

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:10-cv-00060-KAM-RML**

United States of America v. The City of New York et al
Assigned to: Judge Kiyoo A. Matsumoto
Referred to: Magistrate Judge Robert M. Levy
Cause: 28:1345 USA Plaintiff

Date Filed: 01/07/2010
Date Terminated: 01/08/2010
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States of America

represented by **Michael J. Goldberger**
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ATTORNEY TO BE NOTICED

V.

Relator

Sidney Hirschfeld

represented by **Beth Haroules**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

The City of New York

represented by **Mark Galen Toews**
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ATTORNEY TO BE NOTICED

Defendant

**The New York City Health and
Hospitals Corporation**

represented by **Mark Galen Toews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

The Kings County Hospital Center

represented by **Mark Galen Toews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Alan D. Aviles
*President, New York City Health and
Hospitals Corporation, in his official
capacity only*

represented by **Mark Galen Toews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Antonio Martin
*Executive Director, Kings County
Hospital Center, in his official capacity
only*

represented by **Mark Galen Toews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

M.D. Joseph P. Merlino
*Deputy Executive Director for Behavioral
Health Services, Kings County Hospital
Center, in his official capacity only*

represented by **Mark Galen Toews**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/07/2010	<u>1</u>	COMPLAINT against Alan D. Aviles, Antonio Martin, Joseph P. Merlino, The City of New York, The Kings County Hospital Center, The New York City Health and Hospitals Corporation, filed by United States of America. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet) (Davis, Kimberly) (Entered: 01/08/2010)
01/07/2010		Summons Issued as to Alan D. Aviles, Antonio Martin, Joseph P. Merlino, The City of New York, The Kings County Hospital Center, The New York City Health and Hospitals Corporation. (Davis, Kimberly) (Entered: 01/08/2010)
01/07/2010	<u>2</u>	Notice of Related Case (Davis, Kimberly) (Entered: 01/08/2010)
01/08/2010	<u>3</u>	CONSENT JUDGMENT. Ordered by Judge Kiyo A. Matsumoto on 1/7/2010. (Brucella, Michelle) (Entered: 01/08/2010)
02/23/2010	<u>4</u>	Letter <i>advising the Court that the POCA has been tendered</i> by Alan D. Aviles, Antonio Martin, Joseph P. Merlino, The City of New York, The Kings County Hospital Center, The New York City Health and Hospitals Corporation (Calhoun, Martha) (Entered: 02/23/2010)
02/24/2010		Minute Entry for proceedings held before Judge Kiyo A. Matsumoto: Telephonic Status Conference held on 2/24/2010. Plaintiff appeared by Beth Haroules, Esq., Dennis Feld, Esq., and David Flugman, Esq. Defendants appeared by Martha Calhoun, Esq., Emily Sweet, Esq., and Deirdre Newton, Esq. The United States appeared by Michael Goldberger, Esq., David Deutsch, Esq., and Cathleen Trainor, Esq. The parties reported on a recent alleged serious incident at the Kings County Hospital Center's psychiatric facility. The court ordered as follows: (i) By 2/26/10, defendants shall notify the court via ECF as to what, if any, provisions are currently in place with respect to screening employees who are hired to work in the KCHC psychiatric facility. (ii) If no provisions are currently in place or the current provisions are deemed inadequate by the parties, the parties shall file a report via ECF by 3/26/10 notifying the court as to what protocols and procedures the parties have agreed to implement in this regard and how they intend to monitor that implementation. (Tape #4:07 – 4:19.)(Ginns, Laura) (Entered: 02/24/2010) (Entered: 02/24/2010)
03/03/2010		ORDER: Defendants are ordered to comply with the court's minute entry dated 2/24/10 which directed defendants to notify the court by 2/26/10 as to what, if any, provisions are currently in place with respect to screening employees who are hired to work in the KCHC psychiatric facility. Defendants shall file such report as soon as possible and by no later than 3/4/10. Ordered by Judge Kiyo A. Matsumoto on 3/3/2010. (Ginns, Laura) (Entered: 03/03/2010)
07/08/2010		ORDER: In accordance with the court's 1/7/10 minute entry, the parties shall provide a status report updating the court regarding the completion of the review and comment period with respect to the POCA by 7/16/10. Ordered by Judge Kiyo A. Matsumoto on 7/8/2010. (Williams–Jackson, Sandra) (Entered: 07/08/2010)

