

CLOSED, MEDT1

U.S. District Court
United States District Court for the Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:01-cv-02600-CLB-MDF

Maneely, et al v. The City of Newburgh, et al
Assigned to: Judge Charles L. Brieant
Referred to: Magistrate Judge Mark D. Fox
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/27/2001
Date Terminated: 07/21/2005
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Timothy S. Maneely
*Individually and on behalf of all others
similarly situated*

represented by **James Edward Monroe**
Dupee, Dupee & Monroe, P.C.
30 Matthews Street
Box 470
Goshen, NY 10924
(845) 294-8900
LEAD ATTORNEY

Plaintiff

David P. LeRoy
TERMINATED: 10/22/2003

Plaintiff

Edward Jazwinski
TERMINATED: 10/22/2003

Plaintiff

Christina A. Loucks
TERMINATED: 10/22/2003

V.

Defendant

The City of Newburgh

represented by **David Merrill Posner**
Hogan & Hartson L.L.P.(NYC)
875 Third Avenue
New York, NY 10022
(212)918-8256
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LEAD ATTORNEY

Marilyn D. Berson
Corporation Counsel
The City of Newburgh

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Newburgh, NY 12550
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LEAD ATTORNEY

Monte J. Rosenstein
Monte J. Rosenstein, PC
250 Crystal Run Rd., Po Boxc 2215
Middletown, NY 10940
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Email: mjr@warwick.net
TERMINATED: 10/10/2001
LEAD ATTORNEY

William S. Badura
Kornfeld, Rew, Newman & Simeone
46 Washington Avenue
P.O. Box 177
Suffern, NY 10901
(845) 357-2660
LEAD ATTORNEY

Defendant

Andrew Marino
Mayor of the City of Newburgh
TERMINATED: 12/18/2001

represented by **Marilyn D. Berson**
(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Monte J. Rosenstein
(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Richard Golden
Burke, Miele & Golden LLP
30 Matthews Street
PO Box 216
Goshen, NY 10924
845-294-4080
TERMINATED: 12/18/2001
LEAD ATTORNEY

Defendant

Harold J. Porr, III
Manager of the City of Newburgh
TERMINATED: 12/18/2001

represented by **Marilyn D. Berson**
(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Monte J. Rosenstein

(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Richard Golden
(See above for address)
TERMINATED: 12/18/2001
LEAD ATTORNEY

Defendant

Regina M. Angelo
City Council Member
TERMINATED: 12/18/2001

represented by **Marilyn D. Berson**
(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Monte J. Rosenstein
(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Richard Golden
(See above for address)
TERMINATED: 12/18/2001
LEAD ATTORNEY

Defendant

Stephen Rockafellow
City Council Member
TERMINATED: 12/18/2001

represented by **Marilyn D. Berson**
(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Monte J. Rosenstein
(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Richard Golden
(See above for address)
TERMINATED: 12/18/2001
LEAD ATTORNEY

Defendant

Marlene A. Koisch
City Council Member
TERMINATED: 12/18/2001

represented by **Marilyn D. Berson**
(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Monte J. Rosenstein
(See above for address)
TERMINATED: 10/10/2001

LEAD ATTORNEY

Richard Golden

(See above for address)

TERMINATED: 12/18/2001

LEAD ATTORNEY

Defendant

Nicholas J. Valentine

City Council Member

TERMINATED: 12/18/2001

represented by **Marilyn D. Berson**

(See above for address)

TERMINATED: 10/10/2001

LEAD ATTORNEY

Monte J. Rosenstein

(See above for address)

TERMINATED: 10/10/2001

LEAD ATTORNEY

Richard Golden

(See above for address)

TERMINATED: 12/18/2001

LEAD ATTORNEY

Defendant

The City of Newburgh

The City of Newburgh Police

Department

represented by **Marilyn D. Berson**

(See above for address)

TERMINATED: 10/10/2001

LEAD ATTORNEY

Monte J. Rosenstein

(See above for address)

TERMINATED: 10/10/2001

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LEAD ATTORNEY

William S. Badura

(See above for address)

LEAD ATTORNEY

Defendant

William Bloom

represented by **James M. Fedorchak**

*Chief of Police for the City of
Newburgh Police Department*

Gellert & Cutler, P.C.
75 Washington Street
Poughkeepsie, NY 12601
(914) 454-3250
LEAD ATTORNEY

Marilyn D. Berson
(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Monte J. Rosenstein
(See above for address)
TERMINATED: 10/10/2001
LEAD ATTORNEY

Plaintiff

Nestor Garcia

Plaintiff

Kevin Allen Hildreth

Plaintiff

Gilberto Negrete

Plaintiff

Pablo Moza

Plaintiff

Sean M. Mesler

Plaintiff

Duane E. Johnson

Plaintiff

Crescenzo Schettini

Plaintiff

Brian O'Rourke

Plaintiff

Jason Bailey Colegrove

Plaintiff

Brian McCormick

Plaintiff

Oscar Gonzalez

Plaintiff

Michael Acevedo

Plaintiff

Efrain Santana

Plaintiff

James A. Hill

Plaintiff

Donald Eason

Plaintiff

James G. Eckert

Plaintiff

Manuel Rodriguez

ThirdParty Plaintiff

The City of Newburgh

represented by **William S. Badura**
William S. Badura
6E Heritage Drive
Harriman, NY 10926
(914) 782-6079

V.

ThirdParty Defendant

United National Insurance Company

represented by **Kevin James Harrington**
Harris Beach PLLC (Plattsburgh)
One Cumberland Avenue, P.O. Box
2947
Plattsburgh, NY 12901
914-686-4800
Fax: 914-686-4824
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

United National Insurance Company

V.

Counter Defendant

The City of Newburgh



Date Filed	#	Docket Text
03/27/2001	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 400934. (kz) (Entered: 03/28/2001)
03/27/2001		Magistrate Judge Mark D. Fox is so designated. (kz) (Entered: 03/28/2001)
04/12/2001	2	RETURN OF SERVICE of Summons & Complaint executed as to The City of Newburgh, Andrew Marino, Harold J. Porr III, Regina M. Angelo, Stephen Rockafellow, Marlene A. Koisch, Nicholas J. Valentine by Larry J. Woodruff on 4/9/01 . Answer due on 4/30/01 for The City of Newburgh, for Andrew Marino, for Harold J. Porr III, for Regina M. Angelo, for Stephen Rockafellow, for Marlene A. Koisch, for Nicholas J. Valentine . Served dfts by leaving with Lorraine Vitek, Deputy City Clerk (pf) (Entered: 04/20/2001)
04/12/2001	2	RETURN OF SERVICE of Summons & Complaint executed as to The City of Newburgh, William Bloom by Larry Woodruff on 4/9/01 . Answer due on 4/30/01 for The City of Newburgh, for William Bloom . Served by leaving with Lt. G. Fischer (pf) (Entered: 04/20/2001)
04/26/2001	3	ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE:... If such a consent order is not filed within the time provided, a pretrial conference will be held for 10:30 5/25/01 , in courtroom 521, 300 Quarropas Street, White Plains, NY... (signed by Judge Colleen McMahan) (pf) (Entered: 04/30/2001)
05/10/2001	4	ANSWER to Complaint by The City of Newburgh, Andrew Marino, Harold J. Porr III, Regina M. Angelo, Stephen Rockafellow, Marlene A. Koisch, Nicholas J. Valentine, The City of Newburgh, William Bloom (Attorney Monte J. Rosenstein from the Firm: Monte J. Rosenstein, P.C.) . (pf) (Entered: 05/10/2001)
05/25/2001	5	CONSENT SCHEDULING ORDER: Rule 26(a) discovery must be exchanged by 7/10/01; No additional parties may be joined after 10/1/01; No amendments to th epleadings after 10/1/01; All discovery shall be completed by 11/1/01; plntff's deposition shall proceed first and must be completed by 8/15/01; A joint pretrial order in the form prescribed in Judge McMahan's individual rules shall be filed by 11/10/01, together with any in limine motions and memos of law; Responses to in limine motions by 11/26/01; So ordered: (signed by Judge Colleen McMahan) ; Copies mailed. (pf) (Entered: 05/30/2001)
09/14/2001	6	Order that case be referred to a Magistrate Judge for Any and All Discovery Disputes. Referred to Magistrate Judge Mark D. Fox . (signed by Judge Colleen McMahan) (pf) (Entered: 09/21/2001)
10/10/2001	7	NOTICE OF SUBSTITUTION OF ATTORNEY for The City of Newburgh, Andrew Marino, Harold J. Porr III, Regina M. Angelo, Stephen Rockafellow, Marlene A. Koisch, Nicholas J. Valentine, The City of Newburgh, William Bloom . (Terminated attorney Monte J.

