

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:16-cv-01652-JMF**

Edrei et al v. Bratton et al
Assigned to: Judge Jesse M. Furman
Referred to: Magistrate Judge Barbara C. Moses
(Settlement)
Cause: 42:1983 Civil Rights Act

Date Filed: 03/03/2016
Date Terminated: 01/12/2021
Jury Demand: Both
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

Anika Edrei

represented by **Elena Louisa Cohen**
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Plaintiff

Shay Horse

represented by **Elena Louisa Cohen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jessica Massimi
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ATTORNEY TO BE NOTICED

Michael J Decker
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ATTORNEY TO BE NOTICED

Plaintiff

James Craven

represented by **Elena Louisa Cohen**
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Jessica Massimi
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Michael J Decker
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Gideon Orion Oliver
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ATTORNEY TO BE NOTICED

Plaintiff

Keegan Stephan

TERMINATED: 09/24/2019

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Michael J Decker

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Gideon Orion Oliver
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Plaintiff

Michael Nusbaum

represented by **Elena Louisa Cohen**
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Jessica Massimi
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ATTORNEY TO BE NOTICED

Michael J Decker
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ATTORNEY TO BE NOTICED

Gideon Orion Oliver
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ATTORNEY TO BE NOTICED

Plaintiff

Alexander Appel

represented by **Elena Louisa Cohen**
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ATTORNEY TO BE NOTICED

Jessica Massimi
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ATTORNEY TO BE NOTICED

Michael J Decker
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Gideon Orion Oliver
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ATTORNEY TO BE NOTICED

V.

Defendant

William Bratton

*New York City Police Department
(NYPD) Commissioner*

represented by **Ashley Rebecca Garman**

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100 Church Street Room 3-155
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TERMINATED: 03/28/2019
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ATTORNEY TO BE NOTICED

Defendant

The City Of New York ,

represented by **Ashley Rebecca Garman**

(See above for address)
TERMINATED: 03/28/2019
LEAD ATTORNEY

Peter William Bocker

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Wachs

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**NYPD Lieutenant John Doe #1
Maguire**

*(the names being fictitious as the
officers' true names and shield
numbers are not currently known), in
their individual and official
capacities
TERMINATED: 08/04/2016*

Defendant

John Doe #2

*(the names being fictitious as the
officers' true names and shield
numbers are not currently known), in
their individual and official
capacities
TERMINATED: 08/04/2016*

Defendant

Lieutenant John Maguire
Individually

represented by **Ashley Rebecca Garman**
(See above for address)
*TERMINATED: 03/28/2019
LEAD ATTORNEY*

Peter William Brocker
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Melissa Wachs
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Officer Mike Poletto
Individually. Shield No. 3762

represented by **Ashley Rebecca Garman**
(See above for address)
*TERMINATED: 03/28/2019
LEAD ATTORNEY*

Peter William Brocker
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Melissa Wachs

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Maguire
in his official capacity

represented by **Ashley Rebecca Garman**
(See above for address)
TERMINATED: 03/28/2019
LEAD ATTORNEY

Peter William Brocker
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mike Poletto
in his official capacity

represented by **Ashley Rebecca Garman**
(See above for address)
TERMINATED: 03/28/2019
LEAD ATTORNEY

Peter William Brocker
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/03/2016	<u>1</u>	COMPLAINT against William Bratton, John Doe #2, "John Doe #1" Maguire, City New York. (Filing Fee \$ 400.00, Receipt Number 0208-12027995)Document filed by Keegan Stephan, Shay Horse, James Craven, Michael Nusbaum, Anika Edrei. (Attachments: # <u>1</u> Exhibit A - NYPD Disorder Control Unit 2010 Briefing on Long Range Acoustic Devices, # <u>2</u> Exhibit B - Letter to Defendant NYPD Commissioner William Bratton re: LRADs and December 4-5, 2014)(Oliver, Gideon) (Entered: 03/03/2016)
03/03/2016	<u>2</u>	CIVIL COVER SHEET filed. (Oliver, Gideon) (Entered: 03/03/2016)
03/03/2016	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to CITY OF NEW YORK, re: <u>1</u> Complaint,. Document filed by James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Oliver, Gideon) (Entered: 03/03/2016)

