

U.S. District Court
Northern District of New York - Main Office (Syracuse) [NextGen CM/ECF
Release 1.5 (Revision 1.5.3)] (Prisoner)
CIVIL DOCKET FOR CASE #: 9:21-cv-00019-LEK-ML

Harper et al v. Cuomo et al
Assigned to: Senior Judge Lawrence E. Kahn
Referred to: Magistrate Judge Miroslav Lovric
Cause: 28:1331 Fed. Question

Date Filed: 01/08/2021
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Allen Harper
*on behalf of themselves and all
others similarly situated*

represented by **Rebecca Livengood**
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Plaintiff

Jose Leon
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others similarly situated*

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Plaintiff

Ranfis Perez
*on behalf of themselves and all
others similarly situated*

represented by **Rebecca Livengood**
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Plaintiff

**Release Aging People in Prison
Campaign
"RAPP"**

represented by **Rebecca Livengood**
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Sophia Assefa Gebreselassie

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V.

Defendant

Andrew Cuomo
*in his official capacity as the
Governor of the State of New York*

represented by **Michael G. McCartin**
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Defendant

**New York State Department of
Corrections and Community
Supervision**

represented by **Michael G. McCartin**
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Konstandinos D. Leris
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Anthony J. Annucci
*in his official capacity as the Acting
Commissioner of the New York State
Department of Corrections and
Community Supervision*

represented by **Michael G. McCartin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Konstandinos D. Leris
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Morley
*M.D., in his official capacity as the
Deputy Commissioner and Chief
Medical Officer of the New York
State Department of Corrections
and Community Supervision*

represented by **Michael G. McCartin**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Konstandinos D. Leris
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ATTORNEY TO BE NOTICED

Defendant

Jeffrey Tedford
*in his official capacity as the
Superintendent of Adirondack
Correctional Facility*

represented by **Michael G. McCartin**
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Konstandinos D. Leris
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/08/2021	<u>1</u>	CLASS ACTION COMPLAINT WITH JURY DEMAND against Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford (Filing fee \$402 receipt number ANYNDC-5374903) filed by Ranfis Perez, Jose Leon, Allen Harper, Release Aging People in Prison Campaign. (Attachments: # <u>1</u> Civil Cover Sheet)(meb) (Entered: 01/08/2021)
01/08/2021	<u>2</u>	Summons Issued as to Andrew Cuomo. (Attachments: # <u>1</u> Summons issued as to NYS AG, # <u>2</u> Summons issued as to DOCCS, # <u>3</u> Summons issued as to Annucci, # <u>4</u> Summons issued as to Morley, # <u>5</u> Summons issued as to Tedford)(meb) (Entered: 01/08/2021)
01/08/2021	<u>3</u>	G.O. 25 FILING ORDER ISSUED: Initial Rule 16 Conference set for 4/14/2021 at 10:00 AM via telephone before Magistrate Judge Miroslav Lovric. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 4/7/2021. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (meb) (Entered: 01/08/2021)

01/08/2021	4	NOTICE of Admission Requirement as to Party Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign; Attorney Jia Cobb. Phone number is (202) 728-1888. Admissions due by 1/22/2021. (Copy served by regular mail)(meb) (Entered: 01/08/2021)
01/08/2021	5	NOTICE of Admission Requirement as to Party Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign; Attorney Gabriel Diaz. Phone number is (202) 728-1888. Admissions due by 1/22/2021. (Copy served by regular mail)(meb) (Entered: 01/08/2021)
01/08/2021	6	NOTICE of Admission Requirement as to Party Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign; Attorney Sophia Gebreselassie. Phone number is (212) 577-3530. Admissions due by 1/22/2021. (Copy served by regular mail)(meb) (Entered: 01/08/2021)
01/08/2021	7	NOTICE of Admission Requirement as to Party Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign; Attorney David Billingsley. Phone number is (212) 577-3530. Admissions due by 1/22/2021. (Copy served by regular mail)(meb) (Entered: 01/08/2021)
01/11/2021	8	MOTION for Preliminary Injunction by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Attachments: # 1 Memorandum of Law, # 2 Declaration Executed declaration of Rebecca Livengood testifying to good and sufficient cause for expedited relief., # 3 Declaration Executed exhibit declaration of Rebecca Livengood, # 4 Exhibit(s) Executed declaration of Plaintiff Allen Harper, # 5 Exhibit(s) Executed declaration of Plaintiff Jose Leon, # 6 Exhibit(s) Executed declaration of Plaintiff Ranfis Perez, # 7 Exhibit(s) Executed declaration of John Spadaro, inmate at Adirondack Correctional Facility, # 8 Exhibit(s) Executed declaration of Juan Cangiano, former inmate at Adirondack Correctional Facility, # 9 Exhibit(s) Executed declaration of Gregory Jenkins, inmate at Adirondack Correctional Facility, # 10 Exhibit(s) Executed supplemental declaration of Plaintiff Allen Harper, # 11 Exhibit(s) Executed supplemental declaration of Plaintiff Jose Leon, # 12 Exhibit(s) Executed declaration of Amalia Perez, paralegal at Plaintiffs' counsel's firm, # 13 Exhibit(s) Executed supplemental declaration of Plaintiff Ranfis Perez, # 14 Exhibit(s) Executed supplemental declaration of John Spadaro, inmate at Adirondack Correctional Facility, # 15 Exhibit(s) Executed declaration of Bradford Applegate, inmate at Adirondack Correctional Facility, # 16 Exhibit(s) Executed

