

CLOSED

**U.S. District Court
Northern District of New York - Main Office (Syracuse) [NextGen CM/ECF
Release 1.6 (Revision 1.6.2)] (Prisoner)
CIVIL DOCKET FOR CASE #: 9:14-cv-00933-BKS-DJS**

Hill v. County of Montgomery et al
Assigned to: Judge Brenda K. Sannes
Referred to: Magistrate Judge Daniel J. Stewart
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/25/2014
Date Terminated: 06/02/2021
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Perry Hill

*both individually and on behalf of a
class of others similarly situated*

represented by **Elmer R. Keach , III**
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Plaintiff

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TERMINATED: 05/27/2021
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V.

Defendant

County of Montgomery

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Defendant

Michael Amato
Sheriff, Montgomery County

represented by **Chelsea E. Manocchi**
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Jonathan M. Bernstein
(See above for address)
ATTORNEY TO BE NOTICED

Timothy J. Lambrecht
(See above for address)
TERMINATED: 08/21/2014

William H Mergner
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ATTORNEY TO BE NOTICED

Defendant

Michael Franko
*Jail Administrator, Montgomery
County Jail*

represented by **Chelsea E. Manocchi**
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Date Filed	#	Docket Text
07/25/2014	<u>1</u>	COMPLAINT against Michael Amato, County of Montgomery, Michael Franko (Filing fee \$400 receipt number 0206-3005103) filed by Perry Hill. (Attachments: # <u>1</u> Civil Cover Sheet)(nas,) (Entered: 07/28/2014)
07/28/2014	<u>2</u>	Summons Issued as to Michael Amato, County of Montgomery, Michael Franko. (Attachments: # <u>1</u> Michael Franko, # <u>2</u> Montgomery County)(nas,) (Entered: 07/28/2014)
07/28/2014	<u>3</u>	G.O. 25 FILING ORDER ISSUED: Initial Conference set for 11/5/2014 09:00 AM in Albany before Magistrate Judge Randolph F. Treece. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 10/29/2014. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (nas,) (Entered: 07/28/2014)

07/28/2014	<u>4</u>	NOTICE of Admission Requirement as to Party Perry Hill; Attorney Nicholas Migliaccio, Email address is nmigliaccio@wbmlp.com. Phone number is (202)429-2290. Admissions due by 8/11/2014. {notice served via regular mail on attorney Nicholas Migliaccio}(nas,) (Entered: 07/28/2014)
08/05/2014	<u>5</u>	SUMMONS Returned Executed by Perry Hill. Michael Amato served on 8/1/2014, answer due 8/22/2014. (Keach, Elmer) (Entered: 08/05/2014)
08/05/2014	<u>6</u>	SUMMONS Returned Executed by Perry Hill. Michael Franko served on 8/1/2014, answer due 8/22/2014. (Keach, Elmer) (Entered: 08/05/2014)
08/05/2014	<u>7</u>	SUMMONS Returned Executed by Perry Hill. County of Montgomery served on 8/1/2014, answer due 8/22/2014. (Keach, Elmer) (Entered: 08/05/2014)
08/18/2014	<u>8</u>	NOTICE of Appearance by Timothy J. Lambrecht on behalf of All Defendants (Lambrecht, Timothy) (Entered: 08/18/2014)
08/18/2014	<u>9</u>	Letter Motion from Timothy J. Lambrecht for Michael Amato, County of Montgomery, Michael Franko requesting for an extension of time to answer submitted to Judge Honorable Randolph F. Treece . (Lambrecht, Timothy) (Entered: 08/18/2014)
08/19/2014	<u>10</u>	NOTICE of Appearance by Jonathan M. Bernstein on behalf of Michael Amato, County of Montgomery, Michael Franko (Bernstein, Jonathan) (Entered: 08/19/2014)
08/19/2014	<u>11</u>	CERTIFICATE OF SERVICE by Michael Amato, County of Montgomery, Michael Franko re <u>10</u> Notice of Appearance (Bernstein, Jonathan) (Entered: 08/19/2014)
08/19/2014	<u>12</u>	NOTICE by Michael Amato, County of Montgomery, Michael Franko re <u>8</u> Notice of Appearance of <i>Withdrawal of Counsel</i> (Lambrecht, Timothy) (Entered: 08/19/2014)
08/21/2014	<u>13</u>	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting a 30-day extension to file the answer to the complaint) submitted to Judge Hon. Randolph F. Treece . (Bernstein, Jonathan) (Entered: 08/21/2014)
08/21/2014	<u>14</u>	CERTIFICATE OF SERVICE by Michael Amato, County of Montgomery, Michael Franko re <u>13</u> Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting a 30-day extension to file the answer to the complaint) submitted to Judge Hon. Randolph F. Treece (Bernstein, Jonathan) (Entered: 08/21/2014)
08/22/2014	15	TEXT ORDER granting <u>13</u> Letter Request, Michael Amato answer due 9/22/2014; County of Montgomery answer due 9/22/2014; Michael Franko answer due 9/22/2014. ORDERED that <u>9</u> Letter Request is

		denied as moot. Authorized by Magistrate Judge Randolph F. Treece on 8/22/14. (nas) (Entered: 08/22/2014)
09/11/2014	16	ANSWER to 1 Complaint by Michael Amato, County of Montgomery, Michael Franko.(Bernstein, Jonathan) (Entered: 09/11/2014)
09/11/2014	17	CERTIFICATE OF SERVICE by Michael Amato, County of Montgomery, Michael Franko re 16 Answer to Complaint (Bernstein, Jonathan) (Entered: 09/11/2014)
09/19/2014		TEXT NOTICE: The Rule 16 Initial Conference in this matter is RESCHEDULED for 10/9/2014 at 10:00 AM before Magistrate Judge Randolph F. Treece and will be conducted by TELEPHONE. The parties are directed to DIAL IN at 877-336-1839 and use Access Code 6651723 and Security Code 1933 to be connected to the conference call. The parties are directed to submit a proposed Civil Case Management Plan by 10/2/2014. Mandatory Disclosures are to be exchanged by the parties on or before 10/2/2014. Pursuant to Local Rule 26.2, Mandatory Disclosures are to be exchanged among the parties but are NOT to be filed with the Court. (mab) (Entered: 09/19/2014)
10/06/2014	18	TEXT ORDER: The Rule 16 Initial Conference in this matter is set for 10/9/2014 at 10:00 AM. Pursuant to the Court's Text Notice dated 9/19/2014, the parties were to submit a proposed Civil Case Management Plan by 10/2/2014. The Court has not received a proposed plan. Pursuant to FRCP 26(f) and 37(f), the failure to timely submit a case management plan or the failure of a party to participate, in good faith, in developing the plan may lead to sanctions or the imposition of reasonable attorney fees. The parties are directed to submit a proposed Civil Case Management Plan by 10/7/2014. SO ORDERED. Authorized by Magistrate Judge Randolph F. Treece on 10/6/2014. (mab) (Entered: 10/06/2014)
10/07/2014	19	CIVIL CASE MANAGEMENT PLAN by Perry Hill. (Keach, Elmer) (Main Document 19 replaced on 10/7/2014 to "flatten image") (nas,). (Entered: 10/07/2014)
10/09/2014	20	Minute Entry for proceedings held before Magistrate Judge Randolph F. Treece: Rule 16 Initial Pretrial Conference held on 10/9/2014. Appearances: Elmer Keach, Esq. for Plaintiff and Jonathan Bernstein, Esq. for Defendants. The Court discusses the Mandatory Mediation Program and General Order #47 with the parties. Based upon the discussion with the parties, the nature of this case and that it may be a class action, the Court is persuaded at this time to opt this matter out of the Mandatory Mediation Program. The Court may reconsider this as the case progresses. Scheduling Order deadlines set. Uniform Pretrial Scheduling Order to be issued. (TIME: 10:00AM - 10:45AM). (mab) (Entered: 10/09/2014)

10/10/2014	21	UNIFORM PRETRIAL SCHEDULING ORDER: Anticipated length of trial: 10 Days. Joinder of Parties due by 12/15/2014. Amended Pleadings due by 12/15/2014. This case has been exempt from the Court's Mandatory Mediation Program. Discovery due by 10/1/2015. Motions to be filed by 12/1/2015. Trial Ready Deadline is 2/1/2016. Jury Trial set for 3/7/2016 at 9:30 AM in Albany, NY before Senior Judge Lawrence E. Kahn. Status Report due by 3/15/2015. Signed by Magistrate Judge Randolph F. Treece on 10/10/2014. (mab) (Entered: 10/10/2014)
10/10/2014	22	TEXT ORDER: The Court held a Rule 16 Initial Conference with the parties on 10/9/2014. Based upon the discussions held during the conference, the Court, <i>sua sponte</i> , exempts this matter from the Mandatory Mediation Program. SO ORDERED. Authorized by Magistrate Judge Randolph F. Treece on 10/10/14. (mab) (Entered: 10/10/2014)
10/10/2014	23	ORDER TO SHOW CAUSE WHY DEFENDANTS SHOULD NOT OBTAIN SEPARATE COUNSEL. Signed by Magistrate Judge Randolph F. Treece on 10/10/2014. (mab) (Entered: 10/10/2014)
10/10/2014		Set Deadlines: Defendants to submit response to this Court's 23 Order to Show Cause on or before 12/9/2014. (mab) (Entered: 10/10/2014)
10/23/2014	24	NOTICE of Appearance by Nicholas A. Migliaccio on behalf of Perry Hill (Migliaccio, Nicholas) (Entered: 10/23/2014)
11/04/2014	25	ORDER re 23 Order to Show Cause regarding joint representation. IT IS ORDERED that Defendants shall be permitted to proceed with joint representation but have not waived their right to retain separate counsel in the future. IT IS FURTHER ORDERED that the documents provided by Defendants as discussed herein shall be filed under seal. Signed by Magistrate Judge Randolph F. Treece on 11/4/2014. (mab) (Entered: 11/04/2014)
11/04/2014	26	***SEALED DOCUMENT: filed under seal pursuant to 25 Order. (mab) (Entered: 11/04/2014)
12/15/2014	27	Letter Motion from Elmer Keach for Perry Hill requesting Extension of Time of Amendment and Joinder of Parties Deadline, Until January 15, 2015 submitted to Judge Randolph F. Treece . (Keach, Elmer) (Entered: 12/15/2014)
12/18/2014	28	TEXT ONLY ORDER: With consent of opposing counsel, Plaintiff's counsel seeks an extension of the joinder and amendment deadlines previously set by this Court. Dkt. No. 27 . The Request is granted and the Court extends the Amended Pleadings and Joinder of Parties deadlines to 1/15/2015. Should a party seek to amend a pleading or join parties after this new deadline, the burden is elevated to good cause.

		Signed by Magistrate Judge Randolph F. Treece on 12/18/14.(rlh) (Entered: 12/18/2014)
12/29/2014	29	ORDER REASSIGNING CASE. Case reassigned to Judge Brenda K. Sannes for all further proceedings. Senior Judge Lawrence E. Kahn no longer assigned to case. Signed by Chief Judge Gary L. Sharpe on 12/29/14. (nas,) (Entered: 12/29/2014)
10/01/2015	30	ORDER REASSIGNING CASE. Case reassigned to Magistrate Judge Daniel J. Stewart for all further proceedings. Signed by Chief Judge Glenn T. Suddaby on 10/1/15. (nas,) (Entered: 10/01/2015)
10/02/2015	31	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Requesting an in-person conference to discuss discovery in this case). submitted to Judge Hon. Daniel J. Stewart . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 10/02/2015)
10/07/2015	32	TEXT ORDER: On October 2, 2015, Defendants filed a Letter Request seeking an in-pereson conference to discuss discovery issues in this matter. Dkt. No. 31 . The request is GRANTED and the parties are directed to appear for a Discovery Confernece on October 16, 2015 at 9:30 AM before the undersigned. The parties are to appear at the James T. Foley US Courthouse, 445 Broadway, Albany, NY, 4th Floor, Room 409 on that date and time. SO ORDERED by Magistrate Judge Daniel J. Stewart on 10/7/2015. (mab) (Entered: 10/07/2015)
10/16/2015	33	TEXT ORDER: At the request of the parties, the Court held a discovery conference on the record on October 15, 2015. The parties jointly seek an extension of the discovery deadline in light of the complicated nature of the case and the potential for future class action status. The Court grants the joint request to extend discovery. The discovery deadline is extended to June 1, 2016; the motion deadline is reset to August 1, 2016; and the trial ready deadline is now October 3, 2016. The parties discussed a dispute regarding the production of inmate records and booking sheets. The parties were directed to brief the issue to the Court, with the Plaintiffs brief due on October 30, 2015, and the Defendants response due on November 13, 2015. SO ORDERED. Signed by Magistrate Judge Daniel J. Stewart on 10/16/2015. (Stewart, Daniel) (Entered: 10/16/2015)
10/16/2015		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Discovery Conference held on 10/16/2015. Appearances: Elmer Keach, Esq. and Maria Dyson, Esq. for Plaintiff; Jonathan Bernstein, Esq. for Defendants. The Court held conference to discuss the parties' joint request to extend the deadlines in this matter. After hearing from counsel, the Court agreed to extend the deadlines. The Court also heard from counsel as to issues regarding the production of inmate records and booking sheets. Further briefing was directed. Plaintiff's brief is due on 10/30/2015. Defendants response brief is due 11/13/2015. The

		parties presented a stipulated protective order which was signed by the Court and will be placed on the docket. (Court Reporter: Theresa Casal) (TIME: 9:31AM-9:55AM). (mab) (Entered: 10/16/2015)
10/16/2015	34	STIPULATED PROTECTIVE ORDER. Signed by Magistrate Judge Daniel J. Stewart on 10/16/2016. (mab) (Entered: 10/16/2015)
10/30/2015	35	Letter Motion from Elmer Keach for Perry Hill requesting Extension of Time to File Letter Brief Regarding Booking Records, On Consent submitted to Judge Daniel J. Stewart . (Keach, Elmer) (Entered: 10/30/2015)
11/02/2015	36	TEXT ORDER granting 35 Letter Request. Plaintiff's counsel's brief is due by November 6, 2015. Defendants' Counsel's brief is due by November 20, 2015. Authorized by Magistrate Judge Daniel J. Stewart on 11/2/15. (nas) (Entered: 11/02/2015)
11/09/2015	37	Letter Motion from Elmer Keach for Perry Hill requesting Extension of Time to File Letter Brief on Booking Sheets, on Consent submitted to Judge Daniel J. Stewart . (Keach, Elmer) (Entered: 11/09/2015)
11/09/2015	38	TEXT ORDER granting 37 Letter Request. Plaintiff's brief is due by November 10, 2015. Defendants' responding brief is due by November 24, 2015. Authorized by Magistrate Judge Daniel J. Stewart on 11/9/15. (nas) (Entered: 11/09/2015)
11/10/2015	39	LETTER BRIEF <i>Regarding Booking and Intake Weight Records</i> by Perry Hill. (Attachments: # 1 Exhibit(s) A-- Hill Booking Records, # 2 Exhibit(s) B -- Example of Admission Health Screening Form, # 3 Exhibit(s) C -- Order, Bruce v. County of Rensselaer, # 4 Exhibit(s) D -- Transcript, Marriott v. County of Montgomery, # 5 Exhibit(s) E - Transcript, McDaniel v. County of Schenectady)(Keach, Elmer) (Entered: 11/10/2015)
11/19/2015	40	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting extension of time to resp to Plaintiff's Discovery Motion to December 3, 2015 and for the Court to allow unredacted booking records, transcripts and health assessment records to be sent directly to Chambers and Plaintiff's counsel as they contain health information) submitted to Judge Hon. Daniel J. Stewart . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 11/19/2015)
11/23/2015	41	TEXT ORDER granting 40 Letter Request. Defendants' reply is due by 12/3/15. Redacted copies of the documents shall be electronically filed on cm/ecf. Un-redacted documents shall be forwarded to the undersigned's chambers. Authorized by Magistrate Judge Daniel J. Stewart on 11/23/15. (nas,) (Entered: 11/23/2015)

