

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:97-cv-00700-SAS-HBP**

Rodriguez, et al v. Whalen, et al
Assigned to: Judge Shira A. Scheindlin
Referred to: Magistrate Judge Henry B. Pitman
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 02/03/1997
Date Terminated: 08/25/1997
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Juana Rodriguez
by her son and next friend, Wilfredo Rodriguez

represented by **Batya G. Rephun**
Legal Services for the Elderly
97-45 Queens Blvd.,
914
Rego Park, NY 11374
718-897-2515
LEAD ATTORNEY

James M. Baker
Center for Disability Advocacy Rights
841 Broadway, Suite 605
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LEAD ATTORNEY

Leslie Salzman
Cardozo Bet Tzedek Legal Services
55 Fifth Avenue, 11th Floor
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(212)-790-0240
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LEAD ATTORNEY

Plaintiff

Amelia Russo

represented by **Batya G. Rephun**
(See above for address)
LEAD ATTORNEY

James M. Baker
(See above for address)
LEAD ATTORNEY

Leslie Salzman
(See above for address)
LEAD ATTORNEY

Plaintiff

Mary Weinblad
by her daughter and next friend, Susan Downes

represented by **Batya G. Rephun**
(See above for address)
LEAD ATTORNEY

James M. Baker
(See above for address)
LEAD ATTORNEY

Leslie Salzman
(See above for address)

LEAD ATTORNEY

Plaintiff

Christos Gouvatsos

represented by **Batya G. Rephun**
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LEAD ATTORNEY

James M. Baker
(See above for address)
LEAD ATTORNEY

Leslie Salzman
(See above for address)
LEAD ATTORNEY

Plaintiff

Sidonie Bennett

*individually and on the behalf of all others
similarly situated*

represented by **Batya G. Rephun**
(See above for address)
LEAD ATTORNEY

James M. Baker
(See above for address)
LEAD ATTORNEY

Leslie Salzman
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LEAD ATTORNEY

V.

Defendant

Dennis Whalen

*Commissioner of the New York State
Department of Health*

Defendant

Brian Wing

*Commissioner of the New York State
Office of Temporary Disability Assistance.*

Intervenor Defendant

City of New York

represented by **Judith C. McCarthy**
Paul A. Crotty / Corporation Counsel of
the City of NY
100 Church Street
New York, NY 10007
(212) 788-0920
LEAD ATTORNEY

Movant

Ruvim Aselrod

represented by **James M. Baker**
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LEAD ATTORNEY

Leslie Salzman
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Movant

Maria Smirov

represented by

James M. Baker
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Leslie Salzman
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Movant

Isadora Baez

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Leslie Salzman
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Movant

Gladys Osorio

represented by **James M. Baker**
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Leslie Salzman
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Movant

Doris Pollard

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Movant

Shelton Bean

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Leslie Salzman
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Movant

Helen Bean

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Leslie Salzman
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Movant

Cipriano Soliven

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Leslie Salzman
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Movant

Dominga Vocal

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Leslie Salzman
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Movant

Maria Vizueta

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Leslie Salzman
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Movant

Mario Vizueta

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Leslie Salzman
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Movant

Inez Feliciano

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Leslie Salzman
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Movant

Frank Quiles

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Leslie Salzman
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Movant

Marta Anderson

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Leslie Salzman
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LEAD ATTORNEY

Movant

Mollie Schiffer

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Leslie Salzman

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Movant

Geraldine Johnson

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Leslie Salzman
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Movant

Phillip Thomas

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Leslie Salzman
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Movant

Mariamanna David

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Leslie Salzman
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Movant

Fredy David

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Leslie Salzman
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Movant

Ann Reece

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Leslie Salzman
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Movant

Pearl Malcolm

represented by **James M. Baker**
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Leslie Salzman
(See above for address)
LEAD ATTORNEY

Movant

**Commissioner, New York City
Department of Social Services**

represented by **James M. Baker**
(See above for address)
LEAD ATTORNEY

Movant

**Commissioner, Nassu County
Department of Social Services**

represented by **James M. Baker**
(See above for address)
LEAD ATTORNEY

Movant

**Commissioner, Suffolk County Dept. of
Social Services**

represented by **James M. Baker**
(See above for address)
LEAD ATTORNEY

Movant

**Commissioner, Westchester County
Department of Social Services**

represented by **James M. Baker**
(See above for address)
LEAD ATTORNEY

Intervenor Plaintiff

Mollie Peckman
by her son and next friend, Alex Peckman

represented by **James M. Baker**
(See above for address)
LEAD ATTORNEY

Leslie Salzman
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
02/03/1997	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 150.00 RECEIPT # 280440 (em) (Entered: 02/05/1997)
02/03/1997		CASE REFERRED TO Judge Scheindlin (em) (Entered: 02/05/1997)
02/05/1997	2	MEMORANDUM OF LAW by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett in support of Preliminary Relief. (djc) (Entered: 02/06/1997)
02/14/1997		Case accepted as related to 96 Civ 788 . Notice of assignment to follow. (sac) (Entered: 02/27/1997)
02/14/1997	3	Notice of assignment _ to Judge Shira A. Scheindlin Copy of notice and judge's rules mailed to Attorney(s) of record: Leslie Salzman . (sac) (Entered: 02/27/1997)
02/18/1997		Pre-trial conference held before Judge Scheindlin. (rag) (Entered: 02/20/1997)
02/21/1997		Pre-trial conference held before Judge Scheinlin. (rag) Modified on 03/10/1997 (Entered: 02/24/1997)
03/04/1997	4	Affidavit of service as to Barbara Debuono, Brian Wing by James Hershler, Assistant Attorney General on 2/3/97. (Also docketed in 96 civ. 788) (kw) Modified on 03/05/1997 (Entered: 03/05/1997)
03/04/1997	4	Affidavit of service as to Barbara Debuono by serving the papers at her business offices on 2/3/97. (Also docketed in 96 civ. 788) (kw) (Entered: 03/05/1997)
03/04/1997	4	Affidavit of service as to Brian Wing by serving the papers at his business on 2/3/97. (Also docketed in 96 civ. 788) (kw) (Entered: 03/05/1997)
03/10/1997	19	AFFIDAVIT in opposition of Lori A. Alesio to Certify Class Action. (ae) (Entered: 04/02/1997)
03/11/1997	5	AFFIDAVIT in opposition of Stephen Fisher by Barbara Debuono, Brian Wing to plaintiff's Order to Show Cause. (Also docketed in 96 civ. 788) (kw) Modified on 03/14/1997 (Entered: 03/14/1997)