		<p>declaration of Francisco Salinas, inmate at Adirondack Correctional Facility, # 17 Exhibit(s) Executed declaration of Dr. Jeffrey L. Shaman, # 18 Exhibit(s) Executed declaration of Jeffrey Schwartz,</p> <p># 19 Exhibit(s) Executed declaration of Dr. Mark Fenig, # 20 Exhibit(s) Plaintiff Jose Leon's excerpted medical records, # 21 Exhibit(s) Juan Cangiano's excerpted medical records, # 22 Exhibit(s) Plaintiff Ranfis Perez's excerpted medical records, # 23 Exhibit(s) Plaintiff Allen Harper's excerpted medical records, # 24 Exhibit(s) DOCCS COVID-19 data compilation, # 25 Exhibit(s) Executed declaration of Stefen R. Short., # 26 Exhibit(s) Copy of Complaint (Dkt. 1), # 27 Proposed Order/Judgment Proposed Order granting Plaintiffs' Request for Preliminary Injunction, # 28 Proposed Order/Judgment Proposed Order granting Plaintiffs' Request for Leave to File Excess Pages)(Livengood, Rebecca) (Entered: 01/11/2021)</p>
01/12/2021	9	<p>TEXT ORDER: The Court has reviewed Plaintiffs' motion for a preliminary injunction, which Plaintiffs brought via application for an order to show cause. Dkt. Nos. 8-1 ("Motion"); 8-2 ("Livengood Affidavit"). The Court has reviewed the Livengood Affidavit and finds that it "clearly and specifically show[s] good and sufficient cause why the standard Notice of Motion procedure cannot be used." See L.R. 7.1(e). The Court GRANTS Plaintiffs' order to show cause. Plaintiffs' request for leave to exceed the page limit, Dkt. No. 8-28, in their Motion is GRANTED. Defendants are directed to submit a response by January 19, 2021. Plaintiffs are directed to submit a reply by January 22, 2021. The Motion will be decided on the submission of the papers only; no oral arguments will be entertained. Plaintiffs are directed to serve Defendants with the Complaint, Dkt. No. 1, and Motion no later than January 13, 2021. Response to Motion due by 1/19/2021. Reply to Response to Motion due by 1/22/2021. Signed by Senior Judge Lawrence E. Kahn on January 12, 2021. (sas) (Entered: 01/12/2021)</p>
01/14/2021	10	<p>AFFIDAVIT of Service for Complaint, summons, General Order 25, Proposed Order to Show Cause and accompanying attachments and exhibits, 1/12/2021 Order (Dkt. 9) served on Anthony Annucci in his official capacity as the Acting Commissioner of the NY State Dept. of Corr. and Comm. Supervision on 1/13/2021, filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Livengood, Rebecca) (Entered: 01/14/2021)</p>
01/14/2021	11	<p>AFFIDAVIT of Service for Complaint, Summons, General Order 25, Proposed Order to Show Cause and accompanying attachments and exhibits, 1/12/2021 Order (Dkt. 9) served on Anthony Annucci on</p>

