

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:06-cv-01042-BMC-SMG**

Joseph S., et al v. Michael F. Hogan, et al
Assigned to: Judge Brian M. Cogan
Referred to: Chief Mag. Judge Steven M. Gold
Cause: 42:1396 – Tort Negligence

Date Filed: 03/08/2006
Date Terminated: 09/06/2011
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities – Other
Jurisdiction: Federal Question

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TERMINATED: 05/21/2008

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ATTORNEY TO BE NOTICED

Defendant

**New York State Office of Mental
Health**

represented by **Christopher Shaw Wheeler**
(See above for address)
TERMINATED: 12/14/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Deborah Hochhauser
(See above for address)
TERMINATED: 07/02/2008

Joanne Skolnick
(See above for address)
TERMINATED: 05/21/2008

John Peter Gasior
(See above for address)
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Joshua Benjamin Pepper
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ATTORNEY TO BE NOTICED

Michael Anthony Arcati
(See above for address)
ATTORNEY TO BE NOTICED

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of New York
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ATTORNEY TO BE NOTICED

Defendant

Antonia C. Novello
in her official capacity as Commissioner

represented by **Christopher Shaw Wheeler**
(See above for address)

*of the New York State Department of
Health
TERMINATED: 07/26/2007*

*TERMINATED: 12/14/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Deborah Hochhauser
(See above for address)
TERMINATED: 07/02/2008

Joanne Skolnick
(See above for address)
TERMINATED: 05/21/2008

John Peter Gasior
(See above for address)
ATTORNEY TO BE NOTICED

Joshua Benjamin Pepper
(See above for address)
ATTORNEY TO BE NOTICED

Michael Anthony Arcati
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

New York State Department of Health

represented by **Christopher Shaw Wheeler**
(See above for address)
*TERMINATED: 12/14/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Deborah Hochhauser
(See above for address)
TERMINATED: 07/02/2008

Joanne Skolnick
(See above for address)
TERMINATED: 05/21/2008

John Peter Gasior
(See above for address)
ATTORNEY TO BE NOTICED

Joshua Benjamin Pepper
(See above for address)
ATTORNEY TO BE NOTICED

Michael Anthony Arcati
(See above for address)
ATTORNEY TO BE NOTICED

Scott Ronald Wilson
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

George Pataki
*in his official capacity as Governor of the
State of New York
TERMINATED: 07/26/2007*

represented by **Christopher Shaw Wheeler**
(See above for address)
*TERMINATED: 12/14/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Deborah Hochhauser
(See above for address)

TERMINATED: 07/02/2008

Joanne Skolnick
(See above for address)
TERMINATED: 05/21/2008

John Peter Gasior
(See above for address)
ATTORNEY TO BE NOTICED

Joshua Benjamin Pepper
(See above for address)
ATTORNEY TO BE NOTICED

Michael Anthony Arcati
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael Hogan
*Commissioner of the New York State
Office of Mental Health*

represented by **Deborah Hochhauser**
(See above for address)
TERMINATED: 07/02/2008

John Peter Gasior
(See above for address)
ATTORNEY TO BE NOTICED

Joshua Benjamin Pepper
(See above for address)
ATTORNEY TO BE NOTICED

Michael Anthony Arcati
(See above for address)
ATTORNEY TO BE NOTICED

Scott Ronald Wilson
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Richard F. Daines
*Commissioner of the New York State
Department of Health*

represented by **Deborah Hochhauser**
(See above for address)
TERMINATED: 07/02/2008

John Peter Gasior
(See above for address)
ATTORNEY TO BE NOTICED

Joshua Benjamin Pepper
(See above for address)
ATTORNEY TO BE NOTICED

Michael Anthony Arcati
(See above for address)
ATTORNEY TO BE NOTICED

Scott Ronald Wilson
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

David A. Paterson
Governor of the State of New York

represented by **Deborah Hochhauser**
(See above for address)

TERMINATED: 07/02/2008

John Peter Gasior

(See above for address)

ATTORNEY TO BE NOTICED

Joshua Benjamin Pepper

(See above for address)

ATTORNEY TO BE NOTICED

Michael Anthony Arcati

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ATTORNEY TO BE NOTICED

Scott Ronald Wilson

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ATTORNEY TO BE NOTICED

Interested Party

Promesa RHCF

Promesa RHCF

represented by **Elizabeth Kelly Murray**

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LEAD ATTORNEY

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Date Filed	#	Docket Text
03/08/2006	<u>1</u>	COMPLAINT (<i>Receipt #322175</i>) against all defendants \$ 250, filed by all plaintiffs. (Attachments: # <u>1</u> Civil Cover Sheet)(McMahon, Carol) Modified on 3/31/2006 (McMahon, Carol). (Entered: 03/13/2006)
03/08/2006		Summons Issued as to Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (McMahon, Carol) (Entered: 03/13/2006)
03/08/2006	<u>2</u>	DISCLOSURE of Interested Parties by Omar W., Bradely W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld.(McMahon, Carol) Modified on 3/31/2006 (McMahon, Carol). Modified on 3/31/2006 (McMahon, Carol). (Entered: 03/13/2006)
03/13/2006		Case Ineligible for Arbitration(Bollbach, Jean) (Entered: 03/13/2006)
03/29/2006	<u>3</u>	NOTICE of Appearance by John P. Gasior on behalf of all defendants (Gasior, John) (Entered: 03/29/2006)
04/12/2006	<u>4</u>	ORDER endorsed on letter dated 3/22/06 from AAG Christopher Wheeler to Judge Sandra J. Feuerstein requesting the defendants' time for answering or moving be extended to Friday, May 12, 2006. The Clerk is directed to assign this case to my Brooklyn pending docket and reassign a new Magistrate Judge from the Brooklyn wheel. Ordered by Judge Sandra J. Feuerstein on 3/29/06. (Black, Amanda) (Entered: 04/12/2006)
05/05/2006	<u>6</u>	Letter MOTION for Extension of Time to File Answer <i>to May 19, 2006</i> by New York State Department of Health. (Mierzejewski, Elizabeth) (Entered: 05/26/2006)
05/05/2006	<u>7</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>to May 19, 2006</i> by New York State Department of Health. (Mierzejewski, Elizabeth) (Entered: 05/26/2006)
05/10/2006		ENDORSED ORDER granting <u>6</u> Motion for Extension of Time to Answer re <u>6</u> Letter MOTION for Extension of Time to File Answer <i>to May 19, 2006</i> . Ordered by Judge Sandra J. Feuerstein on 5/10/06. (Mierzejewski, Elizabeth) (Entered: 05/10/2006)

		05/26/2006)
05/18/2006	<u>5</u>	<i>Defendants'</i> ANSWER to Complaint by all defendants.(Wheeler, Christopher) (Entered: 05/18/2006)
05/18/2006		ORDER granting <u>7</u> Motion for Extension of Time to Answer re <u>7</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>to May 19, 2006</i> . Ordered by Judge Sandra J. Feuerstein on 5/18/06. (Mierzejewski, Elizabeth) (Entered: 05/26/2006)
05/23/2006	<u>11</u>	NOTICE that the parties are to appear for a Status conference on June 16, 2006 @ 10:00 a.m. @ the Central Islip Courthouse. The conference is to be held before the Honorable Sandra J. Feuerstein. (Mierzejewski, Elizabeth) (Entered: 06/20/2006)
06/05/2006	<u>8</u>	AFFIDAVIT of Service for the Summons and Complaint and Civil Cover Sheet served on Defendants, filed by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Jacob, Beth) (Entered: 06/05/2006)
06/16/2006	<u>9</u>	REPORT of Rule 26(f) Planning Meeting. (Greendorfer, Lori) (Entered: 06/16/2006)
06/16/2006	<u>10</u>	NOTICE by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld <i>Proposed Protective Order</i> (Greendorfer, Lori) (Entered: 06/16/2006)
06/22/2006	<u>12</u>	PROTECTIVE ORDER. Ordered by Judge Sandra J. Feuerstein on 6/22/06. (Mierzejewski, Elizabeth) (Entered: 07/06/2006)
06/29/2006		Request for Status Report. This case has been transferred to Judge Cogan. The parties are directed to submit a joint Status Report by 7/13/2006. (Kolker, Dina) (Entered: 06/29/2006)
07/10/2006	<u>13</u>	SCHEDULING ORDER: The parties having advised the Court that Judge Feuerstein has stayed discovery in this action pending settlement negotiations until 9/18/06, it is therefore ORDERED that a Status Conference is set for 9/18/2006 09:30 AM before Judge Brian M. Cogan. Counsel are directed to bring to the conference a completed Case Management Plan, which may refer to any discovery previously taken. (See attached form). The parties are advised that they should not expect any further stays of discovery beyond 9/18/06 absent good cause. Counsel are reminded that this is an ECF case and that all submissions should be made through ECF and in accordance with the Judge Cogan's rules, available at http://www.nyed.uscourts.gov/ . Ordered by Judge Brian M. Cogan on 7/10/06(Kolker, Dina) (Entered: 07/10/2006)
07/12/2006	<u>14</u>	STATUS REPORT dtd. 7/7/06 from Lori Greendorfer.Parties look foward to meeting concerning status of case on 9/18/06 (Jackson, Ramona) (Entered: 07/12/2006)
07/21/2006	<u>15</u>	PROTECTIVE ORDER . Ordered by Judge Sandra J. Feuerstein on 6/26/06. (Fernandez, Erica) (Entered: 07/21/2006)
07/28/2006		ORDER REFERRING CASE to Magistrate Judge William D. Wall. This case is hereby REFERRED to Judge Wall. The status conference previously set for 9/18/06 before Judge Cogan is cancelled. The conference will be held at a date and time to be set by Judge Wall. Ordered by Judge Brian M. Cogan on 7/28/06. (Kolker, Dina) (Entered: 07/28/2006)
07/31/2006		Mag. Judge Steven M. Gold added by random selection. Mag. Judge William D. Wall no longer assigned to case. (Vaughn, Terry) Modified on 8/7/2006 to indicate that Judge Feuerstein requested the assignment of a Brooklyn magistrate judge. (Vaughn, Terry). (Entered: 07/31/2006)
08/17/2006	<u>16</u>	SCHEDULING ORDER attached: Initial Conference set for 10/11/2006 at 10:00 AM in 13D South before Magistrate–Judge Steven M. Gold. So Ordered by Judge Steven M. Gold on 8/17/2006. (Vasquez, Lea) (Entered: 08/17/2006)
08/28/2006	<u>17</u>	STIPULATION of Dismissal <i>Without Prejudice</i> by Bradley W., Justina F., Lisa H.. (Greendorfer, Lori) (Entered: 08/28/2006)
08/28/2006	<u>18</u>	Letter dated 8/28/06 from Lori D. Greendorfer, Esq. confirming adjournment of 10/11/06 Initial Conference from 10 A.M. to 11 A.M. by Bradley W., Omar W., Carlos

		S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Greendorfer, Lori) (Entered: 08/28/2006)
08/29/2006		NOTICE of Hearing: Initial Conference set for 10/11/2006 at 11:00 AM in 13D South before Magistrate–Judge Steven M. Gold. (Vasquez, Lea) (Entered: 08/29/2006)
10/12/2006		Minute Entry for proceedings held before Steven M. Gold : Initial Conference Hearing held on 10/11/2006. Bearden et al for plaintiffs, Gasior and Wheeler for defendants. (1) Plaintiffs will serve interrogatories and document demands by October 27, and defendants will respond on a rolling basis beginning November 29 and completing their responses by January 12. (2) Defendants will serve interrogatories and document demands by November 10, and plaintiffs will respond on a rolling basis beginning December 15 and completing their responses by January 12. (3) Counsel shall submit a discovery plan by January 30 which identifies deponents and proposes a a schedule for conducting depositions. (4) Plaintiffs will submit a letter by October 25 stating whether they are interested in participating in court–annexed mediation (defendants have already expressed their interest). NEXT CONFERENCE: FEB. 8 AT 2 PM. (Vasquez, Lea) (Entered: 10/12/2006)
10/18/2006	<u>19</u>	Letter dated 10/18/06 from Lori Greendorfer, Esq. to Magistrate Gold stating Plaintiffs are interested in participating in court–annexed mediation by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Greendorfer, Lori) (Entered: 10/18/2006)
10/19/2006	<u>20</u>	Letter to Magistrate Judge Steven M. Gold by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Gasior, John) (Entered: 10/19/2006)
10/25/2006		ORDER REFERRING CASE to Mediation.Selection of Mediator due by 11/8/2006.. Ordered by Judge Steven M. Gold on 10/25/06. (Gold, Steven) (Entered: 10/25/2006)
10/26/2006	<u>21</u>	SELECTION OF MEDIATOR Abe Tawil represented by Abe D. Tawil selected as Mediator.The first mediation session will take place at 10:00AM on 12/12/06 in the Courthouse of the Eastern District of New York, Conference Room 302 South, 225 Cadman Plaza East, Brooklyn, NY 11201. 12/19/06 is the back up date if an alternative or additional session is required. Seven (7) days in advance of the first mediation session, Counsel must file with the Mediator their client's Mediation Statement outlining the facts, legal issues, and particulars of any prior settlement discussions. Attendance in person is required of the trial counsel and client representative with full settlement authority. Mediator's contact information is: Abe D. Tawil, MD, JD, 977 East 7th Street, Brooklyn, NY 11230; telephone (646) 312–3658; fax 646–312–3621; email address "AbeDTawil@hotmail.com".Report of Mediation due by 12/31/2006.(Lepp, Gerald) (Entered: 10/26/2006)
10/27/2006	<u>22</u>	Minute Entry for proceedings held before Sandra J. Feuerstein : Docket Call held on 6/26/2006. (Credle, Rita) Modified on 10/30/2006 (Credle, Rita). (Entered: 10/27/2006)
11/08/2006	<u>23</u>	Letter to Magistrate Judge Gold by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Gasior, John) (Entered: 11/08/2006)
11/09/2006		Email Notification Test – DO NOT REPLY (Permaul, Jenny) (Entered: 11/09/2006)
11/09/2006		Email Notification Test – DO NOT REPLY (Permaul, Jenny) (Entered: 11/09/2006)
11/14/2006	<u>24</u>	Letter to Magistrate Judge Steven M. Gold by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Gasior, John) (Entered: 11/14/2006)
11/22/2006		ORDER re <u>24</u> Letter filed by George Pataki., New York State Department of Health., New York State Office of Mental Health., Antonia C. Novello., Sharon Carpinello. The parties' joint application to stay discovery for 30 days while mediation proceeds is GRANTED. Ordered by Judge Steven M. Gold on 11/22/06. (Gold, Steven) (Entered: 11/22/2006)
12/01/2006	<u>25</u>	NOTICE of Appearance by Sandra Del Valle on behalf of all plaintiffs (Del Valle, Sandra) (Entered: 12/01/2006)