03/03/2016	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to NYPD COMMISSIONER WILLIAM BRATTON, re: <u>1</u> Complaint,. Document filed by James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Oliver, Gideon) (Entered: 03/03/2016)
03/03/2016	<u>5</u>	NOTICE OF APPEARANCE by Elena Louisa Cohen on behalf of James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Cohen, Elena) (Entered: 03/03/2016)
03/04/2016	6	NOTICE OF PARTICIPATION IN LOCAL CIVIL RULE 83.10 (FORMERLY THE SECTION 1983 PLAN): Unless otherwise ordered, this case shall participate in the Southern District of New York's Local Civil Rule 83.10. Please reference the Court's website, www.nysd.uscourts.gov , to review Local Civil Rule 83.10, updated 4/1/2015, for important information.(rpr) (Entered: 03/04/2016)
03/04/2016		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Gideon Orion Oliver. The party information for the following party/parties has been modified: John Doe #2, Lieutenant "John Doe #1" Maguire, City New York, Commissioner William Bratton. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party name was entered with quotation marks; party text was omitted. (pc) (Entered: 03/04/2016)
03/04/2016		***NOTICE TO ATTORNEY REGARDING CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Gideon Orion Oliver. The following case opening statistical information was erroneously selected/entered: County code New York; Fee Status code due (due). The following correction(s) have been made to your case entry: the County code has been modified to Kings; the Fee Status code has been modified to pd (paid). (pc) (Entered: 03/04/2016)
03/04/2016		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Robert W. Sweet. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pc) (Entered: 03/04/2016)
03/04/2016		Magistrate Judge Barbara C. Moses is so designated. (pc) (Entered: 03/04/2016)

03/04/2016		Case Designated ECF. (pc) (Entered: 03/04/2016)
03/04/2016	<u>7</u>	ELECTRONIC SUMMONS ISSUED as to The City Of New York,. (pc) (Entered: 03/04/2016)
03/04/2016	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to William Bratton. (pc) (Entered: 03/04/2016)
03/14/2016	<u>9</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. William Bratton served on 3/11/2016, answer due 4/1/2016. Service was accepted by STEVEN DRENNEN at NYPD Legal Bureau. Service was made by MAIL. Document filed by Keegan Stephan; Shay Horse; James Craven; Michael Nusbaum; Anika Edrei. (Oliver, Gideon) (Entered: 03/14/2016)
03/14/2016	<u>10</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. The City Of New York, served on 3/11/2016, answer due 4/1/2016. Service was accepted by BETTY MAZYCK, SERVICE WINDOW CLERK. Service was made by MAIL. Document filed by Keegan Stephan; Shay Horse; James Craven; Michael Nusbaum; Anika Edrei. (Oliver, Gideon) (Entered: 03/14/2016)
03/28/2016	<u>11</u>	NOTICE OF APPEARANCE by Ashley Rebecca Garman on behalf of William Bratton, The City Of New York,. (Garman, Ashley) (Entered: 03/28/2016)
04/04/2016	<u>12</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - JOINT LETTER MOTION for Conference <i>seeking removal of this case from the 1983 Plan</i> addressed to Judge Robert W. Sweet from Gideon Orion Oliver dated April 4, 2016. Document filed by James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan.(Oliver, Gideon) Modified on 4/5/2016 (Idi). (Entered: 04/04/2016)
04/05/2016		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Notice to Attorney Gideon Orion Oliver to RE-FILE Document <u>12</u> JOINT LETTER MOTION for Conference <i>seeking removal of this case from the 1983 Plan</i> addressed to Judge Robert W. Sweet from Gideon Orion Oliver dated April 4, 2016. Use the event type Letter found under the event list Other Documents. (Idi) (Entered: 04/05/2016)
04/05/2016	<u>13</u>	JOINT LETTER addressed to Judge Robert W. Sweet from Gideon Orion Oliver dated April 4, 2016 re: requesting removal of the case from the 1983 Plan. Document filed by James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan.(Oliver, Gideon) (Entered: 04/05/2016)
04/06/2016	<u>14</u>	MEMO ENDORSEMENT on re: <u>13</u> Letter re: Requesting removal of the case from the 1983 Plan, filed by Michael Nusbaum, Anika