11/24/2015	42	MEMORANDUM OF LAW re 39 LETTER BRIEF, 40 Letter Request/Motion,, 41 Order on Letter Request, (<i>Memorandum of Law in Opposition</i>) filed by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Certificate of Service)(Bernstein, Jonathan) (Entered: 11/24/2015)
01/20/2016	43	TEXT ORDER: Presently before the Court are Letter Briefs filed by counsel with regard to Plaintiff's request for booking and intake weight records for members of the proposed class in this matter. Dkt. Nos. 39 and 42 . In order to address this issue, the Court sets a Discovery Hearing for January 26, 2016 at 9:00 AM before the undersigned. Counsel are directed to appear IN-PERSON at the James T. Foley US Courthouse, 445 Broadway, 4th Floor, Courtroom No. 2, Albany, NY on the scheduled date and time. SO ORDERED by Magistrate Judge Daniel J. Stewart on 1/20/2016. (mab) (Entered: 01/20/2016)
01/26/2016		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Discovery Hearing held on 1/26/2016. Appearances: Elmer Keach, Esq. for Plaintiff; Jonathan Bernstein, Esq. for Defendants. The Court held a hearing to address the Letter Briefs pending before the Court regarding Plaintiff's request for booking and intake weight records for inmates at the Montgomery County Jail. After hearing from both counsel, the Court reserves on a decision, however, directs counsel to confer regarding the database containing the booking records and the practicality and cost of producing such records. Counsel are to file a Status Report by 2/9/2016. The Court will issue an Order. (Time: 9:02AM-9:33AM). (Court Reporter: Lisa Tennyson) (mab) (Entered: 01/26/2016)
01/27/2016	44	TEXT ONLY ORDER Oral argument was held on Plaintiffs desire to conduct pre-class certification discovery of potential class members. Counsel for the Plaintiff and the Defendants are directed to meet and confer regarding the Defendants ability to provide the disputed booking records, or information obtained from the booking records, in computerized or other form; the cost of the production of those records or data; the procedure whereby data could be extracted by the Plaintiffs expert; the nature and scope of a protective order that would be agreed to in connection with the information; and the time necessary to produce that information. Counsel for the parties are directed to notify the Court, in letter form, of the results of their efforts on or before February 9, 2016.IT IS SO ORDERED.. Signed by Magistrate Judge Daniel J. Stewart on 1/27/2016. (Stewart, Daniel) (Entered: 01/27/2016)
02/09/2016	45	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Requesting that Plaintiff be required to pay cost of production of booking sheets and that these booking sheets be subject of

		a Protective Order) submitted to Judge Hon. Daniel J. Stewart . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/09/2016)
02/09/2016	46	LETTER BRIEF <i>Regarding Production of Booking Information and Associated Costs</i> by Perry Hill. (Keach, Elmer) (Entered: 02/09/2016)
02/10/2016		TEXT NOTICE: The jury trial previously scheduled for 3/7/2016 (Dkt. No. 21) is hereby adjourned without date. (rjb,) (Entered: 02/10/2016)
02/12/2016	47	TEXT ORDER: The parties are directed to participate in a Telephone Conference on February 16, 2016 at 10:00 AM before the undersigned. The Court will issue a separate notice setting forth the instructions to connect to the conference call. SO ORDERED by Magistrate Judge Daniel J. Stewart on 2/12/2016. (mab) (Entered: 02/12/2016)
02/12/2016	48	TEXT ORDER: The Telephone Conference in this matter is RESCHEDULED for February 24, 2016 at 2:30 PM before the undersigned. The parties are directed to use the instructions to connect to the conference call previously issued on February 12, 2016. SO ORDERED by Magistrate Judge Daniel J. Stewart on 2/12/2016. (mab) (Entered: 02/12/2016)
02/24/2016	50	Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Telephone Conference held on 2/24/2016. Appearances: Elmer Keach, Esq. for Plaintiff; Jonathan Bernstein, Esq. for Defendants. The Court held a conference to address Plaintiff's request for pre-class certification discovery in this matter. Based upon the parties' submissions and the discussions held during the conference, the Court made various rulings on the record as to Plaintiff's request. (TIME: 2:34PM-2:44PM). (Court Reporter: Lisa Tennyson) (mab) (Entered: 02/25/2016)
02/25/2016	49	TEXT ORDER. A conference call was held with the parties on February 24th 2016 regarding Plaintiff's request for pre-class certification discovery. Based upon the submissions of the parties, and oral arguments on the record, the Court grants Plaintiff's motion to the following extent: (1) within 21 days of this order the Defendant shall provide to the Plaintiff's Counsel the name, address, telephone number, employer and other contact information, date of birth, social security number, date of arrest or confinement, and the date the detainee is released from the facility, for those detained at the Montgomery County Jail for at least two continuous weeks during the period from July 25, 2011 to the present; (2) the Defendant is not required to include the detainees height, weight and build in the information provided; (3) the Defendant will be in charge of hiring an appropriate computer expert to extract the information and to provide it to Plaintiffs Counsel in the most appropriate form; (4) the cost of the expense of producing the information shall be split equally between the Plaintiff and the Defendant, and (5) all of the data and information that is turned over shall be subject to a properly executed

		protective order that allows review of the records by the attorney and the parties liability and damages expert only. IT IS SO ORDERED. Signed by Magistrate Judge Daniel J. Stewart on 2/25/2016. (Stewart, Daniel) (Entered: 02/25/2016)
03/18/2016	51	STIPULATION <i>Stipulated Protective Order Regarding Detainee Admission Records</i> by Perry Hill submitted to Judge Daniel J. Stewart. (Keach, Elmer) (Entered: 03/18/2016)
03/23/2016	52	PROTECTIVE ORDER. Signed by Magistrate Judge Daniel J. Stewart on 3/22/2016. (mab) (Entered: 03/23/2016)
05/11/2016	53	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting a discovery conference) submitted to Judge Hon. Daniel J. Stewart . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 05/11/2016)
05/13/2016	54	TEXT ORDER: On May 11, 2016, Defendants filed a Letter Request seeking a conference to discuss an extension of time to complete discovery in this matter. Dkt. No. 53 . The request for a conference is GRANTED and the parties are directed to participate in a Discovery Telephone Conference on May 20, 2016 at 10:00 AM before the undersigned. The Court will issue a separate notice setting forth the instructions to connect to the conference call. SO ORDERED by Magistrate Judge Daniel J. Stewart on 5/13/2016. (mab) (Entered: 05/13/2016)
05/19/2016	55	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting that 5/20/16 telephone conference be rescheduled.) submitted to Judge Hon. Daniel J. Stewart . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 05/19/2016)
05/19/2016	56	TEXT ORDER granting Defendant's 55 Letter Request seeking to reschedule the Discovery Telephone Conference in this matter. The Discovery Telephone Conference is RESCHEDULED for May 31, 2016 at 11:00 AM before the undersigned. The Court will issue a separate notice setting forth the instructions to connect to the conference call. SO ORDERED by Magistrate Judge Daniel J. Stewart on 5/19/2016. (mab) (Entered: 05/19/2016)
05/31/2016		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Discovery Hearing held on 5/31/2016. Appearances: Elmer Keach, Esq. and Nicholas Migliaccio, Esq. for Plaintiff; Jonathan Bernstein, Esq. for Defendants. A conference with the parties was held to address the status of discovery in this matter and a possible extension of the scheduling order deadlines. Counsel state that they are working towards completing discovery, however, there is still a good amount that needs to be done. Atty Keach states that he intends to go forward with a

		motion for class certification, but gathering medical records for all the class individuals is taking significant time. The Court extends the discovery deadline to 9/1/2016 and Plaintiff is to make his motion for class certification by 10/7/2016. The deadline to file dispositive motions is STAYED. The Court will issue an Order. (TIME: 11:03AM-11:33AM). (mab) (Entered: 06/02/2016)
06/09/2016	57	ORDER RE 53 : ORDERED, that the discovery deadline is now set for September 1, 2016. ORDERED, that the Plaintiff is directed to file a motion for class certification with the District Court no later than October 7, 2016. ORDERED, that the Defendants are authorized to provide un-redacted copies of the grievances requested by the Plaintiff, pursuant to the provisions of the protective order that is now in place. Signed by Magistrate Judge Daniel J. Stewart on 6/9/16. (nas) (Entered: 06/09/2016)
07/11/2016	58	MOTION for Limited Admission Pro Hac Vice of Jason S. Rathod Filing fee \$100, receipt number 0206-3724372. filed by Perry Hill. (Attachments: # 1 Supplement, # 2 Proposed Order/Judgment, # 3 Affirmation, # 4 Supplement, # 5 Supplement) Motions referred to Daniel J. Stewart. (Migliaccio, Nicholas) (Additional attachment(s) added on 7/15/2016: # 6 e-reg form) (nas,). (Entered: 07/11/2016)
07/22/2016	59	ORDER granting 58 Motion for Limited Admission Pro Hac Vice of Jason S. Rathod, Esq. Signed by Magistrate Judge Daniel J. Stewart on 7/22/2016. (mab) (Entered: 07/22/2016)
08/29/2016	60	Letter Motion from Elmer Keach for Perry Hill requesting Thirty Day Extension of Time to Conclude Class Discovery, On Consent submitted to Judge Daniel J. Stewart . (Keach, Elmer) (Entered: 08/29/2016)
08/31/2016	61	TEXT ORDER RE: 60 Letter Request. The Discovery Deadline is reset to 9/30/2016. All other pretrial deadlines remain in place. Authorized by Magistrate Judge Daniel J. Stewart on 8/31/16. (nas) (Entered: 08/31/2016)
09/30/2016	62	Letter Motion from Elmer Keach for Perry Hill requesting Extension of Time to Complete Discovery Until October 5, 2016 for all but One Witness, and Requesting Extension of Time to File Motion for Class Certification, On Consent submitted to Judge Daniel J. Stewart . (Keach, Elmer) (Entered: 09/30/2016)
10/03/2016	63	TEXT ORDER RE: 62 Letter Request. Deadlines are reset as follows: Discovery due by 11/1/2016 and the motion for class certification deadline is 11/15/16. No further extensions will be granted of these deadlines. Authorized by Magistrate Judge Daniel J. Stewart on 10/3/16. (nas,) (Entered: 10/03/2016)

11/04/2016	64	Letter Motion from Elmer Keach for Perry Hill requesting Discovery Conference with the Court submitted to Judge Daniel J. Stewart . (Keach, Elmer) (Entered: 11/04/2016)
11/10/2016	65	TEXT ORDER: On November 4, 2016, Plaintiff filed a Letter Request seeking a conference to address the deposition of Nurse Jane Hubschmidt in this matter. Dkt. No. 64 . Based upon the reasons set forth in Plaintiff's submission, the request is GRANTED and counsel are directed to participate in a Discovery Telephone Conference on November 16, 2016 at 11:00 AM before the undersigned. The Court will issue a separate notice setting forth the instructions to connect to the conference call. The deadline to file a motion for class certification is held in abeyance pending the scheduled conference. SO ORDERED by Magistrate Judge Daniel J. Stewart on 11/10/2016. (mab) (Entered: 11/10/2016)
11/16/2016		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Discovery Telephone Conference held on 11/16/2016. Appearances: Elmer Keach, Esq. and Nicholas Migliaccio, Esq. for Plaintiff; Jonathan Bernstein, Esq. for Defendants. The Court held a conference to address an issue that has arisen with the deposition of a Non-Party Witness. Atty Keach advises that Nurse Jane Hubschmidt has refused to appear for her deposition. Atty Keach also advises that she has significant health issues, but is willing to make any arrangements in order to accommodate her deposition and requests an Order from the Court directing her appearance. Defendants do not object. The Court determines that it will not issue an Order at this time, but will issue a Judicial Subpoena. Atty Keach will prepare such subpoena and provide it to the Court. Both counsel request additional time to move for class certification. The Court extends the deadline to 1/6/17. A Text Order will be issued. (TIME: 11:02AM-11:14AM). (Court Reporter: Theresa Casal) (mab) (Entered: 11/17/2016)
11/17/2016	66	TEXT ORDER: On November 16, 2016, the Court held a Discovery Telephone Conference to address Plaintiff's request for a Court Order directing a Non-Party Witness to appear for a deposition. At this time the Court will not issue an Order, however, Plaintiff is directed to prepare a Judicial Subpoena and provide it to the Court for review. The deadline to complete discovery is extended to December 16, 2016 for the sole purpose of completing the Non-Party Witness deposition. The deadline to file for class certification is extended to January 6, 2017. SO ORDERED by Magistrate Judge Daniel J. Stewart on 11/17/2016. (mab) (Entered: 11/17/2016)
12/06/2016	67	Letter Motion from Elmer Keach for Perry Hill requesting Issuance of Court Ordered Subpoena for Jane Hubschmitt submitted to Judge Daniel J. Stewart . (Attachments: # 1 Proposed Court Ordered Subpoena)(Keach, Elmer) (Entered: 12/06/2016)

12/13/2016	68	SUBPOENA ISSUED as to Jane Hubschmitt. Signed by Magistrate Judge Daniel J. Stewart on 12/13/2016. (mab) (Entered: 12/13/2016)
01/05/2017	69	Letter Motion from Elmer Keach for Perry Hill requesting Enlargement of Time to File Motion for Class Certification, on consent, until January 13, 2017, and Providing a Status Report Regarding the Status of the Hubschmitt Subpoena submitted to Judge Daniel J. Stewart . (Keach, Elmer) (Entered: 01/05/2017)
01/06/2017	70	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Defendant's opposition to Plaintiff's letter to the Court dated 1/6/17) submitted to Judge Hon. Daniel J. Stewart . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 01/06/2017)
01/10/2017	71	TEXT ORDER: On January 5, 2017, Plaintiff filed a Letter Request seeking an extension of time to file his Motion for Class Certification in this matter. Dkt. No. 69 . In that same Letter Request, Plaintiff advised that Nurse Hubschmitt has retained counsel and will appear for a deposition, however, since Plaintiff does not wish to delay the filing of such motion he suggested raising any relevant information obtained from her deposition in his Reply Brief. Defendants filed a response to Plaintiff's Letter Request advising the Court that while they do not object to the request for an extension, they do object to Plaintiff raising new information in his reply to the Motion for Class Certification. Dkt. No. 70 . After reviewing the submissions from both counsel, Plaintiff's request for an extension of time to file his motion is GRANTED, however, such motion is to be filed after the deposition of Nurse Hubschmitt has been completed. The Court directs that Nurse Hubschmitt be deposed on or before February 9, 2017. Plaintiff shall file his Motion for Class Certification on or before February 23, 2017. There will be no further extension of these deadlines absent a showing of extraordinary circumstances. SO ORDERED by Magistrate Judge Daniel J. Stewart on 1/11/2017. (mab) (Entered: 01/10/2017)
02/23/2017	72	Letter Motion from Elmer Keach for Perry Hill requesting Extension of Time to File Motion for Class Certification, Until February 28, 2017 submitted to Judge Daniel J. Stewart <i>On Consent</i> . (Keach, Elmer) (Entered: 02/23/2017)
02/27/2017	73	MOTION to Certify Class Motion Hearing set for 4/6/2017 10:00 AM in Syracuse before Judge Brenda K. Sannes Response to Motion due by 3/20/2017 Reply to Response to Motion due by 3/27/2017. filed by Perry Hill. (Keach, Elmer) (Entered: 02/27/2017)
02/27/2017	74	MEMORANDUM OF LAW re 73 Motion to Certify Class filed by Perry Hill. (Keach, Elmer) (Entered: 02/27/2017)
02/27/2017	75	AFFIDAVIT in Support re 73 MOTION to Certify Class filed by Perry Hill. (Attachments: # 1 Exhibit(s) A -- Report of Plaintiff's Expert,

		# 2 Exhibit(s) B -- Michael Amato Deposition Transcript, # 3 Exhibit(s) C -- Lynn Dumar Deposition Transcript, # 4 Exhibit(s) D -- Eric Engle Deposition Transcript, # 5 Exhibit(s) E -- Michael Franko Deposition Transcript, # 6 Exhibit(s) F -- Perry Hill Deposition Transcript, # 7 Exhibit(s) G -- Joan Hubschmitt Deposition Transcript, # 8 Exhibit(s) H -- Sue Ninan Deposition Transcript, # 9 Exhibit(s) I -- Bruce O'Shaughnessy Deposition Transcript, # 10 Exhibit(s) J - Robert Pettit Deposition Transcript, # 11 Exhibit(s) K -- Gina Yesse Deposition Transcript, # 12 Exhibit(s) L -- Letter from Tara Haynes, # 13 Exhibit(s) M, Part One -- Meal Plans, # 14 Exhibit(s) M, Part Two -- Meal Plans, # 15 Exhibit(s) N -- Cycle Menu, # 16 Exhibit(s) O, Part One -- Nutritional Spreadsheet, # 17 Exhibit(s) O, Part Two -- Nutritional Spreadsheet, # 18 Exhibit(s) O, Part Three -- Nutritional Spreadsheet, # 19 Exhibit(s) P -- Calorie Chart, # 20 Exhibit(s) Q -- Emails Regarding Inmate Weight Loss, # 21 Exhibit(s) R -- Commission of Correction Decision, # 22 Exhibit(s) S -- Ken Crouse Deposition Transcript, # 23 Exhibit(s) T -- Firm Resume, Keach and Dyson, # 24 Exhibit(s) U -- Firm Resume, Migliaccio, # 25 Exhibit(s) V -- Sample of Inmate Surveys)(Keach, Elmer) (Entered: 02/27/2017)
02/27/2017	76	CERTIFICATE OF SERVICE by Perry Hill re 73 MOTION to Certify Class , 74 Memorandum of Law, 75 Affidavit in Support of Motion,,,,, (Keach, Elmer) (Entered: 02/27/2017)
03/01/2017	77	TEXT ORDER RE: 72 Letter Request. Plaintiff's request for an extension of time to submit a motion for class certification is denied as moot. Plaintiff has submitted his motion (See Dkt. No. 73). Authorized by Magistrate Judge Daniel J. Stewart on 3/1/17. (nas) (Entered: 03/01/2017)
03/13/2017	78	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting an extension of time in which fo file opposition to plaintiff's motion for class certification until April 21, 2017) submitted to Judge Hon. Brenda K. Sannes . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 03/13/2017)
03/16/2017	79	TEXT ORDER granting 78 Letter Request for an extension of time to respond to the 73 MOTION to Certify Class : Response to Motion due by 4/21/2017; Reply to Response to Motion due by 4/28/2017. SO ORDERED by Judge Brenda K. Sannes on 3/16/17. (rjb,) (Entered: 03/16/2017)
04/10/2017	80	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting that Exhibits "B" and "J" to Defendants' Opposition to Plaintiff's Motion for Class Certification be sent directly via mail / under seal) submitted to Judge Hon. Brenda K. Sannes . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 04/10/2017)