12/05/2006		SELECTION OF MEDIATOR Kathleen A. Roberts rep by Kathleen Anne Roberts selected as Mediator.Report of Mediation due by 12/29/2007.(Lepp, Gerald) (Entered: 12/05/2006)
12/12/2006	<u>26</u>	Letter to Magistrate Judge Gold regarding mediation and stay of discovery by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Gasior, John) (Entered: 12/12/2006)
12/12/2006	<u>28</u>	Letter dated 12/8/06 from Christopher S. Wheeler, to Judge Cogan advising that counsel will no longer be employed with the NYS Office of the Attorney General. (Guzzi, Roseann) (Entered: 12/14/2006)
12/13/2006		ORDER re <u>26</u> Letter filed by George Pataki,, New York State Department of Health,, New York State Office of Mental Health,, Antonia C. Novello,, Sharon Carpinello. The parties' request to stay discovery until February 15, 2007 is GRANTED. An updated status report is to be filed by February 19, 2007. So Ordered by Magistrate Judge Steven M. Gold on 12/13/2006. (Vasquez, Lea) (Entered: 12/13/2006)
12/14/2006	<u>27</u>	NOTICE of Appearance by Joanne Skolnick on behalf of all defendants (Skolnick, Joanne) (Entered: 12/14/2006)
02/01/2007	<u>29</u>	Letter to Magistrate Judge Gold regarding mediation by Edwin T., Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki (Gasior, John) (Entered: 02/01/2007)
02/02/2007	<u>30</u>	ORDER attached re <u>29</u> Letter filed by New York State Department of Health, George Pataki, Edwin T., Sharon Carpinello, Antonia C. Novello, New York State Office of Mental Health. (Vasquez, Lea) (Entered: 02/02/2007)
03/21/2007	<u>31</u>	Letter to Magistrate Judge Gold regarding 3/20/07 mediation by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki (Gasior, John) (Entered: 03/21/2007)
03/23/2007		ORDER re <u>31</u> Letter filed by New York State Department of Health, George Pataki, Sharon Carpinello, Antonia C. Novello, New York State Office of Mental Health. The stay of discovery is extended to April 17th. An in-person conference will be held at 2:00 p.m. on April 17, 2007 to discuss the possibility of resuming discovery in this case. Counsel for all parties must attend. So Ordered by Magistrate Judge Steven M. Gold on 3/23/2007. (Vasquez, Lea) (Entered: 03/23/2007)
04/16/2007	<u>32</u>	Letter to Magistrate Judge Gold by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki (Gasior, John) (Entered: 04/16/2007)
04/17/2007		SCHEDULING ORDER: The conference scheduled for today is adjourned to 11:00 a.m. on April 24th. So Ordered by Chief Magistrate Judge Steven M. Gold on 4/17/2007. (Vasquez, Lea) (Entered: 04/17/2007)
04/26/2007		Minute Entry for proceedings held before Steven M. Gold : Status Conference held on 4/24/2007. Zucker, Volpe, DelValle for plaintiffs, Gasior and Held for defendants. Counsel will meet confer over the next two weeks in an effort to narrow their disputes over the proper scope of discovery. Parties will begin producing rolling responses to outstanding written discovery demands by May 8th and complete production by June 5th. Any motions to compel or for protective order to be made by June 12th, with opposition due June 22nd and reply papers due June 29th. NEXT CONFERENCE: JULY 10TH AT 11:00 A.M. (Vasquez, Lea) (Entered: 04/26/2007)
05/14/2007	<u>33</u>	NOTICE by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld Notice of Withdrawal of Timothy A. Clune - 5/14/07 (Greendorfer, Lori) (Entered: 05/14/2007)
05/22/2007	<u>34</u>	Letter to Magistrate Judge Steven M. Gold dated 5/22/07 by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Greendorfer, Lori) (Entered: 05/22/2007)
05/24/2007		ORDER re <u>34</u> Letter filed by Joseph S., Bradley W., Omar W., Justina F., Sidney Hirschfeld, Carlos S., Lisa H., Edwin T., Disability Advocates, Inc. The application for plaintiff's and defendants' motions to be governed by the page limitations set forth in Rule 2(C) of this court's Individual Motion Practices, with memoranda of law in

		support of and in opposition to motions limited to 25 pages, and reply memoranda limited to 10 pages is GRANTED. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/24/2007. (Vasquez, Lea) (Entered: 05/24/2007)
06/12/2007	<u>35</u>	Letter to Judge Cogan and Mag. J. Gold regarding motion for protective order by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki (Gasior, John) (Entered: 06/12/2007)
06/12/2007	<u>36</u>	Letter dated 6/12/07 to John Gasior from Lori Greendorfer by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Greendorfer, Lori) (Entered: 06/12/2007)
06/18/2007	<u>37</u>	NOTICE of Change of Plaintiff's Firm Address by Lori D. Greendorfer (Greendorfer, Lori) (Entered: 06/18/2007)
06/22/2007	<u>38</u>	Letter regarding service of defendant's opposition to plaintiffs' motion to compel by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki (Gasior, John) (Entered: 06/22/2007)
06/22/2007	<u>39</u>	Letter regarding service of plaintiffs' opposition to defendants' motion for protective order by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Bearden, Roger) (Entered: 06/22/2007)
06/29/2007	<u>40</u>	Letter regarding service of defendants' reply papers in support of defendants' motion for a protective order by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki (Gasior, John) (Entered: 06/29/2007)
06/29/2007	<u>41</u>	MOTION to Compel the Defendants to Respond to Certain Discovery Requests identified in the Plaintiff's Memorandum of Law by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Greendorfer, Lori) (Entered: 06/29/2007)
06/29/2007	<u>42</u>	MEMORANDUM in Support re <u>41</u> MOTION to Compel the Defendants to Respond to Certain Discovery Requests identified in the Plaintiff's Memorandum of Law Plaintiff's Memorandum of Law in Support of their Motion to Compel Discovery by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Attachments: # <u>1</u> Appendix A) (Greendorfer, Lori) (Entered: 06/29/2007)
06/29/2007	<u>43</u>	MOTION for Protective Order and to compel a response to certain interrogatories by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Gasior, John) (Entered: 06/29/2007)
06/29/2007	<u>44</u>	AFFIDAVIT/AFFIRMATION re <u>42</u> Memorandum in Support, <u>35</u> Letter, <u>39</u> Letter, <u>41</u> MOTION to Compel the Defendants to Respond to Certain Discovery Requests identified in the Plaintiff's Memorandum of Law Affidavit of Dennis B. Feld, Esq. in Opposition to the Defendant's Motion for a Protective Order and in further support of the Plaintiff's Motion to Compel by Bradley W., Omar W., Carlos S., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Greendorfer, Lori) (Entered: 06/29/2007)
06/29/2007	<u>45</u>	AFFIDAVIT/AFFIRMATION re <u>42</u> Memorandum in Support, <u>44</u> Affidavit, <u>43</u> MOTION for Protective Order and to compel a response to certain interrogatories, <u>35</u> Letter, <u>39</u> Letter, <u>41</u> MOTION to Compel the Defendants to Respond to Certain Discovery Requests identified in the Plaintiff's Memorandum of Law Affidavit of Roger Bearden, Esq. in Opposition to the Defendant's Motion for a Protective Order and in further support of the Plaintiff's Motion to Compel by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Greendorfer, Lori) (Entered: 06/29/2007)
06/29/2007	<u>46</u>	AFFIDAVIT/AFFIRMATION re <u>42</u> Memorandum in Support, <u>45</u> Affidavit, <u>44</u> Affidavit, <u>43</u> MOTION for Protective Order and to compel a response to certain interrogatories, <u>35</u> Letter, <u>39</u> Letter, <u>41</u> MOTION to Compel the Defendants to Respond to Certain Discovery Requests identified in the Plaintiff's Memorandum of Law Affidavit of Cliff Zucker, Esq. in Opposition to the Defendant's Motion for a Protective Order and in further support of the Plaintiff's Motion to Compel by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability

		Advocates, Inc., Sidney Hirschfeld (Greendorfer, Lori) (Entered: 06/29/2007)
06/29/2007	<u>47</u>	MOTION for Protective Order <i>and to compel a response to certain interrogatories</i> by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Attachments: # <u>1</u> Affidavit Affidavit of Patrick Clemente# <u>2</u> Affidavit Affidavit of John Gasior# <u>3</u> Affidavit Affidavit of Alan Holmes# <u>4</u> Affidavit Affidavit of James McQuide# <u>5</u> Affidavit Affidavit of Mary Ann Monaco# <u>6</u> Affidavit Affidavit of Stephanie O'Connell# <u>7</u> Affidavit Affidavit of Josehp Rini# <u>8</u> Affidavit Affidavit of Richard Pellegrini) (Gasior, John) (Entered: 06/29/2007)
06/29/2007	<u>48</u>	MEMORANDUM in Opposition re <u>43</u> MOTION for Protective Order <i>and to compel a response to certain interrogatories Plaintiff's Memorandum of Law in Opposition to the Defendant's Motion for a Protective Order and to compel Discovery</i> by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Greendorfer, Lori) (Entered: 06/29/2007)
06/29/2007	<u>49</u>	MEMORANDUM in Opposition re <u>48</u> Memorandum in Opposition, <u>43</u> MOTION for Protective Order <i>and to compel a response to certain interrogatories</i> , <u>47</u> MOTION for Protective Order <i>and to compel a response to certain interrogatories Plaintiff's Memorandum of Law in Further Support of their Opposition to the Defendant's Motion for a Protective Order</i> by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Greendorfer, Lori) (Entered: 06/29/2007)
06/29/2007	<u>50</u>	MOTION for Protective Order <i>and to compel a response to certain interrogatories</i> by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Attachments: # <u>1</u> Affidavit Reply Affidavit of John Gasior# <u>2</u> Affidavit Reply Affidavit of Michael Lindsey# <u>3</u> Affidavit Reply Affidavit of Mary Ann Monaco# <u>4</u> Affidavit Reply Affidavit of Richard Pellegrini# <u>5</u> Affidavit Reply Affidavit of Alfred Volo) (Gasior, John) (Entered: 06/29/2007)
06/29/2007	<u>51</u>	MOTION to Compel – <i>Defendants' papers in opposition</i> – by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Attachments: # <u>1</u> Affidavit of Deborah Scott in opposition to plaintiffs' motion to compel) (Gasior, John) (Entered: 06/29/2007)
06/29/2007	<u>52</u>	Letter to Judge Brian M. Cogan by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki (Gasior, John) (Entered: 06/29/2007)
06/29/2007	<u>53</u>	MOTION to Compel – <i>Affidavit of John Gasior in opposition to plaintiffs' motion to compel, part 1 of 3</i> by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Gasior, John) (Entered: 06/29/2007)
06/29/2007	<u>54</u>	MOTION to Compel – <i>Affidavit of John Gasior in opposition to plaintiffs' motion to compel, part 2 of 3</i> by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Gasior, John) (Entered: 06/29/2007)
06/29/2007	<u>55</u>	MOTION to Compel – <i>Affidavit of John Gasior in opposition to plaintiffs' motion to compel, part 3 of 3</i> by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki. (Gasior, John) (Entered: 06/29/2007)
06/29/2007	<u>56</u>	AFFIDAVIT in Support re <u>43</u> MOTION for Protective Order <i>and to compel a response to certain interrogatories</i> , <u>41</u> MOTION to Compel <i>the Defendants to Respond to Certain Discovery Requests identified in the Plaintiff's Memorandum of Law Declaration of Lori D. Greendorfer in Support of the Plaintiff's Motion to Compel Discovery</i> filed by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J) (Greendorfer, Lori) (Entered: 06/29/2007)

06/29/2007	<u>57</u>	AFFIDAVIT in Support re <u>41</u> MOTION to Compel <i>the Defendants to Respond to Certain Discovery Requests identified in the Plaintiff's Memorandum of Law Affidavit of Roger Bearden, Esq.</i> filed by Bradley W., Omar W., Carlos S., Edwin T., Justina F., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Greendorfer, Lori) (Entered: 06/29/2007)
07/02/2007		ORDER REFERRING proposed motion to dismiss to Magistrate Judge Gold to schedule such proceedings as he deems fit and and to render a report and recommendation as to the proposed motion. Since the pending discovery motions overlap with the proposed motion to dismiss, it will be efficient for Judge Gold to handle all of these matters in the first instance. Ordered by Judge Brian M. Cogan on 2 July 2007. (Cogan, Brian) (Entered: 07/02/2007)
07/02/2007		ORDER: By Order of today's date, Judge Cogan, noting that the pending discovery motions overlap with the defendants' proposed motion to dismiss, has referred the motions to dismiss to me for report and recommendation. Accordingly, the conference previously set for July 10 will proceed as scheduled, but this court will conduct a pre-motion conference with respect to the defendants' proposed motions to dismiss at that time, and set a schedule for briefing them. Counsel shall be prepared to identify those aspects of discovery which should proceed, and those aspects of the pending discovery motions which are ripe for decision, even while the Rule 12 motions are being briefed. Ordered by Judge Steven M. Gold on 07/02/07. (Gold, Steven) (Entered: 07/02/2007)
07/03/2007	<u>58</u>	Letter to <i>Hon. Steven M. Gold</i> by Disability Advocates, Inc. (Zucker, Cliff) (Entered: 07/03/2007)
07/10/2007		ORDER granting in part and denying in part <u>41</u> Motion to Compel, as more fully stated on the record; granting in part and denying in part <u>43</u> Motion for Protective Order as more fully stated on the record; terminating <u>47</u> Motion for Protective Order; terminating <u>50</u> Motion for Protective Order; terminating <u>51</u> Motion to Compel; terminating <u>53</u> Motion to Compel; terminating <u>54</u> Motion to Compel; terminating <u>55</u> Motion to Compel, all of which were improperly filed as motions when in fact they are memoranda or affidavits filed in support of or opposition to motions. Ordered by Judge Steven M. Gold on 07/10/07. (Gold, Steven) (Entered: 07/10/2007)
07/11/2007		Minute Entry for proceedings held before Steven M. Gold : Status Conference held on 7/10/2007. Beardon, Zucker and Volpe for plaintiffs, Gaisor for defendants. (1) With respect to defendants' anticipated Rule 12 motion: Plaintiffs will either file an amended complaint on consent by July 24 or indicate by that date that they intend to rely on their existing pleading. Defendants will file their motion to dismiss by August 21, plaintiffs will file their opposition by October 5, and defendants will file their reply by October 19. ORAL ARGUMENT: NOVEMBER 1 AT 2 PM. (2) With respect to the discovery cross-motions, each is granted in part and denied in part as stated more fully on the record. (Tape #FTR: 11:07 - 1:48.) (Vasquez, Lea) (Entered: 07/11/2007)
07/24/2007	<u>59</u>	Letter to <i>Magistrate Judge Gold regarding proposed CMS order</i> by Sharon Carpinello, New York State Office of Mental Health, Antonia C. Novello, New York State Department of Health, George Pataki (Gasiior, John) (Entered: 07/24/2007)
07/24/2007	<u>60</u>	AMENDED COMPLAINT <i>First Amended Complaint</i> against all defendants, filed by all plaintiffs. (Attachments: # <u>1</u>) (Greendorfer, Lori) (Entered: 07/24/2007)
07/24/2007		ORDER re <u>59</u> Letter filed by New York State Department of Health, George Pataki, Sharon Carpinello, Antonia C. Novello, New York State Office of Mental Health. Defendants are granted to July 27th to supply the Court with a proposed Order regarding the production of MDS data. So Ordered by Chief Magistrate Judge Steven M. Gold on 7/24/2007. (Vasquez, Lea) (Entered: 07/24/2007)
07/24/2007	61	TRANSCRIPT of Proceedings for Civil Cause for Premotion and Discovery Conf. held on 7/10/2007 before Mag. Judge Gold. Appearances for Pltffs: Roger A. Bearden, Esq., Cliff Zucker, Esq. and Lisa Volpe, Esq.; for Defts: AAG John P. Gasiior. Court Transcriber: Ruth Ann Harger of Typewrite Word Processing Service, 356 Eltingville Blvd., S.I. NY 10302. (Pgs. 2-112). (Filed in Hard Copy in Case File). (Layne, Monique) (Entered: 07/25/2007)

