

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:13-cv-02946-SLT-RML**

Argyros v. The City of New York et al  
Assigned to: Judge Sandra L. Townes  
Referred to: Magistrate Judge Robert M. Levy  
Cause: 42:1983 Civil Rights Act

Date Filed: 05/20/2013  
Date Terminated: 09/26/2014  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Spiridon Argyros**  
*individually and on behalf of a class of  
all others similarly situated*

represented by **Alan Edward Sash**  
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**Plaintiff**

**Tiffany Ivey**

represented by **Herbert Teitelbaum**  
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**Sharon Vicky Sprayregen**  
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**Plaintiff**

**Jonathan Peirce**

represented by **Herbert Teitelbaum**  
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**Sharon Vicky Sprayregen**  
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V.

**Defendant**

**The City of New York**

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**Defendant**

**Police Officer Daniel Fody**  
*shield no. 08352*

represented by **Andrew J. Lucas**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dara Lynn Weiss**  
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**Defendant**

**Police Officers John Doe and Jane Roe**  
*(names and number of whom are unknown at present)and other unidentified members of the New York City Police Department*

Date Filed	#	Docket Text
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05/20/2013	<u>1</u>	COMPLAINT against Daniel Fody, Police Officers John Doe and Jane Roe, The City of New York Disclosure Statement on Civil Cover Sheet completed –Yes,, filed by Spiridon Argyros. (Attachments: # <u>1</u> Civil Cover Sheet) (Davis, Kimberly) (Entered: 05/21/2013)
05/20/2013	<u>2</u>	Summons Issued as to Daniel Fody, The City of New York. (Davis, Kimberly) (Entered: 05/21/2013)
05/20/2013		FILING FEE: \$ 400, receipt number 4653059145 (Davis, Kimberly) (Entered: 05/21/2013)
05/21/2013	<u>3</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (Davis, Kimberly) (Entered: 05/21/2013)
05/24/2013	<u>4</u>	ORDER: An initial conference has been scheduled for September 30, 2013 at 3:30 p.m., before the Hon. Robert M. Levy, United States Magistrate Judge at 225 Cadman Plaza East, Brooklyn, New York. Parties are directed to check-in with chambers, Room 1223-S, upon arrival. All counsel must be present. Plaintiff's counsel is directed to confirm with defendants' counsel that all necessary participants are aware of this conference. Ordered by Magistrate Judge Robert M. Levy on 5/24/2013. (Marino, Janine) (Main Document 4 replaced on 5/24/2013) (Marino, Janine). (Entered: 05/24/2013)
06/07/2013	<u>5</u>	First MOTION for Extension of Time to File Answer by The City of New York. (Lucas, Andrew) (Entered: 06/07/2013)
06/10/2013		ORDER RE <u>5</u> Motion for Extension of Time to Answer. Application granted. The City of New York: answer due 8/8/2013. So Ordered by Magistrate Judge Robert M. Levy on 6/10/2013. (Marino, Janine) (Entered: 06/10/2013)
06/17/2013	<u>6</u>	SUMMONS Returned Executed by Spiridon Argyros. The City of New York served on 5/20/2013, answer due 8/8/2013. (Sprayregen, Sharon) (Entered: 06/17/2013)
06/17/2013	<u>7</u>	SUMMONS Returned Executed by Spiridon Argyros. Daniel Fody served on 6/13/2013, answer due 7/4/2013. (Sprayregen, Sharon) (Entered: 06/17/2013)
08/07/2013	<u>8</u>	AMENDED COMPLAINT <i>Spiridon Argyros, Tiffany Ivey, Jonathan Peirce, individually and on behalf of a class and sub-class of all others similarly situated</i> against Daniel Fody, Police Officers John Doe and Jane Roe, The City of New York, filed by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce. (Sprayregen, Sharon) (Entered: 08/07/2013)
08/29/2013	<u>9</u>	First MOTION for pre motion conference by Daniel Fody, The City of New York. (Lucas, Andrew) (Entered: 08/29/2013)
09/05/2013	<u>10</u>	First MOTION for pre motion conference re <u>9</u> First MOTION for pre motion conference <i>Response</i> by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce. (Sprayregen, Sharon) (Entered: 09/05/2013)
09/25/2013	<u>11</u>	First MOTION to Adjourn Conference <i>set for September 30, 2013</i> , by Daniel Fody, The City of New York. (Lucas, Andrew) (Entered: 09/25/2013)
09/26/2013		ORDER re: <u>9</u> , <u>10</u> Motion for Pre Motion Conference and Response. The Court grants Defendants leave to file their motion to dismiss. In light of the submissions, a pre-motion conference will not materially assist the Court. The parties are directed to agree upon and file a proposed briefing schedule by October 10, 2013. Ordered by Judge Sandra L. Townes on 9/26/2013. (Berman, Laura) (Entered: 09/26/2013)
09/26/2013	<u>12</u>	RESPONSE to Motion re <u>11</u> First MOTION to Adjourn Conference <i>set for September 30, 2013</i> , filed by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce. (Attachments: # <u>1</u> Exhibit Letter from Plaintiffs' counsel to Chambers) (Sprayregen, Sharon) (Entered: 09/26/2013)

