

**U.S. District Court  
Southern District of New York (White Plains)  
CIVIL DOCKET FOR CASE #: 7:16-cv-05527-NSR**

Charles et al v. Orange County, New York et al  
Assigned to: Judge Nelson Stephen Roman  
Referred to: Magistrate Judge Judith C. McCarthy (Settlement)  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/12/2016  
Date Terminated: 09/17/2019  
Jury Demand: Both  
Nature of Suit: 560 Prisoner Petitions:  
Civil Detainee: Conditions of Confinement  
Jurisdiction: Federal Question

**Plaintiff**

**Michelet Charles**

represented by **Laura Francine Redman**  
New York Lawyers for the Public Interest  
151 W. 30th Street 11th Floor  
New York, NY 10001  
212-244-4664  
Fax: 212-244-4570  
Email: [lredman@nylpi.org](mailto:lredman@nylpi.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Antony Philip Falconer Gemmell**  
New York Lawyers For The Public Interest  
151 West 30th St.,  
New York, NY 10001  
(212)-336-9308  
Email: [agemmell@nyclu.org](mailto:agemmell@nyclu.org)  
**ATTORNEY TO BE NOTICED**

**Daniel Joseph Stujenske**  
Simpson Thacher & Bartlett LLP (NY)  
425 Lexington Avenue  
New York, NY 10017  
(212) 455-2419  
Fax: (212) 455-2502  
Email: [dstujenske@stblaw.com](mailto:dstujenske@stblaw.com)  
**ATTORNEY TO BE NOTICED**

**Esinam Mawuena Daisy Agbemenu**  
Simpson Thacher & Bartlett LLP (NY)  
425 Lexington Avenue  
New York, NY 10017  
(212)-455-3142  
Email: [esinam.agbemenu@stblaw.com](mailto:esinam.agbemenu@stblaw.com)  
**ATTORNEY TO BE NOTICED**

**Hayley Jill Gorenberg**  
New York Lawyers for the Public Interest,  
Inc.  
151 West 30th Street  
11th Floor  
New York, Ste 11th Floor  
New York, NY 10001  
212-336-9322  
Fax: 212-244-4570  
Email: [hgorenberg@nylpi.org](mailto:hgorenberg@nylpi.org)  
**ATTORNEY TO BE NOTICED**

**Katherine R. Rosenfeld**  
Emery Celli Brinckerhoff & Abady, LLP  
600 Fifth Avenue 10th Floor

New York, NY 10020  
212-763-5000  
Fax: 212-763-5001  
Email: [krosenfeld@ecbalaw.com](mailto:krosenfeld@ecbalaw.com)  
*TERMINATED: 01/30/2018*

**Lauren Elizabeth Repole**  
Simpson Thacher & Bartlett LLP (NY)  
425 Lexington Avenue  
New York, NY 10017  
(212)-455-2216  
Email: [lauren.repole@stblaw.com](mailto:lauren.repole@stblaw.com)  
*ATTORNEY TO BE NOTICED*

**Reena Arora**  
New York Lawyers for the Public Interest  
151 W. 30th St.  
New York, NY 10001  
(212) 244-4664  
Fax: (212) 244-4570  
Email: [rarora@urbanjustice.org](mailto:rarora@urbanjustice.org)  
*TERMINATED: 01/04/2017*

**Richard Walker**  
Simpson Thacher & Bartlett LLP  
425 Lexington Ave  
New York, NY 10017  
212-455-3748  
Email: [richard.walker@stblaw.com](mailto:richard.walker@stblaw.com)  
*ATTORNEY TO BE NOTICED*

**Thomas C. Rice**  
Simpson Thacher & Bartlett LLP (NY)  
425 Lexington Avenue  
New York, NY 10017  
(212) 455-2000  
Fax: (212) 455-2502  
Email: [trice@stblaw.com](mailto:trice@stblaw.com)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Carol Small**

represented by **Laura Francine Redman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Antony Philip Falconer Gemmell**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Daniel Joseph Stujenske**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Esinam Mawuena Daisy Agbemenu**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Hayley Jill Gorenberg**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Katherine R. Rosenfeld**  
(See above for address)

TERMINATED: 01/30/2018

**Lauren Elizabeth Repole**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Reena Arora**  
(See above for address)  
TERMINATED: 01/04/2017

**Richard Walker**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Thomas C. Rice**  
(See above for address)  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**County of Orange, New York**  
TERMINATED: 11/19/2019

represented by **Carol C. Pierce**  
Orange County Attorney  
15 Matthews Street  
Goshen, NY 10924  
(845) 291-3150  
Fax: (845) 291-3167  
Email: [ccpierce@orangecountygov.com](mailto:ccpierce@orangecountygov.com)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Anthony Francisco Cardoso**  
Orange County Attorney  
15 Matthews Street  
Goshen, NY 10924  
(845)-291-3150  
Fax: (845)-291-3167  
Email: [ACardoso@orangecountygov.com](mailto:ACardoso@orangecountygov.com)  
ATTORNEY TO BE NOTICED

