

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-08173-LAP**

Allen et al v. New York State Department of
Corrections and Community Supervision et al
Assigned to: Judge Loretta A. Preska
Referred to: Magistrate Judge Sarah Netburn
(Settlement)
Related Case: [1:15-cv-01955-LAP](#)
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/02/2019
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Peter Allen

*on behalf of themselves and others
similarly situated*

represented by **Kara Somerstein**

Law Office of Amy Jane Agnew,
P.C.
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Plaintiff

Brian Bernard

*on behalf of themselves and others
similarly situated*

represented by **Kara Somerstein**

(See above for address)
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Amy Jane Agnew

(See above for address)
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Plaintiff

Mark Daniels
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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ATTORNEY TO BE NOTICED

Amy Jane Agnew
(See above for address)
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Plaintiff

Shannon Dickinson
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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ATTORNEY TO BE NOTICED

Amy Jane Agnew
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Aaron Dockery
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
(See above for address)
ATTORNEY TO BE NOTICED

Amy Jane Agnew
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Eddie Fields
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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ATTORNEY TO BE NOTICED

Amy Jane Agnew
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Plaintiff

John Gradia
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
(See above for address)
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Plaintiff

Angel Hernandez
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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Plaintiff

Spencer Jackson
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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Plaintiff

Hugh Knight
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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Plaintiff

Terry Mathis
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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Plaintiff

Harold Ortiz
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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Plaintiff

Sean Pritchett
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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Plaintiff

Rashid Rahman
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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Plaintiff

Felipe Rivera-Cruz
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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Plaintiff

Wayne Stewart
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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Plaintiff

Michael Vattiato
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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Plaintiff

Derrick Williams
on behalf of themselves and others
similarly situated

represented by **Kara Somerstein**
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Amy Jane Agnew
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V.

Defendant

**New York State Department of
Corrections and Community
Supervision**
TERMINATED: 05/05/2020

represented by **Brendan Michael Horan**
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TERMINATED: 01/13/2020

Defendant

Carl Koenigsmann, MD

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Maria Barous Hartofilis
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Yan Fu
(See above for address)
TERMINATED: 01/13/2020

Defendant

John Morley, MD

represented by **Brendan Michael Horan**
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TERMINATED: 01/13/2020

Defendant

Susan Mueller, MD

represented by **Brendan Michael Horan**
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TERMINATED: 01/13/2020

Defendant

David S. Dinello, MD

represented by **Brendan Michael Horan**
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TERMINATED: 01/13/2020

Defendant

Paula Bozer, MD
TERMINATED: 05/05/2020

represented by **Brendan Michael Horan**
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TERMINATED: 01/13/2020

Defendant

John Hammer, MD

represented by **Brendan Michael Horan**
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TERMINATED: 01/13/2020

Defendant

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Defendant

Mikhail Gusman, MD

represented by **Ryan Edward Manley**
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Defendant

Chun Lee, MD

represented by **Ryan Edward Manley**
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Defendant

Jon Miller, MD
TERMINATED: 05/05/2020

represented by **Brendan Michael Horan**
(See above for address)

*LEAD ATTORNEY
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Maria Barous Hartofilis
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Nia Rene Stanford
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ATTORNEY TO BE NOTICED

Yan Fu
(See above for address)
TERMINATED: 01/13/2020

Defendant

Kathleen Mantaro, MD

represented by **Ryan Edward Manley**
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*LEAD ATTORNEY
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Defendant

Peter Braselman, MD
TERMINATED: 01/21/2020

Defendant

David Karandy, MD

represented by **Ryan Edward Manley**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Albert Acrish, NP

represented by **Ryan Edward Manley**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Kristin Salotti, NP

represented by **Brendan Michael Horan**
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*LEAD ATTORNEY
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Maria Barous Hartofilis
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ATTORNEY TO BE NOTICED

Nia Rene Stanford

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ATTORNEY TO BE NOTICED

Yan Fu

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TERMINATED: 01/13/2020

Defendant

Mary Ashong, NP

represented by **Ryan Edward Manley**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

John Doe #1, MD

Defendant

Jane or John Doe, MD #3 - # 50

Defendant

**Jane or John Doe, NP or PA #1 -
#50**

Defendant

John Doe #2, MD

Defendant

Peter Braselmann, MD

represented by **Ryan Edward Manley**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Interested Party

**New York State Office of the
Attorney General**

represented by **Yan Fu**

(See above for address)

TERMINATED: 01/13/2020

Date Filed	#	Docket Text
09/02/2019	<u>1</u>	COMPLAINT against Albert Acrish, NP, Ann Andola, MD, Mary Ashong, NP, Paula Bozer, MD, Peter Braselman, MD, David S. Dinello,

		MD, John Doe #1, MD, John Doe #2, MD, Jane or John Doe, MD #3 - #50, Jane or John Doe, NP or PA #1 - #50, Mikhail Gusman, MD, John Hammer, MD, David Karandy, MD, Carl Koenigsmann, MD, Chun Lee, MD, Kathleen Mantaro, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP. (Filing Fee \$ 400.00, Receipt Number ANYSDC-17528300)Document filed by John Gradia, Michael Vattiato, Brian Bernard, Peter Allen, Derrick Williams, Wayne Stewart, Rashid Rahman, Hugh Knight, Terry Mathis, Sean Pritchett, Eddie Fields, Mark Daniels, Spencer Jackson, Harold Ortiz, Felipe Rivera-Cruz, Angel Hernandez, Shannon Dickinson, Aaron Dockery.(Agnew, Amy) (Entered: 09/02/2019)
09/02/2019	<u>2</u>	CIVIL COVER SHEET filed. (Agnew, Amy) (Entered: 09/02/2019)
09/02/2019	<u>3</u>	FILING ERROR - DEFICIENT - WRONG EVENT TYPE SELECTED FROM MENU - RELATED CASE AFFIRMATION of Amy Jane Agnew re: that this action be filed as related to 15-cv-1955. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams.(Agnew, Amy) Modified on 9/3/2019 (vf). (Entered: 09/02/2019)
09/03/2019		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Amy Jane Agnew. The party information for the following party/parties has been modified: John Gradia, Michael Vattiato, Brian Bernard, Peter Allen, Derrick Williams, Wayne Stewart, Rashid Rahman, Hugh Knight, Terry Mathis, Sean Pritchett, Eddie Fields, Mark Daniels, Spencer Jackson, Harold Ortiz, Felipe Rivera-Cruz, Angel Hernandez, Shannon Dickinson, Aaron Dockery. The information for the party/parties has been modified for the following reason/reasons: party text was omitted. (vf) (Entered: 09/03/2019)
09/03/2019		***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Amy Jane Agnew. The following case opening statistical information was erroneously selected/entered: Office code Foley Square. The following correction(s) have been made to your case entry: the Office code has been modified to White Plains. (vf) (Entered: 09/03/2019)
09/03/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT RELATED CASE STATEMENT. Notice to attorney Amy Jane Agnew to RE-FILE Document No. <u>3</u> Statement of Relatedness. The

		filing is deficient for the following reason(s): the wrong event type was used to file the related case statement. Re-file the document using the event type Statement of Relatedness found under the event list Other Documents - select the correct filer - enter the related case number when prompted - and attach the correct PDF. (vf) (Entered: 09/03/2019)
09/03/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (vf) (Entered: 09/03/2019)
09/03/2019		Case Designated ECF. (vf) (Entered: 09/03/2019)
09/03/2019		CASE REFERRED TO Judge Loretta A. Preska as possibly related to 15-cv-1955. (vf) (Entered: 09/03/2019)
09/03/2019	<u>4</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 15-cv-1955. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams.(Agnew, Amy) (Entered: 09/03/2019)
09/09/2019	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Albert Acrish, NP, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Ann Andola, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Mary Ashong, NP, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)

09/09/2019	<u>8</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Paula Bozer, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>9</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Peter Braselman, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>10</u>	REQUEST FOR ISSUANCE OF SUMMONS as to David S. Dinello, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>11</u>	REQUEST FOR ISSUANCE OF SUMMONS as to New York State Department of Corrections and Community Supervision, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>12</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Mikhail Gusman, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>13</u>	REQUEST FOR ISSUANCE OF SUMMONS as to John Hammer, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne

		Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>14</u>	REQUEST FOR ISSUANCE OF SUMMONS as to David Karandy, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>15</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Carl Koengismann, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>16</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Chun Lee, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>17</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Kathleen Mantaro, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>18</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Jon Miller, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>19</u>	REQUEST FOR ISSUANCE OF SUMMONS as to John Morley, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne

		Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>20</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Susan Mueller, MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/09/2019	<u>21</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Kristin Salotti, NP, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/09/2019)
09/10/2019	<u>22</u>	ELECTRONIC SUMMONS ISSUED as to Albert Acrish, NP. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>23</u>	ELECTRONIC SUMMONS ISSUED as to Ann Andola, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>24</u>	ELECTRONIC SUMMONS ISSUED as to Mary Ashong, NP. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>25</u>	ELECTRONIC SUMMONS ISSUED as to Paula Bozer, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>26</u>	ELECTRONIC SUMMONS ISSUED as to Peter Braselman, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>27</u>	ELECTRONIC SUMMONS ISSUED as to David S. Dinello, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>28</u>	ELECTRONIC SUMMONS ISSUED as to New York State Department of Corrections and Community Supervision. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>29</u>	ELECTRONIC SUMMONS ISSUED as to Mikhail Gusman, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>30</u>	ELECTRONIC SUMMONS ISSUED as to John Hammer, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>31</u>	ELECTRONIC SUMMONS ISSUED as to David Karandy, MD. (dnh) (Entered: 09/10/2019)

09/10/2019	<u>32</u>	ELECTRONIC SUMMONS ISSUED as to Carl Koenigsmann, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>33</u>	ELECTRONIC SUMMONS ISSUED as to Chun Lee, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>34</u>	ELECTRONIC SUMMONS ISSUED as to Kathleen Mantaro, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>35</u>	ELECTRONIC SUMMONS ISSUED as to Jon Miller, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>36</u>	ELECTRONIC SUMMONS ISSUED as to John Morley, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>37</u>	ELECTRONIC SUMMONS ISSUED as to Susan Mueller, MD. (dnh) (Entered: 09/10/2019)
09/10/2019	<u>38</u>	ELECTRONIC SUMMONS ISSUED as to Kristin Salotti, NP. (dnh) (Entered: 09/10/2019)
09/11/2019		CASE ACCEPTED AS RELATED. Create association to 1:15-cv-01955-LAP. Notice of Assignment to follow. (wb) (Entered: 09/11/2019)
09/11/2019		NOTICE OF CASE REASSIGNMENT to Judge Loretta A. Preska. Judge Unassigned is no longer assigned to the case. (wb) (Entered: 09/11/2019)
09/11/2019		Magistrate Judge Sarah Netburn is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (wb) (Entered: 09/11/2019)
09/28/2019	<u>39</u>	REQUEST FOR ISSUANCE OF AMENDED SUMMONS as to Kathleen Mantaro MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/28/2019)
09/28/2019	<u>40</u>	REQUEST FOR ISSUANCE OF AMENDED SUMMONS as to Jon Miller MD, re: <u>1</u> Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 09/28/2019)