		Edrei, Shay Horse, James Craven, Keegan Stephan. ENDORSEMENT: So ordered. (Signed by Judge Robert W. Sweet on 4/5/2016) (spo) (Entered: 04/06/2016)
04/11/2016	<u>15</u>	PRETRIAL ORDER: Pretrial Conference set for 5/18/2016 at 04:00 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet. (As further set forth in this Order.) (Signed by Judge Robert W. Sweet on 4/11/2016) (kko) (Entered: 04/11/2016)
04/15/2016	<u>16</u>	ORDER: Please be advised that the conference scheduled for 5/18/2016 has been rescheduled to 4/20/2016 at 4:00 pm in Courtroom 18C. Please notify opposing counsel of the change. (Pretrial Conference set for 4/20/2016 at 04:00 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 4/15/2016) (tn) (Entered: 04/15/2016)
04/20/2016		Minute Entry for proceedings held before Judge Robert W. Sweet: Initial Pretrial Conference held on 4/20/2016. (Chan, Tsz) (Entered: 04/21/2016)
04/21/2016	<u>17</u>	ORDER: Brief due by 2/10/2017. Fact Discovery due by 1/18/2017. Motions due by 2/10/2017. Proposed Pretrial Order due by 2/10/2017. Final Pretrial Conference set for 2/10/2017 at 04:00 PM before Judge Robert W. Sweet. (As further set forth in this Order.) (Signed by Judge Robert W. Sweet on 4/20/2016) (spo) Modified on 6/13/2016 (tro). (Entered: 04/21/2016)
08/01/2016	<u>18</u>	FILING ERROR - DEFICIENT PLEADING - FILED AGAINST PARTY ERROR FIRST AMENDED COMPLAINT amending <u>1</u> Complaint, against William Bratton, The City Of New York,, John Maguire, Mike Poletto with JURY DEMAND.Document filed by Shay Horse, James Craven, Michael Nusbaum, Keegan Stephan, Anika Edrei, Alexander Appel. Related document: <u>1</u> Complaint, filed by Michael Nusbaum, Anika Edrei, Shay Horse, James Craven, Keegan Stephan. (Attachments: # <u>1</u> Appendix A - NYPD Disorder Control Unit LRAD Briefing, # <u>2</u> Appendix B - 2014-12-12 Bratton Letter)(Oliver, Gideon) Modified on 8/2/2016 (dgo). (Entered: 08/01/2016)
08/01/2016	<u>19</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - REQUEST FOR ISSUANCE OF AMENDED SUMMONS as to Lt. John Maguire, re: <u>18</u> Amended Complaint,, Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Oliver, Gideon) Modified on 8/2/2016 (dgo). (Entered: 08/01/2016)