04/13/2017	81	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting authority to submit an un-redacted version of opposition papers to be supplied directly to Chambers) submitted to Judge Hon. Brenda K. Sannes . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 04/13/2017)
04/14/2017	82	TEXT ORDER: The Court has reviewed Defendants' letter motion 80 to file exhibits under seal in support of their opposition to the Plaintiff's motion for class certification. Plaintiff is directed to respond to Defendant's letter motion by April 21, 2017. The Court notes that because it appears that there is a qualified First Amendment right of access to exhibits filed in connection with a motion for class certification, the public's right of access to these documents "can be overcome only by specific, on-the-record findings that closure is essential to protect higher values and narrowly tailored to achieve that aim." Tropical Sails Corp., v. Yext, Inc., No. 14-Civ. 7582, 2016 WL 1451548, * 3 (S.D.N.Y. 2016) (citing Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 124 (2d Cir. 2006)). To the extent that the Defendants seek to file documents or exhibits under seal, they should submit a request to do so addressing this standard. The deadlines regarding the 73 Motion to Certify Class are hereby extended as follows: Response to Motion due by 5/5/2017; Reply to Response to Motion due by 5/12/2017. SO ORDERED by Judge Brenda K. Sannes on 4/14/17. (rjb,) (Entered: 04/14/2017)
04/24/2017	83	MOTION (An Order pursuant to US NDNY Local Rule 83.13 sealing the records contained in Exhibits "B" to "J" to Defs' Opposition to Plt's Motion for Class Certification and allowing Exhibits "A", "E", "F" and "G" to Defs' Opposition to be redacted on ECF with un-redacted copies sent to Chambers and opposing counsel, together with such other and further relief that the Court deems just and proper.) Motion Hearing set for 6/1/2017 10:00 AM in Syracuse before Judge Brenda K. Sannes Response to Motion due by 5/15/2017 filed by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Memo of Law in Support of Sealing Documents, # 6 Certificate of Service) Motions referred to Daniel J. Stewart. (Bernstein, Jonathan) (Entered: 04/24/2017)
05/02/2017	84	TEXT ORDER: On the basis that they contain personal identifying information and information about sensitive medical conditions, Defendants move 83 to seal Exhibits B and J, and redact Exhibits A, E, F, and G, of their opposition to Plaintiffs motion for class certification 73 . As Defendants are submitting the exhibits in opposition to Plaintiffs motion for class certification, they would certainly be relevant to the judicial function and useful to the judicial process in probing behind pleadings to determine whether the plaintiffs suit meets the special criteria set for in Rule 23 for class certification. Tropical Sails Corp., v. Yext, Inc., No. 14-Civ. 7582, 2016 WL 1451548, * 3 (S.D.N.Y.

2016). They are therefore judicial documents. Second Circuit precedent "indicate[s] that... a strong presumption of access attaches [to judicial documents], under both the common law and the First Amendment." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 121 (2d Cir. 2006). Further, the Court finds that the weight of the presumption of access to these documents is significant under both the common law and First Amendment analysis. *Mark v. Gawker Media LLC*, No. 13-CV-4347 (AJN), 2015 WL 7288641, at *2, 2015 U.S. Dist. LEXIS 154630, at *5 (S.D.N.Y. Nov. 16, 2015) (determining that the weight of the presumption of access to documents submitted in connection with motion for class certification to be significant.). Thus, the documents at issue should not remain under seal absent the most compelling reasons." *Lugosch*, 435 F.3d at 123 (quoting *Joy v. North*, 692 F.2d 880, 893 (2d Cir. 1982)). Moreover, under "the more stringent First Amendment framework... continued sealing of the documents may be justified only with specific, on-the-record findings that sealing is necessary to preserve higher values and only if the sealing order is narrowly tailored to achieve that aim." *Id.* at 124. Examples of "higher values" may include law enforcement interest, the privacy of innocent third parties, *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995), and the attorney-client privilege, *Lugosch*, 435 F.3d at 125. The party seeking to maintain the judicial documents under seal bears the burden of showing that higher values overcome the presumption of public access. *DiRussa v. Dean Witter Reynolds Inc.*, 121 F.3d 818, 826 (2d Cir. 1997). Defendants seek to seal Exhibits B and J in their entirety and redact Exhibits A, E, F, and G, on the basis that they contain sensitive medical information and implicate the privacy interests of Plaintiff and several non-parties. (Dkt. No. 83-5, p. 6). Individual contact information and other personal identifying information may be redacted. See *Mark v. Gawker Media LLC*, No. 13-CV-4347 (AJN), 2015 WL 7288641, at *2 (S.D.N.Y. Nov. 16, 2015) (granting the parties' request to redact the highlighted portions of the supporting documents containing email addresses, telephone numbers). Further, [f]ederal law generally treats medical records as confidential. *Hand v. N.Y. City Transit Auth.*, No. 11-CV-997 RRM MDG, 2012 WL 3704826, at *5, 2012 U.S. Dist. LEXIS 120701, at *18 (E.D.N.Y. Aug. 26, 2012) (citing Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub.L. 104191 (1996)). Given the limited scope of Defendants request to seal Exhibits B and G, and the narrowly tailored redactions from Exhibits A, E, F, and G, the Court finds that the privacy interests of the affected individuals outweigh the presumption of public access (see *Amodeo*, 71 F.3d at 1050 ("[t]he privacy interests of innocent third parties... should weigh heavily in a court's balancing equation.")) (internal quotation marks omitted)), and that the sealing and redaction of these documents is essential to preserve higher values. *United States v. Erie Cnty.*, 763 F.3d 235, 239 (2d Cir. 2014). Accordingly, Defendants' motion [83](#) is GRANTED. SO

		ORDERED by Judge Brenda K. Sannes on 5/2/17. (rjb,) (Entered: 05/02/2017)
05/02/2017	85	STATUS REPORT <i>Regarding Partial Sealing of Motion Filing, Reflecting Plaintiff's Consent and Asking for Specific Redactions</i> by Perry Hill. (Keach, Elmer) (Entered: 05/02/2017)
05/04/2017		TEXT NOTICE: The pending motions will be heard by Judge Sannes on submission of the papers. Counsel will be notified if oral argument is necessary. No appearances are required at this time. (rjb,) (Entered: 05/04/2017)
05/04/2017	86	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting Court to allow Defendant to file their Attorney Affidavit on ECF with redaction and provide the un-redacted version to Your Chambers and Plaintiff's counsel) submitted to Judge Hon. Brenda K. Sannes . (Attachments: # 1 Affidavit in Opposition (Redacted), # 2 Certificate of Service)(Bernstein, Jonathan) (Entered: 05/04/2017)
05/04/2017	87	TEXT ORDER: Defendants' request 86 to file a redacted version of the affidavit in opposition to the motion for class certification is GRANTED because the redacted portion is narrowly tailored to information within the scope of the Court's May 2, 2017 Text Order authorizing sealing. SO ORDERED by Judge Brenda K. Sannes on 5/4/17. (rjb,) (Entered: 05/04/2017)
05/05/2017	88	AFFIDAVIT in Opposition re 73 MOTION to Certify Class filed by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I(1), # 10 Exhibit I(2), # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P, # 18 Memo of Law in Opposition, # 19 Certificate of Service)(Bernstein, Jonathan) (Additional attachment(s) added on 5/5/2017: # 20 Unredacted affidavit (Sealed), # 21 Sealed Exhibit B) (rjb,). (Additional attachment(s) added on 5/5/2017: # 22 Sealed Exhibit J - Part 1 (pgs 1-100), # 24 Sealed Exhibit J - Part 1 (pgs 101-187)) (rjb,). (Additional attachment(s) added on 5/5/2017: # 26 Sealed Exhibit J - Part 2 (pgs 1-100), # 27 Sealed Exhibit J - Part 2 (pgs 101-190), # 28 Sealed Exhibit J - Part 3 (pgs 1-100), # 29 Sealed Exhibit J - Part 3 (pgs 101-218), # 30 Sealed Exhibit J - Part 4 (pgs 1-100), # 31 Sealed Exhibit J - Part 4 (pgs 101-263), # 32 Sealed Exhibit J - Part 5 (pgs 1-100), # 33 Sealed Exhibit J - Part 5 (pgs 101-282), # 34 Sealed Exhibit J - Part 6 (pgs 1-150), # 35 Sealed Exhibit J - Part 6 (pgs 151-323), # 36 Sealed Exhibit J - Part 7 (pgs 1-110), # 37 Sealed Exhibit J - Part 7 (pgs 111-222)) (rjb,). (Additional attachment(s) added on 5/5/2017: # 38 Sealed Exhibit J - Part 8, # 39 Sealed Exhibit J - Part 9) (rjb,). (Entered: 05/05/2017)

05/05/2017		CLERK'S CORRECTION OF DOCKET ENTRY. Clerk attached Attorney's Unredacted Affidavit and Exhibits B and J to Dkt. No. 88 pursuant to the Text Order at Dkt. No. 84. (rjb,) (Entered: 05/05/2017)
05/12/2017	89	Letter Motion from Maria K. Dyson for Perry Hill requesting Extension of time to submit Reply submitted to Judge Brenda K. Sannes . (Dyson, Maria) (Entered: 05/12/2017)
05/16/2017	90	TEXT ORDER granting 89 Letter Request for an extension of time to file a reply to the 73 MOTION to Certify Class : Reply to Response to Motion due by 5/22/2017. SO ORDERED by Judge Brenda K. Sannes on 5/16/17. (rjb,) (Entered: 05/16/2017)
05/19/2017	91	Letter Motion from Elmer Robert Keach, III for Perry Hill requesting Extension of time to submit Reply submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 05/19/2017)
05/22/2017	92	TEXT ORDER granting 91 Letter Motion from Elmer Robert Keach, III for Perry Hill requesting Extension of time to submit Reply to the 73 MOTION to Certify Class . Reply to Response to Motion due by 5/30/2017. So Ordered by Judge Brenda K. Sannes on 5/22/17. (jlm) (Entered: 05/22/2017)
05/31/2017	93	Letter Motion from Elmer Keach for Perry Hill requesting One Day Extension to File Reply Papers submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 05/31/2017)
05/31/2017	94	TEXT ORDER granting 93 Letter Request for an extension of time to reply to the 73 MOTION to Certify Class : Reply to Response to Motion due by 5/31/2017. SO ORDERED by Judge Brenda K. Sannes on 5/31/17. (rjb,) (Entered: 05/31/2017)
06/01/2017	95	REPLY to Response to Motion re 73 MOTION to Certify Class filed by Perry Hill. (Attachments: # 1 Exhibit(s) W -- Washington Deposition, # 2 Exhibit(s) X -- Crouse Deposition, # 3 Memorandum of Law)(Keach, Elmer) (Entered: 06/01/2017)
06/01/2017	96	CERTIFICATE OF SERVICE by Perry Hill re 95 Reply to Response to Motion (Keach, Elmer) (Entered: 06/01/2017)
06/02/2017	97	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Writing to object to plaintiff attempting to submit evidence to the Court now that was not included in his initial motion papers for class certification) submitted to Judge Hon. Brenda K. Sannes . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 06/02/2017)

06/27/2017	98	TEXT ORDER: Plaintiff's counsel is directed to respond to Dkt. No. 97 no later than 7/5/2017. SO ORDERED by Judge Brenda K. Sannes on 6/27/17. (rjb,) (Entered: 06/27/2017)
07/05/2017	99	LETTER BRIEF <i>Regarding Defendants' Opposition to the Submission of Supplemental Documentation</i> by Perry Hill. (Keach, Elmer) (Entered: 07/05/2017)
09/29/2017	100	ORDER that Defendants' letter motion (Dkt. No. 97) is DENIED and that Plaintiff's motion for class certification (Dkt. No. 73) is DENIED without prejudice to renewal upon briefing the identified issues. If Plaintiff seeks to renew his motion for class certification, he must file a brief, and any exhibits, on or before October 31, 2017. The brief may not exceed thirty pages and must address the identified issues. Plaintiff need not file a new motion for class certification, and may incorporate his prior motion papers. Defendants' response, and any exhibits, must be filed by November 14, 2017, and may not exceed thirty pages. Any reply is due by November 21, 2017. Signed by Judge Brenda K. Sannes on 9/29/17. (rjb,) (Entered: 09/29/2017)
10/04/2017	101	TEXT ORDER - Dispositive Motions to be filed by 12/22/2017. SO ORDERED by Judge Brenda K. Sannes on 10/4/17. (rjb,) (Entered: 10/04/2017)
10/31/2017	102	Letter Motion from Elmer Keach for Perry Hill requesting Extension of Time to File Motion for Renewed Class Certification, Which Will Include a Motion for Leave to Intervene submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 10/31/2017)
11/01/2017	103	TEXT ORDER granting 102 Letter Request. Motion for Class Certification due November 14, 2017. SO ORDERED by Judge Brenda K. Sannes on 11/1/17. (rjb,) (Entered: 11/01/2017)
11/14/2017	104	Letter Motion from Elmer Keach for Perry Hill requesting Extension of Time to File Renewed Motion for Class Certification until November 21, 2017, On Consent submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 11/14/2017)
11/15/2017	105	TEXT ORDER granting 104 Letter Request. Motion for class certification due 11/21/2017. No further extensions will be granted absent extraordinary circumstances. SO ORDERED by Judge Brenda K. Sannes on 11/15/17. (rjb,) (Entered: 11/15/2017)
11/21/2017	106	MOTION to Certify Class <i>Supplemental Motion for Class Certification and Motion for Leave to file an Amended Complaint and to Intervene James Rogers as Plaintiff</i> Motion Hearing set for 1/4/2018 10:00 AM in Syracuse before Judge Brenda K. Sannes Response to Motion due by 12/18/2017 Reply to Response to Motion due by 12/26/2017. filed by Perry Hill. (Attachments: # 1 Affirmation, # 2 Exhibit(s) A - Proposed