		behalf of the New York State Dept. of Corrections and Community Supervision on 1/13/2021, filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Livengood, Rebecca) (Entered: 01/14/2021)
01/14/2021	12	AFFIDAVIT of Service for Complaint, Summons, General Order 25, Proposed Order to Show Cause and accompanying attachments and exhibits, 1/12/2021 Order (Dkt. 9) served on Office of Attorney General on behalf of Andrew Cuomo in his Official Capacity as the Governor of New York on 1/13/2021, filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Livengood, Rebecca) (Entered: 01/14/2021)
01/14/2021	13	AFFIDAVIT of Service for Complaint, Summons, General Order 25, Proposed Order to Show Cause and accompanying attachments and exhibits, 1/12/2021 Order (Dkt. 9) served on John Morley, M.D., in his Official Capacity as the Deputy Commissioner and Chief Medical Officer of the New York State Department of Corrections and Community Supervision on 1/13/2021, filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Livengood, Rebecca) (Entered: 01/14/2021)
01/14/2021	14	AFFIDAVIT of Service for Complaint, Summons, General Order 25, Proposed Order to Show Cause and accompanying attachments and exhibits, 1/12/2021 Order (Dkt. 9) served on Andrew Cuomo in his Official Capacity as the Governor of the State of New York on 1/13/2021, filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Livengood, Rebecca) (Entered: 01/14/2021)
01/15/2021	15	MOTION for Limited Admission Pro Hac Vice of Gabriel Diaz Filing fee \$100, receipt number ANYNDC-5383384. filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. Motions referred to Miroslav Lovric. (Livengood, Rebecca) (Entered: 01/15/2021)
01/15/2021	16	MOTION for Limited Admission Pro Hac Vice of Jia M. Cobb Filing fee \$100, receipt number ANYNDC-5383417. filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. Motions referred to Miroslav Lovric. (Livengood, Rebecca) (Entered: 01/15/2021)
01/19/2021	17	NOTICE of Appearance by Michael G. McCartin on behalf of Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford (McCartin, Michael) (Entered: 01/19/2021)

01/19/2021	18	NOTICE of Appearance by Konstandinos D. Leris on behalf of Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford (Attachments: # 1 Declaration of Service)(Leris, Konstandinos) (Entered: 01/19/2021)
01/19/2021	19	RESPONSE in Opposition re 8 MOTION for Preliminary Injunction filed by Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford. (Attachments: # 1 Declaration of Bryan Hilton, # 2 Declaration of Scott Kelly, # 3 Exhibit(s) COVID-19 Testing Memo, # 4 Declaration of Rhonda Marrone, R.N.)(McCartin, Michael) (Entered: 01/19/2021)
01/20/2021	20	ORDER granting 15 Motion for Limited Admission Pro Hac Vice. Counsel is hereby advised that as of January 16, 2018, the NYND has converted to NextGen. Due to this conversion, you must now register for Pro Hac Vice access through your PACER account. This is the only notice you will receive concerning this requirement. <u>You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system.</u> Step-by-step instructions on how to complete this process are available at http://www.nynd.uscourts.gov/attorney-admissions-nextgen . Signed by Magistrate Judge Miroslav Lovric on 1/20/2021. (jdp,) (Entered: 01/20/2021)
01/20/2021	21	ORDER granting 16 Motion for Limited Admission Pro Hac Vice. Counsel is hereby advised that as of January 16, 2018, the NYND has converted to NextGen. Due to this conversion, you must now register for Pro Hac Vice access through your PACER account. This is the only notice you will receive concerning this requirement. <u>You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system.</u> Step-by-step instructions on how to complete this process are available at http://www.nynd.uscourts.gov/attorney-admissions-nextgen . Signed by Senior Judge Thomas J. McAvoy on 1/20/2021. (jdp,) (Entered: 01/20/2021)
01/20/2021	22	MOTION for Limited Admission Pro Hac Vice of Sophia Gebreselassie Filing fee \$100, receipt number ANYNDC-5388788. filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. Motions referred to Miroslav Lovric. (Short, Stefen) (Entered: 01/20/2021)
01/21/2021	23	AFFIDAVIT of Service for Complaint, Summons, General Order 25, Proposed Order to Show Cause and accompanying attachments and