		Rosenstein for William Bloom, attorney Monte J. Rosenstein for The City of Newburgh, attorney Monte J. Rosenstein for Nicholas J. Valentine, attorney Monte J. Rosenstein for Marlene A. Koisch, attorney Monte J. Rosenstein for Stephen Rockafellow, attorney Monte J. Rosenstein for Regina M. Angelo, attorney Monte J. Rosenstein for Harold J. Porr III, attorney Monte J. Rosenstein for Andrew Marino, attorney Monte J. Rosenstein for The City of Newburgh) Added attorney Marilyn D. Berson.(dc) Modified on 10/12/2001 (Entered: 10/12/2001)
10/10/2001	8	NOTICE OF SUBSTITUTION OF ATTORNEY for Andrew Marino, Harold J. Porr III, Regina M. Angelo, Stephen Rockafellow, Marlene A. Koisch, Nicholas J. Valentine . (Terminated attorney Marilyn D. Berson for Nicholas J. Valentine, attorney Marilyn D. Berson for Marlene A. Koisch, attorney Marilyn D. Berson for Stephen Rockafellow, attorney Marilyn D. Berson for Regina M. Angelo, attorney Marilyn D. Berson for Harold J. Porr III, attorney Marilyn D. Berson for Andrew Marino) Added attorney Richard - Golden. (dc) (Entered: 10/12/2001)
10/10/2001	9	NOTICE OF SUBSTITUTION OF ATTORNEY for William Bloom. (Terminated attorney Marilyn D. Berson for William Bloom) Added attorney James M. Fedorchak. (dc) (Entered: 10/12/2001)
10/10/2001	10	NOTICE OF SUBSTITUTION OF ATTORNEY for The City of Newburgh. (Terminated attorney Marilyn D. Berson for The City of Newburgh) Added attorney David Merrill Posner. (dc) (Entered: 10/12/2001)
10/10/2001	11	ORDER: In order to facilitate the progress of pre-trial discovery of this litigation in a just, speedy and inexpensive manner,...(see document for details)...So Ordered: (signed by Magistrate Judge Mark D. Fox); Copies mailed. (pf) (Entered: 10/15/2001)
10/29/2001	12	NOTICE OF MOTION by Timothy S. Maneely pursuant to FRCP 23(a) and (b)(3), as class defined . Return date 11/16/01. (ll) (Entered: 10/30/2001)
10/29/2001	13	MEMORANDUM OF LAW by Timothy S. Maneely in support of [12-1] motion pursuant to FRCP 23(a) and (b)(3), as class defined . (ll) (Entered: 10/30/2001)
11/14/2001	14	Letter filed by The City of Newburgh, Andrew Marino, Harold J. Porr III, Regina M. Angelo, Stephen Rockafellow, Marlene A. Koisch, Nicholas J. Valentine, The City of Newburgh, William Bloom addressed to Hon. McMahon from Patrick Burke, dated Nov. 9, 2001, re: extension of time. (ll) (Entered: 11/19/2001)
11/14/2001		ORDER granting [14-1] miscellaneous ext. of time to Dec. 10, 2001. So Ordered: (signed by Judge Colleen McMahon); Copies mailed. (ll) (Entered: 11/19/2001)
11/16/2001	15	ORDER The defendant is to respond to the class motion by 12/10/01. See document for further information. Judge Colleen McMahon); Copies mailed. (fc) (Entered: 11/26/2001)

12/04/2001	16	Memo-Endorsement on letter addressed to Judge McMahon from James E. Monroe, dated December 3, 2001. Re: In an effort to avoid wasting the Court's resources in deciding the issue of legislative immunity as to these individual defendants, we are forwarding a stipulation of discontinuance to the attorneys for the City Mayor, Manager and City Council members discontinuing this action as to these defendants. Endorsed: There is no need to delay merit discovery - class discovery should already have taken place. (signed by Judge Colleen McMahon); Copies mailed. (sv) (Entered: 12/06/2001)
12/10/2001	17	MEMORANDUM OF LAW by The City of Newburgh, William Bloom in opposition to [12-1] motion pursuant to FRCP 23(a) and (b)(3), as class defined . (pf) (Entered: 12/10/2001)
12/10/2001	18	AFFIDAVIT of David L. Posner by The City of Newburgh in support of [17-1] opposition memorandum. (dc) (Entered: 12/10/2001)
12/17/2001	19	REPLY MEMORANDUM by Timothy S. Maneely re: [17-1] opposition memorandum (pf) (Entered: 12/18/2001)
12/18/2001	20	PARTIAL STIPULATION AND ORDER of dismissal; It is hereby stipulated and agreed, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued as against the defendants, Andrew Marino, Mayor of the City of Newburgh; Harold J. Porr, III Mananger of the City of Newburgh; Regina M. Angelo, City Council Member; Stephen Rockafellow, City of Council Member; Marlene A. Koisch, CIty Council Member and Nicholas J. Valentine, City Council Member without cots to either party as against the other. This stipulation may be filed without further notice with the Clerk of the Court. SO ORDERED: (signed by Judge Colleen McMahon) (sv) (Entered: 12/20/2001)
01/07/2002	21	STIPULATION and ORDER granting time to file amended answer. So Ordered: . (signed by Judge Colleen McMahon) (ll) (Entered: 01/07/2002)
01/07/2002	22	AMENDED ANSWER to Complaint by William Bloom : amends [4-1] answer (sv) (Entered: 01/09/2002)
01/07/2002	23	AMENDED ANSWER to Complaint by The City of Newburgh, William Bloom : amends [4-1] answer (sv) (Entered: 01/09/2002)
02/04/2002	24	ORDER DIRECTING DFT TO PROCURE COURT RECORDS: I have been advised that an authorization from plntff has proved insufficient to enable opposing counsel to procure the records of Mr. Maneely's case in the Town of Newburgh Justice Court. This is a repeated problem. I do not understand why, if an acquitted dft in a criminal case asks that records be unsealed, they are not unsealed. After all, they are sealed for his benefit, and if he chooses to make them public, it is his business. However, I do not have the case number, or even the date, of People v.

		<p>Maneely. If I do not have them, perhaps the Town Justice does not know what they are, either. He can't very well find them if they are not properly identified. And in any event, the proper procedure is to file a special proceeding in the relevant court, seeking to have the records unsealed, with Mr. Maneely supporting the request, and attaching an order of this COURT directing that the parties obtain the records for use in this proceeding. Accordingly, this COURT finds that the record of proceedings that relate to the strip search that is the subject of this Complaint are necessary for the prosecution and defense of this action. I direct the parties, plntff and dfts, to make a joint application for unsealing, for the limited purpose of this action only, to the Town of Newburgh Justice Court. This Order may be attached as an exhibit to that appliaction. If for some reason the Town Justice refuses to grant the motion, let me know, and I will contact Chief Administrative Judge Lippmann of the Office of Court Administration, who has helped me sort out similar difficulties in the past. So Ordered: . (signed by Judge Colleen McMahan); Copies mailed. (pf) (Entered: 02/05/2002)</p>
05/16/2002	25	<p>MEMORANDUM AND DECISION AND ORDER GRANTING PLAINTIFF'S MOTION FOR PARTIAL CLASS CERTIFICATION; granting [12-1] motion pursuant to FRCP 23(a) and (b)(3), as class defined. CONCLUSION: For the foregoing reasons, plaintiff's Motion for partial class certification is granted. Plaintiff has already moved for Summary Judgment on the underlying issue of the existence of an unconstitutional strip search policy in Newburgh. The stay of consideratin of that Motion is now lifted. Deft's have 20 days from today's date ot serve a response to plaintiff's Motion. This date will not be extended. Plaintiff then will have 10 days to serve a reply - again, with no extension. The Court will issue its decision 30 days thereafter. Should the class plaintiff prevail, there remains the question of what, if any, class-wide relief will be appropriate in addition ot the entry of declaratory Judgment. Two issues occur to the Court: Should notice of the Court's decision be sent to the class members, and should the statute of limitations (which has been tolled for putative class members since the filing of the complaint, see Crown, Cork & Seal CO., Inc. vs. Parker, 462 US 345, 353-54 (1983)) be further tolld to give individuals who may be affected by the decision, and by the Court's refusal to certify class originally requested, an opportunity to obtain counsel to pursue their individual claims. I ask that class counsel weigh in on theses issues within 10 days. Deft's counsel should response to plaintiff's submission in their responsive papers on the Motion. This constitutes the decision and Order of the Court. SO ORDERED: (signed by Judge Colleen); Copies mailed. (dc) (Entered: 05/22/2002)</p>
05/29/2002	26	<p>Letter Brief filed addressed to USDJ McMahan from James Monroe, dated 5/24/02, re: in response to Your Honor's request for class counsel to weigh in on the issues of class notice and the applicable tolling provisions... (pf) (Entered: 05/30/2002)</p>
06/11/2002	27	<p>Letter filed by The City of Newburgh, Andrew Marino, Harold J. Porr III, Regina M. Angelo, Stephen Rockafellow, Marlene A. Koisch,</p>