08/01/2016	<u>20</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - REQUEST FOR ISSUANCE OF AMENDED SUMMONS as to Mike Poletto, re: <u>18</u> Amended Complaint,,. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Oliver, Gideon) Modified on 8/2/2016 (dgo). (Entered: 08/01/2016)
08/02/2016		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Gideon Orion Oliver to RE-FILE re: Document No. <u>18</u> Amended Complaint,,. The filing is deficient for the following reason(s): all of the parties listed on the pleading were not entered on CM ECF; opposing party did not consent to the amendment of the pleading; the order granting permission to file the pleading was not attached; Court's leave has not been granted Please add John Maguire, Mike Poletto again to the docket. In the Party Text box when creating the party, enter "In their official capacities. Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents.. Re-file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. File the Exhibit to Pleading event found under the event list Other Documents and attach either opposing party's written consent or Court's leave. (dgo) (Entered: 08/02/2016)
08/02/2016		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney to RE-FILE Document No. <u>19</u> Request for Issuance of Amended Summons, <u>20</u> Request for Issuance of Amended Summons,. The filing is deficient for the following reason(s): the wrong event type was used to file the request for issuance of summons;. 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 correct summons form PDF. (dgo) (Entered: 08/02/2016)
08/03/2016	<u>21</u>	FIRST AMENDED COMPLAINT amending <u>1</u> Complaint, against William Bratton, John Maguire, Mike Poletto, The City Of New York,, John Maguire, Mike Poletto with JURY DEMAND.Document filed by Shay Horse, James Craven, Michael Nusbaum, Keegan Stephan, Alexander Appel, Anika Edrei. Related document: <u>1</u> Complaint, filed by Michael Nusbaum, Anika

		Edrei, Shay Horse, James Craven, Keegan Stephan. (Attachments: # 1 Exhibit A - 2012 DCU LRAD Briefing, # 2 Exhibit B - 12/12 Bratton Letter)(Oliver, Gideon) (Entered: 08/03/2016)
08/03/2016	22	REQUEST FOR ISSUANCE OF SUMMONS as to John Maguire, re: 21 Amended Complaint,, Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Oliver, Gideon) (Entered: 08/03/2016)
08/03/2016	23	REQUEST FOR ISSUANCE OF SUMMONS as to Mike Poletto, re: 21 Amended Complaint,, Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Oliver, Gideon) (Entered: 08/03/2016)
08/04/2016	24	ELECTRONIC SUMMONS ISSUED as to Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity). (dgo) (Entered: 08/04/2016)
08/04/2016	25	ELECTRONIC SUMMONS ISSUED as to John Maguire(Individually), John Maguire(in his official capacity). (dgo) (Entered: 08/04/2016)
08/09/2016	26	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,, John Maguire(Individually) served on 8/9/2016, answer due 8/30/2016; John Maguire(in his official capacity) served on 8/9/2016, answer due 8/30/2016. Service was accepted by NYPD SERGEANT CASTRO MARKS, SHIELD NUMBER 1601,. Service was made by MAIL. Document filed by Shay Horse; James Craven; Michael Nusbaum; Keegan Stephan; Alexander Appel; Anika Edrei. (Oliver, Gideon) (Entered: 08/09/2016)
08/09/2016	27	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,, Mike Poletto(Individually. Shield No. 3762) served on 8/9/2016, answer due 8/30/2016; Mike Poletto(in his official capacity) served on 8/9/2016, answer due 8/30/2016. Service was accepted by NYPD SERGEANT CASTRO MARKS, SHIELD NUMBER 1601,. Service was made by MAIL. Document filed by Shay Horse; James Craven; Michael Nusbaum; Keegan Stephan; Alexander Appel; Anika Edrei. (Oliver, Gideon) (Entered: 08/09/2016)
08/23/2016	28	FIRST LETTER MOTION for Extension of Time to File Response/Reply as to 21 Amended Complaint,, addressed to Judge Robert W. Sweet from Ashley R. Garman dated August 23, 2016. Document filed by William Bratton, The City Of New York,.(Garman, Ashley) (Entered: 08/23/2016)