		Amended Complaint, # 3 Exhibit(s) B - Proposed Amended Complaint with redlines, # 4 Exhibit(s) C - Surveys from Prospective Class Members) (Dyson, Maria) (Entered: 11/21/2017)
11/21/2017	107	MEMORANDUM OF LAW re 73 Motion to Certify Class, 100 Order on Motion to Certify Class,,, Order on Letter Request,, 106 Motion to Certify Class,, filed by Perry Hill. (Dyson, Maria) (Entered: 11/21/2017)
11/21/2017	108	CERTIFICATE OF SERVICE by Perry Hill re 107 Memorandum of Law, 106 MOTION to Certify Class <i>Supplemental Motion for Class Certification and Motion for Leave to file an Amended Complaint and to Intervene James Rogers as Plaintiff</i> (Dyson, Maria) (Entered: 11/21/2017)
12/06/2017	109	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting a 60 day extension to respond to plaintiff's motion for class certification and motion to intervene by James Williams Rogers) submitted to Judge Hon. Brenda K. Sannes . (Attachments: # 1 Attachment, # 2 Certificate of Service)(Bernstein, Jonathan) (Entered: 12/06/2017)
12/07/2017	110	TEXT ORDER granting 109 Letter Request for an extension of time to respond to the 106 MOTION to Certify Class <i>Supplemental Motion for Class Certification and Motion for Leave to file an Amended Complaint and to Intervene James Rogers as Plaintiff</i> : Response to Motion due by 2/19/2018; Reply to Response to Motion due by 2/26/2018. The Dispositive Motion filing deadline is adjourned without date. SO ORDERED by Judge Brenda K. Sannes on 12/7/17. (rjb,) (Entered: 12/07/2017)
02/06/2018	111	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting that Exhibits G and H to Defendants' opposition to plaintiff's recent motion for class certification be sent directly to Chambers and not filed on ECF) submitted to Judge Hon. Brenda K. Sannes . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/06/2018)
02/12/2018	112	TEXT ORDER: Defendants' letter motion 111 is GRANTED in part and DENIED in part. To the extent that Defendants are seeking to have Exhibit H, and portions of Exhibit G filed under seal, for the reasons stated in Defendants' previously-filed motion to seal 83 , and in accord with the Court's May 2, 2017 text order and NDNY Local Rule 83.13, Defendants may submit a copy of Exhibit H, and an unredacted and redacted copies of Exhibit G to the Court for its in camera consideration. Defendants' letter motion is otherwise DENIED. SO ORDERED by Judge Brenda K. Sannes on 2/12/18. (rjb,) (Entered: 02/12/2018)
02/13/2018	113	AFFIDAVIT in Opposition re 106 MOTION to Certify Class <i>Supplemental Motion for Class Certification and Motion for Leave</i>

		<i>to file an Amended Complaint and to Intervene James Rogers as Plaintiff</i> filed by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J(1), # 11 Exhibit J(2), # 12 Exhibit J(3), # 13 Exhibit J(4), # 14 Exhibit J(5), # 15 Exhibit J(6), # 16 Memo of Law, # 17 Certificate of Service)(Bernstein, Jonathan) (Attachment 6 replaced on 2/13/2018) (rjb,). (Attachment 10 replaced on 2/21/2018) (rjb,). (Attachment 11 replaced on 2/21/2018) (rjb,). (Attachment 12 replaced on 2/21/2018) (rjb,). (Attachment 13 replaced on 2/21/2018) (rjb,). (Attachment 14 replaced on 2/21/2018) (rjb,). (Attachment 15 replaced on 2/21/2018) (rjb,). (Additional attachment(s) added on 2/21/2018: # 18 Exhibit J7) (rjb,). (Attachment 8 replaced on 4/2/2018) (rjb,). (Attachment 7 replaced on 4/2/2018) (rjb,). (Additional attachment(s) added on 4/2/2018: # 19 Unredacted Exhibit G) (rjb,). (Entered: 02/13/2018)
02/13/2018	114	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting that the Court accept the attached version of Exhibit F, as the present copy filed is not clear. The attached version is clearer and easier to discern). submitted to Judge Hon. Brenda K. Sannes . (Attachments: # 1 Exhibit F, # 2 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/13/2018)
02/13/2018	115	TEXT ORDER granting 114 Letter Request. The Clerk is directed to replace Exhibit F. SO ORDERED by Judge Brenda K. Sannes on 2/13/18. (rjb,) (Entered: 02/13/2018)
02/13/2018	120	Letter Request regarding Exhibits G and H to the 113 Response filed by Attorney Bernstein. (rjb,) (Entered: 04/02/2018)
02/16/2018	116	Letter Motion for Michael Amato, County of Montgomery, Michael Franko requesting (Respectfully requesting that attached Exhibit J replace previously filed Exhibit J on opposition papers) submitted to Judge Hon. Brenda K. Sannes . (Attachments: # 1 Exhibit J(1), # 2 Exhibit J(2), # 3 Exhibit J(3), # 4 Exhibit J(4), # 5 Exhibit J(5), # 6 Exhibit J(6), # 7 Exhibit J(7), # 8 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/16/2018)
02/16/2018	117	NOTICE of Appearance by Chelsea E. Manocchi on behalf of Michael Amato, County of Montgomery, Michael Franko (Attachments: # 1 Certificate of Service)(Manocchi, Chelsea) (Entered: 02/16/2018)
02/21/2018	118	TEXT ORDER granting 116 Letter Request. The Clerk is directed to replace Exhibit J. SO ORDERED by Judge Brenda K. Sannes on 2/21/18. (rjb,) (Entered: 02/21/2018)
04/02/2018	119	TEXT ORDER: The Court has reviewed Defendants' letter dated 2/13/2017, received on 2/13/2018, requesting to file: (1) portions of

		Exhibit G (Dkt. No. 113-7) under seal; and (2) Exhibit H (Dkt. No. 113-8), which contains medical and mental health records, under seal. The Court finds, for the reasons stated in its previous Text Order (Dkt. No. 84) entered on 5/2/2017, and which is incorporated herein, that: the contact information and other personal identifying information in Exhibit G may be redacted and that the redactions are narrowly tailored; that the privacy interests of the individual to whom the medical and mental health records in Exhibit H belong outweigh the presumption of public access to these judicial documents; and that the sealing and redaction of these documents is essential to preserve higher values. <i>United States v Erie Cnty.</i> , 763 F.3d 235, 239 (2d Cir. 2014). Accordingly, Defendants' 2/13/2018 letter request is granted. The Clerk is directed to file the 2/13/2018 letter request and the redacted version of Exhibit G on the docket. SO ORDERED by Judge Brenda K. Sannes on 4/2/18. (rjb,) (Entered: 04/02/2018)
04/02/2018		CLERK'S CORRECTION OF DOCKET ENTRY. Attached Exhibits G and H to Dkt. No. 113 per the 119 Text Order. (rjb,) (Entered: 04/02/2018)
04/06/2018	121	TEXT ORDER: The Court has reviewed Defendants' memorandum of law (Dkt. No. 113 -16) in opposition to Plaintiff's motion for class certification, to amend the complaint, and to allow James Rogers to intervene as a class representative (Dkt. No. 106). In it, Defendants argue that under the Prison Litigation Reform Act, 42 U.S.C. § 1997e, Rogers, who seeks "to relate his claim back to July 2014 when the action was filed and when he was incarcerated," was required to exhaust his administrative remedies, failed to do so, and therefore cannot serve as a class representative. (Dkt. No. 113 -16, at 11). Plaintiff is directed to file a letter brief by 4/20/2018, not to exceed five pages, responding to this argument. A motion hearing on the pending motion is scheduled for May 9, 2018 at 10:00 AM in Syracuse. Appearances are required. SO ORDERED by Judge Brenda K. Sannes on 4/6/18. (rjb,) (Entered: 04/06/2018)
04/20/2018	122	Letter Motion from Elmer Keach for Perry Hill requesting One Day Extension of Time to File Letter Brief on PLRA Exhaustion Issue submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 04/20/2018)
04/23/2018	123	LETTER BRIEF <i>Regarding PLRA Issues, Filed Pursuant to the Direction of the Court</i> by Perry Hill. (Attachments: # 1 Exhibit(s) COC Appeals for Several Class Members)(Keach, Elmer) (Entered: 04/23/2018)
04/23/2018	124	TEXT ORDER granting 122 Letter Request for an extension of time. SO ORDERED by Judge Brenda K. Sannes on 4/23/18. (rjb,) (Entered: 04/23/2018)

05/09/2018		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Motion Hearing held on 5/9/2018 re: 106 MOTION to Certify Class. Appearances: Elmer Keach, III, Esq. and Maria Dyson, Esq. for Plaintiff; Jonathan Bernstein, Esq. for Defendants. Judge Sannes hears from Attorneys Keach and Bernstein on Plaintiff's pending motion to certify class. Plaintiff will file a brief on standing along with an amended complaint including a request for declaratory relief, and Defendant will file a brief regarding declaratory relief, by 5/11/2018 at 5:00PM. Responses to the briefs will be due by 5/16/2018 at 5:00PM. Plaintiff will also include in his brief what he is seeking if the Court finds that neither Rogers or Hill can seek injunctive relief. Judge Sannes has an off the record discussion with counsel regarding any possibility of settlement. A telephone conference will be scheduled after a ruling on the motion has been issued. (Court Reporter Hannah Cavanaugh; 10:16AM-11:33AM) (rjb,) (Entered: 05/09/2018)
05/11/2018	125	LETTER BRIEF (<i>Submission to address issues raised by Court at Oral Argument on 5/9/18</i>) by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 05/11/2018)
05/11/2018	126	LETTER BRIEF <i>Regarding Standing to Seek Injunctive Relief</i> by Perry Hill. (Attachments: # 1 Exhibit(s) Proposed Amended Complaint, # 2 Exhibit(s) Proposed Amended Complaint, Redlined)(Keach, Elmer) (Entered: 05/11/2018)
05/16/2018	127	LETTER BRIEF <i>addressing issues raised by plaintiff in his May 11, 2018 submission (Docket No. 126)</i> by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Affirmation Certificate of Service)(Bernstein, Jonathan) (Entered: 05/16/2018)
05/29/2018	128	ORDER that the claim for injunctive and declaratory relief is DISMISSED without prejudice. Hill's motion for leave to file an amended complaint and Rogers' motion to intervene as a named plaintiff (Dkt. No. 106) are GRANTED for purposes of: (1) adding Rogers as a Plaintiff with a Fourteenth Amendment and Eighth Amendment conditions of confinement damages claim, reflecting his status as both a pretrial detainee and convicted prisoner at MCJ; and (2) clarifying Hill's status as a pretrial detainee; and (3) clarifying that Plaintiffs seek certification under Fed. R. Civ. P. 23(b)(3) and 23(c)(4); Hill's motion for leave to file an amended complaint and Rogers' motion to intervene (Dkt. No. 106) are otherwise DENIED. Hill may, by June 12, 2018, file: either (1) an amended complaint, as discussed supra; or (2) a second motion to amend and to intervene for purposes of adding a plaintiff with standing to pursue a claim for injunctive and declaratory relief. If such a motion is filed, the Court will consider it, along with any response by Defendants, which must be filed by June 19, 2018, together with the pending motion for class certification. If Hill elects not to file such a motion, the Court

		will consider the motion for class certification based on the amended complaint and any further briefing. If Plaintiffs seek certification under Fed. R. Civ. P. 23(b)(3) and 23(c)(4), Plaintiffs must file a letter brief addressing the requirements in Rule 23(b)(3), by June 19, 2018, and Defendants may file a letter brief in response by June 26, 2018. Signed by Judge Brenda K. Sannes on 5/29/18. (rjb,) (Entered: 05/29/2018)
06/19/2018	129	Letter Motion from Elmer Keach for Perry Hill requesting Extension of Time to File Letter Brief, Until June 26, 2018 submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 06/19/2018)
06/20/2018	130	ORDER granting 129 Letter Request. Brief is due by 6/26/2018. Authorized by Judge Brenda K. Sannes on 6/20/18. (nas) (Entered: 06/20/2018)
06/26/2018	131	LETTER BRIEF <i>Regarding Import of Rule 23(b)(3) Requirements in Class Action Seeking Issue Certification Only under Rule 23(c)(4)</i> by Perry Hill. (Keach, Elmer) (Entered: 06/26/2018)
06/27/2018	132	Letter Motion from Jonathan M. Bernstein for Michael Amato, County of Montgomery, Michael Franko requesting an extension to respond to plaintiffs' letter brief submitted to Judge Brenda K. Sannes . (Bernstein, Jonathan) (Entered: 06/27/2018)
06/29/2018	133	TEXT ORDER granting the 132 Letter Motion from Jonathan M. Bernstein for Michael Amato, County of Montgomery, Michael Franko requesting an extension to respond to plaintiffs' 131 letter brief. The response shall be filed on or before 7/13/18. SO ORDERED by Judge Brenda K. Sannes on 6/29/18. (jlm) (Entered: 06/29/2018)
07/13/2018	134	RESPONSE TO LETTER BRIEF filed by Michael Amato, County of Montgomery, Michael Franko as to 131 LETTER BRIEF filed by Perry Hill . (Bernstein, Jonathan) (Entered: 07/13/2018)
07/26/2018	135	TEXT ORDER: In the ORDER 128 entered on 5/29/2018, the Court, granted in part and denied in part the motions to amend and to intervene 106 and directed Plaintiff to (1) file an amended complaint in accordance with the guidance provided in the ORDER or (2) file a second motion to amend and to intervene for purposes of adding a plaintiff with standing to pursue a claim for injunctive and declaratory relief. The Court also directed further briefing on the certification issue. While Plaintiff filed additional briefing on the certification issue 129 he did not file an amended complaint or a second motion to amend/intervene. Thus, the original complaint is the operative pleading. The Court will, however, provide Plaintiff a brief extension to file an amended complaint; any amended complaint must comply with the guidance the Court provided in the prior Order 128 and must be filed by 8/2/2018. No further motions to amend or intervene will be considered.

		SO ORDERED by Judge Brenda K. Sannes on 7/26/18. (rjb,) (Entered: 07/26/2018)
08/09/2018	136	AMENDED COMPLAINT <i>Filed with Leave of Court</i> against All Defendants filed by Perry Hill.(Keach, Elmer) (Entered: 08/09/2018)
08/09/2018	137	Letter Motion from Elmer Keach for Perry Hill requesting Leave of Court to File Amended Complaint Out of Time submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 08/09/2018)
08/10/2018	138	TEXT ORDER granting 137 Letter Request to file the 136 amended complaint. SO ORCERED by Judge Brenda K. Sannes on 8/10/18. (rjb,) (Entered: 08/10/2018)
08/20/2018	139	ORDER granting 106 Motion to Certify Class. ORDER that Plaintiffs Perry Hill and James Rogers are appointed the class representatives and that Plaintiffs' attorneys of record are appointed class counsel. Signed by Judge Brenda K. Sannes on 8/20/18. (rjb,) (Entered: 08/20/2018)
09/11/2018	140	ANSWER to 136 Amended Complaint by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Affidavit)(Bernstein, Jonathan) (Entered: 09/11/2018)
09/21/2018	141	TEXT ORDER: Counsel are directed to appear for a Status Telephone Conference in this matter on October 2, 2018 at 10:00 AM before the undersigned. The Court will issue a separate notice setting forth the instructions to connect to the conference call. SO ORDERED by Magistrate Judge Daniel J. Stewart on 9/21/2018. (mab) (Entered: 09/21/2018)
10/02/2018		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Status Telephone Conference held on 10/2/2018. Appearances: Elmer Keach, Esq., Nicholas Migliaccio, Esq. for Plaintiffs; Jonathan Bernstein, Esq. for Defendants. The Court held a conference to address the status of this matter in light of the decision granting class certification. Counsel agree that this may be a good time to discuss settlement prior to moving forward with additional discovery. Plaintiffs' counsel is directed to provide a written settlement demand to Defendants by 10/8 with a copy to Chambers. Defendants are to advise the Court if a settlement conference would be productive by 10/16/18. The Court sets this matter down for a further status conference on 10/19/2018 at 1:00 PM. No deadlines are set at this time. (Court Reporter: Theresa Casal). (mab) (Entered: 10/02/2018)
10/02/2018	142	TEXT ORDER: A Status Conference in this matter is set for October 19, 2018 at 1:00 PM before the undersigned. Counsel are directed to appear IN PERSON at the James T. Foley US Courthouse, 445 Broadway, 4th Floor, Room 409, Albany, NY on the scheduled date and time. SO