		Nicholas J. Valentine, The City of Newburgh, William Bloom addressed to Judge McMahon from David L. Posner, dated June 6, 2002, re: class notice issue and plaintiff' submission of May 24, 2002. (sv) (Entered: 06/11/2002)
06/11/2002	28	MEMORADNUM ORDERERING CLASS NOTIFICATION: Deftt's assert that they should be able to produce a list of persons arrested during the class period that includes the charges brought against the individuals. Deft's have until June 25, 2002 to produce this document to plaintiff. Class counsel then shall send out the notice to the class members, by first class mail, postage paid, by July 15, 2002. The notice shall also be published in local newspapers in English and Spanish by that date. This will provide counsel with plenty of time to have the short document translated into Spanish. Class members shall be given until 10/07/02 to respond to the class notice. This procedure will provide the best notice practicable under the curcumstances to satisfy due process requirements and FRCP 23(c). Deft's must respond to plaintiff's Motion for Summary Judgment by July 10, 2002. This Constitutes the Decision and Order of the Court. (signed by Judge Colleen McMahon); Copies mailed. (dc) (Entered: 06/12/2002)
07/11/2002	29	RULE 56.1 STATEMENT filed by The City of Newburgh, The City of Newburgh, William Bloom (ll) (Entered: 07/12/2002)
07/11/2002	30	MEMORANDUM OF LAW by The City of Newburgh in opposition to motion for summary judgment. (ll) (Entered: 07/12/2002)
07/11/2002	32	Huck -v- City of Newburgh Record on Appeal Vol. 1 by The City of Newburgh . (ll) (Entered: 07/12/2002)
07/11/2002	33	Huck v- City of Newburgh Record on Appeal Volume II by The City of Newburgh . (ll) (Entered: 07/12/2002)
07/11/2002	34	Memo-Endorsement on letter addressed to Judge McMahon from James M. Fedorchak, dated 7/8/02. Re: request until 7/19/02 to file our opposition.....DENIED. (signed by Judge Colleen McMahon); Copies mailed. (jma) (Entered: 07/12/2002)
07/12/2002	31	Transcript of record of proceedings for the date(s) of various. Examination before trial of Maneely, Bloom, Sorrentino, Rodgers, Labrada, Ferra, Quinn and Jackson (ll) (Entered: 07/12/2002)
07/17/2002	36	REQUEST TO BE EXCLUDED FROM CLASS ACTION filed by Tania Rayford. (dc) (Entered: 07/18/2002)
07/18/2002	35	DECLARATION of Kelly Wood Re: procedure concerning the processing of pre-trial detainees . (sv) (Entered: 07/18/2002)
07/22/2002	48	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by David S. Paron. (dc) (Entered: 07/25/2002)
07/22/2002	49	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by Timothy Todd Romich. (dc) (Entered: 07/25/2002)

07/23/2002	37	REPLY by Timothy S. Maneely Re: Defts are collaraterally estopped form re-ltigating the existence of their policy. (sv) (Entered: 07/23/2002)
07/23/2002	46	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by Jacqueline P. Lewis. (dc) (Entered: 07/25/2002)
07/23/2002	47	REQUEST FOR EXCLUSION FROM CLASS ACTION by Daniel Revesil. (dc) (Entered: 07/25/2002)
07/23/2002	50	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by Kimberly Degroat. (dc) (Entered: 07/25/2002)
07/24/2002	38	REQUEST FOR EXCLUSION FROM CLASS ACTION Filed By Zachariah E. Dicson. (dc) (Entered: 07/25/2002)
07/24/2002	39	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by Kenneth Fabbrini. (dc) (Entered: 07/25/2002)
07/24/2002	40	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by Lillian Paz. (dc) (Entered: 07/25/2002)
07/24/2002	41	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by Michael R. Napolijr. (dc) (Entered: 07/25/2002)
07/24/2002	42	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by Raul Sanchez. (dc) (Entered: 07/25/2002)
07/24/2002	43	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by Clinton Burns. (dc) (Entered: 07/25/2002)
07/24/2002	44	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by Jennifer Muniz. (dc) (Entered: 07/25/2002)
07/24/2002	45	REQUEST FOR EXCLUSION FROM CLASS ACTION filed by Edward F. Callahand, Edward Callahan, Jr. and Joseph Puleo. (dc) Modified on 07/25/2002 (Entered: 07/25/2002)
07/29/2002	51	REQUEST FOR EXCLUSION FROM CLASS filed by Scott G. Eissner. (dc) (Entered: 07/29/2002)
07/29/2002	52	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Nestor Garcia . (pf) (Entered: 07/30/2002)
07/29/2002	53	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Kevin Allen Hildreth . (pf) (Entered: 07/30/2002)
07/29/2002	54	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Gilberto Negrete . (pf) (Entered: 07/30/2002)
08/01/2002	55	Memorandum to Docket Clerk: August 1, 2002. Parties Present. Status Conference held. Defts to reply to plt's reply by October 7, 2002. (sv) (Entered: 08/02/2002)
08/01/2002		Status Conference held before Judge Colleen McMahan . (sv) (Entered: 08/02/2002)

08/01/2002	56	REQUEST FOR EXCLUSION FROM CLASS FILED BY ANDREA EVERY. (dc) (Entered: 08/06/2002)
08/09/2002	57	REQUEST FOR EXCLUSION FROM CLASS by Alecia Turnbull, 221 N. Miller St., Newburgh, NY (ll) (Entered: 08/09/2002)
08/09/2002	58	REQUEST FOR EXCLUSION FROM CLASS by Leslie Chambers, 213 Third St., Newburgh, NY 12550. (ll) (Entered: 08/09/2002)
08/09/2002	59	REQUEST FOR EXCLUSION FROM CLASS by Betty Flores, 225 Quaker St., Wallkill, NY 12589. (ll) (Entered: 08/15/2002)
08/14/2002	60	REQUEST FOR EXCLUSION FROM CLASS FROM J. OATES. (dcr) (Entered: 08/16/2002)
08/16/2002	61	REQUEST FOR EXCLUSION FROM CLASS by plaintiff David P. LeRoy . (pf) (Entered: 08/19/2002)
08/19/2002	62	REQUEST FOR EXCLUSION FROM CLASS BY GONZALO RIOS. (dcr) (Entered: 08/19/2002)
08/19/2002	63	REQUEST FOR EXCLUSION FROM CLASS FILED BY TREVOR T. KULISEH. (dcr) (Entered: 08/19/2002)
08/19/2002	64	REQUEST FOR EXCLUSION FROM CLASS FILED BY ALBERT BERMUDEZ. (dcr) (Entered: 08/19/2002)
08/19/2002	65	AFFIDAVIT OF SERVICE of Notice of Class Action upon the members of this class as directed by the Court, by James E. Monroe, Esq. on. See document for mailing dates. (dcr) (Entered: 08/19/2002)
08/21/2002	66	REQUEST FOR EXCLUSION FROM CLASS FILED BY MARIO FELIPE. (dc) (Entered: 08/21/2002)
08/22/2002	67	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Edward Jazwinski . (pf) (Entered: 08/23/2002)
08/26/2002	68	REQUEST FOR EXCLUSION FROM CLASS FILED BY MATHEW R. COSMAN. (dc) (Entered: 08/27/2002)
08/28/2002	71	REQUEST FOR EXCLUSION FROM CLASS by Melanie D. DeVaux, 45 Birch St., Kingston, NY. (ll) (Entered: 08/29/2002)
08/28/2002	72	REQUEST FOR EXCLUSION FROM CLASS by Samuel J. Sicoli, 38 Seward St., Middletown, NY. (ll) (Entered: 08/29/2002)
08/29/2002	69	REQUEST FOR EXCLUSION FROM CLASS by Troy Williams, 80 First St., Newburgh, NY 12550. (ll) (Entered: 08/29/2002)
08/29/2002	70	REQUEST FOR EXCLUSION FROM CLASS by Lamont Burrell, 67 Renwick, Newburgh, NY 12550. (ll) (Entered: 08/29/2002)
09/03/2002	73	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Christina A. Loucks . (pf) (Entered: 09/03/2002)
09/03/2002	74	REQUEST FOR EXCLUSION FROM CLASS by Jorge Albert