**Defendant**

**County of Orange Sheriff's  
Department**  
TERMINATED: 11/19/2019

represented by **Carol C. Pierce**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Anthony Francisco Cardoso**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**Orange County Department of Mental  
Health**  
TERMINATED: 11/19/2019

represented by **Carol C. Pierce**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Anthony Francisco Cardoso**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

represented by

**Nicole Kaye**  
Clinic Director, Orange County  
Correctional Facility, in her individual  
capacity  
TERMINATED: 11/19/2019

**John Charles O'Brien , Jr.**  
Heidell, Pittoni, Murphy & Bach, LLP  
(NY)  
99 Park Avenue  
New York, NY 10016  
(212)-471-4688  
Fax: (212)-883-7960  
Email: [jobrien@hpmb.com](mailto:jobrien@hpmb.com)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Vincent Leonard Gallo , Jr**  
Heidell, Pittoni, Murphy & Bach, LLP  
(WP)  
81 Main Street  
White Plains, NY 10601  
(212) 286-8585  
Fax: (212) 490-8966  
Email: [vgallo@hpmb.com](mailto:vgallo@hpmb.com)  
ATTORNEY TO BE NOTICED

**Defendant**

**Carmen Elizondo**  
Former Clinic Director, Orange County  
Correctional Facility, in her individual  
capacity  
TERMINATED: 11/19/2019

represented by **Carol C. Pierce**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Anthony Francisco Cardoso**  
(See above for address)  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/12/2016	<u>1</u>	COMPLAINT against Carmen Elizondo, Nicole Kaye, Orange County Department of Mental Health, Orange County Sheriff's Department, Orange County, New York. (Filing Fee \$ 400.00, Receipt Number 0208-12525716) Document filed by Michelet Charles, Carol Small.(Rice, Thomas) (Entered: 07/12/2016)
07/12/2016	<u>2</u>	CIVIL COVER SHEET filed. (Rice, Thomas) (Entered: 07/12/2016)
07/12/2016	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Orange County, New York, re: <u>1</u> Complaint,. Document filed by Michelet Charles, Carol Small. (Rice, Thomas) (Entered: 07/12/2016)
07/12/2016	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Orange County Sheriff's Department, re: <u>1</u> Complaint,. Document filed by Michelet Charles, Carol Small. (Rice, Thomas) (Entered: 07/12/2016)
07/12/2016	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Orange County Department of Mental Health, re: <u>1</u> Complaint,. Document filed by Michelet Charles, Carol Small. (Rice, Thomas) (Entered: 07/12/2016)
07/12/2016	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Nicole Kaye, re: <u>1</u> Complaint,. Document filed by Michelet Charles, Carol Small. (Rice, Thomas) (Entered: 07/12/2016)
07/12/2016	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Carmen Elizondo, re: <u>1</u> Complaint,. Document filed by Michelet Charles, Carol Small. (Rice, Thomas) (Entered: 07/12/2016)
07/12/2016	<u>8</u>	NOTICE OF APPEARANCE by Reena Arora on behalf of Michelet Charles, Carol Small. (Arora, Reena) (Entered: 07/12/2016)
07/12/2016	<u>9</u>	NOTICE OF APPEARANCE by Antony Philip Falconer Gemmell on behalf of Michelet Charles, Carol Small. (Gemmell, Antony) (Entered: 07/12/2016)