		ORDERED by Magistrate Judge Daniel J. Stewart on 10/2/2018. (mab) (Entered: 10/02/2018)
10/19/2018		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Status Conference held on 10/19/2018. Appearances: Elmer Keach, Esq., Maria Dyson, Esq. and Nicholas Migliaccio, Esq. for Plaintiffs; Jonathan Bernstein, Esq. for Defendants. The Court held discussions off the record with counsel to inquire as to the possibility of settlement. The Court then addresses on the record what remaining discovery needs to be completed. Defendants are to provide an updated class list to Plaintiffs on or before 11/19/2018. Class Notice to be prepared by counsel on or before 11/19/2018. Counsel agree that there are some remaining issues that they can confer and work out amongst themselves. A further status conference is set for 11/19/2018 at 11:00 AM by telephone. Deadlines will be set at the next conference. (TIME: 1:03PM-1:25PM). (mab) (Entered: 10/22/2018)
10/22/2018	143	TEXT ORDER: A Telephone Status Conference is scheduled for November 19, 2018 at 11:00 AM before the undersigned. The Court will issue a separate notice setting forth the instructions to connect to the conference call. SO ORDERED by Magistrate Judge Daniel J. Stewart on 10/22/2018. (mab) (Entered: 10/22/2018)
11/19/2018		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Status Telephone Conference held on 11/19/2018. Appearances: Elmer Keach, Esq. and Nicholas Migliaccio, Esq. for Plaintiffs; Jonathan Bernstein, Esq. for Defendants. The Court held a conference to address the status of the class list and class notice. Defendants advised that they have sent an updated class list to Plaintiffs. Plaintiffs request additional time to complete the class notice. The conference is adjourned and rescheduled for 12/17/2018 at 11:00 AM in-person. No deadlines set. (TIME: 11:02AM-11:07AM). (Court Reporter: Jacqueline Stroffolino) (mab) (Entered: 11/20/2018)
11/20/2018	144	TEXT ORDER: A Status Conference in this matter is scheduled for December 17, 2018 at 11:00 AM before the undersigned. Counsel are directed to appear IN PERSON at the James T. Foley US Courthouse, 445 Broadway, 4th Floor, Room 409, Albany, NY on the scheduled date and time. SO ORDERED by Magistrate Judge Daniel J. Stewart on 11/20/2018. (mab) (Entered: 11/20/2018)
12/17/2018	145	STATUS REPORT <i>Regarding Class Notice Issues</i> by Perry Hill, James Rogers. (Attachments: # 1 Proposed Long Form Notice, # 2 Proposed Short Form Notice)(Keach, Elmer) (Entered: 12/17/2018)
12/17/2018		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Status Conference held on 12/17/2018. Appearances: Elmer Keach, Esq., Maria Dyson, Esq. and Nicholas Migliaccio, Esq. for Plaintiffs; Jonathan Bernstein, Esq. for Defendants. The Court held a

		conference to address the status of the class notice and bell weather Plaintiffs. Defendants object to the use of a website on the notices. Counsel to confer and revise the notices. Plaintiffs provided Defendants with a list of 25 individuals. Defendants request the surveys to determine who needs to be deposed. Defendants to advise the Court as to how many depositions they would need. No deadlines set. A further conference is scheduled for 1/4/2019 at 9:00 AM. (TIME: 11:02AM-11:26AM). (Court Reporter: Theresa Casal) (mab) (Entered: 12/18/2018)
12/18/2018	146	TEXT ORDER: A Telephone Status Conference in this matter is set for January 4, 2019 at 9:00 AM before the undersigned. The Court will issue a separate notice setting forth the instructions to connect to the conference call. SO ORDERED by Magistrate Judge Daniel J. Stewart on 12/18/2018. (mab) (Entered: 12/18/2018)
01/04/2019		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Telephone Status Conference held on 1/4/2019. Appearances: Elmer Robert Keach, Esq. for Plaintiffs; Jonathan Bernstein, Esq. for Defendants. The Court inquires as to the status of the class notice. Counsel advise that there are still some remaining issues, but will continue to confer to work those issues out. Defendants advise that if the 2nd Circuit allows the appeal of the class certification they will move for a stay of this action. Parties will continue with discovery until such decision is rendered. Plaintiff to serve demands and Defendants will begin taking depositions. Defendants to file a Status Report by 1/25/2019. (TIME: 9:02AM-9:11AM). (Court Reporter: Jacqueline Stroffolino). (mab) (Entered: 01/07/2019)
01/07/2019	147	TEXT ORDER: Defendants are directed to advise as to the status of this matter by January 25, 2019. SO ORDERED by Magistrate Judge Daniel J. Stewart on 1/7/2019. (mab) (Entered: 01/07/2019)
01/17/2019	148	MANDATE of USCA ISSUED ON 1/16/19: Petitioners request, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order granting the Respondents' motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is not warranted. (nas) (Entered: 01/17/2019)
01/24/2019	149	TEXT ORDER: Counsel are directed to participate in a Status Telephone Conference on January 25, 2019 at 9:30 AM before the undersigned. The Court will issue a separate notice setting forth the instructions to connect to the conference call. SO ORDERED by Magistrate Judge Daniel J. Stewart on 1/24/2019. (mab) (Entered: 01/24/2019)
01/25/2019		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Status Telephone Conference held 1/25/2019. Appearances: Elmer Keach, Esq., Maria Dyson, Esq. and Nicholas Migliaccio, Esq. The Court held a conference to address the status of this matter in light of

		the 2nd Circuit's decision. Counsel will submit a proposed Class Notice for approval within 2 weeks of this conference. Plaintiff to immediately serve a demand for booking sheets to Defendants. Defendants to advise the Court by 2/5/2019 as to what the process and procedure would be to obtain this information. Discovery is to be completed by 3/26/2019. Dispositive motions to be filed by 4/26/2019. No further extensions. (TIME: 9:32AM-9:49AM). (Court Reporter: Lisa Tennyson) (mab) (Entered: 01/25/2019)
01/31/2019		Set Deadlines/Hearings: Status Report due by 2/5/2019. (nas,) (Entered: 01/31/2019)
02/04/2019	150	TRIAL ORDER - Final Pretrial Conference set for 8/15/2019 at 10:00 AM in Syracuse before Judge Brenda K. Sannes. Pretrial Submissions due by 7/29/2019. Responses to Motions in Limine due by 8/5/2019. Jury Trial set for 8/26/2019 at 09:30 AM in Syracuse before Judge Brenda K. Sannes. Signed by Judge Brenda K. Sannes on 2/4/2019. (rjb,) (Entered: 02/04/2019)
02/05/2019	151	STATUS REPORT by Michael Amato, County of Montgomery, Michael Franko. (Bernstein, Jonathan) (Entered: 02/05/2019)
02/06/2019	152	Letter Motion from Elmer Robert Keach, III for Perry Hill requesting Discovery conference submitted to Judge Daniel J. Stewart . (Keach, Elmer) (Entered: 02/06/2019)
02/07/2019	153	STATUS REPORT by Michael Amato, County of Montgomery, Michael Franko. (Bernstein, Jonathan) (Entered: 02/07/2019)
02/08/2019	154	TEXT ORDER: On February 6, 2019, Plaintiffs filed a Letter Request seeking a conference to address outstanding discovery issues with regard to accessing booking records in this matter. Dkt. No. 152 . The request is GRANTED and a Discovery Hearing is scheduled for February 12, 2019 at 9:30 AM before the undersigned. Counsel are directed to appear IN PERSON at the James T. Foley US Courthouse, 445 Broadway, 4th Floor, Courtroom No. 2, Albany, NY on the scheduled date and time. Counsel for Defendants are directed to produce a representative of the Defendants with knowledge as to the discovery issues for the hearing. SO ORDERED by Magistrate Judge Daniel J. Stewart on 2/8/2019. (mab) (Entered: 02/08/2019)
02/08/2019	155	Letter Motion from Elmer Keach for Perry Hill requesting Providing Proposed Class Notices to the Court for Approval submitted to Judge Brenda K. Sannes . (Attachments: # 1 Exhibit(s) Proposed Long Form Notice, # 2 Exhibit(s) Proposed Short Form Notice)(Keach, Elmer) (Entered: 02/08/2019)

02/12/2019	156	TEXT ORDER: Defendants are directed to file a response to Dkt. No. 155 no later than 2/19/2019. SO ORDERED by Judge Brenda K. Sannes on 2/12/2019. (rjb,) (Entered: 02/12/2019)
02/12/2019		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Discovery Conference held on 2/12/2019. Appearances: Elmer Keach, Esq. for Plaintiffs; Jonathan Bernstein, Esq. for Defendants; Megan Manning, Esq. and Robert Barbutti as representatives of the County of Mongtgomery. The Court held a conference to address outstanding issues with regard to Plaintiffs' request for booking sheets. Mr. Barbutti speaks as to the process of compiling the data requested by the Plaintiffs. The Court hears from both counsel. The Court RESERVES on a decision. Additional briefing to be submitted. (TIME: 9:33AM-10:32AM). (Court Reporter: FTR) (mab) (Entered: 02/14/2019)
02/13/2019	157	Letter Motion from Jonathan M. Bernstein for Michael Amato, County of Montgomery, Michael Franko requesting Response to Docket #155 submitted to Judge Brenda K. Sannes . (Bernstein, Jonathan) (Entered: 02/13/2019)
02/13/2019	158	STATUS REPORT <i>Updated</i> by Michael Amato, County of Montgomery, Michael Franko. (Bernstein, Jonathan) (Entered: 02/13/2019)
02/13/2019	159	STATUS REPORT <i>Regarding Discovery of Booking Sheets, and Possible Production of Medical Records</i> by Perry Hill. (Keach, Elmer) (Entered: 02/13/2019)
02/15/2019	160	TEXT ORDER: The Court has reviewed the proposed long form class notice and short form class notice, (Dkt. No. 155). Defendants have no objection. (Dkt. No. 157). Rule 23(c)(2)(B) requires that a class notice state: "(i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims, issues, or defenses; (iv) that a class member may enter an appearance through an attorney if the member so desires; (v) that the court will exclude from the class any member who requests exclusion; (vi) the time and manner for requesting exclusion; and (vii) the binding effect of a class judgment on members under Rule 23(c)(3)." Fed. R. Civ. P. 23(c)(2)(B). Although the long form class notice provides the information required by Rule 23(c)(2)(B)(i)-(vi), it states that "all of the Court's orders will apply to you and legally bind you," and thus does not meet the requirements of Rule 23(c)(2)(B)(vii) because it does not advise class members of "the binding effect of a class judgment." Further, the short form notice, (Dkt. No. [155-2]), must be modified to indicate that a class members may hire and pay for an attorney at their own expense and specify the time and manner for requesting exclusion, as required by Rule 23(c)(2)(B)(iv)-(vi). Accordingly, Plaintiffs are directed to revise the notices accordingly, confer with defense counsel to determine whether there is any objection, and resubmit the proposed

		notices by 2/22/2019. Both notices should provide a 60-day exclusion period. Signed by Judge Brenda K. Sannes on 02/15/2019. (sr) (Entered: 02/15/2019)
02/21/2019	161	ORDER: ORDERED that within 14 days of the date of this Order, Defendants shall produce the booking records as identified in this Order to Plaintiffs' counsel. Signed by Magistrate Judge Daniel J. Stewart on 2/21/19. (nas) (Entered: 02/21/2019)
02/22/2019	162	Letter Motion from Elmer Keach for Perry Hill requesting Extension of Time to File Revised Class Notices Due to Defense Counsel's Absence from the District submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 02/22/2019)
02/25/2019	163	TEXT ORDER granting 162 Letter Request. Revised class notices shall be filed no later than 3/1/19. Authorized by Judge Brenda K. Sannes on 2/25/19. (nas) (Entered: 02/25/2019)
03/01/2019	164	STATUS REPORT <i>Providing Proposed Class Notices</i> by Perry Hill. (Attachments: # 1 Exhibit(s) Proposed Long Form Notice, # 2 Exhibit(s) Proposed Short Form Notice)(Keach, Elmer) (Entered: 03/01/2019)
03/07/2019	165	Letter Motion from Jonathan Bernstein for Michael Amato, County of Montgomery, Michael Franko requesting until March 15, 2019 to supply plaintiff with the booking records submitted to Judge Daniel J. Stewart . (Bernstein, Jonathan) (Entered: 03/07/2019)
03/11/2019	166	TEXT ORDER: Plaintiffs' proposed long form (Dkt. No. 164 -1) notice satisfies the requirements of Fed. R. Civ. P. 23(c)(2)(B). It is therefore approved. The proposed short form notice, (Dkt. No. 164 -2), however, fails to advise that "all of the Court's orders will apply to you and legally bind you," and thus does not meet the requirements of Rule 23(c)(2)(B)(vii). Accordingly, Plaintiffs are directed to revise the short form notice, confer with defense counsel to determine whether there is any objection, and resubmit the proposed notice by 3/15/2019. SO ORDERED by Judge Brenda K. Sannes on 3/11/2019. (rjb,) (Entered: 03/11/2019)
03/11/2019	167	TEXT ORDER granting 165 Letter Request. Defendants are granted an extension of time until 3/15/19 to provide plaintiff with the booking records. Authorized by Magistrate Judge Daniel J. Stewart on 3/11/19. (nas) (Entered: 03/11/2019)
03/15/2019	168	STATUS REPORT <i>Regarding Proposed Short Form Notice</i> by Perry Hill. (Attachments: # 1 Exhibit(s) Proposed Short Form Notice)(Keach, Elmer) (Entered: 03/16/2019)
03/18/2019	169	TEXT ORDER: Plaintiffs' proposed short form notice (Dkt. No. [168-1]) satisfies the requirements of Fed. R. Civ. P. 23(c)(2)(B). It is therefore

		approved. Signed by Judge Brenda K. Sannes on 03/18/2019. (sr) (Entered: 03/18/2019)
04/08/2019	170	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Discovery Conference with the Court submitted to Judge Daniel J. Stewart . (Keach, Elmer) (Entered: 04/08/2019)
04/08/2019	171	LETTER BRIEF <i>Response to Plaintiff's April 8, 2019 correspondence to the Court</i> by Michael Amato, County of Montgomery, Michael Franko. (Bernstein, Jonathan) (Entered: 04/08/2019)
04/17/2019	172	TEXT ORDER: On April 8, 2019, Plaintiff filed a Letter Request seeking a conference to address outstanding discovery in this matter. Dkt. No. 170 . The request is GRANTED and counsel are directed to participate in a Discovery Telephone Conference on April 24, 2019 at 10:00 AM before the undersigned. The Court will issue a separate notice setting forth the instructions to connect to the conference call. SO ORDERED by Magistrate Judge Daniel J. Stewart on 4/17/2019. (mab) (Entered: 04/17/2019)
04/23/2019	173	TEXT ORDER: The Discovery Telephone Conference in this matter is RESCHEDULED as to TIME ONLY and is now set for April 24, 2019 at 2:00 PM. Counsel are directed to use the instructions to connect to the conference call previously issued on April 17, 2019. SO ORDERED by Magistrate Judge Daniel J. Stewart on 4/23/2019. (mab) (Entered: 04/23/2019)
04/23/2019	174	MOTION for Summary Judgment Motion Hearing set for 6/6/2019 10:00 AM in Syracuse before Judge Brenda K. Sannes Response to Motion due by 5/20/2019 Reply to Response to Motion due by 5/28/2019. filed by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Memorandum of Law, # 2 Rule 7.1 Statement of Undisputed Facts, # 3 Affidavit in Support, # 4 Exhibit(s) A, # 5 Exhibit(s) B, # 6 Exhibit(s) C, # 7 Exhibit(s) D, # 8 Exhibit(s) E, # 9 Exhibit(s) F, # 10 Exhibit(s) G, # 11 Exhibit(s) H, # 12 Exhibit(s) I, # 13 Exhibit(s) J1, # 14 Exhibit(s) J2, # 15 Exhibit(s) J3, # 16 Exhibit(s) K, # 17 Exhibit(s) L, # 18 Exhibit(s) M, # 19 Exhibit(s) N, # 20 Exhibit(s) O, # 21 Exhibit(s) P, # 22 Exhibit(s) Q, # 23 Exhibit(s) R, # 24 Exhibit(s) S, # 25 Exhibit(s) T, # 26 Exhibit(s) U, # 27 Exhibit(s) V, # 28 Exhibit(s) W, # 29 Exhibit(s) X, # 30 Exhibit(s) Y, # 31 Exhibit(s) Z, # 32 Exhibit(s) AA, # 33 Exhibit(s) BB, # 34 Exhibit(s) CC, # 35 Exhibit(s) DD, # 36 Exhibit(s) EE, # 37 Exhibit(s) FF, # 38 Exhibit(s) GG, # 39 Exhibit(s) HH, # 40 Exhibit(s) II, # 41 Exhibit(s) JJ, # 42 Exhibit(s) KK, # 43 Exhibit(s) LL, # 44 Exhibit(s) MM, # 45 Exhibit(s) NN, # 46 Exhibit(s) OO, # 47 Exhibit(s) PP, # 48 Exhibit(s) QQ, # 49 Exhibit(s) RR, # 50 Exhibit(s) SS, # 51 Exhibit(s) TT, # 52 Exhibit(s) UU, # 53 Exhibit(s) VV, # 54 Exhibit(s) WW, # 55 Exhibit(s) XX1, # 56 Exhibit(s) XX2, # 57 Exhibit(s) XX3,