		Ahumada. (dc) (Entered: 09/05/2002)
09/09/2002	75	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Pablo Moza . (pf) (Entered: 09/11/2002)
09/10/2002	77	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Sean M. Mesler . (sv) (Entered: 09/13/2002)
09/11/2002	76	REQUEST FOR EXCLUSION FROM CLASS filed by Frederick J. Langford. (dc) (Entered: 09/13/2002)
09/16/2002	78	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Duane E. Johnson . (sv) (Entered: 09/17/2002)
09/17/2002	79	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Crescenzo Schettini . (sv) (Entered: 09/18/2002)
09/20/2002	80	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Brian O'Rourke . (sv) (Entered: 09/20/2002)
09/20/2002	81	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Jason Bailey Colegrove . (sv) (Entered: 09/20/2002)
09/20/2002	82	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Brian McCormick . (sv) (Entered: 09/20/2002)
09/20/2002	85	REQUEST TO PARTICIPATE of plaintiff Efrain Santana. (pf) (Entered: 09/26/2002)
09/24/2002	84	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Michael Acevedo . (pf) (Entered: 09/26/2002)
09/26/2002	83	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Oscar Gonzalez . (pf) (Entered: 09/26/2002)
10/02/2002	86	REQUEST FOR EXCLUSION FROM CLASS by plaintiff James A. Hill . (sv) (Entered: 10/02/2002)
10/03/2002	87	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Donald Eason . (sv) (Entered: 10/03/2002)
10/07/2002	88	MEMORANDUM OF LAW by The City of Newburgh, William Bloom in opposition to Plaintiff's motion for summary judgment. (ll) (Entered: 10/07/2002)
10/07/2002	89	REQUEST FOR EXCLUSION FROM CLASS by plaintiff James G. Eckert . (sv) (Entered: 10/09/2002)
10/09/2002	90	REQUEST FOR EXCLUSION FROM CLASS FILED BY ASA GAVIN. (dc) (Entered: 10/10/2002)
10/09/2002	91	REQUEST FOR EXCLUSION FROM CLASS FILED BY JOSEPH SANTISE, JR. (dc) (Entered: 10/10/2002)
10/17/2002	92	DECLARATION of Edith Arnetta Frazier by Timothy S. Maneely, Nestor Garcia, Kevin Allen Hildreth, Gilberto Negrete, David P. LeRoy,

		Edward Jazwinski, Christina A. Loucks, Pablo Moza, Sean M. Mesler, Duane E. Johnson, Crescenzo Schettini, Brian O'Rourke, Jason Bailey Colegrove, Brian McCormick, Oscar Gonzalez, Michael Acevedo, Efrain Santana, James A. Hill, Donald Eason, James G. Eckert Re: in support of Plaintiff's class action . (sv) (Entered: 10/18/2002)
10/17/2002	93	Letter filed addressed to Clerk from James R, Beard, dated Oct. 12, 2002, re: to obtain all information pertaining to the disposition of this case. (ll) (Entered: 10/21/2002)
10/30/2002	94	REQUEST FOR EXCLUSION FROM CLASS by plaintiff Manuel Rodriguez . (sv) (Entered: 11/01/2002)
01/05/2003	103	Letter addressed to Judge Briant from David L. Posner dated 12/31/2003 re: it is respectfully requested that the court decline to "so order" the subpoena recently presented to it by plaintiff's counsel calling for production of records from prior litigations concerning the City of Newburgh's strip search policy. Document filed by The City of Newburgh.(mov,) (Entered: 01/06/2004)
04/09/2003	95	MEMORANDUM ORDER terminating [12-1] motion pursuant to FRCP 23(a) and (b)(3), as class defined ... Plntffs' motion for summary jgmnt is denied. Dfts' motion to redefine the class period to run from 3/27/1998 to 8/24/2000 is granted. So ordered: (signed by Judge Colleen McMahon); Copies faxed by Chambers. (pf) (Entered: 04/10/2003)
05/27/2003	96	Memo-Endorsement on letter addressed to Judge McMahon from David L. Posner, dated May 20, 2003. Re: pre-trial conference. ENDORSED: I have no noom at present on may trial calendar. So Ordered. (signed by Judge Colleen McMahon); clk/m/cpys. (sv) (Entered: 05/29/2003)
09/29/2003	97	Notice of Case reassignment to Judge Charles L. Briant . Copy of notice and judge's rules mailed to Attorney(s) of record: James M. Fedorchak, Marilyn D. Berson, Monte J. Rosenstein, Patrick T. Burke, Richard Golden, David Merrill Posner, James Edward Monroe . (dh) (Entered: 09/30/2003)
10/17/2003		PRETRIAL CONFERENCE held before Judge Charles L. Briant .Ct. Reporter Sue Ghorayeb (ll) (Entered: 10/22/2003)
10/21/2003	98	Memorandum to Docket Clerk: PTC held. Sue Ghorayeb Ct. Rep. The action is dismissed as to Plaintiffs David LeRoy, Edward Jazwinski and Christina A. Loucks, without costs. A Conf. is scheduled for Nov. 21, 2003 at 10:00 AM. See transcript. (ll) (Entered: 10/22/2003)
11/19/2003	99	Letter filed by The City of Newburgh addressed to Dear Judge Briant from David L. Posner, dated 11/19/03, re: requesting that status conference be adjourned until 12/19/03..... (jma) (Entered: 11/20/2003)
12/19/2003	100	MOTION for Leave to Serve a third-party summons and third party complaint upon United National Insurance Company. Document filed by The City of Newburgh, The City of Newburgh. Return Date set for 1/9/2004 10:00 AM before Judge Charles L. Briant. (pf,) (Entered: 12/19/2003)

		12/24/2003)
12/19/2003		Minute Entry for proceedings held before Judge Charles L. Briant : Motion Hearing held & completed on 12/19/2003. Status conference scheduled for 2/6/2004 at 9:00 a.m. between defendants & 3rd. Party defendants and plaintiffs.Judge's Decision: (See Transcript). (submitted by Alice Cama). (mde,) (Entered: 01/08/2004)
12/22/2003	101	THIRD PARTY COMPLAINT against United National Insurance Company.Document filed by The City of Newburgh.(fk,) (Entered: 12/29/2003)
12/22/2003	102	THIRD PARTY SUMMONS ISSUED as to United National Insurance Company. (fk,) (Entered: 12/29/2003)
12/30/2003	104	Letter addressed to Judge Briant from James E. Monroe dated 12/29/2003 re: We would respectfully request that the Court "So-Order" the enclosed subpoena and return the same in the self addresses envelope provided. Document filed by The City of Newburgh, The City of Newburgh.(mov,) (Entered: 01/06/2004)
01/08/2004	105	AFFIDAVIT OF SERVICE of Summons and Third Party Complaint. United National Insurance Company served on 1/7/2004, answer due 1/27/2004. Service was made by Mail to United National Insurance Company, 3 Bala Plaza East - Suite 300, Bala Cynwyd, PA 19004. Document filed by The City of Newburgh. (dcr,) (Entered: 01/12/2004)
01/08/2004	106	AFFIDAVIT OF SERVICE of Summons and Third Party Complaint. James A. Hill served on 12/24/2003, answer due 1/13/2004; Duane E. Johnson served on 12/24/2003, answer due 1/13/2004; Timothy S. Maneely served on 12/24/2003, answer due 1/13/2004; Brian McCormick served on 12/24/2003, answer due 1/13/2004; Sean M. Mesler served on 12/24/2003, answer due 1/13/2004; Pablo Moza served on 12/24/2003, answer due 1/13/2004; Gilberto Negrete served on 12/24/2003, answer due 1/13/2004; Brian O'Rourke served on 12/24/2003, answer due 1/13/2004; Manuel Rodriguez served on 12/24/2003, answer due 1/13/2004; Efrain Santana served on 12/24/2003, answer due 1/13/2004; Crescenzo Schettini served on 12/24/2003, answer due 1/13/2004. Service was made by Mail to Dupee, Dupee & Monroe, P.C., attorneys for plaintiff, 30 Mathews Street, P.O. Box 470, Goshen, NY 10924 and to McCabe & Mack, P.C., Attorneys for defendant, City of Newburgh, 63 Washington Street, Box 509, Poughkeepsie, NY 12602 and to Gellert & Cutler, P.C., Attorneys for Defendant William Bloom, 75 Washington Street, Poughkeepsie, NY 12601. Document filed by The City of Newburgh. (dcr,) (Entered: 01/12/2004)
01/08/2004	107	AFFIDAVIT OF SERVICE of Summons and Third Party Complaint. United National Insurance Company served on 12/23/2003, answer due 1/12/2004. Service was accepted by Patrick Harrigan at 1 Commerce Plaza, Albany, NY. Document filed by The City of Newburgh. (dcr,) (Entered: 01/12/2004)