07/13/2016		<b>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Thomas C. Rice. The party information for the following party/parties has been modified: Orange County Sheriff's Department, Orange County, New York. The information for the party/parties has been modified for the following reason/reasons: entities must be entered as they appear on complaint. (rch)</b> (Entered: 07/13/2016)
07/13/2016	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to County of Orange, New York. (rch) (Entered: 07/13/2016)
07/13/2016	<u>11</u>	ELECTRONIC SUMMONS ISSUED as to County of Orange Sheriff's Department. (rch) (Entered: 07/13/2016)
07/13/2016	<u>12</u>	ELECTRONIC SUMMONS ISSUED as to Orange County Department of Mental Health. (rch) (Entered: 07/13/2016)
07/13/2016	<u>13</u>	ELECTRONIC SUMMONS ISSUED as to Nicole Kaye. (rch) (Entered: 07/13/2016)
07/13/2016	<u>14</u>	ELECTRONIC SUMMONS ISSUED as to Carmen Elizondo. (rch) (Entered: 07/13/2016)
07/13/2016		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Analisa Torres. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (rch) (Entered: 07/13/2016)
07/13/2016		Magistrate Judge Sarah Netburn is so designated. (rch) (Entered: 07/13/2016)
07/13/2016		Case Designated ECF. (rch) (Entered: 07/13/2016)
07/13/2016	<u>15</u>	NOTICE OF APPEARANCE by Daniel Joseph Stujenske on behalf of Michelet Charles, Carol Small. (Stujenske, Daniel) (Entered: 07/13/2016)
07/13/2016	<u>16</u>	NOTICE OF APPEARANCE by Lauren Elizabeth Repole on behalf of Michelet Charles, Carol Small. (Repole, Lauren) (Entered: 07/13/2016)
07/14/2016	<u>17</u>	INITIAL PRETRIAL CONFERENCE ORDER: Initial Conference set for 9/12/2016 at 03:45 PM in Courtroom 15D, 500 Pearl Street, New York, NY 10007 before Judge Analisa Torres. (As further set forth in this Order.) (Signed by Judge Analisa Torres on 7/14/2016) (kko) (Entered: 07/14/2016)
07/18/2016	<u>18</u>	NOTICE OF APPEARANCE by Katherine R. Rosenfeld on behalf of Michelet Charles, Carol Small. (Rosenfeld, Katherine) (Entered: 07/18/2016)
07/22/2016	<u>19</u>	NOTICE OF APPEARANCE by Laura Francine Redman on behalf of Michelet Charles, Carol Small. (Redman, Laura) (Entered: 07/22/2016)
07/22/2016	<u>20</u>	NOTICE OF CHANGE OF ADDRESS by Laura Francine Redman on behalf of All Plaintiffs. New Address: New York Lawyers for the Public Interest, 151 W 30th St., 11th Fl., New York, NY, United States 10001, 2122444664. (Redman, Laura) (Entered: 07/22/2016)
07/22/2016	<u>21</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. County of Orange Sheriff's Department served on 7/19/2016, answer due 8/9/2016. Service was accepted by S.K. Hamill, Captain. Document filed by Michelet Charles; Carol Small. (Rice, Thomas) (Entered: 07/22/2016)
07/22/2016	<u>22</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. County of Orange, New York served on 7/19/2016, answer due 8/9/2016. Service was accepted by Renee M. Hoover. Document filed by Michelet Charles; Carol Small. (Rice, Thomas) (Entered: 07/22/2016)
07/22/2016	<u>23</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Nicole Kaye served on 7/19/2016, answer due 8/9/2016. Service was accepted by Nicole Kaye. Document filed by Michelet Charles; Carol Small. (Rice, Thomas) (Entered: 07/22/2016)

07/22/2016	<u>24</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Orange County Department of Mental Health served on 7/19/2016, answer due 8/9/2016. Service was accepted by Darcie Miller, Acting Commissioner. Document filed by Michelet Charles; Carol Small. (Rice, Thomas) (Entered: 07/22/2016)
08/05/2016	<u>25</u>	LETTER MOTION for Extension of Time <i>to Respond to Complaint</i> addressed to Judge Analisa Torres from J.C. O'Brien dated August 5, 2016. Document filed by Nicole Kaye.(O'Brien, John) (Entered: 08/05/2016)
08/05/2016	<u>26</u>	NOTICE OF APPEARANCE by Vincent Leonard Gallo, Jr on behalf of Nicole Kaye. (Gallo, Vincent) (Entered: 08/05/2016)
08/05/2016	<u>27</u>	ORDER denying <u>25</u> Letter Motion for Extension of Time. Defendant's request is DENIED. SO ORDERED. (Signed by Judge Analisa Torres on 8/5/2016) (kko) (Entered: 08/05/2016)
08/09/2016	<u>28</u>	NOTICE OF APPEARANCE by Carol C. Pierce on behalf of County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health. (Pierce, Carol) (Entered: 08/09/2016)
08/09/2016	<u>29</u>	ANSWER to <u>1</u> Complaint,. Document filed by County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health.(Pierce, Carol) (Entered: 08/09/2016)
08/09/2016	<u>30</u>	ANSWER to <u>1</u> Complaint, with JURY DEMAND. Document filed by Nicole Kaye.(Gallo, Vincent) (Entered: 08/09/2016)
08/18/2016	<u>31</u>	NOTICE OF APPEARANCE by Anthony Francisco Cardoso on behalf of County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health. (Cardoso, Anthony) (Entered: 08/18/2016)
08/18/2016	<u>32</u>	ORDER OF REFERENCE TO A MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Sarah Netburn. (Signed by Judge Lorna G. Schofield on 8/18/2016) (cf) (Entered: 08/18/2016)
08/22/2016		NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Barbara C. Moses. Please note that this is a reassignment of the designation only. (wb) (Entered: 08/22/2016)
08/22/2016		NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Barbara C. Moses, for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Magistrate Judge Sarah Netburn no longer referred to the case. (wb) (Entered: 08/22/2016)
08/23/2016	<u>33</u>	ORDER SCHEDULING INITIAL CASE MANAGEMENT CONFERENCE: Initial Conference set for 9/22/2016 at 10:00 AM in Courtroom 9A, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Barbara C. Moses, and as further set forth in this Order. (Signed by Magistrate Judge Barbara C. Moses on 8/23/2016) (rjm) (Entered: 08/23/2016)
08/23/2016	<u>34</u>	ORDER: The initial pretrial conference scheduled for September 12, 2016, is ADJOURNED sine die. SO ORDERED. (Signed by Judge Analisa Torres on 8/23/2016) (kl) (Entered: 08/23/2016)
08/29/2016	<u>35</u>	LETTER MOTION for Conference <i>for anticipated motion to dismiss</i> addressed to Judge Analisa Torres from Anthony F. Cardoso dated August 29, 2016. Document filed by County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health.(Cardoso, Anthony) (Entered: 08/29/2016)
08/31/2016		NOTICE OF CASE REASSIGNMENT to Judge Nelson Stephen Roman. Judge Analisa Torres is no longer assigned to the case. (wb) (Entered: 08/31/2016)
08/31/2016		Magistrate Judge Lisa M. Smith is so redesignated. (wb) (Entered: 08/31/2016)