		exhibits, 1/12/2021 Order (Dkt. 9) served on Jeffrey Tedford in his official capacity as the Superintendent of Adirondack Correctional Facility on 1/19/2021, filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Livengood, Rebecca) (Entered: 01/21/2021)
01/21/2021	24	TEXT ORDER: Having reviewed the Plaintiffs' motion for a preliminary injunction, Dkt. No. 8-1 ("Motion"), and Defendants' response, Dkt. No. 19, the Court notes the existence of factual disputes pertaining to the safety protocols at Adirondack Correctional Facility. See, e.g., Dkt. Nos. 19-1 11 ("Thus, there is simply no veracity to the plaintiffs' claims that staff are not screened before entering ACF, or before transferring inmates between facilities."); 19-4 13. "It is well established that 'the existence of factual disputes necessitates an evidentiary hearing... before a motion for preliminary injunction may be decided.'" <i>Martinez-Brooks v. Easter</i> , 459 F. Supp. 3d 411, 449-50 (D. Conn. 2020) (quoting <i>Kern v. Clark</i> , 331 F.3d 9, 12 (2d Cir. 2003)). Accordingly, this matter is hereby REFERRED to Judge Lovric for purposes of conducting a hearing and issuing a report-recommendation on the Motion. Signed by Senior Judge Lawrence E. Kahn on January 21, 2021. (sas) (Entered: 01/21/2021)
01/21/2021	25	NOTICE of Appearance by Jia M. Cobb on behalf of All Plaintiffs (Cobb, Jia) (Entered: 01/21/2021)
01/22/2021	26	NOTICE of Appearance by David Billingsley on behalf of All Plaintiffs (Billingsley, David) (Entered: 01/22/2021)
01/22/2021	27	NOTICE of Appearance by Gabriel Diaz on behalf of All Plaintiffs (Diaz, Gabriel) (Entered: 01/22/2021)
01/22/2021	28	TEXT ORDER: a telephone conference is scheduled for 1/25/2021 at 11:00 a.m. The parties should be prepared to discuss the scheduling of a hearing pursuant to Text Order 24 . SO ORDERED by Magistrate Judge Miroslav Lovric on 1/22/2021.(jdp) (Entered: 01/22/2021)
01/22/2021	29	REPLY to Response to Motion re 8 MOTION for Preliminary Injunction filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Attachments: # 1 Exhibit(s) DOCCS COVID-19 Data Compilation)(Livengood, Rebecca) (Entered: 01/22/2021)
01/24/2021	30	ORDER granting 22 Motion for Limited Admission Pro Hac Vice. Counsel is hereby advised that as of January 16, 2018, the NYND has converted to NextGen. Due to this conversion, you must

		<p>now register for Pro Hac Vice access through your PACER account. This is the only notice you will receive concerning this requirement. <u>You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system.</u> Step-by-step instructions on how to complete this process are available at http://www.nynd.uscourts.gov/attorney-admissions-nextgen. Signed by Magistrate Judge Miroslav Lovric on 1/24/2021. (jdp,) (Entered: 01/24/2021)</p>
01/25/2021	31	<p>NOTICE of Appearance by Sophia Assefa Gebreselassie on behalf of All Plaintiffs (Gebreselassie, Sophia) (Entered: 01/25/2021)</p>
01/26/2021		<p>Minute Entry for proceedings held before Magistrate Judge Miroslav Lovric: a telephone conference was held on 1/25/2021. A hearing on the Motion for Preliminary Injunction 8 is scheduled for 2/8/2021 at 9:30 a.m., via video conferencing. Appearances: R. Livengood, Esq., S. Short, Esq., D. Billingsley, Esq., G. Diaz, Esq., and S. Gebreselassie, Esq., for Plaintiffs; and M. McCartin, Esq., and K. Leris, Esq., for Defendants. (jdp) (Entered: 01/27/2021)</p>
01/26/2021	32	<p>TEXT ORDER: A hearing on the Motion for Preliminary Injunction 8 is scheduled for 2/8/2021 at 9:30 a.m., via video conferencing. On or before 2/1/2021, Plaintiffs shall file: (1) a witness list, (2) an exhibit list, (3) copies of all exhibits to be offered at the hearing, and (4) briefs, no more than 15 pages in length and double spaced, summarizing what each witness will testify about and the significance of each exhibit to be offered at the hearing. Defendants shall file the same four categories of documents on or before 2/2/2021. Defendants shall coordinate with DOCCS to ensure that all witnesses who are in the custody of DOCCS will be produced at the hearing via video conferencing. The deadline for Defendants to file their answer or otherwise respond to Plaintiffs complaint is extended to 2/22/2021. SO ORDERED by Magistrate Judge Miroslav Lovric on 1/26/2021.(jdp) (Entered: 01/27/2021)</p>
02/01/2021	33	<p>Letter Motion from Plaintiffs' Counsel for Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign requesting Translation Services during February 8 Hearing on Motion for Preliminary Injunction submitted to Judge Lovric . (Livengood, Rebecca) (Entered: 02/01/2021)</p>
02/01/2021	34	<p>NOTICE by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign re 8 MOTION for Preliminary Injunction , 32 Order,,,, Set Hearings,,, of Plaintiffs' Anticipated Witnesses and Exhibits (Attachments: # 1 Witness List, # 2 Exhibit List, # 3 Exhibit(s), # 4 Exhibit(s), # 5 Exhibit(s), # 6 Exhibit(s),</p>