07/26/2007	<u>62</u>	Letter to Magistrate Judge Steven M. Gold requesting extension of time to submit proposed order regarding CMS data by Michael Hogan, Richard F. Daines, New York State Office of Mental Health, New York State Department of Health (Gasior, John) (Entered: 07/26/2007)
07/30/2007	<u>63</u>	ORDER re <u>62</u> Letter filed by New York State Department of Health, Richard F. Daines, Michael Hogan, New York State Office of Mental Health. The application to extend the time to submit a proposed order governing production of the data in issue is GRANTED, except that the parties proposed order shall be submitted by August 15, 2007 rather than August 17, 2007, as requested. (Vasquez, Lea) (Entered: 07/30/2007)
07/30/2007	<u>64</u>	NOTICE of Appearance by Deborah Hochhauser on behalf of all defendants (aty to be noticed) (Hochhauser, Deborah) (Entered: 07/30/2007)
08/07/2007	<u>65</u>	Letter regarding production of PRI data as ordered by Magistrate Judge Steven Gold by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health (Gasior, John) (Entered: 08/07/2007)
08/13/2007	<u>66</u>	ANSWER to Amended Complaint by all defendants. (Hochhauser, Deborah) (Entered: 08/13/2007)
08/13/2007	<u>67</u>	Joint MOTION for Discovery regarding Minimum Data Set by all parties. (Bearden, Roger) (Entered: 08/13/2007)
08/13/2007	<u>68</u>	Letter concerning joint motion for discovery of Minimum Data Set by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Bearden, Roger) (Entered: 08/13/2007)
08/13/2007		ORDER granting <u>67</u> Motion for Discovery and entering proposed order as an order of the court. Ordered by Judge Steven M. Gold on 08/13/07. (Gold, Steven) (Entered: 08/13/2007)
08/16/2007	<u>69</u>	Letter to Magistrate Judge Gold regarding extension of briefing schedule by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health (Gasior, John) (Entered: 08/16/2007)
08/17/2007		ORDER re <u>69</u> Letter filed by New York State Department of Health, Richard F. Daines, Eliot Spitzer, Michael Hogan, New York State Office of Mental Health. The schedule submitted in defendant's letter dated August 16th extending the briefing schedule with respect to defendant's motion to dismiss is APPROVED. The oral argument previously scheduled for November 1st will instead be held at 10:00 a.m. on November 15, 2007. So Ordered by Chief Magistrate Judge Steven M. Gold on 8/17/2007. (Vasquez, Lea) (Entered: 08/17/2007)
08/23/2007	<u>70</u>	Letter MOTION for Discovery to set discovery deadline and order access to electronic database by all plaintiffs. (Attachments: # <u>1</u> Exhibit Exhibit A to Motion) (Bearden, Roger) (Entered: 08/23/2007)
08/26/2007	<u>71</u>	SCHEDULING ORDER Attached: Status Conference set for 9/10/2007 at 11:30 AM in 13D South before Chief Magistrate Judge Steven M. Gold. (Vasquez, Lea) (Entered: 08/26/2007)
08/28/2007	<u>72</u>	Letter in opposition to plaintiffs' letter motion to set discovery deadline and order access to electronic database by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health (Gasior, John) (Entered: 08/28/2007)
08/28/2007	<u>73</u>	NOTICE of Appearance by Amy E. Lowenstein on behalf of all plaintiffs (aty to be noticed) (Lowenstein, Amy) (Entered: 08/28/2007)
09/10/2007		ORDER granting <u>70</u> Motion for Discovery. See calendar entry dated 9/10/2007. Ordered by Chief Magistrate Steven M. Gold on 9/10/2007. (Brucella, Michelle) (Entered: 03/11/2008)
09/11/2007		Minute Entry for proceedings held before Steven M. Gold : Status Conference held on 9/10/2007. Volpe, Greendorfer, Del Valle and Engelman Lado for plaintiffs; Gasior and Hochhauser for defendants. (1) Defendants will continue their rolling production of documents and complete same, minus emails, by October 16th. By that same date, defendants will provide information about the fields and nature of information that

		may be retrieved from the "SPARCS" database, and how that database interacts with the MDS database administered by CMS. Defendants will also continue collecting e-mails and other electronically stored documents, and develop a protocol for searching e-mails to be implemented after additional other hard-copy and electronically stored documents have been produced. (2) With respect to defendants' motion to dismiss, moving and opposing memoranda may be as long as 50 pages, and defendants' reply memorandum may be up to 25 pages long. (Tape #FTR 11:41-12:20.) (Vasquez, Lea) (Entered: 09/11/2007)
09/18/2007	<u>74</u>	MOTION to Dismiss <i>the Complaint</i> by all defendants. Responses due by 10/16/2007 (Attachments: # <u>1</u> Memorandum of Law # <u>2</u> Affidavit Affidavit of John Gasior Part 1 # <u>3</u> Affidavit Gasior Affidavit Part 2) (Gasior, John) (Entered: 09/18/2007)
09/19/2007	<u>75</u>	Letter to Judge Gold dated 9/19/07 by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Greendorfer, Lori) (Entered: 09/19/2007)
09/20/2007		ORDER re <u>75</u> Letter filed by Joseph S., Edwin T., Sidney Hirschfeld, Steven W., Disability Advocates, Inc. Plaintiff's time to respond to the motion to dismiss is extended to November 16th, defendant's time to reply is extended to December 1th. The oral argument scheduled for November 15th will instead be held at 2:00 p.m. on January 15, 2008. So Ordered by Chief Magistrate Judge Steven M. Gold on 9/20/2007. (Vasquez, Lea) (Entered: 09/20/2007)
09/20/2007		NOTICE re Correction to Order dated September 20th: Defendant's time to reply is extended to December 14th. (Vasquez, Lea) (Entered: 09/20/2007)
10/05/2007	<u>76</u>	Letter regarding Edwin T to Magistrate Judge Steven M. Gold by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health (Gasior, John) (Entered: 10/05/2007)
10/16/2007	<u>77</u>	Letter to Magistrate Judge Steven M. Gold by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health (Gasior, John) (Entered: 10/16/2007)
10/19/2007	<u>78</u>	Letter to the Honorable Steven M. Gold, dated October 19, 2007, by Lori Greendorfer by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Attachments: # <u>1</u> Exhibit) (Greendorfer, Lori) (Entered: 10/19/2007)
10/19/2007	<u>79</u>	Letter to Magistrate Steven M. Gold by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health (Gasior, John) (Entered: 10/19/2007)
11/01/2007	<u>80</u>	SCHEDULING ORDER Attached: Telephone Conference set for 11/5/2007 at 3:00 PM before Chief Magistrate Judge Steven M. Gold. (Vasquez, Lea) (Entered: 11/01/2007)
11/02/2007	<u>81</u>	TRANSCRIPT of Conference held on September 10, 2007 before Judge Gold. Transcript produced by Transcription Plus II. (Rocco, Christine) (Entered: 11/02/2007)
11/05/2007		Minute Entry for proceedings held before Steven M. Gold : Telephone Conference held on 11/5/2007. Beardon and Greendorfer for plaintiffs, Gasior and Hochhauser for defendants. Defendants' application for additional time to complete document discovery is granted, with the new deadline being November 28. Defendants shall continue to produce documents, and shall also produce any privilege logs, on a rolling basis. If defendants have not completed their document production by that date, plaintiffs may either notice depositions under Rule 30(b)(6) with respect to defendants' efforts at document production, or move for appropriate sanctions under Rule 37. The court will hold a telephone conference, with the conference call placed by counsel, at 12:00 on December 4, addressed to the status of defendants' document production and any pending discovery disputes. If plaintiffs so request, defendants shall have agency representatives familiar with any remaining disputed discovery issues available to participate in the conference call. (Vasquez, Lea) (Entered: 11/05/2007)
11/16/2007	<u>82</u>	RESPONSE in Opposition re <u>74</u> MOTION to Dismiss <i>the Complaint</i> filed by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Attachments: # <u>1</u> Affidavit in Support of Opposition to Motion to Dismiss) (Bearden, Roger) (Entered: 11/16/2007)

12/07/2007		Minute Entry for proceedings held before Chief Magistrate Steven M. Gold:Telephone Conference held on 12/4/2007. Bearden and Greendorfer for plaintiffs, Gaisior and Hochhauser and O'Brien and Abrams and Soika for defendants. Plaintiffs will promptly advise the court of any remaining discovery disputes that the parties are unable to resolve. Defendants will promptly submit a proposed revised deadline for their reply papers on the pending motion to dismiss, after which the court will reschedule the oral argument date. (Vasquez, Lea) (Entered: 12/07/2007)
12/11/2007	<u>83</u>	MOTION for Extension of Time to File Response/Reply as to Notice (Other), <u>74</u> MOTION to Dismiss <i>the Complaint</i> by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health. (Gasior, John) (Entered: 12/11/2007)
12/13/2007		ORDER granting <u>83</u> Motion for Extension of Time to File Response/Reply to January 10, 2008. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/13/2007. (Vasquez, Lea) (Entered: 12/13/2007)
12/18/2007		ORDER: In light of the extension of time to brief the pending motions, the oral argument previously set for January 15 will be held instead at 2:00 pm on February 11, 2008. Ordered by Chief Magistrate Steven M. Gold on 12/18/07. (Gold, Steven) (Entered: 12/18/2007)
01/10/2008	<u>84</u>	REPLY in Support re <u>74</u> MOTION to Dismiss <i>the Complaint</i> filed by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health. (Attachments: # <u>1</u> Affidavit of John Gasior) (Gasior, John) (Entered: 01/10/2008)
01/23/2008	<u>85</u>	Letter to Honorable Steven M. Gold, dated 1/23/08, re: Decision cited in Mr. Bearden's Declaration by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Greendorfer, Lori) (Entered: 01/23/2008)
01/24/2008	<u>86</u>	NOTICE of Appearance by Nisha Suresh Agarwal on behalf of Bradley W., Omar W., Carlos S., Edwin T., Justina F., Steven W., Lisa H., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (aty to be noticed) (Agarwal, Nisha) (Entered: 01/24/2008)
02/05/2008	<u>87</u>	MOTION to Compel <i>Production of Documents</i> by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Attachments: # <u>1</u> Defendants' Initial Disclosures, # <u>2</u> Letter dated December 19, 2007 from Roger Bearden to John Gasior, # <u>3</u> Letter dated February 1, 2008 from Roger Bearden to John Gasior) (Bearden, Roger) (Entered: 02/05/2008)
02/06/2008		SCHEDULING ORDER: Due to a scheduling conflict, the oral argument on defendants' motion to dismiss, previously scheduled for February 11, 2008, is adjourned to 2:00 p.m. on February 20, 2008. Counsel shall also be prepared to address plaintiffs' motion to compel, Docket Entry 87, at the conference. So Ordered. Ordered by Chief Magistrate Steven M. Gold on 2/6/2008. (O'Connor, Erin) (Entered: 02/06/2008)
02/20/2008		ORDER granting <u>87</u> Motion to Compel and directing defendants to produce outstanding discovery by March 11. Ordered by Chief Magistrate Steven M. Gold on 02/20/08. (Gold, Steven) (Entered: 02/20/2008)
02/21/2008		Minute entry for Motion Hearing held on 2/20/2008 before Chief Magistrate Judge Steven M. Gold: DEFERRING RULING on <u>74</u> Motion to Dismiss the Complaint filed by George Pataki, Richard F. Daines, Sharon Carpinello, Eliot Spitzer, Michael Hogan, Antonia C. Novello, New York State Office of Mental Health, New York State Department of Health. Bearden for plaintiffs, Gasior and Hochhauser for defendants. Oral argument held on defendants' motion to dismiss. Decision reserved. Plaintiffs will file an amended complaint, together with a letter brief not to exceed five pages, by March 5. Defendants may submit a response similarly limited in length by March 12. Defendants' time to answer will not begin to run unless and until an order denying their motion in whole or in part is entered. Defendants shall produce the outstanding discovery discussed during today's argument by March 11. (Tape #FTR 2:08-4:58.) (Vasquez, Lea) (Entered: 02/21/2008)
03/05/2008	<u>88</u>	Letter to Mag. Judge Gold, dated 3-5-08, re: Second Amended Complaint by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Greendorfer, Lori) (Entered: 03/05/2008)