03/18/1997	6	AFFIDAVIT of Stephen Fisher Re: in Opposition to the Plaintiff's Order to Show Cause dated February 3, 1997 for a preliminary injunction and in conformity with the February 21, 1997 Order of Judge Scheindlin (djc) (Entered: 03/19/1997)
03/19/1997	7	DECLARATION of Judith C. McCarthy in opposition to plttfs' motion for a preliminary injunction enjoining the NYS Dept. of Social Services from permitting local social services districts or agencies w/in the State NY to continue to use task-based assessment programs in their Medicaid-funded home care services programs. (kg) (Entered: 03/19/1997)
03/19/1997	8	AFFIDAVIT in opposition of Frances M. Louth by deft-intervenor City of New York Human Resources Administration's Home Care Services Program Re: to plttfs' motions for class certification and a preliminary injunction prohibiting the local social services districts and agencies throughout NYS from utilizing their task-based assessment programs in determining the number and type of medically necessary tasks to provide to authorized recipients of home care services. (kg) (Entered: 03/19/1997)
03/19/1997	9	MEMORANDUM OF LAW by deft-intervenor Lilliam Barrios-Paoli in opposition to plttfs' motion for a preliminary injunction. (kg) (Entered: 03/19/1997)
03/20/1997	10	STIPULATION PERMITTING INTERVENTION, that the following social services districts are permitted to intervene in this action as defendants: The City of NY; Nassau County; Suffolk County; Westchester County; Greene County. That the time periods established in this case for the defendants' responsive papers to the plaintiffs' motions for class certification and a preliminary injunction shall be applicable to the intervening defendants. (signed by Judge Shira A. Scheindlin) (Also docketed in 96 civ. 788) (kw) (Entered: 03/21/1997)
03/20/1997	11	Filed Memo-Endorsement on letter from James M. Hershler, Asst. atty General dated 3/19/97 requesting leave for the State defts to file an affidavit in excess of the 10 page limit in opposition to plttfs' preliminary injunction motion.....LEAVE FOR A LONGER AFFIDAVIT IS GRANTED. SO ORDERED 3/19/97. SCHEINDLIN, J. (signed by Judge Shira A. Scheindlin) (lam) (Entered: 03/21/1997)
03/26/1997	12	AFFIRMATION of Lori A. Alesio for Westchester County Dept. of Social Scvc. an intervening party in this action IN OPPOSITION TO request for preliminary injunction (ls) (Entered: 03/28/1997)
03/31/1997	13	MEMORANDUM by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett in SUPPORT of Motion for class Certification (motion not filed). (lam) (Entered: 04/01/1997)
03/31/1997	14	DECLARATION of Donna Dougherty, atty for Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett in SUPPORT of Motion for Class Certification (motion not filed). (lam) (Entered: 04/01/1997)
03/31/1997	15	MEMORANDUM by Barbara Debuono, Brian Wing in OPPOSITION to plttfs' Motion for Class Certification (motion not filed). (lam) (Entered: 04/01/1997)
03/31/1997	16	AFFIDAVIT of Linda A. Oettinger, Dir. of Medical Services at the Greene County Dept. of Social Services by Barbara Debuono, Brian Wing Re: in OPPOSITION to the Plttfs Order to Show Cause, dated 2/3/97 for class cerification (motion not filed). (lam) (Entered: 04/01/1997)
03/31/1997	17	AFFIDAVIT of Paula Freedman, Dep. Comm. in Onondaga Cnty Dept of Long Term Care by Barbara Debuono, Brian Wing. (lam) (Entered: 04/01/1997)
03/31/1997	18	REPLY MEMORANDUM by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett re: [16-1] affidavit, [15-1] opposition memorandum and in FURTHER SUPPORT of Motion for Class Certification (motion not filed). (lam) (Entered: 04/01/1997)
04/01/1997		Pre-trial conference held before Judge Scheindlin. (rag) (Entered: 04/04/1997)
04/03/1997	20	Transcript of record of proceedings filed for dates of 2/3/97 before Judge Scheindlin. (sac) (Entered: 04/07/1997)

04/03/1997	21	Transcript of record of proceedings filed for dates of February 21, 1997, before Hon. Shira A. Scheindlin. (em) (Entered: 04/07/1997)
04/14/1997	22	MEMORANDUM by Barbara Debuono, Brian Wing in opposition to plntfs' motion for a preliminary injunction (cd) (Entered: 04/14/1997)
04/14/1997	23	AFFIDAVIT in support of K. Sherry by Barbara Debuono, Brian Wing Re: [22-1] opposition memorandum (cd) (Entered: 04/14/1997)
04/14/1997	24	REPLY MEMORANDUM by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett re: motion for preliminary injunction (cd) (Entered: 04/14/1997)
04/14/1997	25	Reply affidavit of D. Dougherty by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett in support of motion for preliminary injunction (cd) (Entered: 04/14/1997)
04/15/1997		hearing begun before Judge Scheindlin on 4/15/97 (contested Issue) (ls) (Entered: 04/22/1997)
04/16/1997		hearing continued before Judge Scheindlin on 4/16/97 (contested Issue) (ls) (Entered: 04/22/1997)
04/16/1997		hearing concluded before Judge Scheindlin on 4/16/97 (contested issue) (ls) (Entered: 04/22/1997)
04/25/1997	26	NOTICE of attorney appearance for Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett by Batya G. Rephun (djc) (Entered: 04/29/1997)
05/05/1997	27	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Discovery Disputes only when Dist. Judge is unavailable....Settlement (signed by Judge Shira A. Scheindlin) Referred to Magistrate Judge Naomi R. Buchwald (kg) (Entered: 05/06/1997)
05/08/1997		Settlement conference held on 5/8/97 before Mag. Judge Buschwald (pl) (Entered: 05/12/1997)
05/29/1997		Settlement conference held before Magistrate Judge Buchwald. (rag) (Entered: 06/02/1997)
06/03/1997	28	Transcript of record of proceedings before Judge Scheindlin filed for dates of April 1, 1997. (sac) (Entered: 06/03/1997)
06/06/1997	29	STIPULATION and ORDER, for confidentiality re discovery disclosures (signed by Judge Shira A. Scheindlin). (cd) (Entered: 06/09/1997)
06/09/1997		Pre-trial conference held before Judge Scheindlin. (rag) (Entered: 06/11/1997)
06/25/1997	30	FINDINGS OF FACT AND CONCLUSIONS OF LAW (unsigned) (djc) (Entered: 06/26/1997)
06/25/1997	31	Defendant-Intervenor City of New York's Memorandum of Law in Opposition to Plaintiffs' Motion for Intervention (djc) (Entered: 06/26/1997)
06/25/1997	32	Plaintiffs' Proposed FINDINGS OF FACT AND CONCLUSIONS OF LAW (unsigned) (djc) (Entered: 06/26/1997)
06/30/1997	33	PROPOSED PLAINTIFF INBERVENORS' REPLY MEMORANDUM of LAW (djc) (Entered: 07/01/1997)
06/30/1997	34	MEMORANDUM of Law of State Defendants in opposition to Plaintiffs' Motion for Intervention (djc) (Entered: 07/01/1997)
06/30/1997	35	MEMORANDUM of LAW by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett in support of Motion for Intervention. (djc) (Entered: 07/01/1997)
06/30/1997	36	NOTICE OF MOTION to intervene by Leslie Salzman Ruvim Aselrod, Maria Smirov, Isadora Baez, Gladys Osorio, Doris Pollard, Shelton Bean, Helen Bean, Cipriano Soliven, Dominga Vocal, Maria Vizueta, Mario Vizueta, Inez Feliciano,