09/30/2019	41	ELECTRONIC AMENDED SUMMONS ISSUED as to Jon Miller, MD. (jgo) (Entered: 09/30/2019)
09/30/2019	42	ELECTRONIC AMENDED SUMMONS ISSUED as to Kathleen Mantaro, MD. (jgo) (Entered: 09/30/2019)
09/30/2019	43	AFFIDAVIT OF SERVICE. Albert Acrish, NP served on 9/26/2019, answer due 10/17/2019. Service was accepted by C. Murphy Authorized Representative. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 09/30/2019)
09/30/2019	44	AFFIDAVIT OF SERVICE. Mary Ashong, NP served on 9/26/2019, answer due 10/17/2019. Service was accepted by C. Murphy Authorized Representative. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 09/30/2019)
10/07/2019	45	AFFIDAVIT OF SERVICE. Ann Andola, MD served on 9/30/2019, answer due 10/21/2019. Service was accepted by Elizabeth Jennings. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 10/07/2019)
10/07/2019	46	AFFIDAVIT OF SERVICE. Chun Lee, MD served on 9/26/2019, answer due 10/17/2019. Service was accepted by Karen Hansen. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 10/07/2019)
10/07/2019	47	AFFIDAVIT OF SERVICE. John Hammer, MD served on 10/1/2019, answer due 10/22/2019. Service was accepted by John Hammer. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez;

		Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 10/07/2019)
10/07/2019	48	AFFIDAVIT OF SERVICE. Mikhail Gusman, MD served on 9/30/2019, answer due 10/21/2019. Service was accepted by Elizabeth Jennings. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 10/07/2019)
10/07/2019	49	CERTIFICATE OF SERVICE. Susan Mueller, MD served on 9/30/2019, answer due 10/21/2019. Service was accepted by Laura Rhodes. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 10/07/2019)
10/08/2019	50	LETTER MOTION for Extension of Time to File Answer re: 1 Complaint,,, or <i>Otherwise Respond to the Complaint</i> addressed to Judge Loretta A. Preska from AAG Yan Fu dated October 8, 2019. Document filed by New York State Office of the Attorney General.(Fu, Yan) (Entered: 10/08/2019)
10/09/2019	51	ORDER: granting 50 Letter Motion for Extension of Time to Answer. No further extensions will be granted. SO ORDERED. Albert Acrish, NP answer due 12/20/2019; Ann Andola, MD answer due 12/20/2019; Mary Ashong, NP answer due 12/20/2019; Paula Bozer, MD answer due 12/20/2019; Peter Braselman, MD answer due 12/20/2019; David S. Dinello, MD answer due 12/20/2019; Mikhail Gusman, MD answer due 12/20/2019; John Hammer, MD answer due 12/20/2019; David Karandy, MD answer due 12/20/2019; Carl Koenigsmann, MD answer due 12/20/2019; Chun Lee, MD answer due 12/20/2019; Kathleen Mantaro, MD answer due 12/20/2019; Jon Miller, MD answer due 12/20/2019; John Morley, MD answer due 12/20/2019; Susan Mueller, MD answer due 12/20/2019; New York State Department of Corrections and Community Supervision answer due 12/20/2019; Kristin Salotti, NP answer due 12/20/2019. (Signed by Judge Loretta A. Preska on 10/09/2019) (ama) (Entered: 10/09/2019)
11/02/2019	52	AFFIDAVIT OF SERVICE. Paula Bozer, MD served on 10/30/2019, answer due 12/20/2019. Service was accepted by Tracy Thurman. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh

		Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 11/02/2019)
11/02/2019	53	CERTIFICATE OF SERVICE. Carl Koenigsmann, MD served on 10/2/2019, answer due 12/20/2019. Service was accepted by Carl Koenigsmann, MD. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 11/02/2019)
11/02/2019	54	AFFIDAVIT OF SERVICE. John Morley, MD served on 10/2/2019, answer due 12/20/2019. Service was accepted by Jared Sanford. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 11/02/2019)
11/02/2019	55	AFFIDAVIT OF SERVICE. New York State Department of Corrections and Community Supervision served on 10/2/2019, answer due 12/20/2019. Service was accepted by Jared Sanford. Document filed by New York State Office of the Attorney General; John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 11/02/2019)
11/06/2019	56	CERTIFICATE OF SERVICE. David Karandy, MD served on 10/30/2019, answer due 12/20/2019. Service was accepted by Jenine Edwards. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 11/06/2019)
11/15/2019	57	AFFIDAVIT OF SERVICE. Kathleen Mantaro, MD served on 11/8/2019, answer due 12/20/2019. Service was accepted by Katherine Mantaro. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark

		Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 11/15/2019)
11/20/2019	<u>58</u>	AFFIDAVIT OF SERVICE. David S. Dinello, MD served on 11/13/2019, answer due 12/20/2019. Service was accepted by Leanne Calahan. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 11/20/2019)
11/20/2019	<u>59</u>	CERTIFICATE OF SERVICE. Kristin Salotti, NP served on 11/7/2019, answer due 12/20/2019. Service was accepted by Nichole Crane. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 11/20/2019)
11/26/2019	<u>60</u>	AFFIDAVIT OF SERVICE. Jon Miller, MD served on 11/19/2019, answer due 12/20/2019. Service was accepted by Jon Miller. Document filed by New York State Office of the Attorney General; John Gradia; Brian Bernard; Peter Allen; Hugh Knight; Terry Mathis; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Angel Hernandez; Shannon Dickinson; Aaron Dockery. (Agnew, Amy) (Entered: 11/26/2019)
12/11/2019	<u>61</u>	FIRST LETTER MOTION for Extension of Time <i>and Leave to File First Amended Complaint</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated December 11, 2019. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # <u>1</u> Exhibit Amended Complaint with Redline, # <u>2</u> Exhibit FAC)(Agnew, Amy) (Entered: 12/11/2019)
12/11/2019	<u>62</u>	FIRST LETTER MOTION for Conference <i>regarding Motion for Pre-Certification Discovery</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated December 11, 2019. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams.

		(Attachments: # 1 Exhibit List of AHR Records, # 2 Exhibit List of MWAP Request Records Needed)(Agnew, Amy) (Entered: 12/11/2019)
12/16/2019	63	LETTER MOTION for Extension of Time to File Answer <i>or Otherwise Respond to the Complaint for Defendants Andola, Gusman, Mantaro, Ashong, Acrish, Lee, and Karandy</i> addressed to Judge Loretta A. Preska from AAG Yan Fu dated December 16, 2019. Document filed by New York State Office of the Attorney General.(Fu, Yan) (Entered: 12/16/2019)
12/16/2019	64	LETTER MOTION for Extension of Time to File Answer <i>and/or Motion to Dismiss; Letter-Response to Plaintiffs' Letter Motions dated December 11, 2019</i> addressed to Judge Loretta A. Preska from AAG Yan Fu dated December 16, 2019. Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP.(Fu, Yan) (Entered: 12/16/2019)
12/17/2019	65	LETTER RESPONSE in Opposition to Motion addressed to Judge Loretta A. Preska from A.J. Agnew dated December 17, 2019 re: 64 LETTER MOTION for Extension of Time to File Answer <i>and/or Motion to Dismiss; Letter-Response to Plaintiffs' Letter Motions dated December 11, 2019</i> addressed to Judge Loretta A. Preska from AAG Yan Fu dated December 16, 2019. . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Agnew, Amy) (Entered: 12/17/2019)
12/20/2019	66	ORDER terminating 64 Letter Motion for Extension of Time to Answer. 1. Plaintiffs may file an Amended Complaint no later than January 17. Plaintiffs' time to serve is extended to January 31, 2020. 2. An extension of time to file the motion to a date four weeks after the Amended Complaint is filed. SO ORDERED. (Signed by Judge Loretta A. Preska on 12/20/2019) (mml) (Entered: 12/20/2019)
12/20/2019		Set/Reset Deadlines: Amended Pleadings due by 1/17/2020. Service due by 1/31/2020. (mml) (Entered: 12/20/2019)
12/20/2019	67	ORDER granting 62 Letter Motion for Conference. Counsel shall appear for a conference on January 8 at 2:00 pm. SO ORDERED. Status Conference set for 1/8/2020 at 02:00 PM before Judge Loretta A. Preska. (Signed by Judge Loretta A. Preska on 12/20/2019) (mml) (Entered: 12/20/2019)

12/20/2019	68	ORDER granting 63 Letter Motion for Extension of Time to Answer. SO ORDERED. Albert Acrish, NP answer due 2/21/2020; Ann Andola, MD answer due 2/21/2020; Mary Ashong, NP answer due 2/21/2020; Mikhail Gusman, MD answer due 2/21/2020; David Karandy, MD answer due 2/21/2020; Chun Lee, MD answer due 2/21/2020; Kathleen Mantaro, MD answer due 2/21/2020. (Signed by Judge Loretta A. Preska on 12/20/2019) (mml) (Entered: 12/20/2019)
01/07/2020	69	NOTICE OF APPEARANCE by Ryan Edward Manley on behalf of Albert Acrish, NP, Ann Andola, MD, Mary Ashong, NP, Mikhail Gusman, MD, Kathleen Mantaro, MD. (Manley, Ryan) (Entered: 01/07/2020)
01/08/2020	70	NOTICE OF APPEARANCE by Brendan Michael Horan on behalf of Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP. (Horan, Brendan) (Entered: 01/08/2020)
01/08/2020		Minute Entry for proceedings held before Judge Loretta A. Preska: Interim Pretrial Conference held on 1/8/2020. (mph) (Entered: 01/17/2020)
01/10/2020	71	LETTER addressed to Judge Loretta A. Preska from Brendan M. Horan dated January 10, 2020 re: Conference on January 8, 2020. Document filed by Paula Bozer, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP.(Horan, Brendan) (Entered: 01/10/2020)
01/10/2020	72	MOTION for Yan Fu to Withdraw as Attorney . Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP.(Fu, Yan) (Entered: 01/10/2020)
01/13/2020	73	MEMO ENDORSED ORDER granting 72 Motion to Withdraw as Attorney. Attorney Yan Fu terminated. ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 1/13/2020) (mml) (Entered: 01/13/2020)
01/13/2020	74	MEMO ENDORSEMENT on re: 71 Letter, filed by John Morley, MD, John Hammer, MD, Jon Miller, MD, Paula Bozer, MD, Kristin Salotti, NP, New York State Department of Corrections and Community Supervision, Susan Mueller, MD, Carl Koenigsmann, MD. ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 1/13/2020) (mml) (Entered: 01/13/2020)