09/06/2016	<u>36</u>	LETTER addressed to Judge Nelson Stephen Roman from Daniel J. Stujenske dated September 6, 2016 re: Defendants' August 29, 2016 letter. Document filed by Michelet Charles, Carol Small. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Stujenske, Daniel) (Entered: 09/06/2016)
10/04/2016	<u>37</u>	ORDER granting <u>35</u> Letter Motion for Conference. Pre-motion Conference scheduled for Oct. 19, 2016 at 11:15am. Clerk of the Court requested to terminate the motion (doc. 35). Pre-Motion Conference set for 10/19/2016 at 11:15 AM before Judge Nelson Stephen Roman. (Signed by Judge Nelson Stephen Roman on 10/4/2016) (mml) (Entered: 10/05/2016)
10/12/2016	<u>38</u>	LETTER MOTION for Conference addressed to Judge Nelson Stephen Roman from J. C. O'Brien dated October 12, 2016. Document filed by Nicole Kaye.(O'Brien, John) (Entered: 10/12/2016)
10/14/2016	<u>39</u>	MEMO ENDORSEMENT granting <u>38</u> LETTER MOTION for Conference addressed to Judge Nelson Stephen Roman from J. C. O'Brien dated October 12, 2016. ENDORSEMENT: Pre-motion Conference previously scheduled for Oct. 19, 2016 at 11:15 am. Opposing party to state position in writing (not to exceed 3 pages) by Oct. 18, 2016. Clerk of the Court requested to terminate the motion (doc. 38). SO ORDERED. (Pre-Motion Conference set for 10/19/2016 at 11:15 AM before Judge Nelson Stephen Roman) (Signed by Judge Nelson Stephen Roman on 10/14/2016) (lnl) (Entered: 10/17/2016)
10/18/2016	<u>40</u>	LETTER addressed to Judge Nelson Stephen Roman from Daniel J. Stujenske dated October 18, 2016 re: Defendant Nicole Kaye's October 12, 2016 letter requesting leave to file a motion under FRCP 12(c). Document filed by Michelet Charles, Carol Small.(Stujenske, Daniel) (Entered: 10/18/2016)
10/19/2016		Minute Entry for proceedings held before Judge Nelson Stephen Roman: Pre-Motion Conference held on 10/19/2016. Plaintiffs and Defendants counsel present. Court Reporter is Sue Ghorayeb. Both sets of Defendants granted leave to file separate motions to dismiss with following briefing schedule: moving papers to be served November 21, 2016; opposition to be served January 6, 2017; and reply to be served January 30, 2017. The parties are directed to file all motion documents on the reply date, January 30, 2017, and to provide 2 copies of all documents to chambers as the documents are served. ( Motions due by 1/30/2017.). (Court Reporter Sue Ghorayeb) (gs) (Entered: 10/19/2016)
11/04/2016	<u>41</u>	FIRST LETTER addressed to Judge Nelson Stephen Roman from Laura F. Redman dated 11/4/2016 re: Response to Defendants' November 1, 2016 Letter Seeking a Stay of Discovery. Document filed by Michelet Charles, Carol Small.(Redman, Laura) (Entered: 11/04/2016)
11/10/2016	<u>42</u>	NOTICE OF CHANGE OF ADDRESS by Reena Arora on behalf of Michelet Charles, Carol Small. New Address: New York Lawyers for the Public Interest, 151 W. 30th St, 11th Floor, New York, NY, United States 10001, 2122444664. (Arora, Reena) (Entered: 11/10/2016)
12/06/2016	<u>43</u>	ENDORSED LETTER addressed to Judge Nelson Stephen Roman from Anthony F. Cardoso, dated 11/1/2016, re: Counsel for defendants County of Orange, County of Orange Sheriff's Department, Orange County Department of Mental Health, and Carmen Elizondo writes to request that the Court stay discovery in this matter until resolution of defendants' pending motions to dismiss. ENDORSEMENT: Discovery is stayed to the extent of taking depositions until such time as the motion to dismiss is resolved. SO ORDERED. (Signed by Judge Nelson Stephen Roman on 12/6/2016) (lnl) (Entered: 12/07/2016)
12/22/2016	<u>44</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – MOTION for Reena Arora to Withdraw as Attorney . Document filed by Michelet Charles, Carol Small. (Attachments: # <u>1</u> Affidavit ISO Motion)(Arora, Reena) Modified on 1/18/2017 (db). (Entered: 12/22/2016)
01/04/2017	<u>45</u>	MEMO ENDORSED ORDER granting <u>44</u> Motion to Withdraw as Attorney. ENDORSEMENT: Motion to Withdraw granted. Clerk of the Court requested to terminate the motion (doc. 44). Attorney Reena Arora terminated. (Signed by Judge Nelson Stephen Roman on 1/4/2017) (mml) (Entered: 01/05/2017)