		Frank Quiles, Marta Anderson, Mollie Schiffer, Geraldine Johnson, Phillip Thomas, Mariamma David, Fredy David, Ann Reece, Pearl Malcolm, NYC Dept of Soc. Svc, Nassau Cty Dpt Soc, Suffolk Cty Soc. Svc, Westchester Cty Soc. , Return date 6/27/97. (djc) (Entered: 07/02/1997)
08/04/1997	37	MEMORANDUM OPINION #79030 granting in part, denying in part [36-1] motion to intervene by Leslie Salzman Ruvim Aselrod, Maria Smirov, Isadora Baez, Gladys Osorio, Doris Pollard, Shelton Bean, Helen Bean, Cipriano Soliven, Dominga Vocal, Maria Vizueta, Mario Vizueta, Inez Feliciano, Frank Quiles, Marta Anderson, Mollie Schiffer, Geraldine Johnson, Phillip Thomas, Mariamma David, Fredy David, Ann Reece, Pearl Malcolm, NYC Dept of Soc. Svc, Nassau Cty Dpt Soc, Suffolk Cty Soc. Svc, Westchester Cty Soc; plntfs' motion for a part; defts are to include safety monitoring as a separate task on their TBA forms, assess the need for safety monitoring as a separate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; the City of NY is to include th total number of task hours authorized as a component of its initial authorization notice (Signed by Judge Shira A. Scheindlin); Copies mailed. (cd) Modified on 08/06/1997 (Entered: 08/05/1997)
08/13/1997	38	Transcript of record of proceedings filed before Judge Scheindlin for dates of April 15,16,17,23, 1997 (jp) (Entered: 08/13/1997)
08/13/1997	39	Transcript of record of proceedings filed before Judge Scheindlin for dates of May 1,2, June 9,12,16,17,18, 1997 (jp) (Entered: 08/13/1997)
08/18/1997	40	NOTICE OF MOTION by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett for reconsideration of the determination dated August 4, 1997 , Return date 9/5/97 (djc) (Entered: 08/19/1997)
08/18/1997	41	MEMORANDUM of LAW by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett in support of [40-1] motion for reconsideration of the determination dated 4, 1997 (djc) (Entered: 08/19/1997)
08/20/1997		Pre-trial conference held before Judge Scheindlin. (rag) (Entered: 08/25/1997)
08/25/1997	42	AMENDED OPINION AND ORDER #79030, plaintiffs' motion for class certification is granted in part and denied in part. Plaintiffs' motion for a preliminary injunction is also granted in part and denied in part ; granting [40-1] motion for reconsideration of the determination dated August 4, 1997, granting [36-1] motion to intervene by Leslie Salzman Ruvim Aselrod, Maria Smirov, Isadora Baez, Gladys Osorio, Doris Pollard, Shelton Bean, Helen Bean, Cipriano Soliven, Vocal, Maria Vizueta, Mario Vizueta, Inez Feliciano, Frank Quiles, Marta Anderson, Mollie Schiffer, Geraldine Johnson, Phillip Thomas, Mariamma David, Fredy David, Ann Reece, Pearl Malcolm, NYC Dept of Soc. Svc, Nassau Cty Dpt Soc, Suffolk Cty Soc. Svc, Westchester Cty Soc.; the August 4, 1997 Opinion and Order is hereby withdrawn and is superseded by this Opinion and Order ; Ordered that defendants include safety monitoring as a separate task on their TBA forms, assess the need of safety monitoring as a separate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice (Signed by Judge Shira A. Scheindlin) Copies mailed. (djc) (Entered: 09/02/1997)
08/25/1997		Case closed as per instructions from Jim Riley, Courtroom Deputy to Judge Scheindlin. (emil) (Entered: 06/24/1998)
08/26/1997		Pre-trial conference held before Judge Scheindlin. (rag) (Entered: 09/02/1997)
09/10/1997	43	NOTICE OF APPEAL ; by the Intervenor-defendant City of New York ; from [42-1] order plaintiffs' motion for class certification is granted in part and denied in part. Plaintiffs' motion for a preliminary injunction is also granted in part and denied in part, [42-2] order the August 4, 1997 Opinion and Order is hereby withdrawn and is superseded by this Opinion and Order, [42-3] order Ordered that