		09/26/2013)
09/27/2013		ORDER: The initial conference scheduled for September 30, 2013 at 3:30 will be held by telephone before the Hon. Robert M. Levy, USMJ at (718) 613-2340. Plaintiff's counsel is directed to initiate the conference call. Ordered by Magistrate Judge Robert M. Levy on 9/27/2013. (Marino, Janine) (Entered: 09/27/2013)
09/27/2013	<u>13</u>	Letter <i>regarding September 30, 2013 Phone Conference</i> by Daniel Fody, The City of New York (Lucas, Andrew) (Entered: 09/27/2013)
09/30/2013		Minute Entry for proceedings held before Magistrate Judge Robert M. Levy: Norman Siegel, Herb Teitelbaum, Sharon Sprayregen; Andre Lucas. For the reasons explained at the conference, limited discovery will proceed on the Monell claims pending briefing and decision of defendants' motion to dismiss. Counsel will submit a proposed scheduling order by 10/6/13. Initial Conference Hearing held on 9/30/2013 (Levy, Robert) (Entered: 09/30/2013)
09/30/2013		ORDER terminating <u>11</u> Motion to Adjourn Conference. Ordered by Magistrate Judge Robert M. Levy on 9/30/2013. (Levy, Robert) (Entered: 09/30/2013)
10/07/2013	<u>14</u>	Proposed Scheduling Order <i>Monell Claim</i> by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce (Sprayregen, Sharon) (Entered: 10/07/2013)
10/09/2013	<u>15</u>	Proposed Scheduling Order <i>for 12(b) motion</i> , by Daniel Fody, The City of New York (Lucas, Andrew) (Entered: 10/09/2013)
10/18/2013		ORDER re <u>14</u> The Proposed Scheduling Order is Approved. Next conference 4/17/14 at 4:00 (tel)(status). Ordered by Magistrate Judge Robert M. Levy on 10/18/2013. (Levy, Robert) (Entered: 10/18/2013)
12/24/2013	<u>16</u>	First Motion to Dismiss for Failure to State a Claim by Daniel Fody, The City of New York. (Lucas, Andrew) (Entered: 12/24/2013)
12/24/2013	<u>17</u>	AFFIDAVIT/DECLARATION in Support re <u>16</u> First Motion to Dismiss for Failure to State a Claim filed by Daniel Fody, The City of New York. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B1, # <u>3</u> Exhibit B2) (Lucas, Andrew) (Entered: 12/24/2013)
12/24/2013	<u>18</u>	MEMORANDUM in Support re <u>16</u> First Motion to Dismiss for Failure to State a Claim filed by Daniel Fody, The City of New York. (Lucas, Andrew) (Entered: 12/24/2013)
12/24/2013	<u>19</u>	MEMORANDUM in Opposition re <u>16</u> First Motion to Dismiss for Failure to State a Claim filed by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce. (Attachments: # <u>1</u> Exhibit A) (Lucas, Andrew) (Entered: 12/24/2013)
12/24/2013	<u>20</u>	REPLY in Support re <u>16</u> First Motion to Dismiss for Failure to State a Claim filed by Daniel Fody, The City of New York. (Lucas, Andrew) (Entered: 12/24/2013)
01/02/2014	<u>21</u>	Letter <i>requesting oral argument</i> by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce (Sprayregen, Sharon) (Entered: 01/02/2014)
01/09/2014	<u>22</u>	Letter MOTION to Compel by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B) (Sprayregen, Sharon) (Entered: 01/09/2014)
01/14/2014	<u>23</u>	First MOTION for Extension of Time to File Response/Reply as to <u>22</u> Letter MOTION to Compel , First MOTION for Extension of Time to File <i>cross motion</i> by Daniel Fody, The City of New York. (Lucas, Andrew) (Entered: 01/14/2014)
01/15/2014		ORDER granting <u>23</u> MOTION for Extension of Time to File Response and MOTION for Extension of Time to File <i>cross motion</i> filed by defendant, The City of New York. (Lucas, Andrew). Ordered by Magistrate Judge Robert M. Levy on 1/15/2014. (Marino, Janine) (Entered: 01/15/2014)
01/21/2014	<u>24</u>	Cross MOTION to Bifurcate <i>and memorandum in opposition to Plaintiffs' motion to compel</i> by Daniel Fody, The City of New York. (Lucas, Andrew) (Entered: 01/21/2014)