03/05/2008	<u>89</u>	AMENDED COMPLAINT <i>Second Amended Complaint</i> against Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld, filed by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Greendorfer, Lori) (Entered: 03/05/2008)
03/12/2008	90	TRANSCRIPT of Civil Cause for Oral Argument held on 2/20/2008 before Judge Steven M. Gold. Court Transcriber: Shari Riemer, TypeWrite Word Processing. (Brucella, Michelle) (Entered: 03/12/2008)
03/12/2008	<u>91</u>	Letter to <i>Chief Magistrate Judge Steven M. Gold</i> by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health (Gasior, John) (Entered: 03/12/2008)
03/13/2008	<u>92</u>	STIPULATION of Dismissal <i>without Prejudice</i> by Edwin T., Steven W., Joseph S. (Greendorfer, Lori) (Entered: 03/13/2008)
04/21/2008	<u>93</u>	REPORT AND RECOMMENDATIONS re <u>74</u> MOTION to Dismiss the Complaint filed by George Pataki, Richard F. Daines, Sharon Carpinello, Eliot Spitzer, Michael Hogan, Antonia C. Novello, New York State Office of Mental Health, New York State Department of Health, respectfully recommending that defendants' motion be denied, with the exception that plaintiffs' NHRA claims, to the extent based on events prior to March 8, 2003, be dismissed. Objections to R&R due by 5/5/2008. Ordered by Chief Magistrate Steven M. Gold on 4/21/2008. (O'Connor, Erin) (Entered: 04/21/2008)
05/05/2008	<u>94</u>	OBJECTION to <u>93</u> Report and Recommendations <i>Dated April 21, 2008</i> filed by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health. (Gasior, John) (Entered: 05/05/2008)
05/05/2008	<u>95</u>	OBJECTION to <u>93</u> Report and Recommendations filed by all plaintiffs. (Attachments: # <u>1</u> Affidavit Declaration of Lori Greendorfer, Esq.) (Bearden, Roger) (Entered: 05/05/2008)
05/19/2008	<u>96</u>	NOTICE by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld re <u>94</u> Objection to Report and Recommendations <i>Plaintiffs' Response to Defendants' Objection</i> (Attachments: # <u>1</u> Affidavit Declaration of Lori Greendorfer, Esq.) (Bearden, Roger) (Entered: 05/19/2008)
05/20/2008	<u>97</u>	OBJECTION to <u>93</u> Report and Recommendations <i>Defendants' Response to Plaintiffs' Objections</i> filed by Michael Hogan, Richard F. Daines, New York State Office of Mental Health, New York State Department of Health. (Gasior, John) (Entered: 05/20/2008)
05/23/2008	<u>98</u>	ORDER denying defendants' <u>74</u> Motion to Dismiss except as to the time-barred NHRA claims; adopting <u>93</u> Report and Recommendations of Magistrate Gold. (Ordered by Judge Brian M. Cogan on 5/21/08) (Guzzi, Roseann) (Entered: 05/23/2008)
05/29/2008		ORDER: The court will hold a case management conference at 4:00 pm on June 25. Counsel shall meet and confer at least ten days in advance of the conference to discuss whether further mediation efforts might be productive at this time, and to attempt to agree upon a schedule for completing discovery and submitting any anticipated motions for summary judgment. Counsel shall file a letter reporting on the results of their conference no later than June 18. Ordered by Chief Magistrate Steven M. Gold on 05/29/08. (Gold, Steven) (Entered: 05/29/2008)
05/29/2008	<u>99</u>	MOTION to Adjourn Conference <i>Scheduled for June 25, 2008</i> by Michael Hogan, Richard F. Daines, New York State Office of Mental Health, New York State Department of Health. (Gasior, John) (Entered: 05/29/2008)
05/29/2008		NOTICE re <u>99</u> MOTION to Adjourn Conference <i>Scheduled for June 25, 2008</i> The court will consider the application to adjourn the June 25th conference once defendant has obtained consent of all parties to make this request. Counsel are permitted to submit potential alternative dates to which the conference may be re-scheduled. (Vasquez, Lea) (Entered: 05/29/2008)
05/29/2008	<u>100</u>	NOTICE of Appearance by Joshua Benjamin Pepper on behalf of all defendants (aty to be noticed) (Pepper, Joshua) (Entered: 05/29/2008)

05/30/2008	<u>101</u>	MOTION to Adjourn Conference <i>to July 1, 2008 at 11 a.m.</i> by Michael Hogan, Richard F. Daines, New York State Office of Mental Health, New York State Department of Health. (Gasior, John) (Entered: 05/30/2008)
05/30/2008		ORDER granting <u>101</u> Motion to Adjourn Conference. The conference previously scheduled for June 25th will instead be held at 11:00 a.m. on July 1,2008. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/30/2008. (Vasquez, Lea) (Entered: 05/30/2008)
06/24/2008	<u>102</u>	Letter <i>re: July 1, 2008 Conference</i> by Edwin T., Steven W., Michael Hogan, Richard F. Daines, Eliot Spitzer, Joseph S., Disability Advocates, Inc., Sidney Hirschfeld, New York State Office of Mental Health, New York State Department of Health (Bearden, Roger) (Entered: 06/24/2008)
06/30/2008	<u>103</u>	Letter MOTION for Protective Order by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Greendorfer, Lori) (Entered: 06/30/2008)
06/30/2008		ORDER denying as moot <u>99</u> Motion to Adjourn Conference. Ordered by Chief Magistrate Steven M. Gold on 06/30/08. (Gold, Steven) (Entered: 06/30/2008)
06/30/2008	<u>104</u>	ANSWER to <u>89</u> Amended Complaint (<i>second amended complaint</i>) by Michael Hogan, Richard F. Daines, Eliot Spitzer, New York State Office of Mental Health, New York State Department of Health. (Gasior, John) (Entered: 06/30/2008)
06/30/2008	<u>105</u>	Letter MOTION to Compel <i>Discovery</i> by Sidney Hirschfeld. (Volpe, Lisa) (Entered: 06/30/2008)
07/01/2008	<u>106</u>	NOTICE by Michael Hogan, Richard F. Daines, David A. Paterson, New York State Office of Mental Health, New York State Department of Health <i>Notice of Withdrawal as Counsel for Defendants</i> (Hochhauser, Deborah) (Entered: 07/01/2008)
07/01/2008		ORDER terminating <u>105</u> Motion to Compel on the ground that, during a conference held today, defendants agreed to respond to the discovery demands that are the subject of the motion by July 18. Ordered by Chief Magistrate Steven M. Gold on 07/01/08. (Gold, Steven) (Entered: 07/01/2008)
07/01/2008		ORDER denying <u>103</u> Motion for Protective Order without prejudice to refile a new proposed protective order addressing the concerns discussed during today's conference. Ordered by Chief Magistrate Steven M. Gold on 07/01/08. (Gold, Steven) (Entered: 07/01/2008)
07/02/2008	<u>107</u>	Letter dated 7/1/08 from Asst. Attorney General Hochhauser to the Clerk withdrawing her appearance. (Vaughn, Terry) (Entered: 07/02/2008)
07/02/2008		Minute Entry for proceedings held before Chief Magistrate Judge Steven M. Gold:Status Conference held on 7/1/2008. Bearden, Volpe, Greendorfer, et al. for plaintiffs; Gasior and Pepper for defendants. (1) The parties will submit a revised supplemental protective order addressing the concerns discussed during today's conference at their earliest convenience. (2) The parties will submit a letter by July 8th setting forth their position on whether they seek court-assisted medication and, if so, proposing a schedule for same. (3) Defendants will reply to plaintiffs' outstanding discovery demands, as set forth in plaintiffs' letter of June 30th, by July 18th. (4) The case management schedule set forth in the parties' letter dated June 24, 2008 is approved. NEXT CONFERENCE, IN PERSON: SEPTEMBER 24, 2008 AT 4:00 P.M. Counsel shall submit a letter <u>no later than September 22nd</u> identifying those items they seek to raise at the next conference. (Vasquez, Lea) (Entered: 07/02/2008)
07/07/2008	<u>108</u>	Joint MOTION for Extension of Time to File <i>Statement Regarding Court-Assisted Mediation</i> by Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Bearden, Roger) (Entered: 07/07/2008)
07/07/2008		ORDER granting <u>108</u> Motion for Extension of Time to File. Counsel are granted to July 22nd to submit a letter regarding court-assisted mediation. So Ordered by Chief Magistrate Judge Steven M. Gold on 7/7/2008. (Vasquez, Lea) (Entered: 07/07/2008)
07/15/2008	<u>109</u>	Letter MOTION for Protective Order by Edwin T., Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Greendorfer, Lori) (Entered: 07/15/2008)

07/16/2008		ORDER granting <u>109</u> Motion for Protective Order, and entering the Supplemental Protective Order and amended Protective Order attached to docket entry 109 as orders of the court. Ordered by Chief Magistrate Steven M. Gold on 07/16/08. (Gold, Steven) (Entered: 07/16/2008)
07/21/2008	<u>110</u>	Letter from all parties to Chief Magistrate Judge Steven M. Gold Regarding Settlement by Steven W., Michael Hogan, Richard F. Daines, David A. Paterson, Joseph S., Disability Advocates, Inc., Sidney Hirschfeld, New York State Office of Mental Health, New York State Department of Health (Gasior, John) (Entered: 07/21/2008)
09/22/2008	<u>111</u>	MOTION to Compel <i>Document Production</i> by Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Attachments: # <u>1</u> Exhibit Letter regarding documents identified in Joan Halpin deposition, # <u>2</u> Exhibit Letter regarding documents identified in Alan Holmes deposition, # <u>3</u> Exhibit Letter regarding documents identified in Mary Ann Monaco deposition) (Bearden, Roger) (Entered: 09/22/2008)
09/22/2008		ORDER granting <u>111</u> Motion to Compel, to the extent that it seeks, on behalf of all parties, that the conference set by September 24 at 4 pm be held by telephone. Plaintiffs' counsel shall arrange the conference call. At that time the court will hear whether there is any objection to plaintiffs' request that the court order production of the documents the parties have agreed to disclose, and set a schedule for the production of the email discovery described in the last paragraph of the letter motion. Ordered by Chief Magistrate Steven M. Gold on 09/22/08. (Gold, Steven) (Entered: 09/22/2008)
09/26/2008		Minute Entry for Status Conference held on 9/24/2008 before Chief Magistrate Judge Steven M. Gold: Beardon, Zucker and Greendorfer for plaintiffs, Gasior and Pepper for defendants. (1) Defendants will provide a schedule for e-mail production within two weeks. (2) Counsel will meet and confer in an effort to agree upon a protocol for sampling data about plaintiffs, and will submit a report on the status of their efforts by November 3. NEXT CONFERENCE, IN-PERSON: DECEMBER 4, 2008 AT 2:00 P.M. Counsel shall submit a letter by December 1st identifying the issues they seek to raise at the next conference. (Vasquez, Lea) (Entered: 09/26/2008)
10/08/2008	<u>112</u>	STATUS REPORT <i>Regarding Production of Email</i> by Michael Hogan, Richard F. Daines, David A. Paterson, New York State Office of Mental Health, New York State Department of Health (Gasior, John) (Entered: 10/08/2008)
10/31/2008	<u>113</u>	Letter regarding sampling protocol by Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Bearden, Roger) (Entered: 10/31/2008)
11/03/2008		SCHEDULING ORDER: A Telephone Conference will be held at 11:30 a.m. on November 6th. Counsel for all parties must participate and plaintiffs' counsel is directed to arrange the call with all parties. So Ordered by Chief Magistrate Judge Steven M. Gold on 11/3/2008. (Vasquez, Lea) (Entered: 11/03/2008)
11/07/2008		Minute Entry for proceedings held before Chief Magistrate Steven M. Gold: Telephone Conference held on 11/6/2008. Bearden et al. for plaintiffs, Gasior et al. for defendants. Counsel report that they do not seek court intervention with respect to the issue raised in plaintiffs' letter dated October 31, 2008, docket entry 113. The conference previously set for December 4 will proceed as scheduled absent further application to the court. (Tape #FTR 11:32-11:40.) (Vasquez, Lea) (Entered: 11/07/2008)
12/01/2008	<u>114</u>	Joint MOTION for Extension of Time to Complete Discovery by Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Bearden, Roger) (Entered: 12/01/2008)
12/03/2008		ORDER deferring ruling on <u>114</u> Motion for Extension of Time to Complete Discovery. This application will be discussed during the conference on December 4th. The conference will be held by telephone and counsel are to make the necessary arrangements for all parties' participation in the call. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/3/2008. (Vasquez, Lea) (Entered: 12/03/2008)
12/04/2008		ORDER granting <u>114</u> Motion for Extension of Time to Complete Discovery. Ordered by Chief Magistrate Steven M. Gold on 12/04/08. (Gold, Steven) (Entered: 12/04/2008)

12/05/2008		Minute Entry for proceedings held before Chief Magistrate Judge Steven M. Gold:Telephone Conference held on 12/4/2008. Bearden, Lowenstein, Greendorfer and Delvalle for plaintiffs, Gasior and Pepper for defendants. The application to extend the previously set case management deadlines (see docket entry 114) is granted for the reasons discussed during today's conference. <u>NEXT CONFERENCE: JUNE 23, 2008 AT 11:00 A.M.</u> Counsel shall contact my chambers promptly if they seek a settlement conference or a discovery dispute arises that cannot be resolved even after counsel confer. Counsel shall submit a letter by June 17 identifying any issues they intend to raise at the conference on June 23rd. (Vasquez, Lea) (Entered: 12/05/2008)
12/12/2008	<u>115</u>	DISCLOSURE of Interested Parties by Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Greendorfer, Lori) (Entered: 12/12/2008)
12/12/2008		ORDER re <u>115</u> Disclosure of Interested Parties filed by Joseph S., Sidney Hirschfeld, Steven W., Disability Advocates, Inc. This filing violates Fed.R.Civ.P. 5(d)(1). Plaintiffs are ORDERED to refrain from further violations. Ordered by Judge Brian M. Cogan on 12/12/08. (Weisberg, Peggy) (Entered: 12/12/2008)
01/26/2009	<u>116</u>	MOTION to Compel <i>Compliance with Inspection Subpoena</i> by Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Attachments: # <u>1</u> Brookhaven Subpoena, # <u>2</u> Haven Manor Subpoena, # <u>3</u> Brookhaven and Haven Manor Objections to Subpoena, # <u>4</u> Plaintiffs' Response to Brookhaven and Haven Manor Objections to Subpoena) (Bearden, Roger) (Entered: 01/26/2009)
01/26/2009	<u>117</u>	Letter <i>correcting error in previous letter</i> by Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Bearden, Roger) (Entered: 01/26/2009)
01/27/2009		Minute Entry for proceedings held before Chief Magistrate Judge Steven M. Gold:Telephone Conference held on 1/26/2009. Bearden et al for plaintiffs, Gasior et al for defendants, Litchenstein et al for non-party residential facilities. Plaintiffs shall either continue their negotiations with respect to inspection of non-party facilities and interviews of their staff and evaluations of their residents, or file a motion to compel pursuant to a stipulated briefing schedule if they seek to press the subpoena discussed during this conference call. (Tape #FTR 5:59-6:23.) (Vasquez, Lea) (Entered: 01/27/2009)
01/27/2009		ORDER denying <u>116</u> Motion to Compel, for reasons stated on the record of the proceedings held on January 26, 2009 and without prejudice to filing of a formal motion to compel pursuant to a stipulated briefing schedule. Ordered by Chief Magistrate Steven M. Gold on 1/27/2009. (Gold, Steven) (Entered: 01/27/2009)
02/04/2009	<u>118</u>	MOTION for Discovery by Michael Hogan, Richard F. Daines, David A. Paterson, New York State Office of Mental Health, New York State Department of Health. (Attachments: # <u>1</u> Exhibit Exhibit to proposed subpoena) (Pepper, Joshua) (Entered: 02/04/2009)
02/10/2009		ORDER granting <u>118</u> Motion for Discovery. Defendants may, as suggested in their letter, provide the subpoenas in issue and a return envelope to my chambers. Ordered by Chief Magistrate Steven M. Gold on 2/10/2009. (Gold, Steven) (Entered: 02/10/2009)
03/05/2009	<u>119</u>	MOTION for Discovery by Michael Hogan, Richard F. Daines, David A. Paterson, New York State Office of Mental Health, New York State Department of Health. (Pepper, Joshua) (Entered: 03/05/2009)
03/06/2009	<u>120</u>	NOTICE by Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld <i>of Withdrawal of Appearance</i> (Bearden, Roger) (Entered: 03/06/2009)
03/06/2009		ORDER granting <u>119</u> Motion for Discovery. Defendants application to submit the subpoenas to the Court is Granted. Counsel shall make the necessary arrangements for hand-delivery of same to Chambers. So Ordered by Chief Magistrate Judge Steven M. Gold on 3/6/2009. (Vasquez, Lea) (Entered: 03/06/2009)
03/12/2009	<u>121</u>	Letter by Michael Hogan, Richard F. Daines, David A. Paterson, New York State Office of Mental Health, New York State Department of Health (Pepper, Joshua) (Entered: 03/12/2009)