01/14/2004	108	Letter addressed to Judge Briant from James E. Monroe dated 01/05/2004 re:..To overcome defendant's representation concerning the non-existence of their policy/practice, plaintiffs should be permitted to obtain copies of these documents from defendants' former defense counsel, Mr Rosenstein. If defense counsel wish to concede the existence of their uniform strip search policy/practice, we would be pleased to withdraw this Subpeena.. (mov,) (Entered: 01/20/2004)
01/14/2004		MEMO ENDORSEMENT ORDER re: [100] MOTION for Leave to File. filed by The City of Newburgh, The City of Newburgh, Motions terminated: [100] MOTION for Leave to File. filed by The City of Newburgh, The City of Newburgh....ENDORSEMENT: Motion Granted. So Ordered: (Signed by Judge Charles L. Briant on 1/14/04) Copies sent by Clerk's Office.(pf,) (Entered: 01/22/2004)
01/15/2004	114	AFFIDAVIT OF SERVICE of Subpoena served on Monte Rosenstein, Esq. on 1/12/04. Service was accepted by Mancy Fallen, Secretary.. (pf,) (Entered: 02/05/2004)
01/20/2004	110	STIPULATION AND ORDER: It is hereby Stipulated that the time for Third Party Dfts, United National Insurance Co., to appear and answer, or to make any motion with relation to the Third Party Complaint in this action, be and the same hereby is extended to and including 1/23/04; So Ordered: (Signed by Judge Charles L. Briant on 1/20/04) Copies sent by Clerk's Office.(pf,) (Entered: 01/30/2004)
01/27/2004	109	TRANSCRIPT of proceedings held on 12/19/2003 before Judge Charles L. Briant.(dh,) (Entered: 01/27/2004)
01/27/2004	115	MOTION to Quash the Subpoena served upon Monte Rosenstein. Document filed by William Bloom. Return Date set for 2/18/2004 before Judge Charles L. Briant. (pf,) (Entered: 02/09/2004)
01/29/2004	111	MOTION to Dismiss for Lack of Jurisdiction. Document filed by United National Insurance Company. Return Date set for 2/27/2004 10:00 AM before Judge Charles L. Briant. (pf,) (Entered: 02/05/2004)
01/29/2004	112	MEMORANDUM OF LAW in Support re: [111] MOTION to Dismiss for Lack of Jurisdiction.. Document filed by United National Insurance Company. (pf,) (Entered: 02/05/2004)
01/29/2004	113	DECLARATION of Gerard J. Durkin in Support re: [111] MOTION to Dismiss for Lack of Jurisdiction.. Document filed by United National Insurance Company. (pf,) (Entered: 02/05/2004)
02/03/2004	119	AFFIRMATION/MEMORANDUM OF LAW of Robert N. Isseks in Opposition re: [115] MOTION to Quash.. Document filed by Michael Acevedo, Jason Bailey Colegrove, Donald Eason, James G. Eckert, Nestor Garcia, Oscar Gonzalez, Kevin Allen Hildreth, James A. Hill, Duane E. Johnson, Timothy S. Maneely, Brian McCormick, Sean M. Mesler, Pablo Moza, Gilberto Negrete, Brian O'Rourke, Manuel Rodriguez, Efrain Santana, Crescenzo Schettini. (dcr,) (Entered: 02/18/2004)

02/09/2004	123	Letter addressed to Judge Brieant from James M. Fedorchak dated 02/05/2004 re:...this letter shall confirm my conversation with chambers and all counsel advising that the appearance on February 6, 2004 is adjourned with the cosent of all parties to February 27, 2004 at 9:00 am. (mov,) (Entered: 02/25/2004)
02/10/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Case Management Conference held on 2/10/2004 & set up ip conference. Next PTC set for 3/11/2004 at 9:00 a.m. (Submitted by Ed Modugno). (mde,) (Entered: 02/23/2004)
02/17/2004	116	MOTION for Catalina J. Sugayan and Sarah Hope Dearings to Appear Pro Hac Vice. Document filed by United National Insurance Company. *\$50.00 fee in vault*(pf,) (Entered: 02/17/2004)
02/17/2004	117	DECLARATION of Sarah Hope Dearing in Support re: [116] MOTION for Catalina J. Sugayan and Sarah Hope Dearings to Appear Pro Hac Vice.. Document filed by United National Insurance Company. (pf,) (Entered: 02/17/2004)
02/17/2004	118	DECLARATION of Catalina Sugayan in Support re: [116] MOTION for Catalina J. Sugayan and Sarah Hope Dearings to Appear Pro Hac Vice.. Document filed by United National Insurance Company. (pf,) (Entered: 02/17/2004)
02/18/2004	121	RULE 56.1 STATEMENT. Document filed by Michael Acevedo, Jason Bailey Colegrove, Donald Eason, James G. Eckert, Nestor Garcia, Oscar Gonzalez, Kevin Allen Hildreth, James A. Hill, Duane E. Johnson, Timothy S. Maneely, Brian McCormick, Sean M. Mesler, Pablo Moza, Gilberto Negrete, Brian O'Rourke, Manuel Rodriguez, Efrain Santana, Crescenzo Schettini. (dcr,) (Entered: 02/25/2004)
02/18/2004	122	PLAINTIFFS' MEMORANDUM OF LAW in Support of Plaintiff's Motion for Judgment on liability based upon the doctrine of judicial estoppel or, in the alternative, to reargue plaintiffs' previously submitted Motion for Summary Judgment which was denied. (dcr,) (Entered: 02/25/2004)
02/23/2004	120	Letter addressed to Dear Counselors from James M. Fedorchak dated 02/12/04 re: with respect to the Motion to Dismiss the Third Party Complaint as well as the deft's. Motion to Quash..... Document filed by Manuel Rodriguez.(jma,) (Entered: 02/24/2004)
02/24/2004	124	ORDER TO SHOW CAUSE by Michael Acevedo, Jason Bailey Colegrove, Donald Eason, James G. Eckert, Nestor Garcia, Oscar Gonzalez, Kevin Allen Hildreth, James A. Hill, Duane E. Johnson, Timothy S. Maneely, Brian McCormick, Sean M. Mesler, Pablo Moza, Gilberto Negrete, Brian O'Rourke, Manuel Rodriguez, Efrain Santana, Crescenzo Schettini Show Cause Hearing set for 2/27/2004 09:00 AM before Magistrate Judge Mark D. Fox. SO ORDERED: (Signed by Judge Mark D. Fox on 02/24/04) Clerk's Office Mailed Copies..(dcr,) (Entered: 02/25/2004)