		# 7 Exhibit(s), # 8 Exhibit(s), # 9 Exhibit(s), # 10 Exhibit(s), # 11 Exhibit(s), # 12 Exhibit(s), # 13 Exhibit(s), # 14 Exhibit(s), # 15 Exhibit(s), # 16 Exhibit(s), # 17 Exhibit(s), # 18 Exhibit(s), # 19 Exhibit(s), # 20 Exhibit(s), # 21 Exhibit(s), # 22 Exhibit(s))(Diaz, Gabriel) (Entered: 02/01/2021)
02/02/2021	35	TEXT ORDER: Letter Motion 33 is GRANTED in part. Plaintiffs are required to arrange and pay for interpreter services. Plaintiffs may contact the courtroom deputy to obtain a list and contact information for interpreters pursuant to 18 U.S.C. § 1827. SO ORDERED by Magistrate Judge Miroslav Lovric on 2/2/2021. (jdp) (Entered: 02/02/2021)
02/02/2021	36	Witness List by Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford. (Leris, Konstandinos) (Entered: 02/02/2021)
02/02/2021	37	Exhibit List <i>with attached exhibits</i> by Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford. (Attachments: # 1 Exhibit(s) Combined Exhibits)(Leris, Konstandinos) (Entered: 02/02/2021)
02/02/2021	38	TRIAL BRIEF by Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford. (Leris, Konstandinos) (Entered: 02/02/2021)
02/03/2021	39	Letter Motion from Kostas Leris for Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford requesting Permission to add an exhibit to defendants' exhibit list submitted to Judge Lovric . (Attachments: # 1 Exhibit(s) Updated Exhibit List, # 2 Exhibit(s) Proposed Exhibit)(Leris, Konstandinos) (Entered: 02/03/2021)
02/04/2021	40	TEXT ORDER: Letter Motion 39 is GRANTED. The Clerk of Court is directed to file Defendants updated exhibit list [39-1] and exhibit 46 [39-2] on the docket. SO ORDERED by Magistrate Judge Miroslav Lovric on 2/4/2021. (jdp) (Entered: 02/04/2021)
02/04/2021	41	AMENDED Exhibit List and Exhibit 46 filed by Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford. (Attachments: # 1 Exhibit 46)(jdp) (Entered: 02/04/2021)