		defendants include safety monitoring as a separate task on their TBA forms, assess the need of safety monitoring as a separate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice, [42-4] order . Copies of notice of appeal mailed to Attorney(s) of Record: iMichael T. Hopkins, Esq., Lark Teitler, Esq., James M. Herscher, Esq., Barbara Barton, Esq., Michael Scherz, Esq., Yisroel Schulman, Esq., Donna Dougherty, Esq., Leslie Salzm, Esq., Paris Baldacci, Esq., Toby Golick, Esq. and Lori A. Alesio, Esq. \$105.00 Appeal filinf fee paid on receipt # E 296660 on September 10, 1997. (dt) Modified on 09/12/1997 (Entered: 09/12/1997)
09/16/1997	44	NOTICE OF APPEAL by Intervenor-deft, Irene Lapidez ; from [42-1] order plaintiffs' motion for class certification is granted in part and denied in part. Plaintiffs' motion for a preliminary injunction is also granted in part and denied in part . Copies of notice of appeal mailed to Attorney(s) of Record: Leslie Salzman, Donna Dougherty, Michael Scherz, Judith C. McCarthy, Lori A. Alesio, Barbara Barton. Fee pd. \$105.00, rec # 297098 . (as) Modified on 09/17/1997 (Entered: 09/17/1997)
09/16/1997	46	NOTICE OF APPEAL by Westchester Cty Soc. ; from [42-1] order plaintiffs' motion for class certification is granted in part and denied in part. Plaintiffs' motion for a preliminary injunction is also granted in part and denied in part . Copies of notice of appeal mailed to Attorney(s) of Record: Leslie Salzman, Donna Dougherty, Michael Scherz, James M. Herschler, Judith C. McCarthy, Michael T. Hopkins, Barbara Barton. Fee Pd. \$ 105 in White Plains, REc # 289350. . (as) (Entered: 09/22/1997)
09/18/1997	45	Filed Memo-Endorsement on letter by Judith C. McCarthy to Judge Scheindlin dated 9/16/97, a pre-motion conference is scheduled for 9/24/97 at 4:00 p.m. (signed by Judge Shira A. Scheindlin). (ae) (Entered: 09/19/1997)
09/22/1997	47	NOTICE OF APPEAL by Barbara Debuono, Brian Wing ; from [42-1] order plaintiffs' motion for class certification is granted in part and denied in part. Plaintiffs' motion for a preliminary injunction is also granted in part and denied in part, [42-2] order the August 4, 1997 Opinion and Order is hereby withdrawn and is superseded by this Opinion and Order, [42-3] order Ordered that defendants include safety monitoring as a separate task on their TBA forms, assess the need of safety monitoring as a separate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice . Copies of notice of appeal mailed to Attorney(s) of Record: Leslie Salzman, Esq., Paris Baldacci, Esq., Toby Golick, Esq., Donna Dougherty, Esq., Michael Scherz, Esq., Yisroel Schulman, Esq., Judith C. McCarthy., Esq., Michael T. Hopkins, Esq., Lori A. Alesio, Esq. and Barbara Barton Esq. \$105.00 Appeal filing fee paid on receipt # E 297455 on September 22, 1997.(dt) Modified on 09/23/1997 (Entered: 09/23/1997)
09/24/1997	48	NOTICE OF APPEAL by Juana Rodriguez, et al., and plaintiff-intervenors, Ruvim Aselrod, et al., ; from [42-1] order plaintiffs' motion for class certification is granted in part and denied in part. Plaintiffs' motion for a preliminary injunction is also granted in part and denied in part, [42-2] order the August 4, 1997 Opinion and Order is hereby withdrawn and is superseded by this Opinion and Order, [42-3] order Ordered that defendants include safety monitoring as a separate task on their TBA forms, assess the need of safety monitoring as a separate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already

		included, as a component of its reauthorization notice, [42-4] order . Copies of notice of appeal mailed to Attorney(s) of Record: James Hershler, Esq., Judith McCarthy, Esq., Michael Hopkins, Esq., Lori Alessio, Esq. and Barbara Barton, Esq. \$105.00 Appeal filing fee paid on receipt # E 297655. (dt) Modified on 09/25/1997 (Entered: 09/25/1997)
09/24/1997	49	NOTICE OF APPEAL by Suffolk Cty Soc. Svc ; from [42-1] order plaintiffs' motion for class certification is granted in part and denied in part. Plaintiffs' motion for a preliminary injunction is also granted in part and denied in part, [42-2] order the August 4, 1997 Opinion and Order is hereby withdrawn and is superseded by this Opinion and Order, [42-3] order Ordered that defendants include safety monitoring as a separate task on their TBA forms, assess the need of safety monitoring as a separate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice, [42-4] order . Copies of notice of appeal mailed to Attorney(s) of Record: Leslie Salzman, Esq., Paris Baldacci, Esq., Toby Golick, Esq., Donna Dougherty, Esq., Michael Scherz, Esq., Yisroel ZSchulman, Esq., James M. Herschler, Esq., Judith C. McCarthy, Esq., Michael T. Hopkins, Esq., Lark Teitler, Esq. and Lori A. Alesio, Esq. \$105.00 Appeal filing fee paid on receipt # E 297559 on September 24, 1997. (dt) (Entered: 09/25/1997)
09/24/1997		Pre-trial conference held (rag) (Entered: 09/29/1997)
10/03/1997	50	AFFIDAVIT of William Heiselman by Suffolk Cty Soc. Svc Re: joining the City of New York's application for a stay, pending appeal of the amended Opinion and Order of the Court, dated 8/21/97 and entered on 9/2/97 for all the reasons set forth in the City of New York's Memorandum of Law. (ae) (Entered: 10/06/1997)
10/03/1997	54	AFFIDAVIT in support of Lori A. Alesio by Westchester Cty Soc. Re: Stay Pending Appeal. (ae) (Entered: 10/08/1997)
10/07/1997	51	NOTICE OF MOTION by City of New York for an order pursuant to Rule 62(c) of the FRCP staying the portion of the Court's Amended Opinion and Order, dated 8/21/97, requiring defendants "to include safety monitoring as a separate task on their TBA ["Task Based Assessment"] forms, assess the need for safety-monitoring as a separate task, and calculated any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients , Return date 10/23/97 (ae) (Entered: 10/08/1997)
10/07/1997	52	MEMORANDUM OF LAW by City of New York in support of [51-1] motion for an order pursuant to Rule 62(c) of the FRCP staying the portion of the Court's Amended Opinion and Order, dated 8/21/97, requiring defendants "to include safety monitoring as a separate task on their TBA ["Task Based Assessment"] forms, assess the need for safety-monitoring as a separate task, and calculated any minutes allotted for safety monitoring as part of the total personal care services authorized, for both applicants and recipients (ae) (Entered: 10/08/1997)
10/07/1997	53	AFFIDAVIT in support of Kathleen Tyler by City of New York Re: [51-1] motion for an order pursuant to Rule 62(c) of the FRCP staying the portion of the Court's Amended Opinion and Order, dated 8/21/97, requiring defendants "to include safety monitoring as a separate task on their TBA ["Task Based Assessment"] forms, assess the need for safety-monitoring as a separate task, and calculated any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients (ae) (Entered: 10/08/1997)
10/08/1997	55	Transcript of record of proceedings before Judge Scheindlin filed for dates of August 20, 1997 (jp) (Entered: 10/08/1997)
10/14/1997	56	Reply affidavit of M. Hopkins re direction of the Court issued at the 9/24/97 conference held to discuss a stay of the Court's 8/21/97 order pending an appeal (cd) (Entered: 10/16/1997)