02/24/2004	125	MEMORANDUM OF LAW in Opposition re: [111] MOTION to Dismiss for Lack of Jurisdiction.. Document filed by The City of Newburgh. (fk,) (Entered: 02/25/2004)
02/25/2004		MEMO ENDORSEMENT on re: [116] MOTION for Catalina J. Sugayan and Sarah Hope Dearings to Appear Pro Hac Vice. filed by United National Insurance Company, Motions terminated: [116] MOTION for Catalina J. Sugayan and Sarah Hope Dearings to Appear Pro Hac Vice. filed by United National Insurance Company.... ENDORSEMENT: Motion Granted. So Ordered: (Signed by Judge Charles L. Briant on 2/25/04) Copies sent by Clerk's Office.(pf,) (Entered: 02/27/2004)
02/26/2004	126	Letter addressed to Judge Charles L. Briant from James Fedorchak dated 2/23/2004 re: 3 pending motions. (dh,) (Entered: 02/26/2004)
02/26/2004	127	Letter addressed to Judge Charles L. Briant from James Monroe dated 2/24/2004 re: motion to quash. (dh,) (Entered: 02/26/2004)
02/26/2004	128	Letter addressed to Judge Charles L. Briant from David Posner dated 2/24/2004 re: 3 week extension to respond. (dh,) (Entered: 02/26/2004)
02/26/2004	129	Letter addressed to Judge Charles L. Briant from James Monroe dated 2/24/2004 (dh,) (Entered: 02/26/2004)
02/26/2004	130	Letter addressed to Judge Charles L. Briant from Kevin Harrington dated 2/24/2004 re: conference on 2/27/2004 at 9 am. (dh,) (Entered: 02/26/2004)
02/26/2004	131	Letter addressed to Judge Charles L. Briant from William Badura dated 2/25/2004 re: conference on 2/27/2004 at 9 am. (dh,) (Entered: 02/26/2004)
02/26/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Telephone Conference held on 2/26/2004. Adj date 4-8-04 8:45 (dh,) (Entered: 03/01/2004)
02/26/2004	134	REPLY MEMORANDUM OF LAW in Support re: [115] MOTION to Quash.. Document filed by William Bloom. (pf,) (Entered: 03/02/2004)
02/27/2004	132	Letter addressed to Counselors from James Fedorchak dated 2/25/2004 re: oral argument on 3-19-04. (dh,) (Entered: 02/27/2004)
02/27/2004	133	Letter addressed to Judge Charles L. Briant from Kevin Harrington dated 2/25/04 (dh,) (Entered: 02/27/2004)
03/01/2004	135	Letter addressed to Judge Charles L. Briant from James Fedorchak dated 2/26/04 (dh,) (Entered: 03/02/2004)
03/01/2004	136	Letter addressed to Judge Charles L. Briant from David Posner dated 2/26/04 Document filed by The City of Newburgh, The City of Newburgh.(dh,) (Entered: 03/02/2004)
03/02/2004	137	ORDER to facilitate the progress of pre-trial discovery of this litigation in a just, speedy and inexpensive manner, to insure compliance with the

		case management plan, and to prevent the accumulation of unresolved discovery issues, the following procedures will be followed for the resolution of discovery disputes..... (Signed by Judge Mark D. Fox on 02/27/04) Copies Mailed By Chambers.(jma,) (Entered: 03/02/2004)
03/11/2004	138	REPLY MEMORANDUM OF LAW in Support re: [111] MOTION to Dismiss for Lack of Jurisdiction.. Document filed by United National Insurance Company. (dh,) (Entered: 03/15/2004)
03/17/2004	139	STIPULATION AND ORDER: IT IS HERBEY STIPULATED, that the time for Third Party Defendant, UNITED NATIONAL INSURANCE COMPANY ("United") to reply to Defendant/Third-Party Plaintiff, THE CITY OF NEWBURGH'S Affirmation/Memorandum of Law in opposition to United's Motion for an order dismissing the Third-Party Complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted be and the same hereby is extended to and including the 11th day of March, 2004. SO ORDERED: (Signed by Judge Charles L. Briant on 03/12/04) Clerk's Office Mailed Copies..(dcr,) (Entered: 03/19/2004)
03/22/2004	140	MEMORANDUM OF LAW In Opposition To Plaintiffs' Second Motion For Partial Summary Judgment. re: [124] Order to Show Cause,, Document filed by The City of Newburgh. (mde,) (Entered: 03/23/2004)
03/22/2004	141	MEMORANDUM OF LAW In Opposition To Plaintiffs' Second Motion For Partial Summary Judgment re: [124] Order to Show Cause,, Document filed by William Bloom. (mde,) (Entered: 03/23/2004)
03/22/2004	142	DEFENDANTS' RULE 56.1 STATEMENT In Opposition To Summary Judgment re: [124] Order To Show Cause. Document filed by The City of Newburgh. (mde,) (Entered: 03/23/2004)
03/24/2004	143	REPLY AFFIDAVIT of Robert Isseks in Support. Document filed by Michael Acevedo, Jason Bailey Colegrove, Donald Eason, James G. Eckert, Nestor Garcia, Oscar Gonzalez, Kevin Allen Hildreth, James A. Hill, Duane E. Johnson, Timothy S. Maneely, Brian McCormick, Sean M. Mesler, Pablo Moza, Gilberto Negrete, Brian O'Rourke, Manuel Rodriguez, Efrain Santana, Crescenzo Schettini. (fk,) (Entered: 03/25/2004)
03/24/2004	144	Supplemental RULE 56.1 STATEMENT. Document filed by The City of Newburgh. (fk,) (Entered: 03/25/2004)
03/25/2004	145	Supplemental Submission of Plntff's Second Partial Motion for Summary Jgmnt. Document filed by William Bloom. (pf,) (Entered: 04/02/2004)
03/25/2004	146	AFFIDAVIT of David Posner to respond to the assertion in the affidavit of Robert Isseks, Esq. sworn to on 3/23/04 that I personally knew of the Hernandez case and withheld it from plntffs' counsel during discovery..... Document filed by The City of Newburgh. (pf,) (Entered: 04/02/2004)
03/26/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Settlement Conference held on 3/26/2004. (Tape #1 510 to 585) (dh,)

		(Entered: 03/29/2004)
03/26/2004		Minute Entry for proceedings held before Judge Charles L. Briant : Oral Argument held & completed on 3/26/2004. Judge's Decision: Oral argument heard on motion (DKT #124, #115 and #111). Motions are now fully submitted, decision reserved-See Transcript. Remark: FSDR. (Submitted by Alice Cama). (mde,) (Entered: 03/31/2004)
04/15/2004	147	Letter addressed to Judge Charles L. Briant from Robert N. Isseks dated 2/27/04 re:...to address the offer of stipulation made in the Dfts' Reply Memorandum of Law in Support of Motion to Quash.... (pf,) (Entered: 04/15/2004)
04/15/2004	148	Letter addressed to Judge Charles L. Briant from robert N. Isseks dated 02/02/2004 re: The subject to be addressed at the time u= is the city of Newburgh's claim for declaratory judgment against its insurance carrier. (mov,) (Entered: 04/16/2004)
04/16/2004	149	MEMORANDUM & ORDER re: [115] MOTION to Quash. filed by William Bloom, [111] MOTION to Dismiss for Lack of Jurisdiction. filed by United National Insurance Company, Motions terminated: [115] MOTION to Quash. filed by William Bloom, [111] MOTION to Dismiss for Lack of Jurisdiction. filed by United National Insurance Company..... Plntffs' motion for jgmnt on liability is denied. Dft William Bloom's motion for an Order quashing the subpoena served on Mr. Rosenstein is granted without prejudice. Third-party Dft United National's motion to dismiss the Third-Party Complaint is denied. The Court at this declines to make the finding contemplated by FRCP 54(b). A status conference of counsel with the Court will be held on 5/28/04 at 9:00 a.m.. So Ordered: (Signed by Judge Charles L. Briant on 4/14/04) Copies sent by Chambers.(pf,) (Entered: 04/19/2004)
04/21/2004		Received returned mail re: [149] Order,,,, Terminate Motions,,,, Mail was addressed to William S. Badura at 6E Hertiage Drive Harriman, NY 10926 and was returned for the following reason(s): Moved. (mov,) (Entered: 04/21/2004)
04/22/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference (telepone) held on 4/22/2004. Adjourned to 6/1/04 at 8:45 a.m.. (pf,) (Entered: 04/23/2004)
04/28/2004	150	ANSWER to Third Party Complaint., COUNTERCLAIM against The City of Newburgh. Document filed by United National Insurance Company.(fk,) (Entered: 04/30/2004)
05/14/2004	151	Letter addressed to Judge Charles L. Briant t from James M. Fedorchak dated 5/13/04 re:...request that the status conference be adjourned to 6/4/04 at 9:00 a.m..... (pf,) (Entered: 05/17/2004)
05/21/2004	152	Letter addressed to Counselors from James Fedorchak dated 5/19/04 re: Please be advised that Judge Briant has grantec our request for an adjournment of the conference in the matter from 5/28/04 to 6/4/04 at 9:00 a.m..... (pf,) (Entered: 05/24/2004)