01/22/2014		ORDER: A telephone conference has been scheduled for January 27, 2014 at 4:00 p.m, before the Hon. Robert M. Levy, USMJ at (718) 613-2340. Plaintiff's counsel is directed to initiate this conference call. Ordered by Magistrate Judge Robert M. Levy on 1/22/2014. (Marino, Janine) (Entered: 01/22/2014)
01/31/2014		Minute Entry for proceedings held before Magistrate Judge Robert M. Levy: Herb Teitelbaum, Norman Siegel, Sharon Sprayregen; Andrew Lucas. (1) Although the motion to bifurcate Monel discovery is in effect a motion for reconsideration of the court's 9/30/13 ruling, and thus untimely, the court has nonetheless considered it on its merits. The motion to bifurcate Monel discovery is denied for the reasons explained at the 9/30/13 conference and at this conference. In making this ruling, the court has carefully reviewed defendants' motion to dismiss as well as the instant letter motion to bifurcate and finds no persuasive reason to alter its prior decision. (2) Within 30 days, defendants shall produce, subject to agreement by the parties, memoranda written by special operations lieutenants regarding Operation Lucky Bag arrests. (3) Within 30 days, defendants shall produce all requested documents that review, analyze and evaluate Operation Lucky Bag and that propose changes to NYPD policy concerning Operation Lucky Bag. Motion Hearing held on 1/27/2014 re <u>24</u> <u>22</u> (Levy, Robert) (Entered: 01/31/2014)
02/04/2014		ORDER terminating <u>22</u> Motion to Compel. Ordered by Magistrate Judge Robert M. Levy on 2/4/2014. (Levy, Robert) (Entered: 02/04/2014)
02/04/2014		ORDER denying <u>24</u> Motion to Bifurcate. Ordered by Magistrate Judge Robert M. Levy on 1/31/2014. (Levy, Robert) (Entered: 02/04/2014)
02/26/2014	<u>25</u>	Consent MOTION for Protective Order by Daniel Fody, The City of New York. (Lucas, Andrew) (Entered: 02/26/2014)
03/01/2014		ORDER granting <u>25</u> Motion for Protective Order. Ordered by Magistrate Judge Robert M. Levy on 3/1/2014. (Levy, Robert) (Entered: 03/01/2014)
04/17/2014		Minute Entry for proceedings held before Magistrate Judge Robert M. Levy: Sharon Sprayregen, Norman Siegel, Herb Teitelbaum; Andrew Lucas. (1) The parties have discovery issues which they will hold in abeyance while they attempt to settle this case. Plaintiffs will communicate a settlement proposal by the middle of next week. A settlement conference will be held on 5/15/14 at 10:45. (2) The deadline for the completion of fact discovery will be revisited after the settlement conference, in the event the case does not settle. Status Conference held on 4/17/2014 (Levy, Robert) (Entered: 04/17/2014)
05/12/2014	<u>26</u>	First MOTION to Adjourn Conference <i>presently set for May 15, 2014 at 10:45 a.m.</i> by Daniel Fody, The City of New York. (Lucas, Andrew) (Entered: 05/12/2014)
05/14/2014		ORDER granting <u>26</u> Motion to Adjourn Conference. The settlement conference is adjourned to May 19, 2014 at 2 p.m. Ordered by Magistrate Judge Robert M. Levy on 5/14/2014. (Culley, Rachel) (Entered: 05/14/2014)
05/16/2014		ORDER: The settlement conference scheduled for May 19, 2014 at 2:00 p.m. has been moved to 1:00 p.m. on the same date. Ordered by Magistrate Judge Robert M. Levy on 5/16/2014. (Marino, Janine) (Entered: 05/16/2014)
05/19/2014		Minute Entry for proceedings held before Magistrate Judge Robert M. Levy: Norman Siegel, Herbert Teitelbaum, Sharon Sprayregen; Andrew Lucas with co-counsel. Settlement discussions held. Agreement in principle reached. Status report 6/9/14. Settlement Conference held on 5/19/2014 (Levy, Robert) (Entered: 05/19/2014)
06/09/2014	<u>27</u>	STATUS REPORT <i>re settlement</i> by Spirdon Argyros, Tiffany Ivey, Jonathan Peirce (Sprayregen, Sharon) (Entered: 06/09/2014)
06/09/2014	<u>28</u>	STATUS REPORT <i>pursuant to May 19, 2014 Order</i> , by Daniel Fody, The City of New York (Lucas, Andrew) (Entered: 06/09/2014)
06/18/2014	<u>29</u>	STATUS REPORT by Daniel Fody, The City of New York (Lucas, Andrew) (Entered: 06/18/2014)
06/19/2014	<u>30</u>	Letter <i>in response to Defendants' status report</i> by Spirdon Argyros, Tiffany Ivey, Jonathan Peirce (Sprayregen, Sharon) (Entered: 06/19/2014)