04/16/2009		SCHEDULING ORDER: A telephone conference will be held at 3:30 p.m. on April 21st. Counsel for all parties are required to participate, as well as counsel for the non-party witnesses. Defendants' counsel is requested to arrange the call with all parties as well as notify/confirm with, all attorneys that they are aware of this conference. So Ordered by Chief Magistrate Judge Steven M. Gold on 4/16/2009. (Vasquez, Lea) (Entered: 04/16/2009)
04/17/2009	<u>122</u>	Letter MOTION to Continue <i>Telephone Conference</i> by Promesa RHCF. (Murray, Elizabeth) (Entered: 04/17/2009)
04/20/2009		ORDER granting <u>122</u> Motion to Continue. The telephone conference scheduled for April 21st will instead be held at 11:00 a.m. on May 1, 2009. So Ordered by Chief Magistrate Judge Steven M. Gold on 4/20/2009. (Vasquez, Lea) (Entered: 04/20/2009)
04/30/2009	<u>123</u>	NOTICE of Appearance by Rachael E Seevers on behalf of all plaintiffs (aty to be noticed) (Seevers, Rachael) (Entered: 04/30/2009)
05/04/2009		Minute Entry for Telephone Conference held on 5/1/2009 before Chief Magistrate Judge Steven M. Gold: Lowenstein for plaintiffs, Pepper and Gasior for defendants, Facher for non-party Riverington, Murray for non-party Promesa. For the reasons stated on the record during today's conference, and those set forth herein, the objections to discovery of patient files lodged by the non-parties are overruled. The court finds that, in light of the significance of the federal rights at issue in this litigation, and the potential impact of a decision in this action on the plaintiffs and the State of New York, and in light of the potential adverse impact on the statistical significance of any results of the analysis being performed by defendants' expert witness, defendants have demonstrated a compelling need for disclosure pursuant to New York Public Health law Section 2785(2)(a). Accordingly, and pursuant to Section 2785(4)(a), defendants shall provide notice of their application for disclosure to the patients involved (either directly or through the non-parties) by May 8, 2009. The letter shall advise the patients that any objections to disclosure must be made in writing by May 22, 2009. If no objections are filed, the non-parties shall produce the materials called for in defendants' subpoena by May 26. If objections are raised, counsel shall so advise the court and seek a further conference. All counsel are hereby urged to use their best efforts to avoid including any identifying information about the patients whenever possible, and to deem any patient-identifying information as having been designated with the highest level of confidentiality described in any of the confidentiality orders entered in this case. (Tape #FTR 11:04-11:24.) (Vasquez, Lea) (Entered: 05/04/2009)
05/14/2009	<u>125</u>	Joint MOTION for Extension of Time to Complete Discovery by Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld. (Lowenstein, Amy) (Entered: 05/14/2009)
05/15/2009		ORDER deferring ruling on <u>125</u> Motion for Extension of Time to Complete Discovery. The Court will entertain the application for a four-month extension of the discovery scheduled at the next conference. Counsel are urged to present a more detailed schedule, with specific dates set aside for each anticipated discovery event, prior to the conference. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/15/2009. (Vasquez, Lea) (Entered: 05/15/2009)
05/19/2009	<u>126</u>	NOTICE of Appearance by Nina Lowenstein on behalf of all plaintiffs (aty to be noticed) (Lowenstein, Nina) (Entered: 05/19/2009)
05/19/2009	<u>127</u>	MOTION for Discovery by Michael Hogan, Richard F. Daines, David A. Paterson, New York State Office of Mental Health, New York State Department of Health. (Pepper, Joshua) (Entered: 05/19/2009)
05/20/2009		ORDER granting <u>127</u> Motion for Discovery. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/20/2009. (Vasquez, Lea) (Entered: 05/20/2009)
06/08/2009	<u>128</u>	NOTICE of Appearance by Jeanne Cho on behalf of all plaintiffs (aty to be noticed) (Cho, Jeanne) (Entered: 06/08/2009)
06/08/2009	<u>129</u>	Letter dated June 8, 2009 from Jeanne Cho, Esq., of Schiff Hardin LLP, addressed to Chief Magistrate Judge Steven M. Gold requesting that a number of non-party Subpoenas seeking nursing home residents's medical records from nursing facilities be so-ordered (attached to the letter is an example of an exhibit to the Subpoenas

		<i>without resident or nursing home identifiers, which details the records sought</i>) by Steven W., Joseph S., Disability Advocates, Inc., Sidney Hirschfeld (Cho, Jeanne) (Entered: 06/08/2009)
06/16/2009	<u>130</u>	Letter <i>providing status update and detailing the parties' proposed schedule to complete discovery</i> by Steven W., Michael Hogan, Richard F. Daines, David A. Paterson, Joseph S., Disability Advocates, Inc., Sidney Hirschfeld, New York State Office of Mental Health, New York State Department of Health (Lowenstein, Amy) (Entered: 06/16/2009)
06/24/2009		Minute Entry for Status Conference held on 6/23/2009 before Chief Magistrate Judge Steven M. Gold: Volpe, Lowenstein, Agarwal and Severs for plaintiffs, Gasior and Pepper for defendants. The discovery schedule jointly proposed by the parties in plaintiffs' letter filed June 16, 2009, Docket Entry 130, is approved. Counsel are encouraged to consider the possibility of settlement and whether the case has reached the stage at which an ADR mechanism could be productively invoked. To this end, counsel agree that any party may submit an <i>ex parte</i> letter to the court (VIA ELECTRONIC FILING) limited to the subject of settlement. THE COURT WILL HOLD AN IN-PERSON STATUS CONFERENCE AT 2:00 PM ON OCTOBER 14TH. The parties shall submit a letter no later than October 7 setting forth the issues to be addressed at the next conference. (Vasquez, Lea) (Entered: 06/24/2009)
06/24/2009		ORDER denying as moot <u>125</u> Motion for Extension of Time to Complete Discovery. See Minute Entry for conference held on 6/23/2009. Ordered by Chief Magistrate Steven M. Gold on 6/24/2009. (O'Connor, Erin) (Entered: 06/24/2009)
07/01/2009	<u>131</u>	Letter of <i>Withdrawal of co-counsel Marianne Engelman Lado</i> by Joseph S. (Engelman Lado, Marianne) (Entered: 07/01/2009)
07/22/2009	<u>132</u>	NOTICE of Appearance by Timothy A. Clune on behalf of Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (notification declined or already on case) (Clune, Timothy) (Entered: 07/22/2009)
08/11/2009	<u>133</u>	Letter <i>addressed to Chief Magistrate Judge Steven M. Gold requesting that a number of non-party Subpoenas seeking nursing home residents' medical records from nursing facilities be so-ordered</i> by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W. (Lowenstein, Amy) (Entered: 08/11/2009)
08/12/2009		ORDER re <u>133</u> Letter, filed by Joseph S., Sidney Hirschfeld, Steven W., Disability Advocates, Inc. Plaintiffs are granted permission to submit subpoenas to the Court for endorsement. So Ordered by Chief Magistrate Judge Steven M. Gold on 8/12/2009. (Vasquez, Lea) (Entered: 08/12/2009)
08/12/2009		Email Notification Test – DO NOT REPLY (Levine, Evelyn) (Entered: 08/12/2009)
08/12/2009		Email Notification Test – DO NOT REPLY (Levine, Evelyn) (Entered: 08/12/2009)
08/12/2009		Email Notification Test – DO NOT REPLY (Levine, Evelyn) (Entered: 08/12/2009)
08/12/2009		Email Notification Test – DO NOT REPLY (Levine, Evelyn) (Entered: 08/12/2009)
08/12/2009		Email Notification Test – DO NOT REPLY (Levine, Evelyn) (Entered: 08/12/2009)
09/01/2009	<u>134</u>	MOTION for Discovery <i>extension</i> by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Attachments: # <u>1</u> Plaintiff's fourth set of interrogatories, # <u>2</u> Plaintiff's second set of document requests) (Pepper, Joshua) (Entered: 09/01/2009)
09/02/2009	<u>135</u>	Letter by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson (Pepper, Joshua) (Entered: 09/02/2009)
09/02/2009		ORDER granting <u>134</u> Motion for Discovery. The conference previously set for October 14 will be held instead at 2:00 p.m. on December 10, 2009. With respect to defendants' letter dated September 2, 2009, Docket Entry 135, defendants may propound the interrogatory described on page two provided plaintiffs do not object. In the event plaintiffs do object, they shall so advise the Court, and a telephone conference will be scheduled. Ordered by Chief Magistrate Steven M. Gold on

		9/2/2009. (Gold, Steven) (Entered: 09/02/2009)
09/09/2009	<u>136</u>	NOTICE of Appearance by Richard B. Verner on behalf of Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (aty to be noticed) (Verner, Richard) (Entered: 09/09/2009)
09/16/2009		SCHEDULING ORDER: A telephone conference will be held at 10:30 a.m. on September 23, 2009. Counsel for plaintiff is directed to arrange the call with all parties as well as confirm this conference date and time with defendants' counsel. So Ordered by Chief Magistrate Judge Steven M. Gold on 9/16/2009. (Vasquez, Lea) (Entered: 09/16/2009)
09/18/2009	<u>137</u>	Letter dated September 18, 2009 from Richard B. Verner, Esq. to Magistrate Judge Gold with an attached copy of the Plaintiffs' Responses and Objections to the Defendants' Third Set of Interrogatories by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (Verner, Richard) (Entered: 09/18/2009)
09/23/2009		Minute Entry for Telephone Conference held on 9/23/2009 before Chief Magistrate Judge Steven M. Gold: Zucker and Lowenstein for plaintiffs, Gasior and Pepper for defendants. (1) Defendants will submit a letter by September 30 responding to the court's inquiry about whether, in light of Judge Garaufis' ruling in the case involving adult home residents, this is an opportune time to revisit the subject of settlement or mediation. (2) Counsel will meet and confer with respect to the discovery dispute described in plaintiff's letter dated September 18, 2009, docket entry 137, and submit a letter by October 7 if the parties seek a conference with the court. The conference previously set for December 10, 2009 (see Order dated September 2, 2009) will proceed as scheduled absent further order of the court. (Vasquez, Lea) (Entered: 09/23/2009)
09/25/2009	<u>138</u>	NOTICE of Appearance by Roberta L. Mueller on behalf of Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (aty to be noticed) (Mueller, Roberta) (Entered: 09/25/2009)
09/30/2009	<u>139</u>	Letter to Magistrate Judge Steven M. Gold regarding settlement by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson (Gasior, John) (Entered: 09/30/2009)
10/07/2009	<u>140</u>	NOTICE of Appearance by Robert H. Rickner on behalf of Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (aty to be noticed) (Rickner, Robert) (Entered: 10/07/2009)
10/07/2009	<u>141</u>	MOTION for pre motion conference regarding Defendants' Third Set of Interrogatories by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Gasior, John) (Entered: 10/07/2009)
10/08/2009	<u>142</u>	Letter dated October 8, 2009 from Robert H. Rickner to Magistrate Gold requesting that a number of non-party Subpoenas seeking nursing home residents' medical records from nursing facilities be so-ordered by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (Rickner, Robert) (Entered: 10/08/2009)
10/09/2009		ORDER re <u>142</u> Letter, filed by Joseph S., Bradley W., Omar W., Justina F., Sidney Hirschfeld, Carlos S., Lisa H., Edwin T., Steven W., Disability Advocates, Inc.. The court will issue the subpoenas as requested in plaintiffs' letter. Counsel may contact my chambers to arrange a date and time for delivery of same. Ordered by Chief Magistrate Steven M. Gold on 10/9/2009. (Gold, Steven) (Entered: 10/09/2009)
10/13/2009	<u>143</u>	RESPONSE to Motion re <u>141</u> MOTION for pre motion conference regarding Defendants' Third Set of Interrogatories filed by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W.. (Lowenstein, Nina) (Entered: 10/13/2009)
10/15/2009	<u>144</u>	NOTICE of Appearance by Kelly Lloyd Morron on behalf of Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W. (aty to be noticed) (Morron, Kelly) (Entered: 10/15/2009)