10/14/1997	57	DECLARATION of M. Scherz in opposition by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett [51-1] motion for an order pursuant to Rule 62(c) of the FRCP staying the portion of the Court's Amended Opinion and Order, dated 8/21/97, requiring defendants "to include safety monitoring as a separate task on their TBA ["Task Based Assessment"] forms, assess the need for safety-monitoring as a separate task, and calculated any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients (cd) (Entered: 10/16/1997)
10/14/1997	58	MEMORANDUM by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett in opposition to [51-1] motion for an order pursuant to Rule 62(c) of the FRCP staying the portion of the Court's Amended Opinion and Order, dated 8/21/97, requiring defendants "to include safety monitoring as a separate task on their TBA ["Task Based Assessment"] forms, assess the need for safety-monitoring as a separate task, and calculated any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients (cd) (Entered: 10/16/1997)
10/15/1997	59	REPLY AFFIDAVIT of Kathleen Tyler by City of New York Re: in reply to plttfs' papers [58-1] opposition memorandum, [57-1] affidavit in opposition, to defts motion to stay. (sac) (Entered: 10/16/1997)
10/15/1997	60	DECLARATION of Judith C. McCarthy in further support by City of New York [51-1] motion for an order pursuant to Rule 62(c) of the FRCP staying the portion of the Court's Amended Opinion and Order, dated 8/21/97, requiring defendants "to include safety monitoring as a separate task on their TBA ["Task Based Assessment"] forms, assess the need for safety-monitoring as a separate task, and calculated any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients (sac) (Entered: 10/16/1997)
10/17/1997	61	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals on October 17, 1997. (dt) (Entered: 10/17/1997)
10/23/1997		Pre-trial conference held (rag) (Entered: 10/27/1997)
11/03/1997	62	Transcript of record of proceedings before Judge Scheindlin filed for dates of September 24, 1997 (pl) (Entered: 11/03/1997)
11/03/1997	63	Filed Memo-Endorsement on letter dated 10/27/97 from Donna Dougherty, plaintiffs have moved to modify my order granting a stay of my 8/21/97 order pending appellate review. For the reasons stated in opposition to the motion, the request for modification is in all respects denied (signed by Judge Shira A. Scheindlin) (kw) (Entered: 11/05/1997)
12/05/1997	64	Transcript of record of proceedings before Judge Scheindlin filed for dates of October 23, 1997 (jp) (Entered: 12/05/1997)
12/18/1997	65	Withdrawal of appeal by both counsel without costs and without attys. fees. (97-9204) George Lange, III, CLerk, USCA. (as) (Entered: 12/22/1997)
05/14/1998		Indexed record on appeal files (97-9152) sent to the U.S.C.A. on May 14, 1998. by DT. (Files requested by Helena Harris from the U.S.C.A.). (dt) (Entered: 05/14/1998)
07/29/1998	66	NOTICE OF MOTION to intervene by Mollie Peckman , Return date 7/30/98; attached are papers in support (cd) (Entered: 07/29/1998)
07/29/1998	67	MEMORANDUM by Mollie Peckman in support of [66-1] motion to intervene by Mollie Peckman (cd) (Entered: 07/29/1998)
07/29/1998	68	MEMORANDUM by Brian Wing and NYS Dept of Health in opposition to [66-1] motion to intervene by Mollie Peckman (cd) (Entered: 07/29/1998)
08/03/1998	69	Letter to Judge Scheindlin, filed by Mollie Peckman dated 7/29/98 re motion to intervene (cd) (Entered: 08/03/1998)
08/24/1998	70	OPINION AND ORDER #81108 granting [66-1] motion to intervene by Mollie Peckman; (Signed by Judge Shira A. Scheindlin); copies mailed. (ls) (Entered: 08/24/1998)

		08/25/1998)
11/24/1998		Pre-trial conference held before Judge Scheindlin. (kw) (Entered: 11/30/1998)
12/14/1998	71	MANDATE OF USCA (certified copy) Re: [49-1] appeal by Suffolk Cty Soc. Svc, [48-1] appeal by Ruvim Aselrod, Juana uRodriguez, [47-1] appeal by Brian Wing, Barbara Debuono, [46-1] appeal by Westchester Cty Soc., [44-1] appeal, [43-1] appeal. It is now hereby ordered, adjudged and decreed that the judgment of said district court be and it hereby is vacated and the matter is remanded for further proceedings. (97-9152L,97-9176,97-9178,97-9204,97-9206,97-9186) Carolyn Clark Campbell, Clerk, USCA. (as) (Entered: 12/14/1998)
12/16/1998		Settlement conference held (sac) (Entered: 12/21/1998)
01/03/1999	72	Transcript of record of proceedings filed for dates of 11/24/98 before Judge Scheindlin (cd) (Entered: 01/06/1999)
02/05/1999	73	SUPPLEMENTAL MEMORANDUM by Barbara Debuono, Brian Wing in opposition to permanent injunctive relief (sac) (Entered: 02/09/1999)
02/05/1999	74	SUPPLEMETNAL MEMORANDUM by Barbara Debuono re dismissal of the action (cd) (Entered: 02/09/1999)
02/09/1999	77	Transcript of record of proceedings filed for dates of 12/2/98 at 5:00pm before Judge Scheindlin. (ri) (Entered: 02/19/1999)
02/11/1999	75	Filed Memo-Endorsement on letter to Judge Scheindlin from Naomi Sheiner dated 2/2/99; counsel for City Defts' requests an adjournment of the City Defts' time to respond to plttfs' pending motion in this matter. City defts must submit their response by 2/12/99. The Court does not require all defts to sumit one consolidated brief ; (signed by Judge Shira A. Scheindlin) (ls) (Entered: 02/16/1999)
02/11/1999	76	SUPPLEMENTAL MEMORANDUM of LAW by City of New York (djc) (Entered: 02/19/1999)
02/25/1999	78	MEMORANDUM by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett in support of permanent injunction relief (cd) (Entered: 02/26/1999)
02/25/1999	79	REPLY SUPPLEMENTAL MEMORANDUM by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett re: motion for permanent injunction (cd) (Entered: 02/26/1999)
03/12/1999	80	SUPPLEMENTAL MEMORANDUM OF LAW by Barbara Debuono, Brian Wing, NYC Dept of Soc. Svc in opposition to Permanent Injunctive Relief. (djc) (Entered: 03/15/1999)
04/09/1999		Pre-trial conference held before Judge Scheindlin (cd) (Entered: 04/15/1999)
04/15/1999		Pre-trial conference held before Judge Scheindlin. (jp) (Entered: 04/19/1999)
04/19/1999	81	OPINION and ORDER #82229; that for the reasons stated in this Opinion, plttfs' motion for permanent injunctive relief is granted. It is Ordered that defts include safety monitoring as a separte task on their TBA forms, assess the need for safety monitoring as a separte task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice (Signed by Judge Shira A. Scheindlin); Copies mailed. (jp) (Entered: 04/20/1999)
05/13/1999	82	JUDGMENT, that purs to the Court's Opinion (82229) and Order dated 4/19/99, plntfs' motion is hereby granted; that defts include safety monitoring as a separate task on their TBA forms, assess the need for safety monitoring as a separate task, and calculate any minutes allotted for safety for safety monitoring as part of the total personal care services authorized, for both applicants and recipients; that the City of NY include the total number of tasks hours authorized and the allocation of