01/17/2020	75	NOTICE OF APPEARANCE by Nia Rene Stanford on behalf of Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP. (Stanford, Nia) (Entered: 01/17/2020)
01/18/2020	76	FIRST AMENDED COMPLAINT amending 1 Complaint,,, against Albert Acrish, NP, Ann Andola, MD, Mary Ashong, NP, Paula Bozer, MD, David S. Dinello, MD, John Doe #1, MD, John Doe #2, MD, Jane or John Doe, MD #3 - # 50, Jane or John Doe, NP or PA #1 - #50, Mikhail Gusman, MD, John Hammer, MD, David Karandy, MD, Carl Koenigsmann, MD, Chun Lee, MD, Kathleen Mantaro, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP, Peter Braselmann, MD with JURY DEMAND.Document filed by John Gradia, Michael Vattiato, Brian Bernard, Peter Allen, Derrick Williams, Wayne Stewart, Rashid Rahman, Hugh Knight, Terry Mathis, Sean Pritchett, Eddie Fields, Mark Daniels, Spencer Jackson, Harold Ortiz, Felipe Rivera-Cruz, Angel Hernandez, Shannon Dickinson, Aaron Dockery. Related document: 1 Complaint,,,(Agnew, Amy) (Entered: 01/18/2020)
01/30/2020	77	NOTICE OF APPEARANCE by Ryan Edward Manley on behalf of David Karandy, MD, Chun Lee, MD. (Manley, Ryan) (Entered: 01/30/2020)
02/22/2020	78	CONSENT LETTER MOTION for Extension of Time to File Answer <i>or Otherwise Respond to the Amended Complaint for All Defendants</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated February 22, 2020. Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP..(Horan, Brendan) (Entered: 02/22/2020)
02/24/2020	79	ORDER: granting 78 Letter Motion for Extension of Time to Answer. SO ORDERED. Albert Acrish, NP answer due 3/9/2020; Ann Andola, MD answer due 3/9/2020; Mary Ashong, NP answer due 3/9/2020; Paula Bozer, MD answer due 3/9/2020; Peter Braselmann, MD answer due 3/9/2020; David S. Dinello, MD answer due 3/9/2020; John Doe #1, MD answer due 3/9/2020; John Doe #2, MD answer due 3/9/2020; Jane or John Doe, MD #3 - # 50 answer due 3/9/2020; Jane or John Doe, NP or PA #1 - #50 answer due 3/9/2020; Mikhail Gusman, MD answer due 3/9/2020; John Hammer, MD answer due 3/9/2020; David Karandy, MD answer due 3/9/2020; Carl Koenigsmann, MD answer due 3/9/2020; Chun Lee, MD answer due 3/9/2020; Kathleen Mantaro, MD answer due 3/9/2020; Jon Miller, MD answer due 3/9/2020; John Morley, MD

		answer due 3/9/2020; Susan Mueller, MD answer due 3/9/2020; New York State Department of Corrections and Community Supervision answer due 3/9/2020; Kristin Salotti, NP answer due 3/9/2020. (Signed by Judge Loretta A. Preska on 2/24/2020) (ama) (Entered: 02/24/2020)
02/27/2020	<u>80</u>	CONSENT LETTER MOTION for Extension of Time to File Answer <i>or Otherwise Respond to the Amended Complaint</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated February 27, 2020. Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP..(Horan, Brendan) (Entered: 02/27/2020)
02/28/2020	<u>81</u>	ORDER granting <u>80</u> Letter Motion for Extension of Time to Answer re <u>76</u> Amended Complaint. SO ORDERED. Albert Acrish, NP answer due 4/8/2020; Ann Andola, MD answer due 4/8/2020; Mary Ashong, NP answer due 4/8/2020; Paula Bozer, MD answer due 4/8/2020; Peter Braselmann, MD answer due 4/8/2020; David S. Dinello, MD answer due 4/8/2020; John Doe #1, MD answer due 4/8/2020; John Doe #2, MD answer due 4/8/2020; Jane or John Doe, MD #3 - # 50 answer due 4/8/2020; Jane or John Doe, NP or PA #1 - #50 answer due 4/8/2020; Mikhail Gusman, MD answer due 4/8/2020; John Hammer, MD answer due 4/8/2020; David Karandy, MD answer due 4/8/2020; Carl Koenigsmann, MD answer due 4/8/2020; Chun Lee, MD answer due 4/8/2020; Kathleen Mantaro, MD answer due 4/8/2020; Jon Miller, MD answer due 4/8/2020; John Morley, MD answer due 4/8/2020; Susan Mueller, MD answer due 4/8/2020; New York State Department of Corrections and Community Supervision answer due 4/8/2020; Kristin Salotti, NP answer due 4/8/2020. (Signed by Judge Loretta A. Preska on 2/28/2020) (va) Modified on 3/4/2020 (va). (Entered: 02/28/2020)
03/13/2020	<u>82</u>	<u>FILING ERROR - DEFICIENT SUMMONS REQUEST- WRONG EVENT TYPE SELECTED - PDF ERROR - SUMMONS REQUESTED IS NOT AN AMENDED SUMMONS</u> - REQUEST FOR ISSUANCE OF AMENDED SUMMONS as to Peter Braselmann, MD, re: <u>76</u> Amended Complaint,,,. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) Modified on 3/16/2020 (pne). (Entered: 03/13/2020)
03/16/2020		<u>***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Amy Jane Agnew to RE-FILE Document No. <u>82</u> Request for</u>

		Issuance of Amended Summons,. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct; the wrong event type was used to file the request for issuance of summons; remove the word 'AMENDED' from the summons request PDF; a summons was not previously issued for Peter Braselmann. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the corrected summons form PDF. (pne) (Entered: 03/16/2020)
03/17/2020	<u>83</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Peter Braselmann, MD, re: <u>76</u> Amended Complaint,,, Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 03/17/2020)
03/18/2020	<u>84</u>	ELECTRONIC SUMMONS ISSUED as to Peter Braselmann, MD..(pc) (Entered: 03/18/2020)
03/23/2020	<u>85</u>	CONSENT LETTER MOTION for Extension of Time <i>for the State Represented Defendants to produce the medical records specified in the Court's January 13, 2020 Order</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated March 23, 2020. Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP..(Horan, Brendan) (Entered: 03/23/2020)
03/24/2020	<u>86</u>	ORDER granting <u>85</u> Letter Motion for Extension of Time. SO ORDERED. (Signed by Judge Loretta A. Preska on 3/24/2020) (va) (Entered: 03/24/2020)
03/26/2020	<u>87</u>	LETTER MOTION for Leave to File Excess Pages addressed to Judge Loretta A. Preska from Ryan E. Manley dated March 26, 2020. Document filed by Albert Acrish, NP, Ann Andola, MD, Mary Ashong, NP, Mikhail Gusman, MD, David Karandy, MD, Chun Lee, MD, Kathleen Mantaro, MD..(Manley, Ryan) (Entered: 03/26/2020)
03/27/2020	<u>88</u>	ORDER granting <u>87</u> Letter Motion for Leave to File Excess Pages. Defendant's March 26, 2020 motion for leave to file a 40-page memorandum of law [dkt. no. 87] is GRANTED. SO ORDERED. (Signed by Judge Loretta A. Preska on 3/27/2020) (va) (Entered: 03/27/2020)

03/31/2020	89	LETTER MOTION for Extension of Time to File Answer addressed to Judge Loretta A. Preska from Brendan M. Horan dated March 31, 2020. Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP..(Horan, Brendan) (Entered: 03/31/2020)
04/03/2020	90	ORDER granting 89 Letter Motion for Extension of Time to Answer re 76 Amended Complaint. The Court grants on final, two-week extension of the Defendants' time to respond. No further extensions will be granted without Plaintiffs' counsel's consent absent extraordinary circumstances. SO ORDERED. Paula Bozer, MD answer due 4/22/2020; David S. Dinello, MD answer due 4/22/2020; John Hammer, MD answer due 4/22/2020; Carl Koenigsmann, MD answer due 4/22/2020; Jon Miller, MD answer due 4/22/2020; John Morley, MD answer due 4/22/2020; Susan Mueller, MD answer due 4/22/2020; New York State Department of Corrections and Community Supervision answer due 4/22/2020; Kristin Salotti, NP answer due 4/22/2020. (Signed by Judge Loretta A. Preska on 4/3/2020) (va) (Entered: 04/03/2020)
04/07/2020	91	AFFIDAVIT OF SERVICE. Peter Braselmann, MD served on 3/31/2020, answer due 4/21/2020. Service was accepted by Jackie Braselmann. Document filed by John Gradia; Michael Vattiato; Brian Bernard; Peter Allen; Derrick Williams; Wayne Stewart; Rashid Rahman; Hugh Knight; Terry Mathis; Sean Pritchett; Eddie Fields; Mark Daniels; Spencer Jackson; Harold Ortiz; Felipe Rivera-Cruz; Angel Hernandez; Shannon Dickinson; Aaron Dockery..(Agnew, Amy) (Entered: 04/07/2020)
04/08/2020	92	MOTION to Dismiss <i>the First Amended Complaint</i> . Document filed by Albert Acrish, NP, Ann Andola, MD, Mary Ashong, NP, Mikhail Gusman, MD, David Karandy, MD, Chun Lee, MD, Kathleen Mantaro, MD..(Manley, Ryan) (Entered: 04/08/2020)
04/08/2020	93	MEMORANDUM OF LAW in Support re: 92 MOTION to Dismiss <i>the First Amended Complaint</i> . . Document filed by Albert Acrish, NP, Ann Andola, MD, Mary Ashong, NP, Mikhail Gusman, MD, David Karandy, MD, Chun Lee, MD, Kathleen Mantaro, MD..(Manley, Ryan) (Entered: 04/08/2020)
04/08/2020	94	LETTER addressed to Judge Loretta A. Preska from A.J. Agnew dated April 8, 2020 re: Parties' Status Letter. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman,

		Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 04/08/2020)
04/09/2020	<u>95</u>	ORDER. The Court has reviewed the parties' joint letter (dkt. no. 94) and is prepared to enter a scheduling order covering the matters contained in Plaintiffs' counsel's proposed schedule. However, it is the Court's view that initial disclosures should not be made until June 1 and that expert reports and rebuttal reports, if any, should be exchanged simultaneously and prior to expert depositions. Counsel shall confer and propose a schedule no later than April 16, 2020. SO ORDERED. (Signed by Judge Loretta A. Preska on 4/9/20) (yv) (Entered: 04/09/2020)
04/16/2020	<u>96</u>	LETTER MOTION for Leave to File Excess Pages <i>on the State Represented Defendants' Memorandum of Law in Support of Their Motion to Dismiss the First Amended Class Action Complaint</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated April 16, 2020. Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP..(Horan, Brendan) (Entered: 04/16/2020)
04/16/2020	<u>97</u>	JOINT LETTER addressed to Judge Loretta A. Preska from Brendan M. Horan dated April 16, 2020 re: Proposed Schedule. Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP..(Horan, Brendan) (Entered: 04/16/2020)
04/17/2020	<u>98</u>	ORDER granting <u>96</u> Letter Motion for Leave to File Excess Pages. SO ORDERED. (Signed by Judge Loretta A. Preska on 4/17/2020) (va) (Entered: 04/17/2020)
04/17/2020	<u>99</u>	MEMO ENDORSEMENT on re: <u>97</u> Letter, filed by John Morley, MD, John Hammer, MD, Jon Miller, MD, Paula Bozer, MD, Kristin Salotti, NP, New York State Department of Corrections and Community Supervision, David S. Dinello, MD, Susan Mueller, MD, Carl Koenigsmann, MD. ENDORSEMENT: The proposed schedule is approved. SO ORDERED. (Motions due by 9/16/2020, Responses due by 11/2/2020, Replies due by 11/16/2020.) (Signed by Judge Loretta A. Preska on 4/17/2020) (va) (Entered: 04/17/2020)
04/21/2020	<u>100</u>	CONSENT LETTER MOTION for Extension of Time to File Answer re: <u>76</u> Amended Complaint,, <i>on behalf of Dr. Peter Braselmann</i> addressed to Judge Loretta A. Preska from Brendan M.