02/05/2021	42	MOTION to Withdraw as Attorney <i>Sasha Samberg-Champion</i> Response to Motion due by 2/26/2021 filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Attachments: # 1 Proposed Order/Judgment) Motions referred to Miroslav Lovric. (Livengood, Rebecca) (Entered: 02/05/2021)
02/08/2021	43	ORDER granting 42 Motion to Withdraw as Attorney. Attorney Sasha Samberg-Champion terminated. Signed by Magistrate Judge Miroslav Lovric on 2/8/2021. (jdp) (Entered: 02/08/2021)
02/08/2021	44	Letter Motion from Kostas Leris for Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford requesting Permission to add two additional exhibits submitted to Judge Lovric . (Attachments: # 1 Exhibit(s) Ranfis Perez Grievance packet, # 2 Exhibit(s) Jose Leon Grievance packet)(Leris, Konstandinos) (Entered: 02/08/2021)
02/08/2021	45	RESPONSE TO LETTER BRIEF filed by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign as to 44 Letter Request/Motion, filed by Anthony J. Annucci, Jeffrey Tedford, John Morley, New York State Department of Corrections and Community Supervision, Andrew Cuomo . (Attachments: # 1 Exhibit(s))(Livengood, Rebecca) (Entered: 02/08/2021)
02/08/2021		TEXT MINUTE ENTRY for preliminary injunction hearing held on 2/8/2021, before Magistrate Judge Miroslav Lovric via video teleconferencing: Plaintiffs began presenting their case-in-chief and called witnesses: Mark Fenig, M.D., and Bradford Applegate. The hearing is to be continued on 2/9/2020. Appearances: R. Livengood, Esq., G. Diaz, Esq., J. Cobb, Esq., S. Short, Esq., D. Billingsley, Esq., and S. Gebreselassie, Esq., Counsel for Plaintiffs; A. Harper, Plaintiff (not present for testimony of Mr. Applegate); M. McCartin, Esq., and K. Leris, Esq., Counsel for Defendants; and J. Stroffolino, Court Reporter. (Time: 10:00 a.m. - 3:50 p.m.) (jdp) (Entered: 02/09/2021)
02/09/2021	46	Letter Motion from Kostas Leris for Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford requesting Permission to file second amended exhibit list submitted to Judge Lovric . (Attachments: # 1 Exhibit(s) Defendants' Exhibit 47, # 2 Exhibit(s) Defendants' Exhibit 48, # 3 Exhibit(s) Defendants' Exhibit 49)(Leris, Konstandinos) (Entered: 02/09/2021)

02/09/2021	47	LETTER BRIEF <i>Jointly Submitted re Status of Preliminary Injunction Hearing Exhibits</i> by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Short, Stafen) (Entered: 02/09/2021)
02/09/2021		TEXT MINUTE ENTRY for continuation of preliminary injunction hearing held on 2/9/2021, before Magistrate Judge Miroslav Lovric via video teleconferencing: Plaintiffs continued presenting their case-in-chief and called witnesses: Jeffrey L. Shaman, Ph.D, Francisco Salinas, Ranfis Perez, and Allen Harper. The hearing is to be continued on 2/10/2020. Appearances: R. Livengood, Esq., G. Diaz, Esq., J. Cobb, Esq., S. Short, Esq., D. Billingsley, Esq., and S. Gebreselassie, Esq., Counsel for Plaintiffs; M. McCartin, Esq., and K. Leris, Esq., Counsel for Defendants; Laura Silver Kuhne, Spanish Interpreter for witness Perez; and J. Stroffolino, Court Reporter. (Time: 9:00 a.m. 4:45 p.m.) (jdp,) (Entered: 02/10/2021)
02/10/2021	48	LETTER BRIEF <i>re Plaintiffs' Demonstrative Aid</i> by Allen Harper, Jose Leon, Ranfis Perez, Release Aging People in Prison Campaign. (Attachments: # 1 Demonstrative Aid)(Livengood, Rebecca) (Entered: 02/10/2021)
02/10/2021	49	Exhibit List <i>Defendants' Second Amended Exhibit List</i> by Anthony J. Annucci, Andrew Cuomo, John Morley, New York State Department of Corrections and Community Supervision, Jeffrey Tedford. (Leris, Konstandinos) (Entered: 02/10/2021)
02/10/2021		TEXT MINUTE ENTRY for continuation of preliminary injunction hearing held on 2/10/2021, before Magistrate Judge Miroslav Lovric via video teleconferencing: Plaintiffs continued presenting their case-in-chief and called witnesses: Ranfis Perez and Jeffrey A. Schwartz. The hearing will be continued on 2/11/2020. Plaintiffs' exhibits 1-20 and Defendants' exhibits 1-45 and 47-49 were admitted into evidence, without objection. Appearances: R. Livengood, Esq., G. Diaz, Esq., J. Cobb, Esq., S. Short, Esq., D. Billingsley, Esq., and S. Gebreselassie, Esq., Counsel for Plaintiffs; M. McCartin, Esq., and K. Leris, Esq., Counsel for Defendants; Elizabeth Caruso, Spanish Interpreter for witness Perez; and J. Stroffolino, Court Reporter. (Time: 9:00 a.m. - 3:45 p.m.) (jdp) (Entered: 02/11/2021)
02/11/2021	50	TEXT ORDER: Defendants' Letter Motion 44 is DENIED as moot. Defendants' Letter Motion 46 is GRANTED, as set forth on the record during the preliminary injunction continuation hearing on 2/10/2021. SO ORDERED by Magistrate Judge Miroslav Lovric on 2/11/2021.(jdp) (Entered: 02/11/2021)