		those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice (signed by James M. Parkison, Clerk of Court); Mailed copies and notice of right to appeal. Entered on 5/13/99 (cd) (Entered: 05/13/1999)
05/17/1999	83	NOTICE OF APPEAL by Dennis Whalen, Brian Wing ; from [82-1] judgment order, [81-1] order that for the reasons stated in this Opinion, plttfs' motion for permanent injunctive relief is granted. It is Ordered that defts include safety monitoring as a seperate task on their TBA forms, assess the need for safety monitoring as a seperate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice, [81-2] order . Copies of notice of appeal mailed to Attorney(s) of Record: Leslie Salzman, Esq., Donna Dougherty, Esq., Michael Scherz, Esq., Adam Kurtz, Esq., Michael T. Hopkins, Esq., Kyle McGovern, Esq. and Derrick Robinson, Esq. \$105.00 Appeal filing fee paid on May 17, 1999 on receipt # E 345384. (dt) (Entered: 05/18/1999)
05/18/1999		Notice of appeal and certified copy of docket to USCA: [83-1] appeal by Brian Wing, Dennis Whalen ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/18/1999)
05/18/1999	84	NOTICE OF APPEAL by Westchester Cty Soc. ; from [82-1] judgment order, [81-1] order that for the reasons stated in this Opinion, plttfs' motion for permanent injunctive relief is granted. It is Ordered that defts include safety monitoring as a seperate task on their TBA forms, assess the need for safety monitoring as a seperate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice, [81-2] order . Copies of notice of appeal mailed to Attorney(s) of Record: Leslie Salzman, Esq., Paris Baldacci, Esq., Toby Golick, Esq., Donna Dougherty, Esq., Michael Scherz, Esq., Yisroel Shulman, Esq., James M. Herschler, Esq., Adam Kurtz, Esq., Judith C. McCarthy, Esq., Michael T. Hopkins, Esq., Lark Teitler, Esq. and Derek Robinson, Esq. \$105.00 Appeal filing fee paid on May 18, 1999 on receipt # 345433. (dt) (Entered: 05/19/1999)
05/18/1999	85	NOTICE OF APPEAL by Nassau Cty Dpt Soc ; from [82-1] judgment order, [81-1] order that for the reasons stated in this Opinion, plttfs' motion for permanent injunctive relief is granted. It is Ordered that defts include safety monitoring as a seperate task on their TBA forms, assess the need for safety monitoring as a seperate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice, [81-2] order . Copies of notice of appeal mailed to Attorney(s) of Record: Donna Dougherty, Esq., Leslie Salzman, Esq., Parsi Baldacci, Esq., Toby Golick, Esq., Michael Scherz, Esq., Yisroel Schulman, Esq., James M. Hershler, Esq., Adam Kurtz, Esq., Lori A. Alesio, Esq. and Derrick Robinson, Esq. \$105.00 Appeal filing fee paid on May 18, 1999 on receipt # E 345451. (dt) (Entered: 05/19/1999)
05/19/1999		Notice of appeal and certified copy of docket to USCA: [84-1] appeal by Westchester Cty Soc. ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/19/1999)
05/19/1999		Notice of appeal and certified copy of docket to USCA: [85-1] appeal by Nassau Cty Dpt Soc ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/19/1999)

05/20/1999	86	NOTICE OF APPEAL by NYC Dept of Soc. Svc ; from [82-1] judgment order, [81-1] order that for the reasons stated in this Opinion, plttfs' motion for permanent injunctive relief is granted. It is Ordered that defts include safety monitoring as a seperate task on their TBA forms, assess the need for safety monitoring as a seperate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice, [81-2] order . Copies of notice of appeal mailed to Attorney(s) of Record: Leslie Salzman, Esq., Donna Dougherty, Esq., Michael Scherz, Esq., James M. Hershler, Esq., Michael Hes, Esq., Larry Sonnenshein, Esq., Mordecai Newman, Esq., Adam Kurtz, Esq., Lori Alesio, Esq., Derrick Robinson, Esq. and Michael T. Hopkins, Esq. \$105.00 Appeal filing fee paid on May 20, 1999 on receipt # E 345669. (dt) (Entered: 05/21/1999)
05/21/1999		Notice of appeal and certified copy of docket to USCA: [86-1] appeal by NYC Dept of Soc. Svc ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/21/1999)
05/24/1999		Pretrial Conference held before Judge Shira A. Scheindlin . (jp) (Entered: 05/27/1999)
05/25/1999	87	NOTICE OF APPEAL by Suffolk Cty Soc. Svc ; from [82-1] judgment order, [81-1] order that for the reasons stated in this Opinion, plttfs' motion for permanent injunctive relief is granted. It is Ordered that defts include safety monitoring as a seperate task on their TBA forms, assess the need for safety monitoring as a seperate task, and calculate any minutes allotted for safety monitoring as part of the total personal care services hours authorized, for both applicants and recipients; and it is further Ordered that the City of New York include the total number of task hours authorized and the allocation of those hours by the number of hours per day as a component of its initial notice, and, to the extent this information is not already included, as a component of its reauthorization notice, [81-2] order . Copies of notice of appeal mailed to Attorney(s) of Record: Leslie Salzman, Esq., Donna Dougherty, Esq., Michael Scherz, Esq., Eliot Spitzer, Adam Kurtz, Esq., Michael T. Hopkins, Esq. and Kyly McGovern, Esq. \$105.00 Appeal filing fee paid on May 24, 1999 on receipt # E 345815. (dt) (Entered: 05/25/1999)
05/25/1999		Notice of appeal and certified copy of docket to USCA: [87-1] appeal by Suffolk Cty Soc. Svc ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/25/1999)
05/25/1999	88	NOTICE OF MOTION for attorney fees purs to 42 U.S.C. section 1988 , No Return date w. Preliminary Declaration in Support of motion (dj) (Entered: 05/26/1999)
05/28/1999	89	Affidavit of service of Opinion & Order and Judgment, as to City of New York, by Mail on 5/27/99 (jp) (Entered: 06/02/1999)
06/09/1999	90	Transcript of record of proceedings before Judge Shira A. Scheindlin filed for dates of April 9, 1999 at 4:15 P.M. (sn) (Entered: 06/10/1999)
06/09/1999	91	Transcript of record of proceedings before Judge Shira A. Scheindlin filed for dates of April 15, 1999 at 11:40 A.M. (sn) (Entered: 06/10/1999)
06/22/1999	92	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [87-1] appeal by Suffolk Cty Soc. Svc (as) (Entered: 06/23/1999)
06/22/1999	93	ORDER, purs. to Federal Rule of Appellate Procedure 10(e), the district court hereby modifies the record on appeal to reflect that the Supplemental Memo of Law of the Nassau County Dept of Social Services is part of the district court record (signed by Judge Shira A. Scheindlin); Copies mailed (cd) Modified on 06/24/1999 (Entered: 06/23/1999)