10/19/2009	<u>145</u>	Letter by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson (Pepper, Joshua) (Entered: 10/19/2009)
11/03/2009	<u>146</u>	Letter to Honorable Steven M. Gold dated November 3, 2009 by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W. (Rickner, Robert) (Entered: 11/03/2009)
12/09/2009	<u>147</u>	Letter by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson (Attachments: # <u>1</u> Letter from Amy Lowenstein) (Pepper, Joshua) (Entered: 12/09/2009)
12/10/2009	<u>148</u>	Joint MOTION for Extension of Time to Complete Discovery and Opposition to Defendants' MOTION to compel discovery by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W.. (Attachments: # <u>1</u> Exhibit Defendants' Third Set of Interrogatories) (Bearden, Roger) (Entered: 12/10/2009)
12/10/2009		ORDER granting <u>148</u> Motion for Extension of Time to Complete Discovery for the reasons stated on the record of today's conference. Ordered by Chief Magistrate Steven M. Gold on 12/10/2009. (Gold, Steven) (Entered: 12/10/2009)
12/10/2009		ORDER denying <u>141</u> Motion for Pre Motion Conference, which in actuality is a letter application to compel certain discovery, for the reasons and to the extent stated on the record of today's conference. Ordered by Chief Magistrate Steven M. Gold on 12/10/2009. (Gold, Steven) (Entered: 12/10/2009)
12/11/2009		Minute Entry for Status Conference held on 12/10/2009 before Chief Magistrate Judge Steven M. Gold: Bearden et al for plaintiffs, Gasior and Pepper for defendants. Defendants' motion to compel disclosure with respect to the sampling decisions made by plaintiffs' experts is denied for the reasons stated on the record. The parties' joint application to extend discovery, as set forth in plaintiffs' letter dated December 9, 2009, docket entry 148, is approved, with the exception that counsel shall confer with their respective experts and each other in an effort to see whether a shorter schedule might be proposed. Counsel shall submit a letter by March 1, 2010, reporting on the status of this action, including but not limited to any productive ongoing efforts to reach a settlement agreement and any progress in developing a shorter schedule for completing expert discovery. (Tape #FTR 2:03-2:46.) (Vasquez, Lea) (Entered: 12/11/2009)
12/11/2009	<u>149</u>	NOTICE of Appearance by Kelly Jane McAnnany on behalf of Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (aty to be noticed) (McAnnany, Kelly) (Entered: 12/11/2009)
03/01/2010	<u>150</u>	Letter to Hon. Steven M. Gold jointly reporting on status by Richard F. Daines, Disability Advocates, Inc., Sidney Hirschfeld, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson, Joseph S., Steven W. (Lowenstein, Amy) (Entered: 03/01/2010)
03/04/2010		STATUS REPORT ORDER re <u>150</u> Letter, filed by Joseph S., New York State Department of Health, Richard F. Daines, Michael Hogan, David A. Paterson, Sidney Hirschfeld, Steven W., Disability Advocates, Inc., New York State Office of Mental Health: updated status Report due by 5/3/2010. So Ordered by Chief Magistrate Judge Steven M. Gold on 3/4/2010. (Vasquez, Lea) (Entered: 03/04/2010)
05/03/2010	<u>151</u>	Letter to Chief Magistrate Judge Gold by Richard F. Daines, Disability Advocates, Inc., Sidney Hirschfeld, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson, Joseph S., Steven W. (Gasior, John) (Entered: 05/03/2010)
05/04/2010		STATUS REPORT ORDER: Counsel are directed to electronically file an updated status report by 10/1/2010. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/4/2010. (Vasquez, Lea) (Entered: 05/04/2010)
06/11/2010	<u>152</u>	MOTION for Extension of Time to Complete Discovery – Letter to Chief Magistrate Judge Gold regarding June 15th expert reports – by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Gasior, John) (Entered: 06/11/2010)

06/11/2010		ORDER granting <u>152</u> Motion for Extension of Time to Complete Discovery. So Ordered by Chief Magistrate Judge Steven M. Gold on 6/11/2010. (Vasquez, Lea) (Entered: 06/11/2010)
06/25/2010	<u>153</u>	Letter dated June 25, 2010 from Robert Rickner, Esq. addressed to Chief Magistrate Judge Steven M. Gold requesting an adjournment to June 29, 2010 for sampling and psychiatric expert reports by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (Rickner, Robert) (Entered: 06/25/2010)
06/25/2010		ORDER re <u>153</u> Letter, filed by Joseph S., Bradley W., Omar W., Justina F., Sidney Hirschfeld, Carlos S., Lisa H., Edwin T., Steven W., Disability Advocates, Inc., granting application for additional time. Ordered by Chief Magistrate Steven M. Gold on 6/25/2010. (Gold, Steven) (Entered: 06/25/2010)
07/19/2010	<u>154</u>	TRANSCRIPT of Proceedings held on 12/10/09, before Judge Gold. Court Transcriber TYPEWRITE WORD PROCESSING SERVICE, Telephone number 718-966-1401. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/9/2010. Redacted Transcript Deadline set for 8/19/2010. Release of Transcript Restriction set for 10/18/2010. (Hong, Loan) (Entered: 07/19/2010)
07/21/2010	<u>155</u>	MOTION for Discovery by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 07/21/2010)
07/22/2010		ORDER granting <u>155</u> Motion for Discovery. Defendants may submit the subpoenas to Chambers at their convenience. So Ordered by Chief Magistrate Judge Steven M. Gold on 7/22/2010. (Vasquez, Lea) (Entered: 07/22/2010)
09/13/2010	<u>156</u>	MOTION for Extension of Time to Complete Discovery by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Gasior, John) (Entered: 09/13/2010)
09/13/2010		ORDER granting <u>156</u> Motion for Extension of Time to Complete Discovery. So Ordered by Chief Magistrate Judge Steven M. Gold on 9/13/2010. (Vasquez, Lea) (Entered: 09/13/2010)
10/01/2010	<u>157</u>	Letter Joint letter dated October 1, 2010 addressed to Chief Magistrate Judge Gold re: Case Status Update by Sharon Carpinello, Richard F. Daines, Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, David A. Paterson, Promesa RHCF, Kathleen A. Roberts, Carlos S., Joseph S., Edwin T., Abe Tawil, Bradley W., Omar W., Steven W. (Rickner, Robert) (Entered: 10/01/2010)
11/12/2010	<u>158</u>	MOTION for Extension of Time to Complete Discovery of expert rebuttal reports by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Gasior, John) (Entered: 11/12/2010)
11/12/2010		ORDER granting <u>158</u> Motion for Extension of Time to Complete Discovery. So Ordered by Chief Magistrate Judge Steven M. Gold on 11/12/2010. (Vasquez, Lea) (Entered: 11/12/2010)
12/03/2010	<u>159</u>	Letter to The Honorable Steven M. Gold, dated 12//3/2010, requesting extension of deadline for Expert Reply Reports by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W. (Rickner, Robert) (Entered: 12/03/2010)
12/06/2010		ORDER re <u>159</u> Letter filed by Joseph S., Sidney Hirschfeld, Steven W., Disability Advocates, Inc.: The proposed revised schedule is approved and hereby entered as an Order of the Court. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/6/2010. (Vasquez, Lea) (Entered: 12/06/2010)
02/25/2011	<u>160</u>	MOTION for Extension of Time to Complete Discovery of Expert Witnesses – Letter to Magistrate Judge Gold – by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health. (Gasior, John)

		(Entered: 02/25/2011)
03/03/2011		ORDER granting <u>160</u> Motion for Extension of Time to Complete Discovery. The parties' joint proposed deadlines for expert depositions and pre-motion letters are hereby approved and entered as an Order of the Court. The Court will hold a telephone conference at 11:00 a.m. on March 8, 2011 to discuss the deadline for pre-trial filings. Counsel for plaintiffs are directed to arrange the conference call and to confirm with all parties that they are aware of the conference date and time. Ordered by Chief Magistrate Steven M. Gold on 3/3/2011. (O'Connor, Erin) (Entered: 03/03/2011)
03/08/2011		Minute Entry for Telephone Conference held on 3/8/2011 before Chief Magistrate Judge Steven M. Gold: Rickner for plaintiffs, Gasior and Pepper for defendants. The parties' joint application to extend the time to complete expert depositions to April 1, and the time for filing pre-motion conference applications pursuant to Section III.A.2 of Judge Cogan's Individual Practices to April 15, is GRANTED. All pretrial filings required pursuant to Section IV.B of Judge Cogan's Individual Practices shall be submitted 30 days after any motions made are fully briefed, and the parties shall be ready for trial within 60 days after any motions made are fully briefed. (Vasquez, Lea) (Entered: 03/08/2011)
03/08/2011	<u>161</u>	Letter <i>Withdrawing Appearance</i> by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W. (Bearden, Roger) (Entered: 03/08/2011)
03/23/2011	<u>162</u>	MOTION for Extension of Time to Complete Discovery <i>Continued Deposition of Defendants' Expert Dr. Jeffrey Geller</i> by Disability Advocates, Inc., Sidney Hirschfeld, Edwin T., Steven W.. (Loewenstein, Nina) (Entered: 03/23/2011)
03/23/2011		ORDER granting <u>162</u> Motion for Extension of Time to Complete Discovery. So Ordered by Chief Magistrate Judge Steven M. Gold on 3/23/2011. (Vasquez, Lea) (Entered: 03/23/2011)
04/04/2011	<u>163</u>	MOTION to Strike <i>Expert Report</i> by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F) (Pepper, Joshua) (Entered: 04/04/2011)
04/07/2011	<u>164</u>	Letter dated 4/7/2011, requesting extension to submit Reply. by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W. (Rickner, Robert) (Entered: 04/07/2011)
04/08/2011		ORDER re <u>164</u> Letter filed by Joseph S., Sidney Hirschfeld, Steven W., Disability Advocates, Inc.: Plaintiff to respond to defendant's motion to strike by April 18th. So Ordered by Chief Magistrate Judge Steven M. Gold on 4/8/2011. (Vasquez, Lea) (Entered: 04/08/2011)
04/15/2011	<u>166</u>	MOTION for pre motion conference by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health. (Gasior, John) (Entered: 04/15/2011)
04/15/2011		ORDER as to <u>166</u> MOTION for pre motion conference. Hearing set for 4/25/2011 10:00 AM in Courtroom 8D South before Judge Brian M. Cogan. Plaintiff to deliver detailed letter in response by 4/21/11. Ordered by Judge Brian M. Cogan on 4/15/2011. (Cogan, Brian) (Entered: 04/15/2011)
04/18/2011		SCHEDULING ORDER: The court will hold a telephone conference at 2:30 p.m. on April 28, 2011. Defendants are requested to arrange the conference call and to confirm that plaintiffs are aware of the conference date and time. So Ordered by Chief Magistrate Judge Steven M. Gold on 4/18/2011. (O'Connor, Erin) (Entered: 04/18/2011)
04/18/2011	<u>167</u>	Letter dated April 18, 2011 from Robert Rickner, Esq., addressed to Magistrate Judge Steven M. Gold by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (Rickner, Robert) (Entered: 04/18/2011)
04/18/2011		ORDER re <u>167</u> Letter: Plaintiffs' application to file excess pages is granted. Plaintiffs' application to file certain exhibits under seal is also granted. Plaintiffs shall electronically file the sealed exhibits -- Instructions on filing sealed documents on ECF are located at the court's website, www.nyed.uscourts.gov. Counsel are advised

		that, in the future, applications seeking relief from the court should be filed as motions, even if made in letter form. Finally, the telephone conference scheduled for April 28th is for scheduling purposes only. Ordered by Chief Magistrate Steven M. Gold on 4/18/2011. (O'Connor, Erin) (Entered: 04/18/2011)
04/18/2011	<u>168</u>	Letter dated April 18, 2011 from Amy E. Lowenstein to Magistrate Judge Gold by Disability Advocates, Inc. (Rickner, Robert) (Entered: 04/18/2011)
04/18/2011	<u>169</u>	RESPONSE in Opposition re <u>163</u> MOTION to Strike <i>Expert Report</i> filed by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B (under seal), # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I (under seal), # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M (under seal), # <u>14</u> Exhibit N, # <u>15</u> Exhibit O (under seal)) (Rickner, Robert) (Additional attachment(s) added on 5/3/2011: # <u>16</u> Exhibit B SEALED, # <u>17</u> Exhibit I SEALED, # <u>18</u> Exhibit M SEALED, # <u>19</u> Exhibit O SEALED, # <u>20</u> Letter dated 4/19/2011 submitting exhibits under seal) (Marziliano, August). (Entered: 04/18/2011)
04/20/2011	<u>170</u>	MOTION for Leave to File Excess Pages by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health. (Gasior, John) (Entered: 04/20/2011)
04/20/2011	<u>171</u>	RESPONSE in Opposition re <u>170</u> MOTION for Leave to File Excess Pages filed by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W.. (Rickner, Robert) (Entered: 04/20/2011)
04/20/2011		NOTICE: The purpose of the telephone conference scheduled for April 28th is to discuss whether the parties are interested in holding a settlement conference and, if so, to set a date. (O'Connor, Erin) (Entered: 04/20/2011)
04/21/2011	<u>172</u>	RESPONSE to Motion re <u>166</u> MOTION for pre motion conference filed by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W.. (Lowenstein, Amy) (Entered: 04/21/2011)
04/25/2011		Minute Entry and Order for Hearing held on 4/25/11 before Judge Brian M. Cogan. Both parties present. Plaintiffs' <u>168</u> Letter is deemed an unopposed motion for limited discovery and is granted to the extent provided on the record. Defendants' <u>163</u> Motion to Strike Expert Report is denied without prejudice for the reasons provided on the record: the substance of the motion may be raised as a Daubert motion, and the request to re-open expert discovery is denied without prejudice to renew after reviewing plaintiffs' opposition to that motion. The Court set the following dates: defendants must file their Daubert motion and motion for summary judgment (if any) by 5/16/11; opposition by 6/6; reply by 6/17. All additional discovery disputes shall still be addressed to Magistrate Judge Gold. (Court Reporter: Gene Rudolph). (Clarke, Melonie) (Entered: 04/25/2011)
04/29/2011	<u>173</u>	MOTION for Extension of Time to Complete Discovery <i>Related to Defendants' Daubert Motion</i> by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health. (Gasior, John) (Entered: 04/29/2011)
04/29/2011		ORDER granting <u>173</u> Motion for Extension of Time. Revised briefing schedule: Daubert/summary judgment motions due 5/23; opposition by 6/13; reply by 6/24. No further extensions, even if the depositions do not occur as scheduled. Ordered by Judge Brian M. Cogan on 4/29/2011. (Weisberg, Peggy) (Entered: 04/29/2011)
05/02/2011		Minute Entry for Telephone Conference held on 4/28/2011 before Chief Magistrate Judge Steven M. Gold: Zucker et al. for plaintiffs, Gasior and Pepper for defendants. (1) Depositions of plaintiffs will take place at the offices of defendants' counsel on May 5 from 9 to 6 and, if needed, on May 6 from 9-1. The parties will submit a schedule governing PASRR discovery by letter filed no later than May 3. The Court will hold a telephone conference at 1:30 pm on May 12 at which time counsel shall report on the status of their efforts to reach a settlement and whether they seek a court-supervised settlement conference. (Tape #FTR 2:34-2:50.) (Vasquez, Lea) (Entered: 05/02/2011)