		# 58 Exhibit(s) XX4, # 59 Exhibit(s) XX5, # 60 Certificate of Service) (Bernstein, Jonathan) (Entered: 04/23/2019)
04/24/2019		TEXT NOTICE RE: 174 MOTION for Summary Judgment : MOTION IS ON SUBMISSION ONLY, NO PERSONAL APPEARANCES REQUIRED. Returnable on 6/6/19 before Judge Brenda K. Sannes. Response to Motion due by 5/20/2019, Reply to Response to Motion due by 5/28/2019. (nas) (Entered: 04/24/2019)
04/24/2019	175	TEXT ORDER. For the reasons set forth during the telephone conference with counsel for the parties, held on April 24, 2019, Plaintiff's request for a further extension of the discovery deadline (Dkt. No. 170) is DENIED. SO ORDERED. Signed by Magistrate Judge Daniel J. Stewart on 4/24/2019. (Stewart, Daniel) (Entered: 04/24/2019)
04/24/2019		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Discovery Telephone Conference held on 4/24/2019. Appearances: Bob Keach, Esq. for Plaintiffs and Jonathan Bernstein, Esq. for Defendants. The Court held a conference to address Plaintiffs' request to extend discovery in this matter. Defendants object. After hearing from both counsel, the Court denies Plaintiffs' request. Discovery is closed. (TIME: 2:01PM-2:13PM). (Court Reporter: Theresa Casal). (mab) (Entered: 04/25/2019)
05/17/2019	176	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Extension of Time to File Response to Defendants' Motion for Summary Judgment Until May 24, 2019, and For Defendants to File Their Reply Papers Until June 6, 2019, On Consent submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 05/17/2019)
05/20/2019	177	TEXT ORDER granting 176 Letter Request. Plaintiff is granted an extension of time to file a response to 174 MOTION for Summary Judgment : Response to Motion due by 5/24/2019. Reply papers, if any, are due by 6/6/2019. Authorized by Judge Brenda K. Sannes on 5/20/19. (nas) (Entered: 05/20/2019)
05/23/2019	178	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Extension of Time to Respond to Summary Judgment Motion Until May 29, 2019, and for Defendants to File a Reply on June 12, 2019 submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 05/23/2019)
05/24/2019	179	TEXT ORDER granting 178 Letter Request. Plaintiff is granted an extension of time to file a response to 174 MOTION for Summary Judgment : Response to Motion due by 5/29/2019. Reply papers, if any, are due by 6/12/2019. Authorized by Judge Brenda K. Sannes on 5/24/19. {text order served via regular mail on plaintiff}(nas) (Entered: 05/24/2019)

05/29/2019	180	AFFIDAVIT in Opposition re 174 MOTION for Summary Judgment filed by Perry Hill, James Rogers. (Attachments: # 1 Exhibit(s) 1 -- Plaintiffs' Expert Report, # 2 Exhibit(s) 2 -- Deposition Transcript, Defendant Michael Amato, # 3 Exhibit(s) 3 -- Deposition Transcript, C. Ardizzone, # 4 Exhibit(s) 4 -- Deposition Transcript, C. Battisti, # 5 Exhibit(s) 5 -- Deposition Transcript, D. Canales, # 6 Exhibit(s) 6 -- Deposition Transcript, J. Chirico, # 7 Exhibit(s) 7 -- Deposition Transcript, K. Crouse, # 8 Exhibit(s) 8 -- Deposition Transcript, A. Cruz, # 9 Exhibit(s) 9 -- Deposition Transcript, L. Dumar, # 10 Exhibit(s) 10 -- Deposition Transcript, K. Edick, # 11 Exhibit(s) 11 -- Deposition Transcript, E. Engle, # 12 Exhibit(s) 12 -- Deposition Transcript, Defendant Michael Franko, # 13 Exhibit(s) 13 -- Deposition Transcript, Perry Hill, # 14 Exhibit(s) 14 -- Deposition Transcript, J. Hubschmidt, # 15 Exhibit(s) 15 -- Deposition Transcript, S. Ninan, # 16 Exhibit(s) 16 -- Deposition Transcript, E. Quendo, # 17 Exhibit(s) 17 -- Deposition Transcript, B. O'Shaughnessy, # 18 Exhibit(s) 18 -- Deposition Transcript, R. Pettit, # 19 Exhibit(s) 19 -- Deposition Transcript, D. Rivera, # 20 Exhibit(s) 20 -- Deposition Transcript, R. Staley, # 21 Exhibit(s) 21 -- Deposition Transcript, J. Strobel, # 22 Exhibit(s) 22 -- Deposition Transcript, R. Washington, # 23 Exhibit(s) 23 -- Deposition Transcript, G. Yesse, # 24 Exhibit(s) 24 -- Class Member Surveys, # 25 Exhibit(s) 25 -- 2011 MCJ Grievances, # 26 Exhibit(s) 26 -- 2012 MCJ Grievances, # 27 Exhibit(s) 27 -- 2013 MCJ Grievances, # 28 Exhibit(s) 28 -- 2014 MCJ Grievances, # 29 Exhibit(s) 29 -- 2015 MCJ Grievances, # 30 Exhibit(s) 30 -- Cycle Menus, # 31 Exhibit(s) 31 -- Nurtitional Spreadsheet, # 32 Exhibit(s) 32 -- Medical Emails, # 33 Exhibit(s) 33 -- 2012 COC Decision, # 34 Exhibit(s) 34 -- Daily Meal Plans, January - February 2013, # 35 Exhibit(s) 35 -- Michael Franko Grievance Memos, # 36 Exhibit(s) 36 -- Robert Pettit Grievances, # 37 Exhibit(s) 37 -- Photos of R. Reece, Class Member, # 38 Exhibit(s) 38 -- Plaintiffs' Amended Complaint, # 39 Exhibit(s) 39 -- Defendants' Answer to Amended Complaint, # 40 Exhibit(s) 40 -- Defendants' Interrogatory Responses, # 41 Exhibit(s) 41 -- Letter from T. Haynes, Class Member, # 42 Exhibit(s) 42 - Deposition Transcript, Plaintiff James Rogers)(Keach, Elmer) (Entered: 05/29/2019)
05/29/2019	181	STATEMENT OF MATERIAL FACTS re 174 MOTION for Summary Judgment <i>And Counter-Statement of Material Fact</i> filed by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 05/29/2019)
05/29/2019	182	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Final One Day Extension of Time to Finish Memorandum of Law in Opposition to Motion for Summary Judgment until May 30, 2019, with Corresponding Extension of Reply Deadline submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 05/29/2019)

05/30/2019	183	TEXT ORDER granting 182 Letter Request. Plaintiff is granted an extension of time until 5/30/19 to submit the memorandum of law in opposition to 174 MOTION for Summary Judgment . Reply papers, if any, are due by 6/13/2019. Authorized by Judge Brenda K. Sannes on 5/30/19. (nas) (Entered: 05/30/2019)
05/30/2019	184	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Leave to File an Overlength Brief of Thirty-Five Pages submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 05/30/2019)
05/30/2019	185	MEMORANDUM OF LAW re 174 Motion for Summary Judgment,,,,, <i>Memorandum of Law in Opposition to Motion for Summary Judgment</i> filed by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 05/30/2019)
05/31/2019	186	TEXT ORDER granting 184 Letter Request. The 185 brief is accepted for filing. SO ORDERED by Judge Brenda K. Sannes on 5/31/2019. (rjb,) (Entered: 05/31/2019)
06/13/2019	187	REPLY to Response to Motion re 174 MOTION for Summary Judgment filed by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Response to Plaintiffs' Counter-Statement of Material Fact, # 2 Reply Affidavit in Support, # 3 Exhibit(s) A, # 4 Exhibit(s) B, # 5 Exhibit(s) C, # 6 Exhibit(s) D, # 7 Certificate of Service)(Bernstein, Jonathan) (Entered: 06/13/2019)
07/02/2019		TEXT NOTICE: In light of the pending summary judgment motion, the trial currently scheduled for August 26, 2019, and all associated deadlines, are adjourned without date. (rjb,) (Entered: 07/02/2019)
09/24/2019	188	TEXT ORDER: A telephone conference is scheduled for 10/2/2019 at 11:00 AM to discuss the status of the class notification process, setting a trial date for the liability phase, and the parties' plan for a damages trial, if needed. Plaintiffs' attorney is directed to initiate the call and should contact chambers at (315) 234-8598 once all counsel are on the line. SO ORDERED by Judge Brenda K. Sannes on 9/24/2019. (rjb,) (Entered: 09/24/2019)
09/26/2019	189	Letter Motion from Jonathan Bernstein for Michael Amato, County of Montgomery, Michael Franko requesting that the Court refrain from setting a trial date during the October 2, 2019 telephone conference submitted to Judge Brenda K. Sannes . (Bernstein, Jonathan) (Entered: 09/26/2019)
10/02/2019		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Telephone Conference held on 10/2/2019. Appearances: Elmer Keach, Esq., Maria Dyson, Esq. and Nicholas Migliaccio, Esq. for Plaintiffs; Jonathan Bernstein, Esq. for Defendants. Discovery is closed. The class notice is being mailed out on 10/11/2019. Judge Sannes hears

		from Mr. Bernstein on his 189 letter request. Counsel anticipate 2 weeks for trial and Attorney Keach anticipates calling as many as 30-40 class members to testify. Parties agree trial will be limited to liability but Plaintiffs' counsel would like damages determinations made. Counsel are directed to confer on the damages issue and notify the Court in their motions in limine if there is a dispute. Trial will be scheduled for 2/24/2020. (Court Reporter Hannah Cavanaugh; 11:04AM-11:21AM) (rjb,) (Entered: 10/02/2019)
10/02/2019	190	TEXT ORDER denying 189 Letter Request for the reasons discussed at the 10/2/2019 telephone conference. SO ORDERED by Judge Brenda K. Sannes on 10/2/2019. (rjb,) (Entered: 10/02/2019)
10/02/2019	191	TEXT ORDER RESETTING TRIAL DEADLINES: Final Pretrial Conference set for 2/10/2020 at 10:00 AM in Syracuse before Judge Brenda K. Sannes. Pretrial Submissions due by 1/27/2020. Responses to Motions in Limine due by 2/3/2020. Jury Trial set for 2/24/2020 at 09:30 AM in Syracuse before Judge Brenda K. Sannes. Counsel are directed to refer to the 150 Trial Order for this Court's trial procedures. SO ORDERED by Judge Brenda K. Sannes on 10/2/2019. (rjb,) (Entered: 10/02/2019)
11/07/2019	192	MEMORANDUM - DECISION AND ORDER that Defendants' objections are GRANTED in part and DENIED in part; that Defendants' motion for summary judgment (Dkt. No. 174) is DENIED; and that the Second Cause of Action is stricken from the Amended Complaint. Signed by District Judge Brenda K. Sannes on 11/7/2019. (sal) (Entered: 11/07/2019)
01/13/2020		TEXT NOTICE OF HEARING: Telephone Conference set for 1/15/2020 at 10:30 AM before Judge Brenda K. Sannes. Plaintiff's attorney is directed to initiate the call and should contact chambers at (315) 234-8598 once all counsel are on the line.(rjb,) (Entered: 01/13/2020)
01/15/2020	193	***STRICKEN FROM THE RECORD BY DKT. NO. 194*** Letter Motion from Jonathan Bernstein for Michael Amato, County of Montgomery, Michael Franko requesting to admit counsel pro hac vice submitted to Judge Brenda K. Sannes . (Attachments: # 1 Motion To Admit Counsel Pro Hac Vice, # 2 Declaration Of Sponsor, # 3 New Attorney E-filing Registration Form, # 4 Petition For Admission To Practice, # 5 Certificate Of Good Standing, # 6 Unsigned Order (for Judge to sign))(Bernstein, Jonathan) Modified on 1/15/2020 (nas,). Modified on 1/15/2020 (rjb,). (Entered: 01/15/2020)
01/15/2020		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Telephone Conference held on 1/15/2020. Appearances: Elmer Keach, Esq., Maria Dyson, Esq. and Ashley Pileika, Esq. for Plaintiffs; Jonathan Bernstein, Esq. for Defendants. Judge Sannes hears from Attorneys Keach and Bernstein on issue raised by Plaintiffs regarding

		trying to get Plaintiffs' entry weights. Counsel are directed to work together to get the records to Attorney Keach. Defense counsel will provide Plaintiffs' counsel with the names on the four incorrect authorization forms. Any issues regarding who from the class should testify at trial will be raised in the parties' motions in limine. Counsel are directed to meet and confer on a trial plan and submit it with the pretrial submissions. Attorney Bernstein will check with Montgomery County Jail on whether they will transport any Plaintiffs in their custody for trial. (Court Reporter Jodi Hibbard; 10:33AM-10:53AM) (rjb,) (Entered: 01/15/2020)
01/15/2020	194	TEXT ORDER: On January 15, 2020, Defendants' attorney filed a letter motion requesting the pro hac admission of William Mergner, Jr., Esq. (Dkt. No. 193). Because the motion was filed using the letter motion event, instead of the "Limited Admission Pro Hac Vice" event under the "Motions" category in CM/ECF, it cannot be properly processed by the Court and did not require payment of the \$100 pro hac vice admission fee. Because the request cannot be properly processed as filed, the letter motion (Dkt. No. 193) is hereby stricken from the record and will not be considered by the Court. Counsel should re-file the motion using the proper event referenced above. SO ORDERED by Judge Brenda K. Sannes on 1/15/2020. (rjb,) (Entered: 01/15/2020)
01/15/2020	195	MOTION for Limited Admission Pro Hac Vice of Jonathan Bernstein Filing fee \$100, receipt number ANYNDC-5001158. filed by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Motion To Admit Counsel Pro Hac Vice, # 2 Declaration of Sponsor, # 3 New Attorney E-filing Registration Form, # 4 Petition For Admission To Practice, # 5 Certificate Of Good Standing, # 6 Unsigned Order (for Judge to sign)) Motions referred to Daniel J. Stewart. (Bernstein, Jonathan) (Entered: 01/15/2020)
01/17/2020	196	TEXT ORDER granting 195 Motion for Limited Admission Pro Hac Vice as to William Mergner, Jr.. 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. You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system. Step-by-step instructions on how to complete this process are available at http://www.nynd.uscourts.gov/attorney-admissions-nextgen . SO ORDERED by Judge Brenda K. Sannes on 1/17/2020. (rjb,) (Entered: 01/17/2020)
01/22/2020	197	NOTICE of Appearance by William H Mergner on behalf of All Defendants (Attachments: # 1 Affidavit)(Mergner, William) (Entered: 01/22/2020)

01/24/2020		TEXT NOTICE OF HEARING: Telephone Conference set for 1/27/2020 at 11:30 AM before Judge Brenda K. Sannes. Defendants' attorney is directed to initiate the call and should contact chambers at (315) 234-8598 once all counsel are on the line. (rjb,) (Entered: 01/24/2020)
01/27/2020		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Telephone Conference held on 1/27/2020. Appearances: Elmer Keach, Esq., Maria Dyson, Esq., Nicholas Migliaccio, Esq. and Ashely Pileika, Esq. for Plaintiffs; Jonathan Bernstein, Esq. and William Mergner, Esq. for Defendants. Judge Sannes discusses rescheduling the trial in this matter due to a conflict with her trial schedule with counsel. Plaintiffs prefer to have the trial in Syracuse. The pretrial submissions deadline is extended to 5:00 PM on 2/3/2020. Trial is rescheduled for 3/4/2020 but may be moved again once the Court has a chance to look at the pretrial submissions. (Court Reporter Jodi Hibbard; 11:33AM-11:49AM) (rjb,) (Entered: 01/27/2020)
01/27/2020	198	TEXT ORDER RESETTING TRIAL DEADLINES: Final Pretrial Conference reset for 2/14/2020 at 02:00 PM in Syracuse before Judge Brenda K. Sannes. Pretrial Submissions due by 2/3/2020 at 5:00 PM. Responses to Motions in Limine due by 2/10/2020 at 5:00 PM. Jury Trial reset for 3/4/2020 at 09:30 AM in Syracuse before Judge Brenda K. Sannes. Counsel are directed to refer to the 150 Trial Order for this Court's trial procedures. SO ORDERED by Judge Brenda K. Sannes on 1/27/2020. (rjb,) (Entered: 01/27/2020)
02/03/2020	199	Exhibit List by Michael Amato, County of Montgomery, Michael Franko. (Bernstein, Jonathan) (Entered: 02/03/2020)
02/03/2020	200	MOTION in Limine filed by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Certificate of Service) (Bernstein, Jonathan) (Entered: 02/03/2020)
02/03/2020	201	Proposed Jury Instructions by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/03/2020)
02/03/2020	202	PROPOSED VERDICT FORM by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/03/2020)
02/03/2020	203	TRIAL BRIEF by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/03/2020)
02/03/2020	204	Proposed Voir Dire by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/03/2020)