		Horan dated April 21, 2020. Document filed by New York State Office of the Attorney General..(Horan, Brendan) (Entered: 04/21/2020)
04/22/2020	101	MOTION to Dismiss <i>the First Amended Class Action Complaint as to the State Represented Defendants for Improper Venue and Failure to State a Claim.</i> , MOTION to Dismiss for Lack of Jurisdiction <i>the New York State Department of Corrections and Community Supervision.</i> Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP..(Horan, Brendan) (Entered: 04/22/2020)
04/22/2020	102	MEMORANDUM OF LAW in Support re: 101 MOTION to Dismiss <i>the First Amended Class Action Complaint as to the State Represented Defendants for Improper Venue and Failure to State a Claim.</i> MOTION to Dismiss for Lack of Jurisdiction <i>the New York State Department of Corrections and Community Supervision.</i> . Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP..(Horan, Brendan) (Entered: 04/22/2020)
04/22/2020	103	ORDER granting 100 Letter Motion for Extension of Time to Answer re 76 Amended Complaint. The request for an extension is granted. SO ORDERED. Peter Braselmann, MD answer due 5/21/2020. (Signed by Judge Loretta A. Preska on 4/23/2020) (va) (Entered: 04/22/2020)
04/29/2020	104	FIRST LETTER MOTION for Leave to File Excess Pages , <i>Permission to File a Sur-Reply and for entry of a Scheduling Order</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated April 29, 2020. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 04/29/2020)
04/30/2020	105	NOTICE OF APPEARANCE by Maria Barous Hartofilis on behalf of Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP..(Hartofilis, Maria) (Entered: 04/30/2020)
04/30/2020	106	LETTER RESPONSE to Motion addressed to Judge Loretta A. Preska from AAG Maria Hartofilis dated April 30, 2020 re: 104 FIRST

		LETTER MOTION for Leave to File Excess Pages , <i>Permission to File a Sur-Reply and for entry of a Scheduling Order</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated April 29, 2020. . Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP..(Hartofilis, Maria) (Entered: 04/30/2020)
05/01/2020	107	ORDER granting 104 Letter Motion for Leave to File Excess Pages. Plaintiffs' request to file an oversized brief is granted. The briefing schedule proposed in defense counsel's letter dated April 30, 2020 is approved. The parties' requests for sur-replies is denied without prejudice to renewal after the opposition briefs and replies. No sanctions motions shall be filed without further order of the Court. SO ORDERED. (Signed by Judge Loretta A. Preska on 5/1/2020) (va) (Entered: 05/01/2020)
05/01/2020		Set/Reset Deadlines: Replies due by 5/22/2020. (va) (Entered: 05/01/2020)
05/01/2020	108	NOTICE OF VOLUNTARY DISMISSAL pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice and without costs against the defendant(s) Albert Acrish, NP, Ann Andola, MD, Mary Ashong, NP, Paula Bozer, MD, Peter Braselmann, MD, David S. Dinello, MD, John Doe #1, MD, John Doe #2, MD, Jane or John Doe, MD #3 - # 50, Jane or John Doe, NP or PA #1 - #50, Mikhail Gusman, MD, John Hammer, MD, David Karandy, MD, Carl Koenigsmann, MD, Chun Lee, MD, Kathleen Mantaro, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections and Community Supervision, Kristin Salotti, NP. Document filed by John Gradia, Michael Vattiato, Brian Bernard, Peter Allen, Derrick Williams, Wayne Stewart, Rashid Rahman, Hugh Knight, Terry Mathis, Sean Pritchett, Eddie Fields, Mark Daniels, Spencer Jackson, Harold Ortiz, Felipe Rivera-Cruz, Angel Hernandez, Shannon Dickinson, Aaron Dockery. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by chambers) ...(Agnew, Amy) (Entered: 05/01/2020)
05/01/2020	109	MEMORANDUM OF LAW in Opposition re: 101 MOTION to Dismiss <i>the First Amended Class Action Complaint as to the State Represented Defendants for Improper Venue and Failure to State a Claim</i> . MOTION to Dismiss for Lack of Jurisdiction <i>the New York State Department of Corrections and Community Supervision</i> . . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson,

		Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 05/01/2020)
05/01/2020	<u>110</u>	DECLARATION of A.J. Agnew in Opposition re: <u>101</u> MOTION to Dismiss <i>the First Amended Class Action Complaint as to the State Represented Defendants for Improper Venue and Failure to State a Claim</i> . MOTION to Dismiss for Lack of Jurisdiction <i>the New York State Department of Corrections and Community Supervision</i> .. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # <u>1</u> Exhibit June 1, 2017 MWAP Policy, # <u>2</u> Exhibit Sept. 10, 2018 MWAP Policy, # <u>3</u> Exhibit Visual Chart, # <u>4</u> Exhibit AHR excerpts Mr. Rahman).(Agnew, Amy) (Entered: 05/01/2020)
05/04/2020		***NOTICE TO COURT REGARDING NOTICE OF VOLUNTARY DISMISSAL Document No. <u>108</u> Notice of Voluntary Dismissal was reviewed and referred to Judge Loretta A. Preska for approval for the following reason(s): the plaintiff(s) filed their voluntary dismissal and it did not dismiss all of the parties or the action in its entirety. (dt) (Entered: 05/04/2020)
05/05/2020	<u>111</u>	NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(i): Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs, by and through their counsel, Law Office of Amy Jane Agnew, P.C., hereby give notice of the voluntary dismissal without prejudice of all claims against Defendants New York State Department of Corrections and Community Supervision, Jon Miller, MD and Paula Bozer MD. Furthermore, Plaintiffs also give notice of the voluntary dismissal of Count II of the First Amended Complaint against all Defendants without prejudice. SO ORDERED. New York State Department of Corrections and Community Supervision, Paula Bozer, MD and Jon Miller, MD terminated. (Signed by Judge Loretta A. Preska on 5/5/2020) (va) (Entered: 05/05/2020)
05/05/2020	<u>112</u>	CONSENT LETTER MOTION for Extension of Time <i>for the State Represented Defendants to produce the remaining medical records specified in the Court's January 13, 2020 Order</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated May 5, 2020. Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, Jon Miller, MD, John Morley, MD, Susan Mueller, MD, New York State Department of Corrections

		and Community Supervision, Kristin Salotti, NP..(Horan, Brendan) (Entered: 05/05/2020)
05/07/2020	<u>113</u>	ORDER granting <u>112</u> Letter Motion for Extension of Time. The time extension requests are granted. SO ORDERED. (Signed by Judge Loretta A. Preska on 5/7/2020) (va) (Entered: 05/07/2020)
05/12/2020	<u>114</u>	LETTER addressed to Judge Loretta A. Preska from A.J. Agnew dated May 12, 2020 re: Law Student Intern Appearances. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # <u>1</u> Text of Proposed Order Buitrago Rincon, Marla, # <u>2</u> Text of Proposed Order Getrajdman, Gregory, # <u>3</u> Text of Proposed Order Hoyt, Yusra, # <u>4</u> Text of Proposed Order Rosenberg, Peter, # <u>5</u> Supplement Client Certifications).(Agnew, Amy) (Entered: 05/12/2020)
05/13/2020	<u>115</u>	MEMO ENDORSEMENT on LAW STUDENT INTERN APPEARANCE FORM of Gregory Getrajdman. ENDORSEMENT: I authorize this student: (a) to appear in court or other proceedings on behalf of the above client, and (b) to prepare documents on behalf of the above client. (Signed by Judge Loretta A. Preska on 5/13/2020) (va) (Entered: 05/13/2020)
05/13/2020	<u>116</u>	MEMO ENDORSEMENT on LAW STUDENT INTERN APPEARANCE FORM of Maria Buitrago Rincon. ENDORSEMENT: I authorize this student: (a) to appear in court or other proceedings on behalf of the above client, and (b) to prepare documents on behalf of the above client. (Signed by Judge Loretta A. Preska on 5/13/2020) (va) (Entered: 05/13/2020)
05/13/2020	<u>117</u>	MEMO ENDORSEMENT on LAW STUDENT INTERN APPEARANCE FORM of Peter Rosenberg. ENDORSEMENT: I authorize this student: (a) to appear in court or other proceedings on behalf of the above client, and (b) to prepare documents on behalf of the above client. (Signed by Judge Loretta A. Preska on 5/13/2020) (va) (Entered: 05/13/2020)
05/13/2020	<u>118</u>	MEMO ENDORSEMENT on LAW STUDENT INTERN APPEARANCE FORM of Yusra Hoyt. ENDORSEMENT: I authorize this student: (a) to appear in court or other proceedings on behalf of the above client, and (b) to prepare documents on behalf of the above client. (Signed by Judge Loretta A. Preska on 5/13/2020) (va) (Entered: 05/13/2020)

05/14/2020	119	LETTER MOTION for Discovery addressed to Judge Loretta A. Preska from A.J. Agnew dated May 14, 2020. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit phone record redacted).(Agnew, Amy) (Entered: 05/14/2020)
05/15/2020	120	***SELECTED PARTIES*** LETTER MOTION for Discovery <i>in Response to Plaintiffs' Letter Motion for Discovery dated May 14, 2020</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated May 15, 2020. Document filed by John Morley, MD, John Hammer, MD, Carl Koenigsmann, MD, Paula Bozer, MD, Susan Mueller, MD, David S. Dinello, MD, Jon Miller, MD, New York State Department of Corrections and Community Supervision, Albert Acrish, NP, Peter Allen, Ann Andola, MD, Mary Ashong, NP, Brian Bernard, Peter Braselmann, MD, Mark Daniels, Shannon Dickinson, Aaron Dockery, John Doe #1, MD, John Doe #2, MD, Jane or John Doe, MD #3 - # 50, Jane or John Doe, NP or PA #1 - #50, Eddie Fields, John Gradia, Mikhail Gusman, MD, Angel Hernandez, Spencer Jackson, David Karandy, MD, Hugh Knight, Chun Lee, MD, Kathleen Mantaro, MD, Terry Mathis, New York State Office of the Attorney General, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Kristin Salotti, NP, Wayne Stewart, Michael Vattiato, Derrick Williams.Motion or Order to File Under Seal: 119 .(Horan, Brendan) (Entered: 05/15/2020)
05/19/2020	121	CONSENT LETTER MOTION for Extension of Time to File Answer re: 76 Amended Complaint,, <i>on behalf of Dr. Peter Braselmann</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated May 19, 2020. Document filed by New York State Office of the Attorney General..(Horan, Brendan) (Entered: 05/19/2020)
05/20/2020	122	CONSENT LETTER MOTION for Extension of Time to Complete Discovery <i>for the State Represented Defendants To Produce the Ambulatory Health Record of Deandre/David Williams</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated May 20, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 05/20/2020)
05/20/2020	123	LETTER MOTION for Leave to File Excess Pages <i>on the State Represented Defendants' Reply Memorandum of Law in Further Support of Their Motion to Dismiss the First Amended Class Action Complaint</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated May 20, 2020. Document filed by David S. Dinello, MD, John

		Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 05/20/2020)
05/21/2020	124	ORDER granting 121 Letter Motion for Extension of Time to Answer re 76 Amended Complaint. The extension request is granted. SO ORDERED. Peter Braselmann, MD answer due 6/20/2020. (Signed by Judge Loretta A. Preska on 5/21/2020) (va) (Entered: 05/21/2020)
05/21/2020	125	ORDER granting 123 Letter Motion for Leave to File Excess Pages. The request for permission to file a 15 page reply is granted. SO ORDERED. (Signed by Judge Loretta A. Preska on 5/21/2020) (va) (Entered: 05/21/2020)
05/21/2020	126	ORDER granting 122 Letter Motion for Extension of Time to Complete Discovery. The extension request is granted. SO ORDERED. (Signed by Judge Loretta A. Preska on 5/21/2020) (va) (Entered: 05/21/2020)
05/21/2020	127	CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to 109 Memorandum of Law in Opposition to Motion,, addressed to Judge Loretta A. Preska from Brendan M. Horan dated May 21, 2020., CONSENT LETTER MOTION for Discovery <i>to Hold the Plaintiffs' May 14, 2020 Discovery Motion in Abeyance while Parties Continue to Confer</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated May 21, 2020., CONSENT LETTER MOTION for Conference <i>Requesting Referral to the Magistrate Judge for a Settlement Conference</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated May 21, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 05/21/2020)
05/22/2020	128	ORDER OF REFERENCE TO A MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Sarah L Cave. (Signed by Judge Loretta A. Preska on 5/22/2020) (va) (Entered: 05/22/2020)
05/22/2020	129	ORDER granting 127 Letter Motion for Extension of Time to File. The above three requests are granted. SO ORDERED. (Signed by Judge Loretta A. Preska on 5/22/2020) (va) (Entered: 05/22/2020)
05/26/2020	130	SETTLEMENT CONFERENCE SCHEDULING ORDER: A settlement conference by telephone is scheduled for Tuesday, June 23, 2020 at 2:00 pm. The parties are directed to call the Courts conference line at the scheduled time: 866-390-1828, access code 3809799. All parties who intend to speak during the call must use a landline or phone with equivalent quality. On receipt of this order, each party is directed to

		ensure that all other parties on the case are aware of the conference date and time. As further set forth in this Order. SO ORDERED. (Signed by Magistrate Judge Sarah L Cave on 5/26/2020) Telephone Conference set for 6/23/2020 at 02:00 PM before Magistrate Judge Sarah L Cave. (ks) (Entered: 05/26/2020)
05/27/2020		Set/Reset Hearings: Settlement Conference set for 6/23/2020 at 02:00 PM before Magistrate Judge Sarah L Cave. (ne) (Entered: 05/27/2020)
05/27/2020		Magistrate Judge Sarah Netburn is so redesignated. (ad) (Entered: 05/27/2020)
05/27/2020		NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Sarah Netburn, for Settlement. Magistrate Judge Sarah L Cave no longer referred to the case. Related case 15-cv-1955. (ad) (Entered: 05/27/2020)
05/28/2020	131	ORDER. The Settlement Conference scheduled for Tuesday, June 23, 2020 at 2:00 pm is canceled. So ordered. The following hearing(s) was terminated: Settlement Conference. (Signed by Magistrate Judge Sarah L Cave on 5/28/2020) (rjm) (Entered: 05/28/2020)
05/29/2020	132	REPLY MEMORANDUM OF LAW in Support re: 92 MOTION to Dismiss <i>the First Amended Complaint</i> . . Document filed by Albert Acrish, NP, Ann Andola, MD, Mary Ashong, NP, Mikhail Gusman, MD, David Karandy, MD, Chun Lee, MD, Kathleen Mantaro, MD..(Manley, Ryan) (Entered: 05/29/2020)
05/29/2020	133	REPLY MEMORANDUM OF LAW in Support re: 101 MOTION to Dismiss <i>the First Amended Class Action Complaint as to the State Represented Defendants for Improper Venue and Failure to State a Claim</i> . MOTION to Dismiss for Lack of Jurisdiction <i>the New York State Department of Corrections and Community Supervision</i> . . Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 05/29/2020)
06/03/2020	134	SETTLEMENT CONFERENCE ORDER: A settlement conference is scheduled for Wednesday, June 17, 2020, at 10:00 a.m., and will be held telephonically. The Court will provide dial-in information by email before the conference. The parties are directed to review and comply with the Procedures for Cases Referred for Settlement to Magistrate Judge Sarah Netburn, a copy of which is available on the Court's website at https://nysd.uscourts.gov/hon-sarah-netburn . The parties are strongly encouraged to engage in good-faith settlement negotiations before the settlement conference and preferably before the submission to the Court of the Ex Parte Settlement Letters and Acknowledgment Forms, which

		are to be submitted by Wednesday, June 10, 2020. Should the parties resolve the litigation before the conference date, they must notify the Court in writing immediately. SO ORDERED. (Telephone Conference set for 6/17/2020 at 10:00 AM before Magistrate Judge Sarah Netburn.) (Signed by Magistrate Judge Sarah Netburn on 6/3/2020) (va) (Entered: 06/03/2020)
06/08/2020	135	ORDER: The settlement conference currently scheduled for Wednesday, June 17, 2020, at 10:00 a.m., and will instead be held at 2:00 p.m. that same day. So Ordered. (Telephone Conference set for 6/17/2020 at 02:00 PM before Magistrate Judge Sarah Netburn.) (Signed by Magistrate Judge Sarah Netburn on 6/8/2020) (js) (Entered: 06/08/2020)
06/08/2020	136	CONSENT LETTER MOTION for Extension of Time to File <i>Ex Parte Settlement Letter to June 15, 2020</i> addressed to Magistrate Judge Sarah Netburn from Brendan M. Horan dated June 8, 2020., CONSENT LETTER MOTION for Conference to <i>Excuse the Appearance of the Individual State Represented Defendants Except Dr. Morley</i> addressed to Magistrate Judge Sarah Netburn from Brendan M. Horan dated June 8, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 06/08/2020)
06/09/2020	137	LETTER MOTION for Conference <i>Orders to Produce for two representative plaintiffs</i> addressed to Magistrate Judge Sarah Netburn from A.J. Agnew dated June 9, 2020. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Text of Proposed Order Order to Produce John Gradia, # 2 Text of Proposed Order Order to Produce Terry Mathis).(Agnew, Amy) (Entered: 06/09/2020)
06/09/2020	138	ORDER granting 136 Letter Motion for Extension of Time to File; granting 136 Letter Motion for Conference. Defendants' ex parte settlement materials shall be due no later than June 15, 2020. Defendants state that: (1) a knowledgeable individual within the relevant decision-making authority chain, (2) a representative from DOCCS's Counsel's Office, and (3) Dr. Morley, who would be responsible for approving any changes to the Division of Health Services Policy will all attend the telephonic settlement conference. Accordingly, Defendants' request to excuse the attendance of the remaining named individual state defendants is GRANTED. (HEREBY ORDERED by Magistrate Judge Sarah Netburn)(Text Only Order) (Netburn, Sarah) (Entered: 06/09/2020)

06/09/2020	139	ORDER granting 137 Letter Motion for Conference. The orders shall be filed forthwith. (HEREBY ORDERED by Magistrate Judge Sarah Netburn)(Text Only Order) (Netburn, Sarah) (Entered: 06/09/2020)
06/09/2020	140	ORDER TO PRODUCE: IT IS ORDERED that the SHAWANGUNK CORRECTIONAL FACILITY produce Terry Mathis DIN#92B1144 by telephone at 1:55 in the afternoon on June 17, 2020 by using a dial in number and access code supplied by Plaintiffs counsel; IT IS FURTHER ORDERED that Plaintiff must be allowed to participate in the telephonic conference in a privileged and confidential manner, without the presence of any third parties in the room, unless safety and security issues necessitate the termination of Mr. Gradia's presence on the call. So Ordered. (Signed by Magistrate Judge Sarah Netburn on 6/9/2020) (js) Modified on 6/9/2020 (js). (Entered: 06/09/2020)
06/09/2020	141	ORDER TO PRODUCE: IT IS ORDERED that the EASTERN N.Y. CORRECTIONAL FACILITY produce John Gradia, DIN# 04B3127, by telephone at 1:55 in the afternoon on June 17, 2020 by using a dial in number and access code supplied by Plaintiffs counsel; IT IS FURTHER ORDERED that Plaintiff must be allowed to participate in the telephonic conference in a privileged and confidential manner, without the presence of any third parties in the room, unless safety and security issues necessitate the termination of Mr. Gradia's presence on the call. So Ordered (Signed by Magistrate Judge Sarah Netburn on 6/9/2020) (js) (Entered: 06/09/2020)
06/09/2020	142	LETTER MOTION for Conference <i>to Excuse the Appearance of the Individual Non-State Represented Defendants Except for Dr. Karandy</i> addressed to Magistrate Judge Sarah Netburn from Ryan E. Manley dated June 9, 2020. Document filed by Albert Acrish, NP, Ann Andola, MD, Mary Ashong, NP, Mikhail Gusman, MD, David Karandy, MD, Chun Lee, MD, Kathleen Mantaro, MD..(Manley, Ryan) (Entered: 06/09/2020)
06/10/2020	143	ORDER granting 142 Letter Motion for Conference. The individual non-state defendants are excused from attending the settlement conference scheduled for June 17, 2020, on the ground that counsel has represented they do not have individual settlement authority. The individual non-state defendants, including Dr. Karandy, may attend the settlement conference if they choose. (HEREBY ORDERED by Magistrate Judge Sarah Netburn)(Text Only Order) (Netburn, Sarah) (Entered: 06/10/2020)
06/17/2020		Minute Entry for proceedings held before Magistrate Judge Sarah Netburn: Telephonic Settlement Conference held on 6/17/2020. (ras) (Entered: 06/24/2020)

06/18/2020	144	NOTICE OF APPEARANCE by Ryan Edward Manley on behalf of Peter Braselmann, MD..(Manley, Ryan) (Entered: 06/18/2020)
06/18/2020	145	LETTER MOTION for Leave to File Request to Join Motion to Dismiss (Dkt No. 92) addressed to Judge Loretta A. Preska from Ryan E. Manley dated 6/18/2020. Document filed by Peter Braselmann, MD..(Manley, Ryan) (Entered: 06/18/2020)
06/19/2020	146	ORDER granting 145 Letter Motion for Leave to File Document. The request for Dr. Braselmann to join the motion to dismiss filed April 8, 2020 is granted. SO ORDERED. (Signed by Judge Loretta A. Preska on 6/19/2020) (va) (Entered: 06/19/2020)
07/02/2020	147	JOINT LETTER MOTION to Stay <i>Class Discovery and Deadlines in the April 17, 2020 Scheduling Order while the Parties Continue to Explore Settlement</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated July 2, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 07/02/2020)
07/06/2020	148	ORDER granting 147 Letter Motion to Stay. The case schedule proposed below is approved. SO ORDERED. (Signed by Judge Loretta A. Preska on 7/6/2020) (kv) (Entered: 07/06/2020)
07/06/2020		Set/Reset Deadlines: Motions due by 11/2/2020. Responses due by 12/17/2020 Replies due by 12/31/2020. (kv) (Entered: 07/06/2020)
07/28/2020	149	NOTICE OF APPEARANCE by Kara Somerstein on behalf of Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Somerstein, Kara) (Entered: 07/28/2020)
08/24/2020	150	CONSENT LETTER MOTION for Extension of Time <i>of the Dates in the July 6, 2020 Scheduling Order</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated August 24, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 08/24/2020)
08/25/2020	151	ORDER granting 150 CONSENT LETTER MOTION for Extension of Time of the Dates in the July 6, 2020 Scheduling Order addressed to Judge Loretta A. Preska from Brendan M. Horan dated August 24, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP. The proposed schedule above is approved. SO ORDERED.