08/30/2016	<u>29</u>	ORDER granting <u>28</u> Letter Motion for Extension of Time to File Response/Reply as to <u>21</u> Amended Complaint. So ordered. (Signed by Judge Robert W. Sweet on 8/30/2016) (kko) (Entered: 08/30/2016)
08/30/2016		Set/Reset Deadlines: William Bratton answer due 10/11/2016; John Maguire (Individually) answer due 10/11/2016; John Maguire (in his official capacity) answer due 10/11/2016; Mike Poletto (Individually. Shield No. 3762) answer due 10/11/2016; Mike Poletto (in his official capacity) answer due 10/11/2016; The City Of New York answer due 10/11/2016. (kko) (Entered: 08/30/2016)
09/07/2016	<u>30</u>	NOTICE OF APPEARANCE by Ashley Rebecca Garman on behalf of John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity). (Garman, Ashley) (Entered: 09/07/2016)
10/03/2016	<u>31</u>	CONSENT LETTER MOTION for Extension of Time to File <i>motion papers</i> addressed to Judge Robert W. Sweet from Ashley R. Garman dated October 3, 2016. Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,.(Garman, Ashley) (Entered: 10/03/2016)
10/04/2016	<u>32</u>	ORDER granting <u>31</u> Letter Motion for Extension of Time to File motion papers. So ordered. (Signed by Judge Robert W. Sweet on 10/4/2016) (kgo) (Entered: 10/04/2016)
10/04/2016		Set/Reset Deadlines: Motions due by 10/25/2016. (kgo) (Entered: 10/04/2016)
10/19/2016	<u>33</u>	CONSENT LETTER MOTION for Leave to File Excess Pages <i>related to defendants' forthcoming motion to dismiss</i> addressed to Judge Robert W. Sweet from Ashley R. Garman dated October 19, 2016. Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,.(Garman, Ashley) (Entered: 10/19/2016)
10/20/2016	<u>34</u>	ORDER granting <u>33</u> CONSENT LETTER MOTION for Leave to File Excess Pages related to defendants' forthcoming motion to dismiss addressed to Judge Robert W. Sweet from Ashley R. Garman dated October 19, 2016. Document filed by William Bratton, John Maguire (Individually), John Maguire (in his official capacity), Mike Poletto (Individually. Shield No. 3762), Mike

		Poletto (in his official capacity), The City Of New York. So ordered. (Signed by Judge Robert W. Sweet on 10/20/2016) (rjm) (Entered: 10/20/2016)
10/25/2016	<u>35</u>	MOTION to Dismiss . Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,. Responses due by 11/30/2016(Garman, Ashley) (Entered: 10/25/2016)
10/25/2016	<u>36</u>	MEMORANDUM OF LAW in Support re: <u>35</u> MOTION to Dismiss . . Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,. (Garman, Ashley) (Entered: 10/25/2016)
10/25/2016	<u>37</u>	DECLARATION of Ashley R. Garman in Support re: <u>35</u> MOTION to Dismiss .. Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B - Part 1, # <u>3</u> Exhibit B - Part 2, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E)(Garman, Ashley) (Entered: 10/25/2016)
10/26/2016	<u>38</u>	ORDER: Defendants' motion to dismiss the first amended complaint, dated October 25, 2016, shall be heard at noon on Thursday, January 12, 2017 in Courtroom 18C, United States Courthouse, 500 Pearl Street. Any opposition shall be served by November 30, 2016 in accordance with the October 4, 2016 scheduling order and any reply shall be served by December 28, 2016. IT IS SO ORDERED., (Oral Argument set for 1/12/2017 at 12:00 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 10/26/2016) (ama) (Entered: 10/26/2016)
11/29/2016	<u>39</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Robert W. Sweet from Elena L. Cohen dated November 29, 2016. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan.(Cohen, Elena) (Entered: 11/29/2016)
11/30/2016	<u>40</u>	ORDER granting <u>39</u> CONSENT LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Robert W. Sweet from Elena L. Cohen dated November 29, 2016. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. So ordered. (Responses due by