01/30/2017	<u>46</u>	MOTION to Dismiss . Document filed by County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health.(Cardoso, Anthony) (Entered: 01/30/2017)
01/30/2017	<u>47</u>	DECLARATION in Support re: <u>46</u> MOTION to Dismiss .. Document filed by County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health. (Cardoso, Anthony) (Entered: 01/30/2017)
01/30/2017	<u>48</u>	MEMORANDUM OF LAW in Support re: <u>46</u> MOTION to Dismiss . . Document filed by County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health. (Cardoso, Anthony) (Entered: 01/30/2017)
01/30/2017	<u>49</u>	CERTIFICATE OF SERVICE. Service was made by MAIL. Document filed by County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health. (Cardoso, Anthony) (Entered: 01/30/2017)
01/30/2017	<u>50</u>	MOTION to Dismiss . Document filed by Nicole Kaye.(O'Brien, John) (Entered: 01/30/2017)
01/30/2017	<u>51</u>	MEMORANDUM OF LAW in Support re: <u>50</u> MOTION to Dismiss . . Document filed by Nicole Kaye. (O'Brien, John) (Entered: 01/30/2017)
01/30/2017	<u>52</u>	DECLARATION of J. C. O'Brien in Support re: <u>50</u> MOTION to Dismiss .. Document filed by Nicole Kaye. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Affidavit Certificate of Service)(O'Brien, John) (Entered: 01/30/2017)
01/30/2017	<u>53</u>	CERTIFICATE OF SERVICE of Notice of Motion, Attorney Declaration & Memorandum of Law served on all Parties on November 21, 2016. Service was made by Overnight Mail. Document filed by Nicole Kaye. (O'Brien, John) (Entered: 01/30/2017)
01/30/2017	<u>54</u>	REPLY MEMORANDUM OF LAW in Support re: <u>46</u> MOTION to Dismiss . . Document filed by County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health. (Cardoso, Anthony) (Entered: 01/30/2017)
01/30/2017	<u>55</u>	CERTIFICATE OF SERVICE. Service was made by Mail. Document filed by County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health. (Cardoso, Anthony) (Entered: 01/30/2017)
01/30/2017	<u>56</u>	REPLY AFFIRMATION of Anthony F. Cardoso in Support re: <u>46</u> MOTION to Dismiss .. Document filed by County of Orange Sheriff's Department, County of Orange, New York, Carmen Elizondo, Orange County Department of Mental Health. (Cardoso, Anthony) (Entered: 01/30/2017)
01/30/2017	<u>57</u>	MEMORANDUM OF LAW in Opposition re: <u>46</u> MOTION to Dismiss . . Document filed by Michelet Charles, Carol Small. (Stujenske, Daniel) (Entered: 01/30/2017)
01/30/2017	<u>58</u>	DECLARATION of Daniel J. Stujenske, Esq. in Opposition re: <u>46</u> MOTION to Dismiss .. Document filed by Michelet Charles, Carol Small. (Attachments: # <u>1</u> Exhibit A)(Stujenske, Daniel) (Entered: 01/30/2017)
01/30/2017	<u>59</u>	MEMORANDUM OF LAW in Opposition re: <u>50</u> MOTION to Dismiss . . Document filed by Michelet Charles, Carol Small. (Stujenske, Daniel) (Entered: 01/30/2017)
01/30/2017	<u>60</u>	DECLARATION of Daniel J. Stujenske, Esq. in Opposition re: <u>50</u> MOTION to Dismiss .. Document filed by Michelet Charles, Carol Small. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Stujenske, Daniel) (Entered: 01/30/2017)
01/30/2017	<u>61</u>	CERTIFICATE OF SERVICE of <u>57</u> <u>58</u> <u>59</u> <u>60</u> served on Carmen Elizondo, Nicole Kaye, Orange County Department of Mental Health, County of Orange Sheriff's Department, County of Orange (New York) on January 6, 2017. Service was made by Mail. Document filed by Michelet Charles, Carol Small. (Stujenske, Daniel) (Entered: 01/30/2017)