		(Motions due by 11/16/2020). (Signed by Judge Loretta A. Preska on 8/25/2020). (rjm) (Entered: 08/25/2020)
08/25/2020		Set/Reset Deadlines: Responses due by 12/31/2020. Replies due by 1/14/2021. (rjm) (Entered: 08/25/2020)
09/04/2020	152	FIRST LETTER MOTION for Discovery <i>Virtual Depositions and Medical Records</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated September 4, 2020. Document filed by Peter Allen, Brian Bernard, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit Timeline snippet without AWP).(Agnew, Amy) (Entered: 09/04/2020)
09/04/2020	153	CONSENT LETTER MOTION for Extension of Time <i>for Extension of Time of the Dates in the August 25, 2020 Scheduling Order</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated September 4, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 09/04/2020)
09/08/2020	154	ORDER granting 153 Letter Motion for Extension of Time. The amended case scheduled proposed above is approved. SO ORDERED. (Signed by Judge Loretta A. Preska on 9/8/2020) (va) (Entered: 09/08/2020)
09/08/2020		Set/Reset Deadlines: Motions due by 11/30/2020. Responses due by 1/14/2021. Replies due by 1/28/2021. (va) (Entered: 09/08/2020)
09/10/2020	155	LETTER RESPONSE to Motion addressed to Judge Loretta A. Preska from Brendan M. Horan dated September 10, 2020 re: 152 FIRST LETTER MOTION for Discovery <i>Virtual Depositions and Medical Records</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated September 4, 2020. . Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 09/10/2020)
09/11/2020	156	LETTER REPLY to Response to Motion addressed to Judge Loretta A. Preska from A.J. Agnew dated September 11, 2020 re: 152 FIRST LETTER MOTION for Discovery <i>Virtual Depositions and Medical Records</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated September 4, 2020. . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments:

		# 1 Exhibit Ortiz Reassessment, # 2 Exhibit Bernard Surgical Consult, # 3 Exhibit Bernard Reassessment, # 4 Exhibit Schedule 2).(Agnew, Amy) (Entered: 09/11/2020)
09/11/2020	157	LETTER REPLY to Response to Motion addressed to Judge Loretta A. Preska from Brendan M. Horan dated September 11, 2020 re: 152 FIRST LETTER MOTION for Discovery <i>Virtual Depositions and Medical Records</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated September 4, 2020. <i>Responding to Plaintiffs' Reply Letter dated September 11, 2020.</i> Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP. (Attachments: # 1 Exhibit A - Email Exchange 1/29-31/20, # 2 Exhibit B - January 13, 2020 Discovery Order, # 3 Exhibit C - Email Exchange 5/5-7/20).(Horan, Brendan) (Entered: 09/11/2020)
09/11/2020	158	LETTER REPLY to Response to Motion addressed to Judge Loretta A. Preska from A.J. Agnew dated September 11, 2020 re: 152 FIRST LETTER MOTION for Discovery <i>Virtual Depositions and Medical Records</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated September 4, 2020. . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 09/11/2020)
09/14/2020	159	ORDER granting in part and denying in part 152 Letter Motion for Discovery. Plaintiffs' request with respect to depositions and medical records (dkt. no. 152) is granted in part and denied in part. SO ORDERED. (Signed by Judge Loretta A. Preska on 9/14/2020) (va) (Entered: 09/14/2020)
09/28/2020	160	FIRST LETTER MOTION for Discovery <i>related to applicability of deliberative process privilege</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated September 28, 2020. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 09/28/2020)
09/28/2020	161	LETTER RESPONSE to Motion addressed to Judge Loretta A. Preska from Nia Stanford dated September 28, 2020 re: 160 FIRST LETTER MOTION for Discovery <i>related to applicability of deliberative process privilege</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated September 28, 2020. . Document filed by David S. Dinello, MD, John

		Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Stanford, Nia) (Entered: 09/28/2020)
10/02/2020	<u>162</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Loretta A. Preska from Brendan M. Horan dated October 2, 2020 re: <u>160</u> FIRST LETTER MOTION for Discovery <i>related to applicability of deliberative process privilege</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated September 28, 2020. . Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 10/02/2020)
10/03/2020	<u>163</u>	LETTER addressed to Judge Loretta A. Preska from A.J. Agnew dated October 3, 2020 re: Reply to Opposition re: deliberative process privilege. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # <u>1</u> Exhibit Dr. Salvana Memo).(Agnew, Amy) (Entered: 10/03/2020)
10/05/2020	<u>164</u>	CONSENT LETTER MOTION for Extension of Time <i>of Briefing Schedule for Plaintiff's Anticipated Motion for a Preliminary Injunction</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated October 5, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 10/05/2020)
10/06/2020	<u>165</u>	ORDER granting <u>164</u> Letter Motion for Extension of Time. The briefing schedule proposed above is approved. SO ORDERED. (Signed by Judge Loretta A. Preska on 10/6/2020) (va) (Entered: 10/06/2020)
10/06/2020		Set/Reset Deadlines: Motions due by 1/14/2021. Responses due by 2/28/2021. Replies due by 3/14/2021. (va) (Entered: 10/06/2020)
10/06/2020	<u>166</u>	ORDER granting in part and denying in part <u>160</u> Letter Motion for Discovery. For the foregoing reasons, Dr. Morley may assert the deliberative process privilege with respect to questions implicating the decisionmaking behind the MWAP policy, but not questions about how the policy has been applied. If issues arise during the course of the deposition that require judicial intervention, the parties may send an e-mail to PreskaNYSDChambers@nysd.uscourts.gov, and the Court will arrange for a telephonic conference. SO ORDERED. (Signed by Judge Loretta A. Preska on 10/6/2020) (va) (Entered: 10/06/2020)
10/13/2020	<u>167</u>	JOINT LETTER MOTION for Extension of Time <i>of Some Dates in the September 8, 2020 Scheduling Order</i> addressed to Judge Loretta A.

		Preska from Brendan M. Horan dated October 13, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 10/13/2020)
10/14/2020	168	ORDER: granting 167 Letter Motion for Extension of Time. The briefing schedule proposed above is approved. SO ORDERED. Motions due by 12/14/2020. (Signed by Judge Loretta A. Preska on 10/14/2020) (ama) (Entered: 10/14/2020)
10/14/2020		Set/Reset Deadlines: Responses due by 1/28/2021 Replies due by 2/11/2021. (ama) (Entered: 10/14/2020)
10/16/2020	169	SEALED DOCUMENT placed in vault..(jus) (Entered: 10/19/2020)
10/26/2020	170	LETTER MOTION for Local Rule 37.2 Conference <i>Regarding the Applicability of Rule 26(a)(2)(C) to the Defendants in This Matter</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated October 26, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP. (Attachments: # 1 Exhibit A - Rule 26(a)(2)(C) Disclosure for Paula Bozer).(Horan, Brendan) (Entered: 10/26/2020)
10/27/2020	171	LETTER addressed to Judge Loretta A. Preska from A.J. Agnew dated October 27, 2020 re: Demand for Rule 26(a)(2)(C) Disclosures for all Hybrid Fact/Expert Witnesses. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit Google Medical Expertise, # 2 Exhibit Plaintiffs' Rule 26 Disclosures, # 3 Exhibit Defendants' Rule 26 Disclosure).(Agnew, Amy) (Entered: 10/27/2020)
10/27/2020	172	ORDER terminating 119 Letter Motion for Discovery. On May 22, 2020, the Court entered an order (dkt. no. 129) holding Plaintiffs' May 14, 2020 discovery motion (dkt. no. 119) in abeyance. For administrative purposes, the Clerk of the Court is directed to terminate the open motion (dkt. no. 119). The parties may reopen the motion by submitting a letter to the Court. SO ORDERED. (Signed by Judge Loretta A. Preska on 10/27/2020) (va) (Entered: 10/27/2020)
10/28/2020	173	LETTER MOTION for Extension of Time <i>to serve Expert Reports and Rebuttals</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated October 28, 2020. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold

		Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit MWAPs Related to Jose Shomo).(Agnew, Amy) (Entered: 10/28/2020)
10/28/2020	174	LETTER MOTION for Extension of Time <i>to serve Expert Reports and Rebuttals</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated October 28, 2020. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit MWAPs Related to Jose Shomo).(Agnew, Amy) (Entered: 10/28/2020)
10/28/2020	175	LETTER MOTION for Extension of Time <i>to serve Expert Reports and Rebuttals</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated October 28, 2020. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit MWAPs Related to Jose Shomo).(Agnew, Amy) (Entered: 10/28/2020)
10/28/2020	176	ORDER denying as moot 173 Letter Motion for Extension of Time; denying as moot 174 Letter Motion for Extension of Time; granting 175 Letter Motion for Extension of Time. The extension requested above is approved. The Clerk of the Court shall deny the motions at dkt. nos. 173 and 174 as moot. SO ORDERED. (Signed by Judge Loretta A. Preska on 10/28/2020) (va) (Entered: 10/28/2020)
11/02/2020	177	LETTER MOTION for Conference <i>State Represented Defendants' Request for a Status Conference</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated November 2, 2020. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 11/02/2020)
11/02/2020	178	ORDER granting 170 Motion for Local Rule 37.2 Conference. For the foregoing reasons, the Defendants motion for clarification [dkt. no. 170] is GRANTED, and each of the defendant doctors shall provide disclosures pursuant to Rule 26(a)(2)(C). The parties shall confer and, no later than Thursday, November 5, 2020 at 12:00 p.m., propose an order setting out the extent of the Rule 26(a)(2)(C) disclosure to be required of the Defendants. Counsel shall appear telephonically for a conference on Friday, November 6, 2020 at 2:00 p.m. The teleconference will be held using the dial-in (888) 363-4734, access code: 4645450.SO ORDERED. (Signed by Judge Loretta A. Preska on 11/2/2020) Telephone

		Conference set for 11/6/2020 at 02:00 PM before Judge Loretta A. Preska. (ks) (Entered: 11/02/2020)
11/03/2020	179	LETTER addressed to Judge Loretta A. Preska from A.J. Agnew dated November 3, 2020 re: Opposition to Request for an Order Directing Plaintiffs to Disclose Intervenors Before Motion Filing. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit Production Letters, # 2 Exhibit Patients by Severity of Condition, # 3 Exhibit Request for Treatment for Specific Patients, # 4 Exhibit Emails Demonstrating Knowledge of Everyone, Including Annucci).(Agnew, Amy) (Entered: 11/03/2020)
11/04/2020	180	LETTER REPLY to Response to Motion addressed to Judge Loretta A. Preska from Brendan M. Horan dated November 4, 2020 re: 177 LETTER MOTION for Conference <i>State Represented Defendants' Request for a Status Conference</i> addressed to Judge Loretta A. Preska from Brendan M. Horan dated November 2, 2020. . Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 11/04/2020)
11/04/2020	181	ORDER granting 177 Letter Motion for Conference. This matter will be added to the agenda for the telephonic conference already scheduled for this Friday, November 6, 2020 at 2:00 p.m. (See dkt. no. 178.) This Order closes out docket entries 177, 179, and 180. Telephone Conference set for 11/6/2020 at 02:00 PM before Judge Loretta A. Preska. (Signed by Judge Loretta A. Preska on 11/4/2020) (nb) (Entered: 11/04/2020)
11/09/2020	182	SEALED DOCUMENT placed in vault..(jus) (Entered: 11/09/2020)
11/09/2020	183	SEALED DOCUMENT placed in vault..(jus) (Entered: 11/09/2020)
11/09/2020	184	ORDER: Based on papers filed under seal on November 8, 2020, Counsel have agreed to a protective order permitting the redaction from medical records of material relating to certain assaults. Because of the private nature of the material and the victim's mental health situation, the Court permitted the redactions. SO ORDERED. (Signed by Judge Loretta A. Preska on 11/9/2020) (va) (Entered: 11/09/2020)
11/13/2020	185	ORDER: Within 21 days, the defendants will tender their expert disclosures pursuant to Rule 26(a)(2)(C) for any parties who are anticipated to give testimony as witnesses that will present evidence under Federal Rule of Evidence 702, 703, or 705. The disclosures must

		state the subject matter on which the witness is expected to present evidence under Federal Rule of Evidence 702, 703, or 705, as well as a summary of the facts and opinions to which they are expected to testify related to the representative parties. SO ORDERED. (Signed by Judge Loretta A. Preska on 11/13/2020) (va) (Entered: 11/13/2020)
12/07/2020	186	LETTER MOTION to Expedite <i>Order Appointing Dr. Christine Michael as Guardian Ad Litem for Aditep White</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated December 7, 2020. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Affidavit Agnew Declaration, # 2 Exhibit Agnew Decl. Ex. 1 Upstate Medical Records, # 3 Exhibit Agnew Decl. Ex. 2 Walsh RMU Admission, # 4 Affidavit Michael Declaration).(Agnew, Amy) (Entered: 12/07/2020)
12/08/2020	187	DECLARATION of A.J. Agnew in Support re: 186 LETTER MOTION to Expedite <i>Order Appointing Dr. Christine Michael as Guardian Ad Litem for Aditep White</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated December 7, 2020.. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit Medical Records Upstate, # 2 Exhibit Medical Records DOCCS).(Agnew, Amy) (Entered: 12/08/2020)
12/08/2020	188	ORDER granting 186 Letter Motion to Expedite. Without objection from any party, the above request is approved. SO ORDERED. (Signed by Judge Loretta A. Preska on 12/8/2020) (va) (Entered: 12/08/2020)
12/14/2020	189	FIRST MOTION for Leave to File Second Amended and Supplemental Class Action Complaint . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 12/14/2020)
12/14/2020	190	MEMORANDUM OF LAW in Support re: 189 FIRST MOTION for Leave to File Second Amended and Supplemental Class Action Complaint . . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne

		Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 12/14/2020)
12/14/2020	191	DECLARATION of A.J. Agnew in Support re: 189 FIRST MOTION for Leave to File Second Amended and Supplemental Class Action Complaint .. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit Redlined First Amended Complaint, # 2 Exhibit Proposed Second Amended and Supplemental Complaint).(Agnew, Amy) (Entered: 12/14/2020)
12/15/2020	192	SETTLEMENT CONFERENCE ORDER: A settlement status conference is scheduled for Thursday, January 28, 2021, at 2:00 p.m. to occur telephonically. A telephonic settlement conference is scheduled for Thursday, February 11, 2021, at 2:00 p.m. For both conferences, the parties should call into the Court's dedicated teleconferencing line at (877) 402-9757, and enter Access Code 7938632, followed by the pound (#) key. So Ordered (Settlement Conference set for 2/11/2021 at 02:00 PM before Magistrate Judge Sarah Netburn., Status Conference set for 1/28/2021 at 02:00 PM before Magistrate Judge Sarah Netburn.) (Signed by Magistrate Judge Sarah Netburn on 12/15/2020) (js) (Entered: 12/15/2020)
12/16/2020	193	FIRST MOTION to Intervene . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 12/16/2020)
12/16/2020	194	DECLARATION of A.J. Agnew in Support re: 193 FIRST MOTION to Intervene .. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit Proposed Complaint in Intervention).(Agnew, Amy) (Entered: 12/16/2020)
12/17/2020	195	MEMORANDUM OF LAW in Support re: 193 FIRST MOTION to Intervene . . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne

		Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 12/17/2020)
01/13/2021	196	FIRST LETTER MOTION for Conference <i>and extension of deadlines</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated January 13, 2021. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit MWAP, # 2 Exhibit AHR, # 3 Exhibit Reassessment, # 4 Exhibit 12.4.20 Wright to Perez, # 5 Exhibit 12.14.20 Wright to Perez).(Agnew, Amy) (Entered: 01/13/2021)
01/14/2021	197	ORDER granting 196 Letter Motion for Conference. The schedule proposed above is approved. Defendants shall respond by letter no later than January 19, 2021 as to their position with respect to Mr. Joseph Perez's treatment. SO ORDERED. (Signed by Judge Loretta A. Preska on 1/14/2021) (va) (Entered: 01/14/2021)
01/14/2021		Set/Reset Deadlines: Motions due by 4/15/2021. Responses due by 6/1/2021. Replies due by 7/1/2021. (va) (Entered: 01/14/2021)
01/19/2021	198	RESPONSE to Motion re: 196 FIRST LETTER MOTION for Conference <i>and extension of deadlines</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated January 13, 2021. <i>State Represented Defendants' Position with Respect to Mr. Joseph Perez's Treatment</i> . Document filed by Paula Bozer, MD, David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 01/19/2021)
01/19/2021	199	LETTER REPLY to Response to Motion addressed to Judge Loretta A. Preska from A.J. Agnew dated January 19, 2021 re: 196 FIRST LETTER MOTION for Conference <i>and extension of deadlines</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated January 13, 2021. . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 01/19/2021)
01/20/2021	200	MEMO ENDORSEMENT on re: 199 Reply to Response to Motion, filed by Derrick Williams, Rashid Rahman, Terry Mathis, Felipe Rivera-Cruz, Brian Bernard, Hugh Knight, Spencer Jackson, Peter Allen, Sean Pritchett, Wayne Stewart, Angel Hernandez, Shannon Dickinson, Aaron Dockery, Harold Ortiz, Mark Daniels, Michael Vattiato.

		ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 1/20/2021) (va) (Entered: 01/20/2021)
01/25/2021	201	LETTER addressed to Judge Loretta A. Preska from Brendan M. Horan dated January 25, 2021 re: Medical Treatment of Joseph Perez. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 01/25/2021)
01/26/2021	202	MEMO ENDORSEMENT on re: 201 Letter, filed by John Morley, MD, John Hammer, MD, Kristin Salotti, NP, David S. Dinello, MD, Susan Mueller, MD, Carl Koenigsmann, MD. ENDORSEMENT: Counsel shall inform the Court by letter promptly after Mr. Perez's February 5 consultation of his treatment status. SO ORDERED. (Signed by Judge Loretta A. Preska on 1/26/2021) (va) (Entered: 01/26/2021)
01/28/2021	203	ORDER: The settlement conference previously scheduled for Thursday, February 11, 2021, at 2:00 p.m. is adjourned sine die. A settlement status conference is scheduled for Tuesday, March 9, 2021, at 3:30 p.m. to occur telephonically. At that time, the parties should call into the Court's dedicated teleconferencing line at (877) 402-9757, and enter Access Code 7938632, followed by the pound (#) key. (Signed by Magistrate Judge Sarah Netburn on 1/28/2021) (ras) (Entered: 01/28/2021)
01/28/2021		Set/Reset Hearings: Status Conference set for 3/9/2021 at 03:30 PM before Magistrate Judge Sarah Netburn. (ras) (Entered: 01/28/2021)
01/28/2021	204	LETTER MOTION to Compel Defendants to Produce Documents addressed to Judge Loretta A. Preska from A.J. Agnew dated January 28, 2021. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 01/28/2021)
01/28/2021	205	AFFIRMATION of A.J. Agnew in Support re: 204 LETTER MOTION to Compel Defendants to Produce Documents addressed to Judge Loretta A. Preska from A.J. Agnew dated January 28, 2021.. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit Plaintiffs' First Formal Requests, # 2 Exhibit Defendants' Redaction Log, # 3 Exhibit Defendants' Privilege Log, # 4 Exhibit Deficiency Letter, # 5 Exhibit Two Random Email Chains, # 6 Exhibit AJ's Chart of Challenges, # 7 Exhibit Email between counsel, # 8 Exhibit Bozer Passes Along

		Contempt Opinion, # 9 Exhibit Bendheim Deposition Excerpts).(Agnew, Amy) (Entered: 01/28/2021)
01/28/2021		Minute Entry for proceedings held before Magistrate Judge Sarah Netburn: Status Conference held on 1/28/2021. (ras) (Entered: 02/03/2021)
02/04/2021	206	LETTER MOTION for Discovery <i>potential motion in limine regarding admissibility of converted MWAP Request Forms</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated February 4, 2021. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 02/04/2021)
02/04/2021	207	DECLARATION of Molly Curran in Support re: 206 LETTER MOTION for Discovery <i>potential motion in limine regarding admissibility of converted MWAP Request Forms</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated February 4, 2021.. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit OAG MWAP 001181, # 2 Exhibit OAG MWAP 001191, # 3 Exhibit Email Regarding MWAP Request Forms, # 4 Exhibit Provided via Email, # 5 Exhibit Provided via Email, # 6 Exhibit Provided via Email, # 7 Exhibit Converted OAG MWAP 1787, # 8 Exhibit Converted OAG MWAP 1881, # 9 Exhibit Converted OAG MWAP 1926).(Agnew, Amy) (Entered: 02/04/2021)
02/04/2021	208	DECLARATION of A. J. Agnew in Support re: 206 LETTER MOTION for Discovery <i>potential motion in limine regarding admissibility of converted MWAP Request Forms</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated February 4, 2021.. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit MWAP Policy, # 2 Exhibit PALLER 7-8).(Agnew, Amy) (Entered: 02/04/2021)
02/04/2021	209	LETTER RESPONSE in Opposition to Motion addressed to Judge Loretta A. Preska from Brendan M. Horan dated February 4, 2021 re: 204 LETTER MOTION to Compel Defendants to Produce Documents addressed to Judge Loretta A. Preska from A.J. Agnew dated January 28, 2021. . Document filed by David S. Dinello, MD, John

		Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 02/04/2021)
02/05/2021	210	LETTER addressed to Judge Loretta A. Preska from Nia Stanford dated February 5, 2021 re: Medical Treatment of Joseph Perez. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Stanford, Nia) (Entered: 02/05/2021)
02/05/2021	211	REPLY MEMORANDUM OF LAW in Support re: 204 LETTER MOTION to Compel Defendants to Produce Documents addressed to Judge Loretta A. Preska from A.J. Agnew dated January 28, 2021. . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 02/05/2021)
02/05/2021	212	REPLY AFFIRMATION of A.J. Agnew in Support re: 204 LETTER MOTION to Compel Defendants to Produce Documents addressed to Judge Loretta A. Preska from A.J. Agnew dated January 28, 2021.. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit Moores Email approving MWAP, # 2 Exhibit Moores Scheduling Pain Management Consults, # 3 Exhibit Salotti email re Dockery Reassessment, # 4 Exhibit Email Regarding Dockery Drug Interaction, # 5 Exhibit Email re Aditep White diagnosis, # 6 Exhibit Email re Aditep White diagnosis, # 7 Exhibit Email Regarding Office of Counsel concerns).(Agnew, Amy) (Entered: 02/05/2021)
02/08/2021	213	LETTER MOTION for Discovery <i>to Preclude Expert Testimony</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated February 8, 2021. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit Defs Letter, # 2 Exhibit Bozer Disclosure, # 3 Exhibit Mueller Disclosure, # 4 Exhibit Hammer Disclosure, # 5 Exhibit Dinello Disclosure, # 6 Exhibit Morley Disclosure, # 7 Exhibit Koenigsmann Disclosure, # 8 Exhibit Bozer Amended Disclosure, # 9 Exhibit Koenigsmann Email, # 10 Exhibit Morley Deposition, # 11 Exhibit

		MWAP Dunbar, # 12 Exhibit MWAP G Ortiz, # 13 Exhibit MWAP C Johnson, # 14 Exhibit MWAP C Johnson 2, # 15 Exhibit MWAP Lorandos, # 16 Exhibit MWAP Mazzio, # 17 Exhibit MWAP McKay, # 18 Exhibit MWAP McKay, # 19 Exhibit MWAP Miller, # 20 Exhibit MWAP R Davis, # 21 Exhibit MWAP Rivera, # 22 Exhibit MWAP SHomo, # 23 Exhibit Bendheim Deposition, # 24 Exhibit Burdick Phantom Pain Patient, # 25 Exhibit Burdick MS Patient).(Agnew, Amy) (Entered: 02/08/2021)
02/09/2021	214	ORDER granting 204 Letter Motion to Compel. By February 16, 2021, Defendants shall inform the Court via ECF--using the chart created and submitted by Plaintiffs at dkt. no. 205-6--what documents will be produced and when they will be produced. Defendants shall also produce promptly any "draft" or "nonidentical copy" emails not previously produced, including any drafted by Dr. Carol A. Moores and not transmitted. (See dkt. no. 205-1 (noting that "[a] draft or non-identical copy" constitutes "a separate document" under Plaintiffs' document request).) Thereafter, Plaintiffs' counsel shall inform the Court by letter of the status of Defendants' production. At that time, the Court will be able to address any remaining dispute regarding Defendants' production. SO ORDERED. (Signed by Judge Loretta A. Preska on 2/9/2021) (va) (Entered: 02/09/2021)
02/11/2021	215	LETTER MOTION to Adjourn Conference addressed to Magistrate Judge Sarah Netburn from A. J. Agnew dated February 10, 2021. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 02/11/2021)
02/11/2021	216	ORDER denying 215 Letter Motion to Adjourn Conference. Plaintiffs' request to adjourn the March 9, 2021 conference is DENIED. The March 9, 2021 conference is a settlement status conference, during which the Court expects the parties to report on the status of settlement negotiations. (HEREBY ORDERED by Magistrate Judge Sarah Netburn)(Text Only Order) (Netburn, Sarah) (Entered: 02/11/2021)
02/14/2021	217	FIRST LETTER MOTION to Compel Defendants to Produce Outstanding Documents <i>from First and Second Sets of Requests</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated February 14, 2021. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit

		Schedule 2, # 2 Exhibit Defs' Disclosures, # 3 Exhibit Dunbar, # 4 Exhibit Fields, # 5 Exhibit Rivera, # 6 Exhibit McKay, # 7 Exhibit MS Patient, # 8 Exhibit Myers, # 9 Exhibit Rivera, # 10 Exhibit Rivera, # 11 Exhibit Reyes, # 12 Exhibit Reyes, # 13 Exhibit Rivera, # 14 Exhibit Rosado, # 15 Exhibit First Formal Requests, # 16 Exhibit Defs Responses, # 17 Exhibit Deficiency Letter, # 18 Exhibit Pain Management Consultation Perez, # 19 Exhibit Pain Management Consultation Jacks, # 20 Exhibit 1.21 Records Request, # 21 Exhibit Records request from OAG, # 22 Exhibit Records Cert, # 23 Exhibit Outstanding Records, # 24 Exhibit Referral History off FHS1, # 25 Exhibit Dickinson Excerpts Pt 1, # 26 Exhibit Dickinson Excerpts Pt 2, # 27 Exhibit Dickinson Excerpts Pt 3, # 28 Exhibit DOCCS Medical Records Policy, # 29 Exhibit Plts' Second Formal Requests).(Agnew, Amy) (Entered: 02/14/2021)
02/16/2021	218	LETTER addressed to Judge Loretta A. Preska from Brendan M. Horan dated February 16, 2021 re: Informing the Court of Documents To Be Produced and Seeking Clarification Regarding Draft Emails with Privilege Assertions. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP. (Attachments: # 1 Chart Reflecting Documents to Be Produced).(Horan, Brendan) (Entered: 02/16/2021)
02/17/2021	219	LETTER RESPONSE in Opposition to Motion addressed to Judge Loretta A. Preska from Brendan M. Horan dated February 17, 2021 re: 206 LETTER MOTION for Discovery <i>potential motion in limine regarding admissibility of converted MWAP Request Forms</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated February 4, 2021. . Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP. (Attachments: # 1 Exhibit A - September 23, 2020 Email Chain, # 2 Exhibit B - September 30, 2020 Production Email).(Horan, Brendan) (Entered: 02/17/2021)
02/17/2021	220	LETTER RESPONSE in Opposition to Motion addressed to Judge Loretta A. Preska from Brendan M. Horan dated February 17, 2021 re: 213 LETTER MOTION for Discovery <i>to Preclude Expert Testimony</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated February 8, 2021. . Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP. (Attachments: # 1 Exhibit A - Plaintiffs' 26(a)(2)(C) Disclosures for DiRisio, Darryl, # 2 Exhibit B - Plaintiffs' 26(a)(2)(C) Disclosures for Lostritto, Nicole, # 3 Exhibit C - Plaintiffs' 26(a)(2)(C) Disclosures for Omar, Hussein, # 4 Exhibit D - Plaintiffs' 26(a)(2)(C) Disclosures for Salvana, Michael).(Horan, Brendan) (Entered: 02/17/2021)

02/18/2021	221	MEMO ENDORSEMENT on re: 218 Letter, filed by John Morley, MD, John Hammer, MD, Kristin Salotti, NP, David S. Dinello, MD, Susan Mueller, MD, Carl Koenigsmann, MD. ENDORSEMENT: Plaintiffs shall respond to Defendants' letter and exhibit no later than February 24, 2021. SO ORDERED. (Signed by Judge Loretta A. Preska on 2/18/2021) (kv) (Entered: 02/18/2021)
02/20/2021	222	LETTER REPLY to Response to Motion addressed to Judge Loretta A. Preska from A. J. Agnew dated February 20, 2021 re: 206 LETTER MOTION for Discovery <i>potential motion in limine regarding admissibility of converted MWAP Request Forms</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated February 4, 2021. . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 02/20/2021)
02/20/2021	223	REPLY AFFIDAVIT of A. J. Agnew in Support re: 206 LETTER MOTION for Discovery <i>potential motion in limine regarding admissibility of converted MWAP Request Forms</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated February 4, 2021.. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit MWAP Request Form Direct PDF Conversion, # 2 Exhibit MWAP Request Form Direct PDF Version, # 3 Exhibit MWAP Request Form Direct PDF Version, # 4 Exhibit MWAP Request Form Direct PDF Version, # 5 Exhibit MWAP Request Form Direct PDF Version, # 6 Exhibit MWAP Request Form Direct PDF Version, # 7 Exhibit MWAP Request Form Direct PDF Version, # 8 Exhibit MWAP Request Form Direct PDF Version, # 9 Exhibit MWAP Request Form Direct PDF Version, # 10 Exhibit MWAP Request Form Direct PDF Version).(Agnew, Amy) (Entered: 02/20/2021)
02/21/2021	224	LETTER RESPONSE in Support of Motion addressed to Judge Loretta A. Preska from A.J. Agnew dated February 21, 2021 re: 204 LETTER MOTION to Compel Defendants to Produce Documents addressed to Judge Loretta A. Preska from A.J. Agnew dated January 28, 2021. . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit State

		Defendants' Production Letter, # 2 Exhibit Small Sample of Plaintiffs' Privileged productions).(Agnew, Amy) (Entered: 02/21/2021)
02/21/2021	225	LETTER REPLY to Response to Motion addressed to Judge Loretta A. Preska from A.J. Agnew dated February 21, 2021 re: 213 LETTER MOTION for Discovery <i>to Preclude Expert Testimony</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated February 8, 2021. . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams..(Agnew, Amy) (Entered: 02/21/2021)
03/01/2021	226	ORDER: The Court is receipt of the parties' pre-motion letters and attachments regarding certain documents over which the Defendants assert privilege. Construing the parties' papers as their motion papers, the Court orders the following: (As further set forth herein.) (Signed by Judge Loretta A. Preska on 3/1/2021) (va) (Entered: 03/01/2021)
03/01/2021	227	ORDER granting 206 Letter Motion for Discovery. Thus, there is no cognizable factual dispute between the parties that (1) the MWAP Forms are not legible or usable in the spreadsheet form they were produced in, and (2) the conversion of the MWAP Forms, as described by Ms. Curran, resulted in a "counterpart produced by a[n]... electronic... process or technique that accurately reproduces the original." FED. R. EVID. 1001(e). For these reasons, Plaintiffs' motion to admit the MWAP Forms in PDF format [dkt. no. 206] is GRANTED. SO ORDERED. (Signed by Judge Loretta A. Preska on 3/1/2021) (va) (Entered: 03/01/2021)
03/08/2021	228	LETTER RESPONSE in Opposition to Motion addressed to Judge Loretta A. Preska from Brendan M. Horan dated March 8, 2021 re: 204 LETTER MOTION to Compel Defendants to Produce Documents addressed to Judge Loretta A. Preska from A.J. Agnew dated January 28, 2021. . Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 03/08/2021)
03/08/2021	229	DECLARATION of Carol Moores, M.D. in Opposition re: 204 LETTER MOTION to Compel Defendants to Produce Documents addressed to Judge Loretta A. Preska from A.J. Agnew dated January 28, 2021.. Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 03/08/2021)

03/08/2021	<u>230</u>	ORDER: The settlement status conference previously scheduled for Tuesday, March 9, 2021, at 3:30 p.m. is RESCHEDULED, and will now take place on Friday, April 9, 2021, at 1:30 p.m. At that time, the parties should call into the Court's dedicated teleconferencing line at (877) 402-9757, and enter Access Code 7938632, followed by the pound (#) key. (Status Conference set for 4/9/2021 at 01:30 PM before Magistrate Judge Sarah Netburn.) (Signed by Magistrate Judge Sarah Netburn on 3/8/2021) (ras) (Entered: 03/08/2021)
03/11/2021	<u>231</u>	LETTER MOTION for Conference <i>related to Plaintiffs' Pending Motion to Compel Document Discovery</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated March 11, 2021. Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart, Michael Vattiato, Derrick Williams. (Attachments: # <u>1</u> Exhibit Exhibit 28 - October 2020 Reassessment of AR, # <u>2</u> Exhibit Exhibit 29 - November 2020 Reassessment of AR, # <u>3</u> Exhibit Exhibit 30 - MWAP Request, # <u>4</u> Exhibit Exhibit 31 - Patient with Broken Neck and No Pain Management, # <u>5</u> Exhibit Exhibit 32 - Patient Ended up on Ventilator).(Agnew, Amy) (Entered: 03/11/2021)
03/15/2021	<u>232</u>	ORDER: Defendants' counsel shall respond to Plaintiffs' letters dated February 14, 2021 (see dkt. no. 217) and March 11, 2021 (see dkt. no. 231) no later than March 18, 2021. SO ORDERED. (Responses due by 3/18/2021.) (Signed by Judge Loretta A. Preska on 3/15/2021) (mml) (Entered: 03/16/2021)
03/18/2021	<u>233</u>	LETTER RESPONSE to Motion addressed to Judge Loretta A. Preska from Brendan M. Horan dated March 18, 2021 re: <u>231</u> LETTER MOTION for Conference <i>related to Plaintiffs' Pending Motion to Compel Document Discovery</i> addressed to Judge Loretta A. Preska from A. J. Agnew dated March 11, 2021. . Document filed by David S. Dinello, MD, John Hammer, MD, Carl Koenigsmann, MD, John Morley, MD, Susan Mueller, MD, Kristin Salotti, NP..(Horan, Brendan) (Entered: 03/18/2021)
03/19/2021	<u>234</u>	LETTER REPLY to Response to Motion addressed to Judge Loretta A. Preska from A.J. Agnew dated March 19, 2021 re: <u>217</u> FIRST LETTER MOTION to Compel Defendants to Produce Outstanding Documents <i>from First and Second Sets of Requests</i> addressed to Judge Loretta A. Preska from A.J. Agnew dated February 14, 2021. . Document filed by Peter Allen, Brian Bernard, Mark Daniels, Shannon Dickinson, Aaron Dockery, Eddie Fields, John Gradia, Angel Hernandez, Spencer Jackson, Hugh Knight, Terry Mathis, Harold Ortiz, Sean Pritchett, Rashid Rahman, Felipe Rivera-Cruz, Wayne Stewart,

		Michael Vattiato, Derrick Williams. (Attachments: # 1 Exhibit Outstanding Updated Medical Records).(Agnew, Amy) (Entered: 03/19/2021)
03/22/2021	235	ORDER granting 217 Letter Motion to Compel. Accordingly, Defendants are hereby ordered to produce the outstanding documents Plaintiffs have requested--as helpfully summarized in Plaintiffs' reply, (see dkt. no. 234 at 1-3)--by no later than May 3, 2021. SO ORDERED. (Signed by Judge Loretta A. Preska on 3/22/2021) (va) (Entered: 03/22/2021)

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