07/13/1999	94	Transcript of record of proceedings filed for dates of May 24, 1999 before the Hon. Shira A. Scheindlin (djc) (Entered: 07/13/1999)
08/04/1999		settlement conference held before Magistrate Judge Naomi R. Buchwald (ls) (Entered: 08/05/1999)
09/29/1999	96	NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Henry B. Pitman Copies mailed to Attorney(s) of record: Leslie Salzman, Judith C. McCarthy, Batya G. Rephun, Leslie Salzman (bm) (Entered: 10/06/1999)
09/30/1999	95	STIPULATION and ORDER; plaintiffs motion seeking attorney fees pursuant to 42 U.S.C. section 1988 and Rule 54(b) of the F.R.C.P. is marked off calendar pending a decision by the Court of Appeals for the second Circuit on defendants' appeal of the judgment entered in the District Court on 5/13/99; the motion may be restored to the calendar by plaintiffs; counsel upon fourteen days written notice to defendants' counsel and the Court and within 60 days of final resolution of the action . (signed by Judge Shira A. Scheindlin) (pl) (Entered: 10/05/1999)
10/27/1999		Notice of Reassignment of a Referral to another Magistrate Judge returned. Addressee Unknown. (bm) (Entered: 10/28/1999)
11/02/1999		Record on appeal files (97-9152) returned from U.S. Court of Appeals on November 1, 1999. (dt) (Entered: 11/02/1999)
12/06/1999	97	Transcript of record of proceedings before Judge Shira A. Scheindlin for the date(s) of 10/20/99. (sl) (Entered: 12/06/1999)
12/07/1999		Pretrial Conference held before Judge Shira A. Scheindlin. (sn) (Entered: 12/09/1999)
01/28/2000	98	STIPULATION AND ORDER; regarding procedures that will govern the handling of "Confidential Information." (signed by Judge Shira A. Scheindlin) (sac) (Entered: 01/28/2000)
01/28/2000	99	STIPULATION AND ORDER Of Confidentiality; regarding procedures that will govern the handling of confidential material ; (signed by Judge Shira A. Scheindlin) (ls) (Entered: 01/28/2000)
02/07/2000	100	MANDATE OF USCA (certified copy) Re: Reversed. [87-1] appeal by Suffolk Cty Soc. Svc, [86-1] appeal by NYC Dept of Soc. Svc, [85-1] appeal by Nassau Cty Dpt Soc, [84-1] appeal by Westchester Cty Soc., [83-1] appeal by Brian Wing, Dennis Whalen, it is ORDERED, adjudged and decreed that the judgment of said district court be and it hereby is Reversed in accordance with the opinion of this court. (99-7572, 99-7586, 99-7588, 99-7604, 99-7618) Karen Greve Milton, Acting Clerk, U.S.C.A. (mh) (Entered: 02/08/2000)
08/09/2000		Settlement Conference held and concluded before Magistrate Judge Henry B. Pitman. (kw) (Entered: 08/11/2000)
03/16/2001	101	NOTICE of attorney appearance for Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett, Ruvim Aselrod, Maria Smirov, Isadora Baez, Gladys Osorio, Doris Pollard, Shelton Bean, Helen Bean, Cipriano Soliven, Dominga Vocal, Maria Vizueta, Mario Vizueta, Inez Feliciano, Frank Quiles, Marta Anderson, Mollie Schiffer, Geraldine Johnson, Phillip Thomas, Mariamma David, Fredy David, Ann Reece, Pearl Malcolm, NYC Dept of Soc. Svc, Nassau Cty Dpt Soc, Suffolk Cty Soc. Svc, Westchester Cty Soc., Mollie Peckman by James M. Baker. (sn) (Entered: 03/20/2001)
09/27/2002	102	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Henry B. Pitman. (signed by Judge Shira A. Scheindlin) (pl) (Entered: 10/01/2002)
11/19/2002	103	ORDER, Both plaintiffs and Nassau County are directed to bring with them to the settlement conference the individual or individuals with authority to sign-off on a settlement agreement. (signed by Magistrate Judge Henry B. Pitman); Copies mailed by Chambers. (sb) (Entered: 11/20/2002)