		12/5/2016. Replies due by 1/2/2017). (Signed by Judge Robert W. Sweet on 11/30/2016) (rjm) (Entered: 11/30/2016)
12/05/2016	41	NOTICE OF APPEARANCE by Michael J Decker on behalf of Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Decker, Michael) (Entered: 12/05/2016)
12/05/2016	42	DECLARATION of GIDEON ORION OLIVER in Opposition re: 35 MOTION to Dismiss .. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5 - PART 1, # 6 Exhibit 5 - PART 2, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14, # 16 Exhibit 15, # 17 Exhibit 16, # 18 Exhibit 17, # 19 Exhibit 18, # 20 Exhibit 19)(Oliver, Gideon) (Entered: 12/05/2016)
12/05/2016	43	DECLARATION of Elena L. Cohen in Opposition re: 35 MOTION to Dismiss .. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Cohen, Elena) (Entered: 12/05/2016)
12/05/2016	44	DECLARATION of Michael J. Decker in Opposition re: 35 MOTION to Dismiss .. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Oliver, Gideon) (Entered: 12/05/2016)
12/05/2016	45	MEMORANDUM OF LAW in Opposition re: 35 MOTION to Dismiss . . Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Oliver, Gideon) (Entered: 12/06/2016)
12/06/2016	46	CONSENT LETTER MOTION for Leave to File Amended Memorandum of Law addressed to Judge Robert W. Sweet from Gideon Orion Oliver dated December 6, 2016. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan.(Oliver, Gideon) (Entered: 12/06/2016)
12/08/2016	47	ORDER granting 46 Letter Motion for Leave to File Document. So ordered. (Signed by Judge Robert W. Sweet on 12/8/2016) (cf) (Entered: 12/08/2016)
12/08/2016	48	AMENDED MEMORANDUM OF LAW in Opposition re: 35 MOTION to Dismiss . . Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Oliver, Gideon) (Entered: 12/08/2016)

12/29/2016	<u>49</u>	LETTER MOTION for Leave to File Excess Pages <i>in connection with defendants' Reply Memorandum of Law</i> addressed to Judge Robert W. Sweet from Ashley R. Garman dated December 29, 2016. Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,.(Garman, Ashley) (Entered: 12/29/2016)
01/03/2017	<u>50</u>	REPLY MEMORANDUM OF LAW in Support re: <u>35</u> MOTION to Dismiss . . Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,. (Garman, Ashley) (Entered: 01/03/2017)
01/03/2017	<u>51</u>	ORDER granting <u>49</u> Letter Motion for Leave to File Excess Pages in connection with defendants' Reply Memorandum of Law. So ordered. (Signed by Judge Robert W. Sweet on 1/3/2017) (cla) (Entered: 01/03/2017)
01/06/2017	<u>52</u>	ORDER. Defendants' motion to dismiss the first amended complaint, dated October 25, 2016, shall be heard at noon on Thursday, January 26, 2017 in Courtroom 18C, United States Courthouse, 500 Pearl Street. It is so ordered. (Oral Argument set for 1/26/2017 at 12:00 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 1/4/2017) (rjm) (Entered: 01/06/2017)
01/26/2017		Minute Entry for proceedings held before Judge Robert W. Sweet: Oral Argument held on 1/26/2017 re: <u>35</u> MOTION to Dismiss filed by Mike Poletto, The City Of New York,, William Bratton, John Maguire. Motion held.Motion to dismiss reserved. (Chan, Tsz) (Entered: 01/27/2017)
05/31/2017	<u>53</u>	OPINION re: <u>35</u> MOTION to Dismiss filed by Mike Poletto, The City Of New York, William Bratton, John Maguire. For the foregoing reasons, Defendants' motion to dismiss is granted with regards to Counts Two, Three, Six, Seven, Eight, and Nine, and denied with regards to Counts One, Four, and Five. It is so ordered. (Signed by Judge Robert W. Sweet on 5/31/2017) (anc) (Entered: 05/31/2017)
06/01/2017	<u>54</u>	PRETRIAL ORDER: Counsel are directed to appear in courtroom 18C on July 11, 17 @ 12pm for a pretrial conference for the purpose of resolving any outstanding discovery or other issues, and sett a time for trial, as further set forth in this order. (Pretrial Conference set for 7/11/2017 at 12:00 PM in Courtroom 18C, 500 Pearl Street,