01/30/2017	<u>62</u>	LETTER MOTION for Oral Argument <i>on Defendants' Motion to Dismiss</i> addressed to Judge Nelson Stephen Roman from Daniel J. Stujenske dated January 30, 2017. Document filed by Michelet Charles, Carol Small.(Stujenske, Daniel) (Entered: 01/30/2017)
01/30/2017	<u>63</u>	REPLY MEMORANDUM OF LAW in Support re: <u>50</u> MOTION to Dismiss . by <i>Defendant Nicole Kaye</i> . Document filed by Nicole Kaye. (O'Brien, John) (Entered: 01/30/2017)
01/31/2017	<u>64</u>	MEMO ENDORSED ORDER denying <u>62</u> Letter Motion for Oral Argument. ENDORSEMENT: Oral argument is discretionary and the Court will schedule same if it believes oral argument is warranted. The Clerk of the Court is requested to terminate the motion (doc. 62). (Signed by Judge Nelson Stephen Roman on 1/31/2017) (mml) (Entered: 01/31/2017)
03/30/2017	<u>65</u>	ENDORSED LETTER addressed to Judge Nelson Stephen Roman from Anthony F. Cardoso dated 3/29/2017 re: We write to request a conference to resolve a dispute between the parties on disclosure of medical record authorizations and the terms of a proposed confidentiality agreement. ENDORSEMENT: In person discovery dispute conference scheduled for April 7, 2017 at 2:00 pm. Plaintiff's written response is due April 4, 2017., ( Responses due by 4/4/2017, Discovery Dispute Conference set for 4/7/2017 at 02:00 PM before Judge Nelson Stephen Roman.) (Signed by Judge Nelson Stephen Roman on 3/30/2017) (rj) Modified on 4/4/2017 (rj). (Entered: 03/30/2017)
04/03/2017	<u>66</u>	NOTICE OF APPEARANCE by Esinam Mawuena Daisy Agbemenu on behalf of Michelet Charles, Carol Small. (Agbemenu, Esinam) (Entered: 04/03/2017)
04/07/2017		Minute Entry for proceedings held before Judge Nelson Stephen Roman: Discovery Hearing held on 4/7/2017. Plaintiffs and Defendants counsel present. Court Reporter is Mary Staten. Dispute as to language in confidentiality agreement resolved. (Court Reporter Mary Staten) (gs) (Entered: 04/07/2017)
04/19/2017	<u>67</u>	STIPULATION AND PROTECTIVE ORDER CONCERNING CONFIDENTIAL INFORMATION...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge Nelson Stephen Roman on 4/18/2017) (mml) (Entered: 04/19/2017)
09/29/2017	<u>68</u>	OPINION AND ORDER re: <u>50</u> MOTION to Dismiss . filed by Nicole Kaye, <u>46</u> MOTION to Dismiss . filed by Orange County Department of Mental Health, County of Orange Sheriff's Department, Carmen Elizondo, County of Orange, New York. For the foregoing reasons, the motion to dismiss is granted, and Plaintiffs' due process claims are dismissed. The Clerk of Court is directed to terminate all pending motions and to close this case. (Signed by Judge Nelson Stephen Roman on 9/29/2017) (rj) (Entered: 10/02/2017)
09/29/2017		Transmission to Judgments and Orders Clerk. Transmitted re: <u>68</u> Memorandum & Opinion, to the Judgments and Orders Clerk. (rj) (Entered: 10/02/2017)
09/29/2017	<u>69</u>	CLERK'S JUDGMENT: It is, ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated September 29, 2017, the motion to dismiss is granted, and Plaintiffs' due process claims are dismissed; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 9/29/2017) (Attachments: # <u>1</u> Right to Appeal, # <u>2</u> Right to Appeal)(km) (Entered: 10/02/2017)
10/30/2017	<u>70</u>	NOTICE OF APPEAL from <u>68</u> Memorandum & Opinion,, <u>69</u> Clerk's Judgment,. Document filed by Michelet Charles, Carol Small. Filing fee \$ 505.00, receipt number 0208-14302402. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Stujenske, Daniel) (Entered: 10/30/2017)
10/30/2017		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>70</u> Notice of Appeal. (tp) (Entered: 10/30/2017)
10/30/2017		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>70</u> Notice of Appeal, filed by Carol Small, Michelet Charles were transmitted to the U.S. Court of Appeals. (tp) (Entered: 10/30/2017)
01/25/2018	<u>71</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY</b> – MOTION for Katherine Rosenfeld to Withdraw as Attorney . Document filed by Michelet Charles, Carol