02/11/2021		<p>TEXT MINUTE ENTRY for continuation of preliminary injunction hearing held on 2/11/2021, before Magistrate Judge Miroslav Lovric via video teleconferencing: Plaintiffs completed presenting their case-in-chief after calling witness: Jeffrey A. Schwartz. Defendants began presenting their case-in-chief and called witness: Kelly Slaven. The hearing will be continued on 2/12/2020. Appearances: R. Livengood, Esq., G. Diaz, Esq., J. Cobb, Esq., S. Short, Esq., D. Billingsley, Esq., and S. Gebreselassie, Esq., Counsel for Plaintiffs; M. McCartin, Esq., and K. Leris, Esq., Counsel for Defendants; and J. Stroffolino, Court Reporter. (Time: 1:30 p.m. - 4:35 p.m.) (jdp) (Entered: 02/12/2021)</p>
02/12/2021		<p>TEXT MINUTE ENTRY for continuation of preliminary injunction hearing held on 2/12/2021, before Magistrate Judge Miroslav Lovric via video teleconferencing: Defendants continued presenting their case-in-chief and called witnesses: Kelly Slaven, Benjamin Malark, and Jeffrey Tedford. The hearing will be continued on 2/16/2020. Appearances: R. Livengood, Esq., G. Diaz, Esq., J. Cobb, Esq., S. Short, Esq., D. Billingsley, Esq., and S. Gebreselassie, Esq., Counsel for Plaintiffs; M. McCartin, Esq., and K. Leris, Esq., Counsel for Defendants; and J. Stroffolino, Court Reporter. (Time: 9:00 a.m. - 5:00 p.m.) (jdp) (Entered: 02/12/2021)</p>
02/16/2021		<p>TEXT MINUTE ENTRY for continuation of preliminary injunction hearing held on 2/16/2021, before Magistrate Judge Miroslav Lovric via video teleconferencing: Defendants completed presenting their case-in-chief after calling witnesses: Jeffrey Tedford, Rhonda Marrone, and Bonnie Perryman. Defendants offered their exhibit 46 into evidence and it was not received for the reasons stated on the record. The parties presented closing arguments and the Court reserved its decision. The deadline for Defendants to answer or otherwise respond to the Complaint, will be ten days after the Court issues its Report-Recommendation on Plaintiffs' Motion 8 . Appearances: R. Livengood, Esq., G. Diaz, Esq., J. Cobb, Esq., S. Short, Esq., D. Billingsley, Esq., and S. Gebreselassie, Esq., Counsel for Plaintiffs; M. McCartin, Esq., and K. Leris, Esq., Counsel for Defendants; and J. Stroffolino, Court Reporter. (Time: 9:00 a.m. - 4:45p.m.) (jdp) (Entered: 02/17/2021)</p>
03/01/2021	51	<p>ORDER, REPORT AND RECOMMENDATIONS: RECOMMENDED that Plaintiffs' 18 Motion for a Preliminary Injunction is DENIED; ORDERED that Defendants respond to Plaintiffs' 1 Complaint within 10 days of this Order, Report and Recommendation; and it is ORDERED that the Clerk shall provide copies of this Order, Report and Recommendation to the parties. (</p>

		Objections to R&R due by 3/15/2021) Signed by Magistrate Judge Miroslav Lovric on 3/1/2021. (jdp) (Entered: 03/01/2021)
03/03/2021		***Answer due date updated for Anthony J. Annucci answer due 3/11/2021; Andrew Cuomo answer due 3/11/2021; John Morley answer due 3/11/2021; New York State Department of Corrections and Community Supervision answer due 3/11/2021; Jeffrey Tedford answer due 3/11/2021. (meb) (Entered: 03/03/2021)

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