05/03/2011	<u>174</u>	Letter to Judge Gold re PASRR discovery schedule by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W. (Lowenstein, Amy) (Entered: 05/03/2011)
05/06/2011		ORDER re <u>174</u> Letter filed by Joseph S., Sidney Hirschfeld, Steven W., Disability Advocates, Inc: The parties are granted to July 8, 2011 to complete additional PASRR discovery. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/6/2011. (Vasquez, Lea) (Entered: 05/06/2011)
05/13/2011		Minute Entry for Telephone Conference held on 5/13/2011 before Chief Magistrate Judge Steven M. Gold: Clune for plaintiffs; Gasior & Pepper for defendants. Settlement discussions among the parties continue. The court will hold a telephone conference for a further status update at 10:00 a.m. on May 26, 2011. (Vasquez, Lea) (Entered: 05/13/2011)
05/23/2011	<u>175</u>	MOTION in Limine To Preclude Expert Testimony by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 05/23/2011)
05/23/2011	<u>176</u>	AFFIDAVIT/DECLARATION in Support re <u>175</u> MOTION in Limine To Preclude Expert Testimony filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 05/23/2011)
05/23/2011	<u>177</u>	AFFIDAVIT/DECLARATION in Support re <u>175</u> MOTION in Limine To Preclude Expert Testimony filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 05/23/2011)
05/23/2011	<u>178</u>	AFFIDAVIT/DECLARATION in Support re <u>175</u> MOTION in Limine To Preclude Expert Testimony filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 05/23/2011)
05/23/2011	<u>179</u>	AFFIDAVIT/DECLARATION in Support re <u>175</u> MOTION in Limine To Preclude Expert Testimony filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Attachments: # <u>1</u> Exhibit A (Fries report) (part 1), # <u>2</u> Exhibit A (Fries report) (part 2), # <u>3</u> Exhibit B (letters), # <u>4</u> Exhibit C (letter), # <u>5</u> Exhibit D (letter), # <u>6</u> Exhibit E (spreadsheet), # <u>7</u> Exhibit F (spreadsheet), # <u>8</u> Exhibit G (spreadsheet), # <u>9</u> Exhibit H (spreadsheet), # <u>10</u> Exhibit I (transcript), # <u>11</u> Exhibit J (notice of deposition), # <u>12</u> Exhibit K (transcript), # <u>13</u> Exhibit L (Factor deposition), # <u>14</u> Exhibit M (Factor deposition), # <u>15</u> Exhibit N (Fries deposition), # <u>16</u> Exhibit O (Hecht deposition), # <u>17</u> Exhibit P (Loewenstein deposition), # <u>18</u> Exhibit Q (Volpe deposition)) (Pepper, Joshua) (Entered: 05/23/2011)
05/23/2011	<u>180</u>	MEMORANDUM in Support re <u>175</u> MOTION in Limine To Preclude Expert Testimony filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 05/23/2011)
05/23/2011	<u>181</u>	MOTION for Summary Judgment by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. Responses due by 6/13/2011 (Pepper, Joshua) (Entered: 05/23/2011)
05/23/2011	<u>182</u>	MEMORANDUM in Support re <u>181</u> MOTION for Summary Judgment filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 05/23/2011)
05/23/2011	<u>183</u>	AFFIDAVIT/DECLARATION in Support re <u>181</u> MOTION for Summary Judgment filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Attachments: # <u>1</u> Exhibit A (Tacoronti deposition)) (Pepper, Joshua) (Entered: 05/23/2011)
05/23/2011	<u>184</u>	RULE 56.1 STATEMENT re <u>181</u> MOTION for Summary Judgment filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 05/23/2011)

05/26/2011		Minute Entry for Telephone Conference held on 5/26/2011 before Chief Magistrate Judge Steven M. Gold: Clune for plaintiffs; Gasior & Pepper for defendants. Settlement discussions among the parties continue. The parties will submit an updated report on the status of settlement no later than June 3, 2011. (Vasquez, Lea) (Entered: 05/26/2011)
06/03/2011	<u>185</u>	STATUS REPORT <i>Letter to Judge Gold</i> by Disability Advocates, Inc., Sidney Hirschfeld, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, Joseph S., Steven W. (Lowenstein, Amy) (Entered: 06/03/2011)
06/08/2011	<u>186</u>	First MOTION for Extension of Time to File Response/Reply as to <u>175</u> MOTION in <i>Limine To Preclude Expert Testimony</i> , MOTION for Leave to file documents under seal, First MOTION for Leave to File Excess Pages as to <u>175</u> MOTION in <i>Limine To Preclude Expert Testimony</i> by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W.. (Lowenstein, Amy) (Entered: 06/08/2011)
06/08/2011		ORDER granting <u>186</u> Motion for Extension of Time. The Court hereby adopts the following: 1) plaintiffs' opposition to summary judgment and daubert motion due by 6/13 and 6/16, defendants' reply to opposition to summary judgment and daubert motions due by 6/24 and 6/29, respectively; 2) pretrial filings due by 7/29. In addition, plaintiffs' request to file under seal is granted. Counsel is directed to file original documents under seal as separate entries. Instructions on filing sealed entries on ECF are located at www.nyed.uscourts.gov. Memorandum in support of opposition papers may exceed page limit, not to exceed 40 pages. Ordered by Judge Brian M. Cogan on 6/8/2011. (Weisberg, Peggy) (Entered: 06/08/2011)
06/13/2011	<u>187</u>	NOTICE of Appearance by Aditi Dilip Kotheekar on behalf of Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (aty to be noticed) (Kotheekar, Aditi) (Entered: 06/13/2011)
06/13/2011	<u>188</u>	RULE 56.1 STATEMENT re <u>184</u> Rule 56.1 Statement <i>RULE 56.1 COUNTER-STATEMENT</i> filed by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W.. (Rickner, Robert) (Entered: 06/13/2011)
06/13/2011	<u>189</u>	AFFIDAVIT/DECLARATION in Opposition re <u>181</u> MOTION for Summary Judgment <i>DECLARATION OF LISA HERMAN, ESQ.</i> filed by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W.. (Rickner, Robert) (Entered: 06/13/2011)
06/13/2011	<u>190</u>	AFFIDAVIT/DECLARATION in Opposition re <u>181</u> MOTION for Summary Judgment <i>DECLARATION OF JOSEPH A. TRAVER, ESQ.</i> filed by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W.. (Rickner, Robert) (Entered: 06/13/2011)
06/13/2011	<u>191</u>	MEMORANDUM in Opposition re <u>189</u> Affidavit in Opposition to Motion, <u>188</u> Rule 56.1 Statement, <u>190</u> Affidavit in Opposition to Motion, <u>181</u> MOTION for Summary Judgment <i>PLAINTIFFS MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT AS TO PLAINTIFFS LESLEY DE LIA, DIRECTOR, MENTAL HYGIENE LEGAL SERVICE, AND MENTAL HYGIENE LEGAL SERVICE</i> filed by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W.. (Rickner, Robert) (Entered: 06/13/2011)
06/13/2011	<u>192</u>	AFFIDAVIT/DECLARATION in Opposition re <u>181</u> MOTION for Summary Judgment <i>DECLARATION OF LISA VOLPE, ESQ.</i> filed by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N) (Rickner, Robert) (Entered: 06/13/2011)
06/16/2011	<u>193</u>	AFFIDAVIT/DECLARATION in Opposition re <u>175</u> MOTION in <i>Limine To Preclude Expert Testimony Declaration of Branko Jovanovic, Ph.D.</i> filed by Disability Advocates, Inc., Joseph S., Steven W.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3) (Rickner, Robert) (Entered: 06/16/2011)

06/16/2011	<u>194</u>	AFFIDAVIT/DECLARATION in Opposition re <u>175</u> MOTION in <i>Limine To Preclude Expert Testimony Declaration of Brant Fries, Ph.D.</i> filed by Disability Advocates, Inc., Joseph S., Steven W.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3) (Rickner, Robert) (Entered: 06/17/2011)
06/17/2011	<u>195</u>	AFFIDAVIT/DECLARATION in Opposition re <u>175</u> MOTION in <i>Limine To Preclude Expert Testimony Declaration of Robert Factor, MD, Ph.D.</i> filed by Disability Advocates, Inc., Joseph S., Steven W.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rickner, Robert) (Entered: 06/17/2011)
06/17/2011	<u>196</u>	MEMORANDUM in Opposition <i>Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Preclude Expert Testimony</i> filed by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W.. (Rickner, Robert) (Entered: 06/17/2011)
06/17/2011	<u>197</u>	AFFIDAVIT/DECLARATION in Opposition re <u>175</u> MOTION in <i>Limine To Preclude Expert Testimony Declaration of Robert H. Rickner, Esq.</i> filed by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W.. (Attachments: # <u>1</u> A, # <u>2</u> B, # <u>3</u> C, # <u>4</u> D, # <u>5</u> E, # <u>6</u> G, # <u>7</u> I, # <u>8</u> L, # <u>9</u> P, # <u>10</u> Q, # <u>11</u> R, # <u>12</u> S, # <u>13</u> T, # <u>14</u> U, # <u>15</u> V, # <u>16</u> V.1, # <u>17</u> V.2, # <u>18</u> V.3) (Rickner, Robert) (Entered: 06/17/2011)
06/17/2011	<u>199</u>	Letter dated June 17, 2011 addressed to Magistrate Judge Cogan from Robert Rickner, Esq. by Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (Rickner, Robert) (Entered: 06/17/2011)
06/23/2011	<u>200</u>	MOTION for Leave to File Excess Pages by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 06/23/2011)
06/23/2011		ORDER granting <u>200</u> Motion for Leave to File Excess Pages for defendants' reply brief, not to exceed 15 pages. Ordered by Judge Brian M. Cogan on 6/23/2011. (Weisberg, Peggy) (Entered: 06/23/2011)
06/24/2011	<u>201</u>	REPLY in Support re <u>181</u> MOTION for Summary Judgment filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 06/24/2011)
06/24/2011	<u>202</u>	AFFIDAVIT/DECLARATION in Support re <u>181</u> MOTION for Summary Judgment filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 06/24/2011)
06/24/2011	<u>203</u>	NOTICE of Appearance by Veronica Seungwon Jung on behalf of Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W. (aty to be noticed) (Jung, Veronica) (Entered: 06/24/2011)
06/29/2011	<u>204</u>	AFFIDAVIT/DECLARATION in Support re <u>175</u> MOTION in <i>Limine To Preclude Expert Testimony</i> filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Attachments: # <u>1</u> Exhibit R (Fries tr), # <u>2</u> Exhibit S (Loewenstein tr), # <u>3</u> Exhibit T (Jovanovic tr), # <u>4</u> Exhibit U (Ureke tr), # <u>5</u> Exhibit V (Volpe tr), # <u>6</u> Exhibit W (Hecht tr), # <u>7</u> Exhibit X (Factor tr), # <u>8</u> Exhibit Y (interrogatory), # <u>9</u> Exhibit Z (Factor rebuttal report), # <u>10</u> Exhibit AA (Geller Second Expert Report), # <u>11</u> Exhibit BB (Factor Report Ex. D), # <u>12</u> Exhibit CC part 1 (notes), # <u>13</u> Exhibit CC part 2 (notes)) (Pepper, Joshua) (Entered: 06/29/2011)
06/29/2011	<u>205</u>	AFFIDAVIT/DECLARATION in Support re <u>175</u> MOTION in <i>Limine To Preclude Expert Testimony</i> filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 06/29/2011)
06/29/2011	<u>206</u>	AFFIDAVIT/DECLARATION in Support re <u>175</u> MOTION in <i>Limine To Preclude Expert Testimony</i> filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 06/29/2011)

06/29/2011	<u>207</u>	REPLY in Support re <u>175</u> MOTION in Limine <i>To Preclude Expert Testimony</i> filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, George Pataki. (Pepper, Joshua) (Entered: 06/29/2011)
06/29/2011	<u>208</u>	AFFIDAVIT/DECLARATION in Support re <u>175</u> MOTION in Limine <i>To Preclude Expert Testimony</i> filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Attachments: # <u>1</u> Exhibit R (Fries tr), # <u>2</u> Exhibit S (Loewenstein tr), # <u>3</u> Exhibit T (Jovanovic tr), # <u>4</u> Exhibit U (Ureke tr), # <u>5</u> Exhibit V (Volpe tr), # <u>6</u> Exhibit W (Hecht tr), # <u>7</u> Exhibit X (Factor tr), # <u>8</u> Exhibit Y (interrogatory), # <u>9</u> Exhibit Z (Factor rebuttal report), # <u>10</u> Exhibit AA (Geller Second Expert Report), # <u>11</u> Exhibit BB (Factor Report Ex. D)) (Pepper, Joshua) (Entered: 06/29/2011)
06/30/2011	<u>209</u>	The Clerk of the Court is directed to seal Exhibits 12 and 13 to defendants <u>204</u> Affidavit/Declaration in Support re <u>175</u> Motion in Limine To Preclude Expert Testimony, as they are confidential documents that counsel filed erroneously. Ordered by Judge Brian M. Cogan on 6/30/2011. As per this order, those attachments have been sealed. (Marziliano, August) (Entered: 06/30/2011)
07/05/2011	<u>210</u>	MOTION for Extension of Time to Complete Discovery <i>related to PASRR</i> by Disability Advocates, Inc., Sidney Hirschfeld, Joseph S., Steven W.. (Lowenstein, Amy) (Entered: 07/05/2011)
07/06/2011		ORDER granting <u>210</u> Motion for Extension of Time to July 25th to Complete Discovery related to PASRR. This extension does not alter dates set by Judge Cogan in his Order dated 6/8/2011. So Ordered by Chief Magistrate Judge Steven M. Gold on 7/6/2011. (Vasquez, Lea) (Entered: 07/06/2011)
07/11/2011	<u>211</u>	MEMORANDUM DECISION AND ORDER dated 7/8/11 granting <u>181</u> Motion for Summary Judgment. (Ordered by Judge Brian M. Cogan on 7/8/2011) MHLS terminated. (Guzzi, Roseann) (Entered: 07/11/2011)
07/12/2011		ORDER. The pretrial submissions due by 7/29 must be filed in the following way: the parties are directed to file a Joint Pretrial Order using the form posted on the Court's website by 7/29. The parties are to simultaneously deliver to Chambers a set of those exhibits to which objection has been made, and those portions of deposition transcripts that a party intends to offer and to which the adversary objects, both as reflected in the Joint Pretrial Order, so that the Court can rule on the objections at the Final Pretrial Conference to the extent practicable. A Final Pretrial Conference will be set at a later date. Ordered by Judge Brian M. Cogan on 7/12/2011. (Weisberg, Peggy) (Entered: 07/12/2011)
07/15/2011	<u>212</u>	Letter MOTION for Reconsideration re <u>211</u> Order on Motion for Summary Judgment . <i>Request for Leave to File Motion for Reconsideration.</i> by Lesley M. Delia. (Volpe, Lisa) (Entered: 07/15/2011)
07/15/2011	<u>213</u>	ORDER denying <u>175</u> Motion in Limine. See attached decision. Ordered by Judge Brian M. Cogan on 7/15/2011. (Cogan, Brian) (Entered: 07/15/2011)
07/16/2011		ORDER re <u>212</u> Motion for Reconsideration. Plaintiffs' motion for leave to file is deemed to constitute their motion for reconsideration. It appears to be well based. If defendants have more to say about it than they said in their briefs, they can file a responsive letter by 7/22/11. Ordered by Judge Brian M. Cogan on 7/16/2011. (Cogan, Brian) (Entered: 07/16/2011)
07/20/2011		Set Hearing: The Court will hold Oral Argument on <u>212</u> Motion for Reconsideration by telephone on 7/25/2011 at 9:30 AM. The parties are directed to jointly call Chambers at (718) 613-2230. (Weisberg, Peggy) (Entered: 07/20/2011)
07/20/2011	<u>214</u>	Letter <i>Request</i> by Lesley M. Delia (Volpe, Lisa) (Entered: 07/20/2011)
07/20/2011		ORDER granting <u>214</u> Letter request. MHLS is directed to provide by ECF the central call-in number. Ordered by Judge Brian M. Cogan on 7/20/2011. (Weisberg, Peggy) (Entered: 07/20/2011)
07/20/2011	<u>215</u>	Letter <i>with Telephone Number for Oral Argument</i> by Lesley M. Delia (Volpe, Lisa) (Entered: 07/20/2011)

