a damages class is hereby certified of all persons arrested for misdemeanors or non-criminal offenses in Nassau County who thereafter were strip searched at the Nassau County Correctional Center pursuant to depts' blanket policy, practice and custom which required that all arrestees be strip-searched upon admission to the facility, from May 20, 1996 until and including June 1, 1999; and that the earlier appointments of Beldock Levine & Hoffman LLP as lead class counsel and Emery Celli Brinckerhoff & Abady LLP and Wolf Haldenstein Adler Freeman & Herz LLP as class co-counsel are hereby confirmed. (Ordered by Senior Judge Denis R. Hurley on 5/1/08.) (Fagan, Linda). Ordered by Senior Judge Denis R. Hurley on 5/1/08. (Fagan, Linda) (Entered: 05/05/2008)
06/02/2009	<u>49</u>	NOTICE of Change of Address by Robert L. Herbst (Herbst, Robert) (Entered: 06/02/2009)
08/19/2009	<u>50</u>	Letter from Marilyn Block to the Clerk of Court, dated 8/12/09 re: To request to be added as a party to this class action. (Fagan, Linda) (Entered: 08/21/2009)
04/22/2010	<u>51</u>	Letter from Marilyn Bloch to Judge Hurley, dated April 16, 2010 re: To request to be designated as a "lead plaintiff" in this action. (Fagan, Linda) (Entered: 04/23/2010)
08/17/2010	<u>52</u>	NOTICE Of Attorney Appearance by Frank X. Kilgannon on behalf of Angel Ortiz. (Attachments: # <u>1</u> Affidavit of Service, # <u>2</u> Cover Letter) (Fagan, Linda) (Entered: 08/18/2010)