		Small.(Rosenfeld, Katherine) Modified on 3/27/2018 (ldi). (Entered: 01/25/2018)
01/30/2018	<u>72</u>	MEMO ENDORSEMENT granting <u>71</u> Motion to Withdraw as Attorney. ENDORSEMENT: The application is granted. Clerk of the Court requested to terminate the motion (doc. 71). (Attorney Katherine R. Rosenfeld terminated.) (Signed by Judge Nelson Stephen Roman on 1/30/2018) (ras) (Entered: 01/30/2018)
05/24/2019	<u>73</u>	TRUE COPY ORDER of USCA as to <u>70</u> Notice of Appeal, filed by Carol Small, Michelet Charles USCA Case Number 17-3506. USCA Case Number 17-3506. For the foregoing reasons, we VACATE the district courts opinion and REMAND for proceedings consistent with this opinion. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 5/24/2019. (tp) (Entered: 05/24/2019)
05/24/2019		Transmission of USCA Mandate/Order to the District Judge re: <u>73</u> USCA Order. (tp) (Entered: 05/24/2019)
05/29/2019	<u>74</u>	ENDORSED LETTER addressed to Judge Nelson Stephen Roman from Anthony F. Cardoso dated 5/28/2019 re: Request for pre-motion conference in anticipation of moving to dismiss the complaint pursuant to Rule 12(c). ENDORSEMENT: Plaintiffs directed to state position in writing (not to exceed 3 pages) by June 4, 2019. The parties are directed to confer, complete and bring to the conference a Scheduling Order (blank form attached). Pre-Motion Conference scheduled for June 20, 2019 at 10:00 am. SO ORDERED. (Signed by Judge Nelson Stephen Roman on 5/29/2019) (rj) (Entered: 05/30/2019)
05/29/2019		Set/Reset Hearings: Pre-Motion Conference set for 6/20/2019 at 10:00 AM before Judge Nelson Stephen Roman. (rj) (Entered: 05/30/2019)
06/14/2019	<u>75</u>	MANDATE of USCA (Certified Copy) as to <u>70</u> Notice of Appeal, filed by Carol Small, Michelet Charles. USCA Case Number 17-3506.IT IS HEREBY ORDERED, ADJUDGED and DECREED that the district court's opinion is VACATED and the case is REMANDED for further proceedings consistent with this Court's Opinion. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 06/14/2019. (Attachments: # <u>1</u> Opinion)(nd) (Entered: 06/14/2019)
06/14/2019		Transmission of USCA Mandate to the District Judge re: <u>75</u> USCA Mandate., (nd) (Entered: 06/14/2019)
06/19/2019	<u>76</u>	ENDORSED LETTER addressed to Judge Nelson Stephen Roman from Anthony F. Cardoso dated 6/14/2019 re: Request the Court to refer this matter to Magistrate Judge McCarthy for settlement conference and adjourn the June 20, 2019 pre-motion conference. ENDORSEMENT: This matter is referred to Judge McCarthy for Settlement conference on July 17, 2019. The June 20, 2019 Pre-motion Conference is adjourned until July 24, 2019 at 10:00 a.m., at which time Parties are directed to appear before this Court. SO ORDERED., (Pre-Motion Conference set for 7/24/2019 at 10:00 AM before Judge Nelson Stephen Roman.) (Signed by Judge Nelson Stephen Roman on 6/19/2019) (kv) Modified on 9/16/2019 (kv). (Entered: 06/19/2019)
06/20/2019		Magistrate Judge Judith C. McCarthy is so redesignated. (jc) (Entered: 06/20/2019)
06/20/2019	<u>77</u>	ORDER OF REFERENCE TO A MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Judith C. McCarthy. (Signed by Judge Nelson Stephen Roman on 6/20/2019) (kv) (Entered: 06/20/2019)
06/24/2019	<u>78</u>	SCHEDULING ORDER: The Court has scheduled a Settlement Conference for July 17, 2019 at 2:00 p.m. before Magistrate Judge Judith C. McCarthy in Courtroom 421. Parties are required to appear. Counsel are required to submit a confidential, ex parte letter, so identified, to the Court, not to exceed 5 pages in length, no later than five business days prior to the conference, outlining any information counsel believes would assist the Court in preparation for the conference. Any party seeking to reschedule shall telephone Chambers with all other parties on the line. Settlement Conference set for 7/17/2019 at 02:00 PM in Courtroom 421, 300 Quarropas Street, White Plains, NY 10601 before Magistrate Judge Judith C. McCarthy. (Signed by Magistrate Judge Judith C. McCarthy on 6/24/2019) (jca) (Entered: 06/24/2019)
06/28/2019	<u>79</u>	ENDORSED LETTER addressed to Judge Nelson Stephen Roman from Anthony F. Cardoso dated 6/28/2019 re: Joint request that the Court adjourn the July 24, 2019