01/07/2003	106	DECLARATION of Michael D. Scherz by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett in support of Re: [105-1] order regarding the settlement agreement between the plaintiffs and the State defendants . (ae) (Entered: 01/14/2003)
01/09/2003	104	STIPULATION and ORDER, regarding the settlement agreement between the plaintiffs and the City Defendants ; sixty days after filing the affidavit of compliance, with proof of service, with the Clerk of the Court, this class action lawsuit shall be dismissed as to City defendants, with prejudice . (signed by Judge Shira Scheindlin) (kw) Modified on 01/13/2003 (Entered: 01/13/2003)
01/09/2003	105	STIPULATION and ORDER, regarding the settlement agreement between the plaintiffs and the State defendants . (signed by Judge Shira A. Scheindlin) (kw) (Entered: 01/13/2003)
01/09/2003	107	FURTHER DECLARATION of Michael D. Scherz by Juana Rodriguez, Amelia Russo, Mary Weinblad, Christos Gouvatsos, Sidonie Bennett Re: for fairness hearing on the proposed settlement w/ N.Y.S. and N.Y.C. defendants. (ae) (Entered: 01/14/2003)
01/13/2003	108	STIPULATION and ORDER; State defendants shall pay the amount of \$140,000 in full and final settlement of any all claims against State defendants for attorney's fees, costs, expenses and disbursements in this action. No further attorney's fees shall be paid in this action by State defendants ; Within 45 days after the State defendants make their final production of fair hearing decision to plaintiffs over the one-year period as set forth herein, plaintiffs shall discontinue with prejudice all claims raised against the State defendants in this action and the action filed in the Supreme Court, NY County entitled Dowd v. Bane, Index No. 92-17335; The Court shll retain jurisdicion over the State defendants until final discontinuance of this action as set forth in paragraph 5 herein, solely to enforce the terms of this Stip and order of Settlement. This action is otherwise deemed closed as against the Said defendants ; (signed by Judge Shira A. Scheindlin) (djc) (Entered: 01/14/2003)
01/23/2003	109	STIPULATION OF SETTLEMENT AND ORDER of dismissal: the City dft, through its "HRA" and "HCSP" recognizes its obligation to authorized personal care assistance with unidentified unscheduled and recurring needs through an appropriate plan of care to eligible individuals consistent with 18 NYCRR 505.14. The HCSP agrees to utilize the attached revised forms, instructions and guidelines "revised TBA documents"-attached as Exhibits A-D, as official forms, instructions and guidelines for the Task Based Assessment program from the date of the Affidavit of Compliance with the Court as further set forth in said order and pursuant to para. 10, until the Stipulation of Settlement expires pursuant to para. 12. During the period of time that this Court retains jurisdiction over any of the provisions of the Stipulation and Order, if plttfs' counsel believes that City dft has substantially not complied with the terms of this stipulation, plttfs counsel shall notify City dft's counsel in writing at least thirty (30) days before any motion is made for enforcement or modification of this stipulation, or for contempt as further set forth in said order. Pursuant to FRCP 23(e), the Court will determine the manner in which notice of this Stipulation and an oppurtunity to comment will be given to members of the Class. After notice and oppurtunity to comment on the Stipulation has been provided tot he Class, the Court shall determine whether to approve this Stipulation as being fair , reasonable and adequate settlement of this action. (signed by Judge Shira A. Scheindlin) (db) (Entered: 01/25/2003)
03/03/2003	110	Transcript of record of proceedings before Judge Shira A. Scheindlin for the date(s) of January 9, 2003. (dt) (Entered: 03/03/2003)
03/10/2003	111	STIPULATION and ORDER, that upon the consent of City defendant, plaintiffs motion dated 5/25/99 seeking attorneys' fees pursuant to 42 U.S.C. 1988 and Rule 54(d) of the FRCp may be restored to the calendar as to that portion of the motion seeking fees and costs against the City ("Municipal") defendant by 6/10/03. The motion need not be restored until 6/10/03 to enable the City defendant and the plaintiffs to resolve the matter without the need for judicial assistance . (signed by Judge Shira A. Scheindlin) . (tp) Modified on 03/12/2003 (Entered: 03/11/2003)
04/15/2003	112	Memo-Endorsement on letter addressed to Judge Scheindlin from Janice Birnbaum, dated 4/12/03, Deadline for filing of Plntf's fee application motion by

		6/12/03; City def't's Response to motion deadline 7/3/03; Reply to response to motion deadline 7/28/03 (signed by Judge Shira A. Scheindlin); (cd) (Entered: 04/16/2003)
05/01/2003	113	AFFIDAVIT of COMPLIANCE of John Turley in connection with the settlement of this action. (dle) (Entered: 05/05/2003)
06/09/2003	114	Memo-Endorsement on letter addressed to Judge Shira A. Scheindlin from Janice Birnbaum, dated 6/5/03. Re:, Counsel for parties jointly request an extension of the briefing schedule for restoration and modification of plaintiffs' counsel fee application. Counsel's request for an adjournment of the briefing schedule is granted. Plaintiff's fee application is due 7/22/03; the City's opposition is due 8/25/03 and plaintiffs' reply is due 9/12/03. There will be no further adjournments . (signed by Judge Shira A. Scheindlin); (dle) (Entered: 06/10/2003)
08/18/2003	115	STIPULATION and ORDER OF SETTLEMENT CONCERNING COUNSEL FEES; the the City defendant shall pay plaintiff's as counsel fees, costs, expenses and disbursements the sum of \$350,000.00 to be paid in the manner that is set forth in this Stipulation and Order; plaintiffs counsel shall promptly execute and deliver to City defendant's counsel the documents necessary to effectuate this settlement, which includes any requisite payment vouchers, tax documents, and releases . (signed by Judge Shira A. Scheindlin) (pl) (Entered: 08/19/2003)
12/19/2003	116	STIPULATION OF SETTLEMENT AND ORDER OF DISMISSAL. (Signed by Judge Shira A. Scheindlin on 12/18/03) (kw,) (Entered: 01/02/2004)
03/25/2004	117	DECLARATION of Leslie Salzman in Support of proposed settlement (nite dep. box). Document filed by Sidonie Bennett, Christos Gouvatsos, Juana Rodriguez, Amelia Russo, Mary Weinblad. (pa,) (Entered: 03/26/2004)
03/29/2004	118	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL.... (Signed by Judge Shira A. Scheindlin on 03/29/04) (jf,) (Entered: 03/30/2004)
05/28/2004	119	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Donna Dougherty dated 5/27/04 re: counsel for plaintiff requests an extension of time to file their motion for attorney fees. Application GRANTED. Plaintiffs motion due 7/31/04; opposition papers due 8/20/04 and reply due 9/3/04. (Signed by Judge Shira A. Scheindlin on 5/27/04) (db,) (Entered: 06/01/2004)
05/28/2004		Set/Reset Deadlines: Motions due by 7/31/2004. Replies due by 9/3/2004. Responses due by 8/20/2004 (db,) (Entered: 06/01/2004)
07/02/2004	120	AFFIDAVIT of COMPLIANCE of Rita J. Nolan in connection with the settlement of this action. Document filed by Commissioner, Nassu County Department of Social Services. (tr,) (Entered: 07/07/2004)
07/30/2004	121	ENDORSED LETTER addressed to Judge Scheindlin from Barbara E. Van Riper dated 7/29/2004 re; extension until 8/30/2004 to make a motion for attorneys fees. Application granted. (Signed by Judge Shira A. Scheindlin on 7/29/2004) (jsa,) (Entered: 07/30/2004)
07/30/2004		Set Deadlines/Hearings: Motions due by 8/31/2004. (jsa,) (Entered: 07/30/2004)
08/04/2004	122	STIPULATION AND ORDER OF WITHDRAWAL, Pursuant to paragraph 5 of the December 19, 2002, Stipulation and Order of settlement in this matter, Plaintiffs discontinue with prejudice all claims raised in this proceeding against defendant Novello Commissioner of the New York State Department of Health. (Signed by Judge Shira A. Scheindlin on 8/3/04) (dt,) (Entered: 08/05/2004)
09/10/2004	123	STIPULATION AND ORDER that Nassau County shall provide to plaintiffs' counsel a total amount of one hundred and ninety thousand dollars purs. to 42 USC 1983 and 1988 in full and final settlement of plaintiffs' claims for attorneys' fees, costs, expenses and disbursements in this action; dft Nassau County shall make payment in full as further set forth in this stipulation. (Signed by Judge Shira A. Scheindlin on 9/9/04) (dle,) (Entered: 09/14/2004)