07/02/2014	<u>31</u>	Letter <i>request for settlement conference</i> by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce (Sprayregen, Sharon) (Entered: 07/02/2014)
07/03/2014		SCHEDULING ORDER: Settlement Conference set for 7/11/2014 at 10:15 AM in Courtroom 11B South before Magistrate Judge Robert M. Levy. Persons with full settlement authority are directed to be present or reachable by telephone. Ordered by Magistrate Judge Robert M. Levy on 7/3/2014. (Culley, Rachel) (Entered: 07/03/2014)
07/11/2014		Minute Entry for proceedings held before Magistrate Judge Robert M. Levy: Norman Siegel, Herbert Teitelbaum, Sharon Sprayregen; Andrew Lucas and NYPD representatives did not appear, but his supervisor Dara Weiss graciously responded to the court's inquiries and appeared. A settlement conference is scheduled for 7/21/14 at 8:45 a.m. Counsel will confirm on 7/18/14. Settlement Conference held on 7/11/2014 (Levy, Robert) (Entered: 07/11/2014)
07/14/2014	<u>32</u>	NOTICE of Appearance by Dara Lynn Weiss on behalf of Daniel Fody, The City of New York (aty to be noticed) (Weiss, Dara) (Entered: 07/14/2014)
07/16/2014	<u>33</u>	NOTICE of Appearance by Herbert Teitelbaum on behalf of All Plaintiffs (aty to be noticed) (Teitelbaum, Herbert) (Entered: 07/16/2014)
07/16/2014	<u>34</u>	Letter by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce (Sprayregen, Sharon) (Entered: 07/16/2014)
07/17/2014	<u>35</u>	Letter by Daniel Fody, The City of New York (Weiss, Dara) (Entered: 07/17/2014)
07/21/2014		Minute Entry for proceedings held before Magistrate Judge Robert M. Levy: Norman Siegel, Herbert Teitelbaum, Sharon Sprayregen; Dara Weiss, Kerry Sweet, Katherine Byrns. Settlement discussions continued. Counsel to continue discussions. Next conference 9/9/14 at 5:00 (settlement). Settlement Conference held on 7/21/2014 (Levy, Robert) (Entered: 07/21/2014)
09/09/2014		Minute Entry for proceedings held before Magistrate Judge Robert M. Levy: Settlement discussions held. Next conference 9/16/14 at 5:00, if necessary. Settlement Conference held on 9/9/2014 (Levy, Robert) (Entered: 09/09/2014)
09/16/2014	<u>36</u>	SETTLEMENT AGREEMENT by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce (Sprayregen, Sharon) (Entered: 09/16/2014)
09/26/2014	<u>37</u>	Order of Settlement. The action is hereby dismissed against defts. with prejudice and without costs, expenses, or attorneys fees except as specified. ** See Order for Details **. Ordered by Judge Sandra L. Townes on 9/17/2014. (Greene, Donna) (Entered: 09/26/2014)
12/08/2014	<u>38</u>	Letter by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce (Sprayregen, Sharon) (Entered: 12/08/2014)
12/08/2014		ORDER: A telephone conference has been scheduled for January 20, 2015 at 11:00 a.m., before the Hon. Robert M. Levy, USMJ at (718) 613-2340. Ordered by Magistrate Judge Robert M. Levy on 12/8/2014. (Marino, Janine) (Entered: 12/08/2014)
01/07/2015	<u>39</u>	Letter <i>re January 20, 2015 telephone conference</i> by Spiridon Argyros, Tiffany Ivey, Jonathan Peirce (Sprayregen, Sharon) Modified on 1/7/2015 (Levy, Robert). (Entered: 01/07/2015)
01/07/2015		ORDER granting <u>39</u> Motion to Cancel Conference as the issue has been resolved. Ordered by Magistrate Judge Robert M. Levy on 1/7/2015. (Levy, Robert) (Entered: 01/07/2015)