07/20/2011	<u>216</u>	RESPONSE in Opposition re <u>212</u> Letter MOTION for Reconsideration re <u>211</u> Order on Motion for Summary Judgment . <i>Request for Leave to File Motion for Reconsideration.</i> filed by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 07/20/2011)
07/23/2011	<u>217</u>	Joint MOTION for Discovery <i>to be reopened</i> by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Pepper, Joshua) (Entered: 07/23/2011)
07/23/2011		ORDER granting in part and denying in part <u>217</u> Motion for Discovery. As the Court stated at a conference with the parties, when a case challenging the administration of a public program is delayed this long — over five years — the program is likely to change and it is not surprising that the change can impact the case. By protracting the case, the parties have created the possibility that it will never end because as soon as the parties think they are close to being done, they face a new modification in the program. Accordingly, the Court will permit the parties to take the discovery specified in this motion, and only that discovery, with the following provisos: (1) the Court is going to try this case at the earliest possible date. If the requested discovery is not completed by that date, then it will not be taken. So it behooves the parties to take this discovery as quickly as possible. (2) Nothing in this discovery will support a request for yet another summary judgment motion. If defendants think they are entitled to judgment as a matter of law, they can move at the close of plaintiffs' case. Ordered by Judge Brian M. Cogan on 7/23/2011. (Cogan, Brian) (Entered: 07/23/2011)
07/25/2011	<u>218</u>	Letter <i>with Excerpt Attachment</i> by Lesley M. Delia (Attachments: # <u>1</u> Exhibit) (Volpe, Lisa) (Entered: 07/25/2011)
07/25/2011		Minute Entry for Oral Argument held on plaintiff MHLS' motion for reconsideration <u>212</u> on 7/25/2011 before Judge Brian M. Cogan. Both sides present. Decision reserved. See transcript for details. (Court Reporter: Victoria Butler). (Weisberg, Peggy) (Entered: 07/25/2011)
07/25/2011	<u>219</u>	Letter <i>in response</i> by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson (Pepper, Joshua) (Entered: 07/25/2011)
07/27/2011	<u>220</u>	MEMORANDUM DECISION AND ORDER denying MHLS' <u>212</u> Motion for Reconsideration. (Ordered by Judge Brian M. Cogan on 7/26/2011) (Guzzi, Roseann) (Entered: 07/27/2011)
07/29/2011	<u>221</u>	MOTION for Extension of Time to File <i>Joint Pretrial Order</i> by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Gasior, John) (Entered: 07/29/2011)
07/29/2011		ORDER granting <u>221</u> Motion for Extension of Time to File JPTO. Monday. Ordered by Judge Brian M. Cogan on 7/29/2011. (Cogan, Brian) (Entered: 07/29/2011)
08/01/2011	<u>222</u>	Proposed Pretrial Order by Disability Advocates, Inc., Joseph S., Steven W. (Lowenstein, Amy) (Entered: 08/01/2011)
08/02/2011		SCHEDULING ORDER: Final Pretrial Conference is set for 9/6/2011 at 2:30 PM in Courtroom 8D South. Ordered by Judge Brian M. Cogan on 8/2/2011. (Weisberg, Peggy) (Entered: 08/02/2011)
08/04/2011	<u>223</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 4/25/11, before Judge Cogan. Court Reporter/Transcriber G. Rudolph, Telephone number 718-613-2538. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/25/2011. Redacted Transcript Deadline set for 9/6/2011. Release of Transcript Restriction set for 11/2/2011. (Rudolph, Gene) (Entered: 08/04/2011)
08/05/2011	<u>224</u>	NOTICE of Appearance by Scott Ronald Wilson on behalf of Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson (aty to be noticed) (Wilson, Scott) (Entered: 08/05/2011)

08/09/2011	<u>225</u>	NOTICE of Appearance by Michael Anthony Arcati on behalf of All Defendants (aty to be noticed) (Arcati, Michael) (Entered: 08/09/2011)
08/17/2011	<u>226</u>	MOTION for Leave to File <i>Supplement to Joint Pre Trial Order</i> by Disability Advocates, Inc.. (Attachments: # <u>1</u> Supplement) (Loewenstein, Nina) (Entered: 08/17/2011)
08/17/2011		ORDER granting <u>226</u> Motion for Leave to File. Ordered by Judge Brian M. Cogan on 8/17/2011. (Cogan, Brian) (Entered: 08/17/2011)
08/18/2011	<u>227</u>	Letter to <i>Hon. Brian M. Cogan</i> by Michael Hogan, New York State Department of Health, New York State Office of Mental Health (Gasior, John) (Entered: 08/18/2011)
08/18/2011		ORDER re <u>227</u> Letter filed defendants. Defendants are directed to stop filing letters that are described only as "letters" on ECF. A brief description of the subject matter of the letter must be made in the ECF entry line so that the docket starts to become intelligible. Motions in limine should have been filed with the JPTO since this Court ordered objections to testimony and exhibits to be listed there. Any objections not raised have been waived. The Court will nevertheless accept oral argument with regard to previously stated objections at the scheduled conference. Trial schedule will also be discussed there. Ordered by Judge Brian M. Cogan on 8/18/2011. (Cogan, Brian) (Entered: 08/18/2011)
09/01/2011	<u>228</u>	MOTION for Leave to File <i>Motion to Supplement Plaintiffs' Deposition Designations and Remove Witnesses From Plaintiffs' Witness List</i> by Lesley M. Delia, Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W.. (Rickner, Robert) (Entered: 09/01/2011)
09/01/2011	<u>229</u>	MOTION for Leave to File <i>Motion to Supplement Plaintiffs' Deposition Designations and Remove Witnesses From Plaintiffs' Witness List</i> by Lesley M. Delia, Disability Advocates, Inc., Justina F., Lisa H., Sidney Hirschfeld, Carlos S., Joseph S., Edwin T., Bradley W., Omar W., Steven W.. (Rickner, Robert) (Entered: 09/01/2011)
09/02/2011		ORDER. Plaintiffs' <u>229</u> Motion for Leave to File is deemed to be its Motion to Amend the Joint Pretrial Order and is granted. The designations annexed to plaintiffs' motion are deemed an Addendum to the JPTO. Plaintiffs' <u>228</u> Motion is terminated as filed in error. Ordered by Judge Brian M. Cogan on 9/2/2011. (Weisberg, Peggy) (Entered: 09/02/2011)
09/02/2011	<u>230</u>	Joint MOTION to Adjourn Conference <i>Final Pretrial Conference</i> by Disability Advocates, Inc., Joseph S., Steven W.. (Lowenstein, Amy) (Entered: 09/02/2011)
09/03/2011		ORDER denying <u>230</u> Motion to Adjourn Conference. The Court has no confidence in the parties' ability to settle this case. Trial will commence in September at a date to be chosen at the conference. Ordered by Judge Brian M. Cogan on 9/3/2011. (Cogan, Brian) (Entered: 09/03/2011)
09/06/2011	<u>231</u>	Consent MOTION for Leave to File <i>supplemental exhibits to JPTO</i> by Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, David A. Paterson. (Attachments: # <u>1</u> Supplement Plaintiffs' substantive objections, # <u>2</u> Supplement exhibit Z11, # <u>3</u> Supplement exhibit A12, # <u>4</u> Supplement exhibit B12, # <u>5</u> Supplement exhibit C12, # <u>6</u> Supplement exhibit E12) (Pepper, Joshua) (Entered: 09/06/2011)
09/06/2011		MINUTE ENTRY FOR FINAL PRETRIAL CONFERENCE AND ORDER DISMISSING CASE. Both sides present. The parties submitted a settlement agreement disposing of all claims in this action, which the Court, with one modification, approved and So Ordered. Case is dismissed pursuant to the settlement agreement, which will be docketed separately. (Court reporter: Anthony Mancuso.). Ordered by Judge Brian M. Cogan on 9/6/2011. (Cogan, Brian) (Entered: 09/06/2011)
09/07/2011	<u>232</u>	Stipulation and Order of Settlement. Ordered by Judge Brian M. Cogan on 9/6/2011. (Clarke, Melonie) (Additional attachment(s) added on 9/7/2011: # <u>1</u> Forms) (Clarke, Melonie). (Entered: 09/07/2011)

12/14/2011	<u>233</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on September 6, 2011, before Judge Cogan. Court Reporter/Transcriber Burt Sulzer, Telephone number 718 613-2481. Email address: bsulzer@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/4/2012. Redacted Transcript Deadline set for 1/17/2012. Release of Transcript Restriction set for 3/13/2012. (Sulzer, Burt) (Entered: 12/14/2011)
12/20/2013	<u>234</u>	Letter <i>Request for Telephone Conference</i> by Disability Advocates, Inc. (Attachments: # <u>1</u> Exhibit Assessment Joseph S., # <u>2</u> Exhibit HRA Application Joseph S., # <u>3</u> Exhibit HRA Denial Joseph S., # <u>4</u> Exhibit Assessment NH Remedy Member) (Loewenstein, Nina) (Entered: 12/20/2013)
12/20/2013		ORDER re <u>234</u> request for telephone conference. The Court sees no reason for a conference, whether by telephone or otherwise. If plaintiff's counsel believes that Integral has violated his rights, whether under the injunction or otherwise, then plaintiff's counsel should take such action as they believe is appropriate. Ordered by Judge Brian M. Cogan on 12/20/2013. (Weisberg, Peggy) (Entered: 12/20/2013)
08/31/2015	<u>235</u>	STIPULATION to <i>Extend Settlement</i> by Disability Advocates, Inc. (Loewenstein, Nina) (Entered: 08/31/2015)
08/31/2015	<u>236</u>	NOTICE of Change of Email Address by Nina Loewenstein (Loewenstein, Nina) (Entered: 08/31/2015)
08/31/2015	<u>237</u>	ORDER re <u>235</u> Stipulation to Extend Settlement by Disability Advocates, Inc. until June 1, 2016. (Ordered by Judge Brian M. Cogan on 8/31/2015) (Guzzi, Roseann) (Entered: 08/31/2015)
05/02/2016	<u>238</u>	Letter <i>Pre-Motion Letter Re: Stipulation Extension</i> by Disability Advocates, Inc. (Loewenstein, Nina) (Entered: 05/02/2016)
05/03/2016		ORDER re: <u>238</u> letter requesting pre-motion conference. Plaintiffs are hereby ORDERED to inform the Court whether defendants have consented to this extension. Until they do so, a Pre-Motion conference will not be scheduled. Ordered by Judge Brian M. Cogan on 5/3/2016. (Weisberg, Peggy) (Entered: 05/03/2016)
05/03/2016	<u>239</u>	Letter <i>Response to Court Order re: Pre-Motion Request</i> by Disability Advocates, Inc. (Loewenstein, Nina) (Entered: 05/03/2016)
05/03/2016		SCHEDULING ORDER: Defendants are directed to file a response to plaintiffs' <u>238</u> letter by 5/9/16; a pre-motion conference on plaintiffs' request to seek an extension of the court-ordered Stipulation of Settlement is set for 5/13/16 at 3:15 pm in Courtroom 8D South. Ordered by Judge Brian M. Cogan on 5/3/2016. (Weisberg, Peggy) (Entered: 05/03/2016)
05/09/2016	<u>240</u>	Letter <i>response to plaintiffs' application for pre-motion conference</i> by Sharon Carpinello, Richard F. Daines, Michael Hogan, New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, David A. Paterson (Gasior, John) (Entered: 05/09/2016)
05/11/2016	<u>241</u>	NOTICE of Appearance by Mark J. Murphy on behalf of All Plaintiffs (aty to be noticed) (Murphy, Mark) (Entered: 05/11/2016)
05/13/2016		Minute Entry and Order for Pre-Motion Conference held before Judge Brian M. Cogan on 5/13/2016. Both parties present. Plaintiffs' pre-motion conference letter <u>238</u> is deemed its motion. Decision reserved on plaintiffs' motion for an extension of the Settlement Agreement. Plaintiffs are required to submit a list to the Court by 5/20/2016 identifying the individuals it believes should be covered under an extension of the stipulation. See transcript for additional details. (CR: Linda Danelczik) (Weisberg, Peggy) (Entered: 05/13/2016)
05/20/2016	<u>242</u>	STIPULATION to <i>Extend Settlement</i> by Disability Advocates, Inc. (Attachments: # <u>1</u> Proposed Order) (Loewenstein, Nina) (Entered: 05/20/2016)
05/24/2016	<u>243</u>	ORDER re <u>242</u> Stipulation to extend settlement. (Ordered by Judge Brian M. Cogan on 5/23/2016) (Guzzi, Roseann) (Entered: 05/24/2016)

06/16/2016	<u>244</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on May 13, 2016, before Judge Cogan. Court Reporter/Transcriber Linda Danelczyk, Telephone number 718-613-2330. Email address: lindadan226@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 7/7/2016. Redacted Transcript Deadline set for 7/18/2016. Release of Transcript Restriction set for 9/14/2016. (Danelczyk, Linda) (Entered: 06/16/2016)
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