05/21/2004	153	ANSWER to Counterclaim. Document filed by The City of Newburgh. (pf,) (Entered: 05/25/2004)
06/01/2004		Minute Entry for proceedings held before Judge Mark D. Fox: Status Conference held on 6/1/2004. Adjourned to: 06/04/04 after CLB. Submitted By: Ed Modugno, Courtroom Deputy. (dcr,) (Entered: 06/02/2004)
06/04/2004		Minute Entry for proceedings held before Judge Charles L. Briant : Status Conference held on 6/4/2004. Discovery issues are resolved by the COurt. (pf,) (Entered: 06/15/2004)
06/04/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Dispute held on 6/4/2004. Remarks: Discovery Order: Time starts 6/4/2004. Reply Briefs due by 5:00 p.m. 6/9/2004. Next PTC set for 6/11/2004 at 10:00 a.m. (ip). (Submitted by Ed Modugno). (Tape #1) (mde,) (Entered: 06/21/2004)
06/25/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Disputes held on 6/25/2004. Remark: See Memo to the Docket Clerk. Next PTC set for 7/23/2004 at 8:45 (cc). (Submitted by Ed Modugno). (Tape #1) (mde,) (Entered: 06/28/2004)
06/25/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Hearing held on 6/25/2004. Judge's Decision: 3rd. Party plaintiff objections to interrogatories. The following to be turned over to defendant City of Newburgh. 1. Training manuals & policies, standing orders etc. from dates 8/90-8/00 & documents of investigation of strip searches, i.e. compls, violations of conduct etc. will be provided to dft's attny. Discovery cutoff 9/17/2004 including depositions. Next PTC set for 7/23/2004 at 8:45 a.m. Conf. call. (Submitted by Ed Modugno). (mde,) (Entered: 06/28/2004)
07/30/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Hearing held on 7/30/2004. Discovery disputes agreed by both plaintiff and defendant. On the record by this Court. Each side directed to contact the Court ex-parte. Adj date 8-5-04 @ 8:45 (CC) (Tape #1 15 to 858 & 2011 to 3303 (second call)) (dh,) (Entered: 08/02/2004)
08/05/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 8/5/2004. Adjourned date 8/10/04 at 8:45 a.m.. (pf,) (Entered: 08/06/2004)
08/10/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 8/10/2004. Adjourned date 9/13/04 at 8:45 a.m.. (pf,) (Entered: 08/12/2004)
09/13/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Hearing held on 9/13/2004. Remark: Application to compel is denied. Next PTC set for 9/23/2004 at 8:45 (cc). (Submitted by Ed Modugno). (Tape #1) (mde,) (Entered: 09/15/2004)
09/23/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Status

		Conference & Telephone Conference held on 9/23/2004. Next PTC set for 9/29/2004 at 9:00 a.m. (ip). (Submitted by Ed Modugno). (mde,) (Entered: 09/24/2004)
09/29/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Hearing held on 9/29/2004. Remark: Rulings on discovery disputes made on the record by the court. (See Record). Matter referred to mediation on the request of parties. Next PTC set for 11/4/2004 at 9:00 a.m. (cc). (Submitted by Ed Modugno). (Tape #1) (mde,) (Entered: 09/30/2004)
09/29/2004	154	ORDER REFERRING CASE to Mediation...referring action to the Clerk to assign the above-entitled action to mediation. (Signed by Judge Mark D. Fox on 9/29/04) Copies sent by Clerk's Office.(pf,) (Entered: 10/04/2004)
10/04/2004	155	TRANSCRIPT of proceedings held on 6/25/2004 before Judge Mark D. Fox.(mde,) (Entered: 10/05/2004)
10/12/2004		Received returned mail Mail was addressed to William S. Badura at 6E Heritage Drive, Harriman, NY 10926 and was returned for the following reason(s): Forwarding Order Expired.. (dcr,) (Entered: 10/12/2004)
10/26/2004	156	ORDER REFERRING CASE to Mediation...referring action to the Clerk to assign the above-entitled action to mediation. SO ORDERED: (Signed by Judge Mark D. Fox on 10/26/04) Clerk's Office Mailed Copies..(dcr,) (Entered: 10/27/2004)
11/03/2004		Received returned mail re: [156] Order Referring Case to Mediation. Mail was addressed to William S. Badura at 6E Heritage Drive Harriman, NY 10926 and was returned for the following reason(s): Forwarding Time Expired. (mov,) (Entered: 11/03/2004)
11/04/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Telephone Conference held on 11/4/2004. Adjourned date 11/12/04 at 8:45 am. Submitted by Ed Modugno, Courtroom Deputy (ll,) (Entered: 11/05/2004)
11/12/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Hearing held on 11/12/2004. 3rd party Kevin James Harrington on phone. Rulings made on record as to plaintiff discovery disputes. Adjourned date 12/17/04 Submitted by: Ed Modugno, Courtroom Deputy (Tape #1 from 23-708) (ll,) (Entered: 11/12/2004)
11/19/2004	157	NOTICE SELECTING MEDIATOR - Notice of selection of mediator. (sc,) (Entered: 11/19/2004)
11/29/2004	158	LETTER addressed to Judge Charles L. Brieant from Kevin J. Harrington dated 11/24/2004 re: We have requested that the City of Newburgh consent to a one-week extension of the deadline for submission of motion papers...Under the proposed schedule, each side is planning to submit its motion for summary judgment on or before 12/10/2004. Opposition papers & reply papers would thereafter be submitted pursuant to the Court's Rules. Document filed by United National Insurance Company.

		(mde,) (Entered: 11/30/2004)
11/30/2004	159	LETTER addressed to Counsel from Kevin Harrington dated 11/29/04 re:....Judge Briant aoorived the application of United National Insurance Company, with the ocnsent ofthe City of Newburgh, for an extension of time to serve the parties' respective motions for summary jgmnt on the insurance coverage issues by 12/10/04.... Document filed by United National Insurance Company.(pf,) (Entered: 12/02/2004)
12/10/2004	160	MOTION for Summary Judgment agaisnt Third-Party Dft United National Insurance Company. Document filed by The City of Newburgh. Return Date set for 1/14/2005 10:00 AM. (pf,) (Entered: 12/10/2004)
12/10/2004	161	MEMORANDUM OF LAW in Support re: [160] MOTION for Summary Judgment.. Document filed by The City of Newburgh. (pf,) (Entered: 12/10/2004)
12/10/2004	162	RULE 56.1 STATEMENT. Document filed by The City of Newburgh. (pf,) (Entered: 12/10/2004)
12/13/2004	163	MOTION for Summary Judgment against Third-Party Plntff The City of Newburgh. Document filed by United National Insurance Company. Return Date set for 1/14/2005 10:00 AM. (pf,) (Entered: 12/13/2004)
12/13/2004	164	MEMORANDUM OF LAW in Support re: [163] MOTION for Summary Judgment.. Document filed by United National Insurance Company. (pf,) (Entered: 12/13/2004)
12/13/2004	165	DECLARATION of James Pye in Support re: [163] MOTION for Summary Judgment.. Document filed by United National Insurance Company. (pf,) (Entered: 12/13/2004)
12/13/2004	166	DECLARATION of Kevin Harrington in Support re: [163] MOTION for Summary Judgment.. Document filed by United National Insurance Company. (pf,) (Entered: 12/13/2004)
12/13/2004	167	RULE 56.1 STATEMENT. Document filed by United National Insurance Company. (pf,) (Entered: 12/13/2004)
12/14/2004	168	MOTION for Judgment. Document filed by Michael Acevedo, Jason Bailey Colegrove, Donald Eason, James G. Eckert, Nestor Garcia, Oscar Gonzalez, Kevin Allen Hildreth, James A. Hill, Duane E. Johnson, Timothy S. Maneely, Brian McCormick, Sean M. Mesler, Pablo Moza, Gilberto Negrete, Brian O'Rourke, Manuel Rodriguez, Efrain Santana, Crescenzo Schettini. Return Date set for 1/7/2005 09:00 AM. (mde,) (Entered: 12/14/2004)
12/14/2004	169	MEMORANDUM OF LAW in Support re: [168] MOTION for Judgment.. Document filed by Michael Acevedo, Jason Bailey Colegrove, Donald Eason, James G. Eckert, Nestor Garcia, Oscar Gonzalez, Kevin Allen Hildreth, James A. Hill, Duane E. Johnson, Timothy S. Maneely, Brian McCormick, Sean M. Mesler, Pablo Moza, Gilberto Negrete, Brian O'Rourke, Manuel Rodriguez, Efrain Santana, Crescenzo Schettini. (mde,) (Entered: 12/14/2004)