		pre-motion conference until after the now rescheduled July 29, 2019 settlement conference. ENDORSEMENT: The Pre-motion Conference is adjourned from July 24, 2019 until September 18, 2019 at 10:00 am. SO ORDERED., Pre-Motion Conference set for 9/18/2019 at 10:00 AM before Judge Nelson Stephen Roman. (Signed by Judge Nelson Stephen Roman on 6/28/2019) (rj) (Entered: 07/01/2019)
07/29/2019		Minute Entry for proceedings held before Magistrate Judge Judith C. McCarthy: Settlement Conference held on July 29, 2019. Case did not settle. The parties are directed to contact the Court if they would like a further settlement conference. (Court Reporter Courtflow) (jah) (Entered: 07/30/2019)
08/12/2019	<u>80</u>	Costs Taxed as to <u>75</u> USCA Mandate, USCA Case Number 17-3506, in the amount of \$825.00, on 8.12.2019 in favor of Appellants Michelet Charles, Carol Small against Appellees Orange County, State of New York, Orange County Sheriff's Department, Orange County Department of Mental Health, Carmen Elizondo, Former Clinic Director, Orange County Correctional Facility, in her individual capacity. (tp) (Entered: 08/12/2019)
08/12/2019	<u>81</u>	NOTICE OF APPEARANCE by Richard Walker on behalf of Michelet Charles, Carol Small. (Walker, Richard) (Entered: 08/12/2019)
08/12/2019	<u>82</u>	LETTER MOTION for Extension of Time <i>to submit the parties' position regarding a further settlement conference</i> addressed to Magistrate Judge Judith C. McCarthy from Daniel J. Stujenske dated August 12, 2019. Document filed by Michelet Charles, Carol Small.(Stujenske, Daniel) (Entered: 08/12/2019)
08/13/2019	<u>83</u>	ORDER granting <u>82</u> Letter Motion for Extension of Time. The parties are directed to contact the Court by August 14, 2019 if they would like a further settlement conference. (HEREBY ORDERED by Magistrate Judge Judith C. McCarthy)(Text Only Order) (McCarthy, Judith) (Entered: 08/13/2019)
08/14/2019	<u>84</u>	LETTER addressed to Magistrate Judge Judith C. McCarthy from Daniel J. Stujenske dated August 14, 2019 Document filed by Michelet Charles, Carol Small.(Stujenske, Daniel) (Entered: 08/14/2019)
09/17/2019	<u>85</u>	ORDER: ORDERED, that the Pre-Motion Conference scheduled for September 18, 2019 is hereby adjourned sine die, it is further ORDERED, that the above-entitled action be and hereby is discontinued, without costs to either party, subject to reopening should the settlement not be consummated within sixty (60) days of the date hereof. The parties are advised that if they wish the Court to retain jurisdiction in this matter for purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court within the next 60 days with a request that the agreement be "so ordered" by the Court. SO ORDERED. (Signed by Judge Nelson Stephen Roman on 9/17/2019) (ama) (Entered: 09/17/2019)
10/10/2019	<u>86</u>	NOTICE OF APPEARANCE by Hayley Jill Gorenberg on behalf of Michelet Charles, Carol Small. (Gorenberg, Hayley) (Entered: 10/10/2019)
11/19/2019	<u>87</u>	PROPOSED STIPULATION AND ORDER. Document filed by Michelet Charles, Carol Small. (Agbemenu, Esinam) (Entered: 11/19/2019)
11/19/2019	<u>88</u>	STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE: IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the remaining 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 and claim be, and the same hereby is, discontinued and dismissed with prejudice pursuant to the terms of the undersigned parties' Settlement Agreement entered into on November 18, 2019. This stipulation may be executed in counterparts and filed without further notice, with the Court. IT IS SO ORDERED. (Signed by Judge Nelson Stephen Roman on 11/19/2019) (rj) (Entered: 11/20/2019)