02/03/2020	205	TRIAL BRIEF by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 02/03/2020)
02/03/2020	206	Court Ordered Voir Dire by Michael Amato, County of Montgomery, Michael Franko. (Bernstein, Jonathan) (Entered: 02/03/2020)
02/03/2020	207	MOTION in Limine filed by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 02/03/2020)
02/03/2020	208	Witness List by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/03/2020)
02/03/2020	209	NOTICE by Perry Hill, James Rogers <i>Notice of Filing of Trial Plan</i> (Keach, Elmer) (Entered: 02/03/2020)
02/03/2020	210	Witness List by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 02/03/2020)
02/03/2020	211	Exhibit List by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 02/03/2020)
02/03/2020	212	Letter Motion from Jonathan Bernstein for Michael Amato, County of Montgomery, Michael Franko requesting to accept Defendants' Trial Plan submitted to Judge Brenda K. Sannes . (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/03/2020)
02/03/2020	213	Proposed Voir Dire by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 02/03/2020)
02/03/2020	214	Court Ordered Voir Dire by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 02/03/2020)
02/10/2020	215	TEXT ORDER: Plaintiffs are directed to file proposed jury instructions and a proposed verdict by February 13, 2020. SO ORDERED by Judge Brenda K. Sannes on 2/10/2020. (rjb,) (Entered: 02/10/2020)
02/10/2020	216	RESPONSE in Opposition re 207 MOTION in Limine filed by Michael Amato, County of Montgomery, Michael Franko. (Attachments: # 1 Certificate of Service)(Bernstein, Jonathan) (Entered: 02/10/2020)
02/10/2020	217	TEXT ORDER: The Court has reviewed the parties' trial plans 209 , 212 , which raise several issues that the Court expects to address at the Final Pretrial Conference, and which may need additional briefing, including: 1) caselaw support for Plaintiffs' proposal to have the same jury that decides liability consider damages for only certain class members -- the class representatives and certain testifying class members -- when the Court has certified a liability class under Fed. R. Civ. P. 23(b)(3) and (c)(4); 2) support for the three time periods proposed by Plaintiffs; 3) the parties' positions regarding when the punitive liability issues should be determined if the first phase of the trial is to determine

		the common liability issues; and 4) verdict forms for a liability phase of the trial that make sufficiently detailed findings so that a jury empaneled to consider damages would not run afoul of the Seventh Amendment. <i>Robinson v. Metro-N. Commuter R.R. Co.</i> , 267 F.3d 147, 169 n.13 (2d Cir. 2001); see <i>Blyden v. Mancusi</i> , 186 F.3d 252, 268-69 (1999). Signed by Judge Brenda K. Sannes on 02/10/2020. (sr) (Entered: 02/10/2020)
02/11/2020	218	RESPONSE by Perry Hill, James Rogers re 200 MOTION in <i>Limine Response by Plaintiffs to Motion in Limine</i> (Attachments: # 1 Exhibit(s) A -- Redacted Booking Sheet)(Keach, Elmer) Modified on 2/11/2020 (nas,). (Entered: 02/11/2020)
02/13/2020	219	LETTER BRIEF by Michael Amato, County of Montgomery, Michael Franko. (Bernstein, Jonathan) (Entered: 02/13/2020)
02/13/2020	220	Proposed Jury Instructions by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 02/13/2020)
02/14/2020	221	PROPOSED VERDICT FORM by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 02/14/2020)
02/14/2020	222	TEXT ORDER FOR SETTLEMENT CONFERENCE: It is hereby ordered that this matter is set for a Settlement Conference before the undersigned on February 19, 2020 at 10:00 AM at the James T. Foley U.S. Courthouse, 445 Broadway, 4th Floor, Room 409, Albany, NY. The conference shall be attended IN-PERSON by counsel and a representative of the parties with full and final settlement authority. SO ORDERED by Magistrate Judge Daniel J. Stewart on 2/14/2020. (mab) (Entered: 02/14/2020)
02/14/2020		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Final Pretrial Conference held on 2/14/2020. Appearances: Elmer Keach, Esq., Maria Dyson, Esq., Nicholas Migliaccio, Esq. and Ashley Pileika, Esq. for Plaintiffs; Jonathan Bernstein, Esq. and William Mergner, Esq. for Defendants. Judge Sannes hears from counsel on housekeeping issues, their proposed trial plans and the pending motions in limine and will issue a written decision. By 2/28/2020 - Plaintiffs will file a response to Defendants' 219 letter if they disagree, each side will file a proposal for the damages phase of the case, Plaintiffs will respond to Defendants' request to exclude evidence at the liability phase, Defendants will file a brief regarding the expert issue and Defendants will file amended special interrogatories. Plaintiffs will file a supplemental witness list by 2/25/2020. Defendants will notify Plaintiffs what criminal information they seek to introduce at trial before the trial. Counsel are directed to exchange any exhibits to be used during their case in chief. Attorneys will get 20 minutes each for voir dire and anticipate opening statements will be about 30 minutes each. Counsel anticipate trial will take about 2 weeks for the liability phase. The current trial date of 3/4/2020 is adjourned. Trial will be rescheduled for the end

		of May or later. Plaintiffs would like to call 30 class members during their case in chief and will have the list of names to Defendants by 2/25/2020. Counsel are directed to confer on the list of names by 3/3/2020. Plaintiffs' counsel will turn over medical records to Defendants' counsel when he gets them. Plaintiffs will file a response to Defendants' Rule 37(c) motion by 3/17/2020; Defendants may file a reply by 3/24/2020. (Court Reporter Jodi Hibbard; 2:04PM-4:14PM) (rjb,) (Entered: 02/18/2020)
02/19/2020	223	ORDER granting in part and denying in part the 200 and 207 Motions in Limine. Signed by Judge Brenda K. Sannes on 2/19/2020. (rjb,) (Entered: 02/19/2020)
02/19/2020		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Settlement Conference held on 2/19/2020. Appearances: Elmer Keach, Esq., Maria Dyson, Esq., Nicholas Migliaccio, Esq. and Ashley Pileka, Esq. for Plaintiffs; Jonathan Bernstein, Esq. and William Mergner, Esq. for Defendants. The Court held settlement conference with the parties. After lengthy discussions, the parties were not able a resolution at this time, however, the parties will continue to negotiate with the assistance of the Court outside of the conference. (mab) (Entered: 02/25/2020)
02/20/2020	224	TEXT ORDER RESETTNG TRIAL DEADLINES - Jury Trial set for 7/20/2020 at 09:30 AM in Syracuse. Telephone Conference set for 7/10/2020 at 10:00 AM before Judge Brenda K. Sannes. Defendants' attorney is directed to initiate the call and should contact chambers at (315) 234-8598 once all counsel are on the line. SO ORDERED by Judge Brenda K. Sannes on 2/20/2020. (rjb,) (Entered: 02/20/2020)
02/28/2020		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Settlement Conference held on 2/28/2020. Appearances: Elmer Keach, Esq., Maria Dyson, Esq. and Nicholas Migliaccio, Esq. for Plaintiffs; Jonathan Bernstein Esq. and William Mergner, Esq. for Defendants. The Court previously held a settlement conference in this matter on 2/19/2020. After that conference, the parties continued negotiations with the assistance of Magistrate Judge Stewart. The parties were able to reach a settlement and the terms of the settlement were placed on the record. Counsel confirm for the Court that they have approval from their clients to settle this matter based upon the terms placed on the record. Counsel will work to complete the settlement agreement within 30 days. Motion for Preliminary Approval of the Settlement to be filed before Judge Sannes within 45-days. (TIME: 10:37AM-10:56AM). (Court Reporter: Lisa Tennyson) (mab) (Entered: 03/02/2020)
04/28/2020	225	TEXT ORDER: The motion for preliminary approval of the class action settlement in this case was due by April 13, 2020. Counsel are directed to

		file the motion for preliminary approval of the class action settlement, or a status report with a reasonable proposed due date for the motion, by May 5, 2020. SO ORDERED by Judge Brenda K. Sannes on 4/28/2020. (rjb,) (Entered: 04/28/2020)
05/05/2020	226	STATUS REPORT <i>Regarding Status of Filing for Preliminary Approval of Settlement</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 05/05/2020)
05/06/2020	227	TEXT ORDER: The Court has reviewed Dkt. No. 226 . The motion for preliminary approval of the settlement is due by June 1, 2020. SO ORDERED by Judge Brenda K. Sannes on 5/6/2020. (rjb,) (Entered: 05/06/2020)
05/14/2020	228	***STRICKEN FROM THE RECORD BY DKT. NO. 229*** NOTICE filed by a non-party. (mailing envelope included) (meb) Modified on 5/18/2020 (rjb,). (Entered: 05/15/2020)
05/18/2020	229	TEXT ORDER TO STRIKE: The Court has received a notice from Thomas D'Angelo (Dkt. No. 228). The 228 Notice is hereby stricken from the record as only a party, or an attorney representing a party, may file papers in an action with the Court. Because the Notice is being stricken, it will not be considered by the Court. SO ORDERED by Judge Brenda K. Sannes on 5/18/2020 (served on Thomas D'Angelo via regular mail). (rjb,) Modified on 5/18/2020 (rjb,). (Entered: 05/18/2020)
06/01/2020	230	STATUS REPORT <i>Regarding Pending Settlement</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 06/01/2020)
06/04/2020	231	TEXT ORDER: The Court has reviewed Dkt. No. 230 . Motion for preliminary approval of the settlement due by 6/22/2020. SO ORDERED by Judge Brenda K. Sannes on 6/4/2020. (rjb,) (Entered: 06/04/2020)
06/05/2020		TEXT NOTICE: In light of the pending settlement, the Jury Trial scheduled for 7/20/2020, and all associated deadlines, are hereby adjourned without date. (rjb,) (Entered: 06/05/2020)
06/22/2020	232	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Providing the Court with the Status of Negotiations Regarding the Settlement Agreement, and Requesting an Additional Two Weeks to File Motion for Preliminary Approval submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 06/22/2020)
06/23/2020	233	TEXT ORDER: The Court has reviewed Dkt. No. 232 . Motion for preliminary approval of the settlement due by 7/6/2020. SO ORDERED by Judge Brenda K. Sannes on 6/23/2020. (rjb,) (Entered: 06/23/2020)
07/06/2020	234	STATUS REPORT <i>with Notification to the Court That a Second Status Report will be filed on July 7, 2020</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 07/06/2020)

07/08/2020	235	STATUS REPORT <i>And Request for Telephone Conference With the Court</i> by Perry Hill, James Rogers. (Attachments: # 1 District of Columbia Ethics Opinion)(Keach, Elmer) (Entered: 07/08/2020)
07/09/2020	236	STATUS REPORT by Michael Amato, County of Montgomery, Michael Franko. (Bernstein, Jonathan) (Entered: 07/09/2020)
07/10/2020		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Telephone Conference held on 7/10/2020. Appearances: Elmer Keach, Esq., Nicholas Migliaccio, Esq. and Ashley Pileika, Esq. for Plaintiffs; Jonathan Bernstein, Esq. and William Mergner, Esq. for Defendants. Judge Sannes hears from counsel on the issue regarding the settlement agreement raised in Dkt. Nos. 235 and 236 . Defendants' counsel will look at the case cited by the Court and file a status report by close of business 7/15/2020 regarding where Defendants are with respect to the settlement agreement. Attorney Keach will email Attorney Bernstein the current proposed settlement agreement today for review and advises the Court that the motion for preliminary approval can be filed within 48 hours of an agreement on the settlement terms. (Court Reporter Eileen McDonough; 3:00PM-3:19PM) (rjb,) (Entered: 07/10/2020)
07/13/2020	237	Letter from William Robinson, Inmate #13357-052 - inquiring as to whether he has been added as a plaintiff. (nas,) (Entered: 07/14/2020)
07/15/2020	238	STATUS REPORT by Michael Amato, County of Montgomery, Michael Franko. (Bernstein, Jonathan) (Entered: 07/15/2020)
07/16/2020	239	TEXT ORDER : The Court has reviewed the letter from William Robinson 237 . Plaintiffs' counsel is directed to respond to William Robinson's letter and provide a status report to the Court by July 29, 2020, confirming that they have done so. SO ORDERED by Judge Brenda K. Sannes on 7/16/2020. (sal) (Entered: 07/16/2020)
07/17/2020	240	STATUS REPORT <i>Regarding Filing Motion for Preliminary Approval on July 22, 2020</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 07/17/2020)
07/22/2020	241	SETTLEMENT AGREEMENT <i>Class Action Settlement Agreement</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 07/22/2020)
07/22/2020	242	STATUS REPORT <i>Regarding Filing of Settlement Agreement, and Timing for the Filing of a Motion for Preliminary Approval</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 07/22/2020)
07/27/2020	243	MOTION to Certify Class <i>Motion for Preliminary Approval of Class Action Settlement</i> Motion Hearing set for 9/3/2020 10:00 AM in Syracuse before Judge Brenda K. Sannes Response to Motion due by 8/17/2020 Reply to Response to Motion due by 8/24/2020. filed by Perry Hill, James Rogers. (Attachments: # 1 Memorandum of Law In Support

		of Motion for Preliminary Approval of Class Action Settlement) (Keach, Elmer) (Entered: 07/27/2020)
07/29/2020	244	STATUS REPORT <i>Regarding William Robinson's Membership in the Certified Class</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 07/29/2020)
07/30/2020	245	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Telephone Conference with the Court to Discuss Disagreement Regarding Methods of Providing Class Notice submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 07/30/2020)
07/30/2020	246	TEXT ORDER: Defendants are directed to respond to Dkt. No. 245 by 8/3/2020. SO ORDERED by Judge Brenda K. Sannes on 7/30/2020. (rjb,) (Entered: 07/30/2020)
08/03/2020	247	STATUS REPORT by Michael Amato, County of Montgomery, Michael Franko. (Bernstein, Jonathan) (Entered: 08/03/2020)
08/03/2020	248	TEXT ORDER: The Court has reviewed Plaintiffs' letter motion 245 and Defendants' status report 247 in response. Plaintiffs' letter motion is GRANTED in part. Since Defendants "do not plan to oppose Plaintiffs' motion 243 for preliminary approval of the settlement" 247 , the Court will schedule a telephonic hearing on that motion and address the parties' disagreement regarding notice at that hearing. Plaintiff may respond to Defendants' status report 247 by 8/11/2020. The telephonic hearing on Plaintiff's motion for preliminary approval of the settlement 243 is scheduled for 8/19/2020 at 10:00 AM. A separate notice with call in instructions for the hearing will be issued. SO ORDERED by Judge Brenda K. Sannes on 8/3/2020. (rjb,) (Entered: 08/03/2020)
08/11/2020	249	LETTER BRIEF <i>Regarding Notice Issues Associated with Proposed Class Action Settlement</i> by Perry Hill, James Rogers. (Attachments: # 1 Exhibit(s) Map of Mailing Addresses of Class Members)(Keach, Elmer) (Entered: 08/11/2020)
08/18/2020	250	MOTION for Limited Admission Pro Hac Vice of Ashley M. Pileika Filing fee \$100, receipt number ANYNDC-5209990. filed by Perry Hill, James Rogers. (Attachments: # 1 Declaration, # 2 Attorney E-Filing Form, # 3 Petition for Admission, # 4 Certificate of Good Standing, # 5 Proposed Order/Judgment) Motions referred to Daniel J. Stewart. (Migliaccio, Nicholas) (Entered: 08/18/2020)
08/19/2020	251	***STRICKEN FROM THE RECORD BY DKT. NO. 252*** Letter from Dean Steppello. (nas,) Modified on 8/20/2020 (rjb,). (Entered: 08/20/2020)
08/19/2020		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Telephone Conference held on 8/19/2020. Appearances: Elmer Keach, Esq., Nicholas Migliaccio, Esq. and William Wickersham for