12/17/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 12/17/2004. Adj. date 1/6/05 at 8:45am. Submitted by: Ed Modugno, Courtroom Deputy (ll,) (Entered: 12/17/2004)
12/21/2004	170	LETTER addressed to Judge Charles L. Brieant from James M. Fedorchak dated 12/17/2004 re: request two week adjournment. Document filed by William Bloom.(ll,) (Entered: 12/21/2004)
12/21/2004	171	LETTER addressed to All counsel from James M. Fedorchak dated 12/21/2004 re: adopt new schedule Opp. papers 1/14/05, Replies Jan. 21, 2005 and oral argument 1/28/05 at 10:00 am.. Document filed by William Bloom.(ll,) (Entered: 12/21/2004)
12/27/2004	172	LETTER addressed to Counselors from James Fedorchak dated 12/21/04 re: Judge Brieant has granted the dfts and third-party plntff attys' request for an adjournment of the two motions for sumamry jgmnt in the declatory jgmnt and the plntffs third motion for sumamry jgmnt in the main action..... (pf,) (Entered: 01/03/2005)
01/06/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Telephone Status Conference held on 1/6/2005. Adjourned date 1/18/05 at 8:45 am. (cc) Submitted by: Ed Modugno, Courtroom Deputy (ll,) (Entered: 01/06/2005)
01/12/2005	173	LETTER addressed to Judge Charles L. Brieant from David Posner dated 1/11/05 re:....requested that the current briefing schedule on the pending motions for summary jgmnt be extended by 30 days..... (pf,) (Entered: 01/13/2005)
01/13/2005	174	LETTER addressed to Counselors from David L. Posner dated 1/13/05 re: Mr. Posner writes to inform counsel that he has been contacted by Judge Brieant's chambers and he has agreed to adjourn the motions as requested in his letter. Oral argument on the moitons is now scheduled for 2/25/05 at 9:30 a.m.. (ae,) (Entered: 01/14/2005)
01/13/2005		Set Deadlines/Hearings: Oral Argument set for 2/25/2005 09:30 AM before Judge Charles L. Brieant. (ae,) (Entered: 01/14/2005)
01/18/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 1/18/2005, Telephone Conference held on 1/18/2005. Status Conference set for 1/28/2005 08:45 AM before Magistrate Judge Mark D. Fox. Telephone Conference set for 1/28/2005 08:45 AM before Magistrate Judge Mark D. Fox. (ae,) (Entered: 01/18/2005)
01/27/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Pretrial Conference held on 1/27/2005. Remark: This matter is closed for Magistrate purposes. Returned to District Court Judge Brieant. (Submitted by Ed Modugno). (mde,) (Entered: 01/28/2005)
01/27/2005	177	LETTER addressed to Judge Charles L. Brieant from David Posner dated 1/27/05 re:....to advise that the parties have reached an agreement with respect to settlement of both the class action against the City of Newburgh and its Third-party declatory jgmnt action against its insurance

		carrier..... (pf,) (Entered: 02/22/2005)
02/22/2005	178	LETTER addressed to Judge Charles L. Brieant from David Posner dated 2/17/05 re:.....the parties are in the process of drafting an application for Your Honor's review seeking an order for preliminary approval of the settlement terms of this class action.... (pf,) (Entered: 02/24/2005)
03/29/2005	179	ORDER FOR PRELIMINARY APPROVAL OF SETTLEMENT:... The terms of the Settlement Agreement are hereby preliminarily approved, subject to further consideration thereof at the Fairness Hearing provided for below.... A hearing on final settlement approval (the "Fairness Hearing") is hereby scheduled to be held before this Court on 6/24/05 at 11:00 a.m., U.S. Courthouse, 300 Quarropas Street.... So Ordered: (Signed by Judge Charles L. Brieant on 3/29/05) Copies sent by Clerk's Office.(pf,) (Entered: 03/30/2005)
04/13/2005	180	ENDORSED LETTER addressed to Judge Brieant from Jon C. Dupee, Jr. dated 04/12/05 re: Request that the Fairness Hearing be adjourned to July 21, 2005 at 2:00 pm. ENDORSED: Application Granted. SO ORDERED: (Signed by Judge Charles L. Brieant on 04/12/05) Clerk's Office Mailed Copies..(dcr,) (Entered: 04/20/2005)
07/21/2005	181	SETTLEMENT AGREEMENT (JUDGMENT) No Money Judgment No. given... ORDERED, ADJUDGED AND DECREED... 1. Final approval of the Settlement Agreement as set forth in this Court's March 29, 2005 Order of Preliminary Approval of Settlement is hereby granted and all the terms and conditions set forth therein are to be deemed incorporated in this Final Judgment; 2. In full satisfaction of all claims pertaining to the subject matter of this class action, defendants shall pay to each eligible class member the sum of One Thousand Dollars (\$1,000.00), with the exception of the named plaintiff, Timothy Maneely... 3. Defendants shall pay to the named plaintiff, Timothy Maneely, the sum of \$25,000.00 which shall come directly from the Settlement Fund; 4. Defendants shall pay attorneys' fees to Class Counsel in the sum of \$550,000.00 together with costs in the sum of \$33,670.20. The sum of \$383,670.20 shall be paid to Class Counsel within 30 days of the date upon which this Final Judgment is entered... Defendants shall pay the remaining balance of \$200,000.00 at 4% percent interest per annum commencing 30 days from the date upon which this Final Judgment is entered on or before January 10, 2006... 5. Defendants shall bear all future costs incurred in the administration of the Settlement Agreement... 6. Pursuant to the terms set forth in the Settlement Agreement, any or all claims raised in this matter are hereby dismissed with prejudice. The Court reserves jurisdiction to reopen if necessary to enforce the Settlement Agreement or adjudicate any disputes arising thereafter... So Ordered. (Signed by Judge Charles L. Brieant on 7/21/2005) Copies Mailed By Chambers.(tb,) (Entered: 07/25/2005)
07/21/2005		AFFIDAVIT OF COMPLIANCE WITH ORDER FOR PRELIMINARY APPROVAL OF SETTLEMENT of David L. Posner in Support re: [179] Order. (jma,) (Entered: 07/25/2005)

07/22/2005	182	NOTICE of Plaintiffs' time records in advance of the Fairness hearing. Document filed by Nestor Garcia, Kevin Allen Hildreth, Gilberto Negrete, Pablo Moza, Sean M. Mesler, Timothy S. Maneely, Duane E. Johnson, Crescenzo Schettini, Brian O'Rourke, Jason Bailey Colegrove, Brian McCormick, Oscar Gonzalez, Michael Acevedo, Efrain Santana, James A. Hill, Donald Eason, James G. Eckert, Manuel Rodriguez. (ll,) (Entered: 07/25/2005)
07/22/2005	183	NOTICE of claims/objection to the settlement of this class action and fairness hearing scheduled before Judge Brieant on July 21, 2005 re: [182] Notice (Other), Notice (Other). Submitted by Kim Thompson for Usunda Thompson, Jeffrey Thompson, Lakeem Thompson submitted by McCabe & Mack, LLP by David L. Posner (ll,) (Entered: 07/25/2005)
07/22/2005	184	AFFIDAVIT of David L. Posner re: [182] Notice (Other), Notice (Other) Affidavit of compliance with Order for Preliminary Approval of Settlement. Document filed by The City of Newburgh. (ll,) (Entered: 07/25/2005)
09/06/2005	185	STIPULATION OF DISCONTINUANCE AND DISMISSAL PURSUANT TO RULE 41 (a) (1) OF THE THIRD-PARTY DECLARATORY JUDGMENT ACTION BETWEEN THE CITY OF NEWBURGH AND UNITED NATIONAL INSURANCE COMPANY AND ORDER. IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties.....between the City of Newburgh and United National Insurance Company be, and the same hereby is dismissed and discontinued, with prejudice, without costs to either party as against the other. (Signed by Judge Charles L. Brieant on 9/6/2005) The Clerk's Office Has Mailed Copies.(jma,) (Entered: 09/13/2005)

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