12/14/2010		Case Consolidated., Cases associated: Create association to 1:07-cv-01819-KAM., per chambers approval on 12/14/2010 Associated Cases: 1:10-cv-00060-KAM -RML, 1:07-cv-01819-KAM (Brown, Marc) (Entered: 12/14/2010)
12/16/2010	<u>5</u>	Letter <i>enclosing corrected plan of corrective action</i> by Alan D. Aviles, Antonio Martin, Joseph P. Merlino, The City of New York, The Kings County Hospital Center, The New York City Health and Hospitals Corporation (Sweet, Emily) (Entered: 12/16/2010)
01/28/2011	<u>6</u>	Letter <i>regarding the subject matter experts' report of compliance with Consent Judgment</i> by United States of America Associated Cases: 1:10-cv-00060-KAM -RML, 1:07-cv-01819-KAM (Goldberger, Michael) (Entered: 01/28/2011)
01/31/2011	<u>7</u>	Letter <i>Submitting Revised Letter Summarizing Experts' Report re Compliance with Consent Judgment</i> by United States of America (Attachments: # <u>1</u> Revised Letter Summarizing Experts' Reports re Compliance with Consent Judgment) Associated Cases: 1:10-cv-00060-KAM -RML, 1:07-cv-01819-KAM (Goldberger, Michael) (Entered: 01/31/2011)
08/19/2011	<u>8</u>	Letter <i>summarizing the report of the expert compliance assessment team for April and May 2011</i> by United States of America (Goldberger, Michael) (Entered: 08/19/2011)
04/27/2012	<u>9</u>	Letter <i>Summarizing the Report of Expert Compliance Assessment Team</i> by United States of America (Florio, Kelly) (Entered: 04/27/2012)
06/14/2012	<u>10</u>	NOTICE of Appearance by Mark Galen Toews on behalf of All Defendants (aty to be noticed) (Toews, Mark) (Entered: 06/14/2012)
11/27/2012	<u>11</u>	Letter <i>to the Court forwarding the experts' compliance report</i> by United States of America (Goldberger, Michael) (Entered: 11/27/2012)
06/03/2013	<u>12</u>	Letter <i>to the Court summarizing the sixth report of the expert compliance assessment team</i> by United States of America (Goldberger, Michael) (Entered: 06/03/2013)
06/20/2013	<u>13</u>	NOTICE of Appearance by Beth Haroules on behalf of Sidney Hirschfeld (aty to be noticed) (Haroules, Beth) (Entered: 06/20/2013)
12/23/2013	<u>14</u>	Letter <i>summarizing seventh expert compliance tour</i> by United States of America (Goldberger, Michael) (Entered: 12/23/2013)
12/27/2013		ORDER: On or before January 10, 2014, the defendant is ordered to provide the court with dates by which it will address and remedy each of the findings set forth in the government's 12/23/13 letter, which notes deficiencies and areas of needed improvement. Ordered by Judge Kiyo A. Matsumoto on 12/27/2013. (Matsumoto, Kiyo) (Entered: 12/27/2013)
01/10/2014	<u>15</u>	Letter <i>responding to the Court's order requesting information regarding defendants compliance with consent judgment</i> by Alan D. Aviles, Antonio Martin, Joseph P. Merlino, The City of New York, The Kings County Hospital Center, The New York City Health and Hospitals Corporation (Calhoun, Martha) (Entered: 01/10/2014)
07/08/2014	<u>16</u>	Letter <i>to the Court summarizing Tour 8 expert compliance tour</i> by United States of America (Goldberger, Michael) (Entered: 07/08/2014)
07/28/2014		ORDER: On or before August 18, 2014, defendants are ordered to provide the court with dates by which they will address and remedy each of the findings set forth in the government's 7/8/13 letter (<u>16</u>), which notes deficiencies and areas of needed improvement. Ordered by Judge Kiyo A. Matsumoto on 7/28/2014. (Alagesan, Deepa) (Entered: 07/28/2014)
08/18/2014	<u>17</u>	Letter by Alan D. Aviles, Antonio Martin, Joseph P. Merlino, The City of New York, The Kings County Hospital Center, The New York City Health and Hospitals Corporation (Toews, Mark) (Entered: 08/18/2014)
09/24/2014	<u>18</u>	Letter <i>Summarizing the Compliance Review of the Hospital Police at KCHC</i> by United States of America (Attachments: # <u>1</u> Compliance Report) (Goldberger, Michael) (Entered: 09/24/2014)

02/10/2015	<u>19</u>	STATUS REPORT – <i>Expert Compliance Assessment</i> by United States of America (Goldberger, Michael) (Entered: 02/10/2015)
12/07/2015	<u>20</u>	Letter <i>Summarizing the Report of the Expert Compliance Assessment Team– Tour Ten</i> by United States of America (Goldberger, Michael) (Entered: 12/07/2015)
06/01/2016	<u>21</u>	Letter <i>summarizing the 11th report of the expert compliance assessment team</i> by United States of America (Goldberger, Michael) (Entered: 06/01/2016)
01/10/2017	<u>22</u>	Letter <i>Summarizing the Report of the Subject Matter Experts and Informing the Court that Defendant has Maintained Substantial Compliance with the Requirements of the Consent Judgment for One Year and Requesting that this Case be Closed</i> by United States of America (Goldberger, Michael) (Entered: 01/10/2017)
01/17/2017		ORDER ORDER re <u>22</u> 1/10/17 Letter, filed by United States of America summarizing the report of the expert compliance assessment team at Kings County Hospital Center's Behavioral Health Service and requesting that the case be closed based on improvements pursuant to the Consent Judgment of 1/7/10. The court appreciates the parties' status report and efforts to ameliorate the conditions at the above facility and orders that this case be closed. Ordered by Judge Kiyoo A. Matsumoto on 1/17/2017. (Matsumoto, Kiyoo) (Entered: 01/17/2017)