		Plaintiffs; Jonathan Bernstein, Esq. for Defendants. Judge Sannes hears from counsel on the pending motion for preliminary approval of the class action settlement. Defendants do not oppose the motion. Plaintiffs' request to post the notice on Facebook and Instagram is granted but their request to post on a billboard and television is denied. Plaintiffs will send a proposed notice to Defendants by 8/28/2020, Defendants will respond by 8/31/2020. The final approval hearing will be held by telephone or video conference due to the COVID pandemic. The Court's Courtroom Deputy will provide a date for the hearing to counsel. Plaintiffs' counsel will provide a status report to the Court by 9/1/2020 which will include dates for the claims forms and opt out provisions. (Court Reporter Hannah Cavanaugh; 10:00AM-10:44AM) (rjb,) (Entered: 08/20/2020)
08/20/2020	252	TEXT ORDER TO STRIKE: The Court has received a letter from Dean Steppello stating that he wishes to be excluded from the class (Dkt. No. 251). The 251 letter is hereby stricken from the record as only a party, or an attorney representing a party, may file papers in an action with the Court. Because the letter is being stricken, it will not be considered by the Court. Plaintiffs are directed to address this exclusion request. SO ORDERED by Judge Brenda K. Sannes on 8/20/2020. (Copy served on Dean Steppello via regular mail)(rjb,) (Entered: 08/20/2020)
08/25/2020	253	TEXT ORDER granting 250 Motion for Limited Admission Pro Hac Vice. Attorney Ashley M. Pileika is hereby admitted to practice in this action on behalf of Plaintiffs. 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 Daniel J. Stewart on 8/25/2020. (mab) (Entered: 08/25/2020)
08/27/2020	254	NOTICE of Appearance by Ashley Marie Pileika on behalf of Perry Hill, James Rogers (Pileika, Ashley) (Entered: 08/27/2020)
09/01/2020	255	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Providing the Court with Proposed Preliminary Approval Order and Agreed Upon Notices submitted to Judge Brenda K. Sannes . (Attachments: # 1 Proposed Order/Judgment Proposed Final Approval Order, with Exhibits)(Keach, Elmer) (Entered: 09/01/2020)
09/08/2020	256	TEXT ORDER: There appears to be a blank page in Plaintiffs' proposed notice, (Dkt. No. 241, at 33), and Plaintiffs refer to, but have not provided, the social media notices the parties have agreed upon, (see Dkt. No. 255-1, at 2 (proposed order referring to the attached social medial

		notices)). Plaintiffs are directed to file these documents by 9/11/2020. SO ORDERED by Judge Brenda K. Sannes on 9/8/2020. (rjb,) (Entered: 09/08/2020)
09/10/2020	257	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Providing Revised Preliminary Approval Order to the Court submitted to Judge Brenda K. Sannes . (Attachments: # 1 Revised Proposed Final Approval Order)(Keach, Elmer) (Entered: 09/10/2020)
09/11/2020	258	Letter from Dean Steppello. (nas,) (Entered: 09/11/2020)
09/15/2020	259	Order Preliminarily Approving Class Action Settlement. Plaintiffs are directed to file the revised Notice of Class Settlement and the revised Summary Notice by September 25, 2020. Signed by Judge Brenda K. Sannes on 9/15/2020. (rjb,) Modified on 9/17/2020 (rjb,). (Entered: 09/15/2020)
09/22/2020	260	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Providing Court with Revised Notices, Pursuant to the Direction of the Court submitted to Judge Brenda K. Sannes . (Attachments: # 1 Proposed Long Form Notice with Court Edits, with Claim Form Attached, # 2 Proposed Short Form Notice with Court Edits)(Keach, Elmer) (Entered: 09/22/2020)
09/23/2020	261	TEXT ORDER: The Court has reviewed Plaintiffs' Letter Motion 260 seeking approval of the revised Long Form and Short Form Notices. The revised Long Form and Short Form Notices (Dkt. No. 260-1, -2) are approved. All dates and procedures approved in the Order Preliminarily Approving Class Action Settlement and Authorizing Notice of Proposed Settlement and Hearing Thereon 259 remain intact and the parties are directed to proceed accordingly. SO ORDERED by Judge Brenda K. Sannes on 9/23/2020. (rjb,) (Entered: 09/23/2020)
10/22/2020	262	Letter from Inmate Jared Hernandez. (nas,) (nas,). (Entered: 10/23/2020)
10/26/2020	263	TEXT ORDER: Plaintiffs are directed to respond to the letter filed by inmate Jared Hernandez 262 by 11/9/2020. SO ORDERED by Judge Brenda K. Sannes on 10/26/2020. (rjb,) (Entered: 10/26/2020)
11/09/2020	264	STATUS REPORT <i>Regarding Letter to Class Member Jared Hernandez</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 11/09/2020)
11/25/2020	265	Letter from Wilbur Reese regarding joining in the class action. (nas,) (Entered: 11/25/2020)
01/04/2021	266	TEXT ORDER: Plaintiffs are directed to file a status report by 1/11/2021 in response to the letter filed by Wilbur Reese 265 . SO ORDERED by Judge Brenda K. Sannes on 1/4/2021. (rjb,) (Entered: 01/04/2021)

01/04/2021	267	STATUS REPORT <i>Regarding Claim of Wilbur Reese</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 01/04/2021)
01/28/2021		TEXT NOTICE of Hearing: Telephonic Hearing regarding the class action settlement is set for 2/26/2021 at 10:00 AM before Judge Brenda K. Sannes. Participants should dial in at 877-336-1274, Access Code 7605766, Security Code 02262021.(rjb,) (Entered: 01/28/2021)
02/10/2021	268	TEXT ORDER: Motion for Final Approval of Class Settlement due by 2/17/2021. SO ORDERED by Judge Brenda K. Sannes on 2/10/2021. (rjb,) (Entered: 02/10/2021)
02/18/2021	269	MOTION/NOTICE by Perry Hill, James Rogers <i>Memorandum in Support of Request for Final Approval of Class Action Settlement</i> (Attachments: # 1 Exhibit(s) A -- Declaration of Settlement Administrator)(Keach, Elmer) Modified on 2/19/2021 to indicate document is a motion (nas,). (Entered: 02/18/2021)
02/19/2021	270	TEXT ORDER: The Court has reviewed Plaintiffs' Motion 269 for Final Approval of Class Action Settlement and noted Plaintiffs' stated intention to file certain supplemental submissions concerning the pro rata distribution schedule "next week" and the request for attorneys' fees "the day before the Final Approval Hearing." (Dkt. No. 269, at 6, 17 n.1). The Court also noted several areas where additional information is needed prior to final approval. Accordingly, Plaintiffs are directed to file by Wednesday, 2/24/21: (1) the time and expense records in support of the attorneys' fee application; (2) the supplemental submission regarding the pro rata distribution schedule referred to in Plaintiffs' memorandum, (Dkt. No. 269, at 6), which must include a statement regarding the average claim payment and highest claim payment; (3) a letter brief addressing (a) when and how the settlement will be funded, (b) the planned dates and method of distribution of class payments, and (c) how any unspent portion of the settlement fund will be distributed; and (4) whether Dean Steppello, who wrote a letter to this Court seeking exclusion, 258 has requested exclusion from the class and whether the statement in the Boub Declaration that the claims administrator "has received zero (0) Requests for Exclusion from the Settlement," (Dkt. No. 269-1, at 3), is correct. Signed by Judge Brenda K. Sannes on 02/19/21. (sr) (Entered: 02/19/2021)
02/24/2021	271	LETTER BRIEF <i>Regarding Notice and Class Member Issues, for Consideration by the Court on February 25, 2021</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 02/24/2021)
02/25/2021	272	AFFIDAVIT in Support re 243 MOTION to Certify Class <i>Motion for Preliminary Approval of Class Action Settlement Supplemental Affidavit Filed Pursuant to the Direction of the Court</i> filed by Perry Hill, James Rogers. (Attachments: # 1 Exhibit(s) A -- Ethics Opinion Regarding Fund for Client Protection, # 2 Exhibit(s) B -- List of Keach Firm

		Expenses, # 3 Exhibit(s) C -- Fee Affidavit, Migliaccio and Rathod, # 4 Exhibit(s) D -- Fee Affidavit, Keach Law Firm)(Keach, Elmer) (Entered: 02/25/2021)
02/25/2021		TEXT Minute Entry for proceedings held before Judge Brenda K. Sannes: Telephone Conference held on 2/25/2021. Appearances: Elmer Keach, Esq. for Plaintiffs; Jonathan Bernstein, Esq. for Defendants. Judge Sannes hears from counsel on the issues raised in Plaintiffs' 271 letter. The hearing scheduled for 2/26/2021 is adjourned without date. Plaintiffs' counsel will file a letter with new proposed dates after conferring with Defendants' counsel. (Court Reporter Jodi Hibbard; 10:00AM-10:19AM) (rjb,) (Entered: 02/25/2021)
02/26/2021	273	RESPONSE TO LETTER BRIEF filed by Michael Amato, County of Montgomery, Michael Franko as to 271 LETTER BRIEF filed by Perry Hill, James Rogers . (Bernstein, Jonathan) (Entered: 02/26/2021)
03/05/2021	274	STATUS REPORT <i>And Request for Approval of Supplemental Class Notice</i> by Perry Hill, James Rogers. (Attachments: # 1 Exhibit(s) A -- Supplemental Class Notice)(Keach, Elmer) (Entered: 03/05/2021)
03/08/2021	275	ORDER that the Supplemental Notice attached to this Order, with the underlined modifications, is approved and shall be mailed to the designated members of the Class by March 15, 2021; class counsel's renewed motion for final approval of the settlement and the Claims Administrator's sworn statement attesting to compliance with the notice procedures be filed on April 22, 2021. The Final Approval Hearing will be held telephonically on May 7, 2021 at 10:00 a.m. The dial-in information is: 877-336-1274, Access Code: 7605766, Password: 02262021. Signed by Judge Brenda K. Sannes on 3/8/2021. (rjb,) (Entered: 03/08/2021)
04/23/2021	276	Letter Motion from Elmer Keach for Perry Hill, James Rogers requesting Requesting Leave to File Final Approval Motion on April 23, 2021 submitted to Judge Brenda K. Sannes . (Keach, Elmer) (Entered: 04/23/2021)
04/23/2021	277	TEXT ORDER: granting 276 Letter Request for an extension of time. The class counsel's renewed motion for final approval of the settlement shall be filed on April 23, 2021. So Ordered by Judge Brenda K. Sannes on 4/23/2021. (nmk) (Entered: 04/23/2021)
04/23/2021	278	Supplemental MOTION to Certify Class <i>Supplemental Submission in Support of Motion for Final Approval of Class Action Settlement</i> filed by Perry Hill, James Rogers. Motion returnable before Judge Brenda K. Sannes Response to Motion due by 5/14/2021. Reply to Response to Motion due by 5/21/2021 (Attachments: # 1 Exhibit(s) A -- Ethics Opinion, # 2 Exhibit(s) B -- List of Keach Firm Expenses, # 3 Exhibit(s)

		C -- Fee Affidavit, Migliaccio and Rathod, # 4 Exhibit(s) D -- Fee Affidavit, Keach Law Firm) (Keach, Elmer) (Entered: 04/23/2021)
04/23/2021	279	MEMORANDUM OF LAW re 278 Motion to Certify Class,, filed by Perry Hill, James Rogers. (Attachments: # 1 Exhibit(s) A -- Supplemental Affirmation of Dana Boub, # 2 Exhibit(s) B -- Affirmation of Dana Boub Detailing Efforts to Affect Class Notice)(Keach, Elmer) (Entered: 04/23/2021)
04/28/2021	280	TEXT ORDER: The response and reply dates set in 278 are vacated. In accord with the Court's March 8, 2021 Order, the final approval hearing will be held telephonically on May 7, 2021 at 10 a.m.. Any response to the motion for final approval [278, 279] is due by 5/3/2021. So Ordered by Judge Brenda K. Sannes on 4/28/2021. (nmk) (Entered: 04/28/2021)
04/28/2021	281	TEXT ORDER: The Court has reviewed the parties' Supplemental Submissions 278 , 279 in Support of their Motion for Final Approval of Class Action Settlement 269 . The Court has noted several areas where additional information is needed prior to final approval. Accordingly, the parties are directed to file, by Monday, 5/3/2021: (1) the plaintiffs' attorneys' time records, (2) Migliaccio & Rathod's expense records, (3) the timing of payment of attorney's fees, see Fed. R. Civ. P. 23(e)(2)(C)(iii), (4) how the proposed attorney's fee award (\$300,000) is to be divided, and (4) a status report regarding the individuals allegedly wrongly excluded from the class, (see Dkt. No. 278, at 3-4). So Ordered by Judge Brenda K. Sannes on 4/28/2021. (nmk) (Entered: 04/28/2021)
05/03/2021	282	AFFIDAVIT in Support re 278 Supplemental MOTION to Certify Class <i>Supplemental Submission in Support of Motion for Final Approval of Class Action Settlement</i> filed by Perry Hill, James Rogers. Motion returnable before Judge Brenda K. Sannes <i>Supplemental Affirmation Filed Pursuant to Court Order</i> filed by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 05/03/2021)
05/07/2021		TEXT Minute Entry for telephonic Final Approval Hearing held on 5/7/2021 before Judge Brenda K. Sannes: No class members appear for the hearing. Attorney Keach advises he will provide the remainder of his time records by 5/21/2021. Judge Sannes questions counsel regarding the settlement and confirms that there are no objections. Attorney Keach will provide a proposed order with his time record submission. The court will issue a decision, after the anticipated time records are received and reviewed. Appearances: Elmer Keach, Esq. and Nicholas Migliaccio, Esq. for plaintiff; Jonathan Bernstein, Esq. for defendant. (Court Reporter: Eileen McDonough, Time: 10:00 AM - 10:11 AM.) (nmk) (Entered: 05/07/2021)
05/13/2021	283	Letter from William Robinson inquiring as to status and request for an updated copy of the docket sheet. (nas,) (Entered: 05/13/2021)

05/13/2021	284	TEXT ORDER: Plaintiffs' counsel are directed to review the letter received by the Court from William Robinson 283 and submit a status report to the Court by May 21, 2021 informing the Court how Plaintiffs' counsel have responded to this letter. So Ordered by Judge Brenda K. Sannes on 5/13/2021. [Updated copy of docket sheet served on William Robinson via regular mail.] (nmk) (Entered: 05/13/2021)
05/21/2021	285	STATUS REPORT <i>Regarding Williams Robinson and Request for Additional Time to File Attorney Time Records</i> by Perry Hill, James Rogers. (Keach, Elmer) (Entered: 05/21/2021)
05/24/2021	286	TEXT ORDER: re 285 Status Report. Plaintiffs' attorneys' time records are to be submitted by 5/26/2021. No further extensions will be granted. So Ordered by Judge Brenda K. Sannes on 5/24/2021. (nmk) (Entered: 05/24/2021)
05/26/2021	287	NOTICE by Perry Hill, James Rogers re 281 Order,,, <i>Supplemental Submission Regarding Time Records of Keach Law Firm, and Providing Proposed Final Approval Order</i> (Attachments: # 1 Exhibit(s) A -- Keach Time Records, # 2 Exhibit(s) B -- Dyson Time Records, # 3 Exhibit(s) C -- Paralegal Time Records, # 4 Exhibit(s) D -- Proposed Final Approval Order)(Keach, Elmer) (Main Document 287 replaced on 5/27/2021) (nas,). (Entered: 05/26/2021)
05/27/2021		CLERK'S CORRECTION OF DOCKET ENTRY re 287 Notice. Image for affidavit replaced. Original's caption was illegible (nas,) (Entered: 05/27/2021)
06/01/2021	288	Letter Motion from Jonathan Bernstein Esq. for County of Montgomery requesting changes to Proposed Final Order submitted to Judge Hon. Brenda K. Sannes . (Bernstein, Jonathan) (Entered: 06/01/2021)
06/02/2021	289	ORDER GRANTING PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT, APPROVAL OF CLASS COUNSEL'S FEES AND APPROVAL OF SERVICE AWARDS: It is ORDERED that the Motion for Final Approval (Dkt. Nos. 269 , 278) is GRANTED. It is further ORDERED that should the Class Claims Administrator receive notice of a Medicare lien pertaining to any Class Member that submitted a claim, payment by the administrator shall not be made to that Class Member until the lien issue is resolved with Medicare through the Centers for Medicare & Medicaid Services (CMS). It is further ORDERED that this Court expressly retains jurisdiction as to all matters relating to the administration, consummation, enforcement, and interpretation of the Settlement Agreement and of this Final Approval Order and the accompanying final judgment. It is further ORDERED that the entire case is dismissed on the merits and with prejudice. Signed by Judge Brenda K. Sannes on 6/2/2021. (nmk) (Entered: 06/02/2021)

06/02/2021	290	JUDGMENT: IT IS ORDERED AND ADJUDGED that the Motion for Final Approval (Dkt. Nos. 269, 278) is GRANTED. It is further ORDERED that the entire case is dismissed on the merits and with prejudice. (nmk) (Entered: 06/02/2021)
09/15/2021	291	Letter from William Robinson. (Attachments: # 1 envelope)(nas,) (Entered: 09/15/2021)
09/15/2021	292	TEXT ORDER: The Court has reviewed the letter from William Robinson 291 inquiring about whether "the claims/settlement administrator has mailed the check" to him. Although Mr. Robinson refers to having mailed a "proof of claim" to Plaintiffs' counsel, Mr. Robinson's letter does not include a copy of a completed claim form. Mr. Robinson had to have submitted a completed claim form to receive a check from the Settlement Fund. In any event, this case is closed and Mr. Robinson must direct his inquiry to Plaintiffs' counsel. To assist Mr. Robinson in this endeavor the Clerk is directed to mail a copy of Mr. Robinson's letter submission and this text order to Plaintiffs' counsel. So Ordered by Judge Brenda K. Sannes on 9/15/2021. [Copy served upon William Robinson via regular mail.] (nmk) (Entered: 09/15/2021)

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