		New York, NY 10007 before Judge Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 6/1/2017) (jwh) (Entered: 06/01/2017)
06/09/2017	55	LETTER MOTION for Extension of Time to File Answer re: 21 Amended Complaint,, addressed to Judge Robert W. Sweet from Ashley Garman dated June 9, 2017. Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,(Garman, Ashley) (Entered: 06/09/2017)
06/12/2017	56	ORDER granting 55 Letter Motion for Extension of Time to Answer re 21 Amended Complaint. So Ordered., (William Bratton answer due 7/5/2017; John Maguire(Individually) answer due 7/5/2017; John Maguire(in his official capacity) answer due 7/5/2017; Mike Poletto (Individually. Shield No. 3762) answer due 7/5/2017; Mike Poletto(in his official capacity) answer due 7/5/2017; The City Of New York, answer due 7/5/2017.) (Signed by Judge Robert W. Sweet on 6/12/17) (yv) (Entered: 06/12/2017)
06/30/2017	57	NOTICE OF INTERLOCUTORY APPEAL from 53 Memorandum & Opinion,. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity). Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Garman, Ashley) (Entered: 06/30/2017)
06/30/2017		Appeal Fee Due: for 57 Notice of Interlocutory Appeal. Appeal fee due by 7/14/2017. (tp) (Entered: 06/30/2017)
06/30/2017		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 57 Notice of Interlocutory Appeal. (tp) (Entered: 06/30/2017)
06/30/2017		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 57 Notice of Interlocutory Appeal, filed by Mike Poletto, John Maguire were transmitted to the U.S. Court of Appeals. (tp) (Entered: 06/30/2017)
06/30/2017		USCA Appeal Fees received \$ 505.00 receipt number 465401184748 on 06/30/2017 re: 57 Notice of Interlocutory Appeal filed by Mike Poletto, John Maguire. (nd) (Entered: 06/30/2017)
07/05/2017	58	LETTER MOTION for Extension of Time to File Answer re: 21 Amended Complaint,, <i>for adjournment of the July 11, 2017,</i>

		<i>conference and setting forth defendants' position regarding the District Court's lack of jurisdiction pending Maguire and Poletto's interlocutory appeal and in the alternative, requesting a discretionary stay pending the appeal</i> addressed to Judge Robert W. Sweet from Ashley R. Garman dated July 5, 2017. Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,.(Garman, Ashley) (Entered: 07/05/2017)
07/05/2017	59	ORDER: Defendants' motion to stay the proceedings, dated July 5, 2017, shall be heard at 2:00 PM on Wednesday, July 19, 2017 in Courtroom 18C, United States Courthouse, 500 Pearl Street. Papers in opposition shall be served on or before July 12, 2017, at noon, and any reply papers shall be served on or before July 17, 2017, at noon. Motion Hearing set for 7/19/2017 at 02:00 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet. (Signed by Judge Robert W. Sweet on 7/5/2017) (cf) (Entered: 07/05/2017)
07/05/2017	60	ORDER granting 58 Letter Motion for Extension of Time to Answer. Time to answer and adjournment of conference are granted on consent. Motion to stay will be heard July 19. William Bratton answer due 7/19/2017; John Maguire(Individually) answer due 7/19/2017; John Maguire(in his official capacity) answer due 7/19/2017; Mike Poletto(Individually. Shield No. 3762) answer due 7/19/2017; Mike Poletto(in his official capacity) answer due 7/19/2017; The City Of New York, answer due 7/19/2017 (Signed by Judge Robert W. Sweet on 7/5/2017) (cf) (Entered: 07/05/2017)
07/07/2017	61	ORDER: Please be advised that the conference scheduled for 7-11-17 has been rescheduled to 7-13-17 at 12pm in Courtroom 18C. Please notify opposing counsel of the change. (Pretrial Conference set for 7/13/2017 at 12:00 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 7/7/2017) (jwh) (Entered: 07/07/2017)
07/11/2017	62	CONSENT LETTER MOTION to Adjourn Conference <i>currently scheduled for 7/13/17 and oral argument on Defendants' application for a stay currently scheduled for 7/19/17</i> addressed to Judge Robert W. Sweet from Gideon Orion Oliver dated July 11, 2017. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan.(Oliver, Gideon) (Entered: 07/11/2017)
07/11/2017	63	ORDER granting 62 Letter Motion to Adjourn Conference: So ordered. (Oral Argument set for 8/2/2017 at 11:00 AM before Judge

		Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 7/11/2017) (jwh) (Entered: 07/11/2017)
07/12/2017	64	LETTER RESPONSE in Opposition to Motion addressed to Judge Robert W. Sweet from Gideon Orion Oliver dated July 12, 2017 re: 58 LETTER MOTION for Extension of Time to File Answer re: 21 Amended Complaint,, <i>for adjournment of the July 11, 2017, conference and setting forth defendants' position regarding the District Court's lack of jurisdiction pending Magu . Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Attachments: # 1 Exhibit 1 - Orders from Schwartz v. NYC)(Oliver, Gideon) (Entered: 07/12/2017)</i>
07/19/2017	65	ANSWER to 21 Amended Complaint,, with JURY DEMAND. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,(Garman, Ashley) (Entered: 07/19/2017)
08/02/2017		Minute Entry for proceedings held before Judge Robert W. Sweet: Oral Argument held on 8/2/2017 re: 58 LETTER MOTION for Extension of Time to File Answer re: 21 Amended Complaint,, for adjournment of the July 11, 2017, conference and setting forth defendants' position regarding the District Court's lack of jurisdiction pending Magu filed by Mike Poletto, The City Of New York,, William Bratton, John Maguire. Motion Pending. (Chan, Tsz) (Entered: 08/04/2017)
08/31/2017	66	OPINION re: 58 LETTER MOTION: Defendants John Maguire ("Maguire"), Mike Poletto ("Poletto" and, together with Maguire, the "Officers"), and the City of New York ("NYC" and, collectively with the Officers, the "Defendants") have moved to stay proceedings before the Court as to the remaining claims brought by Plaintiffs Anika Edrei ("Edrei"), Shay Horse ("Horse"), James Craven ("Craven"), Keegan Stephan ("Stephan"), Michael Nusbaum ("Nusbaum"), and Alexander Appel ("Appel") (collectively, the "Plaintiffs") pending the outcome of Defendants' interlocutory appeal on the issue of the Officers' qualified immunity defense. For the foregoing reasons, Defendants' motion to stay proceedings as to Plaintiffs' claims pending resolution of their appeal is granted.

		(Signed by Judge Robert W. Sweet on 8/31/2017) (jwh) (Entered: 08/31/2017)
08/31/2017		Case Stayed (jwh) (Entered: 08/31/2017)
06/13/2018	67	OPINION of USCA (Certified) as to 57 Notice of Interlocutory Appeal, filed by Mike Poletto, John Maguire. USCA Case Number 17-2065. Plaintiffs, six individuals who participated in and observed protests in Manhattan on the night of December 4.5, 2014, sued Lieutenant John Maguire and Officer Mike Poletto ("defendants") of the New York Police Department under 42 U.S.C. 1983. The complaint alleges, among other things, that defendants violated plaintiffs' Fourteenth Amendment right against excessive force when they used a long-range acoustic device ("LRAD"), also known as a "sound gun," to disperse non-violent protesters, resulting in significant injuries, including hearing loss. Defendants moved to dismiss, arguing, in part, that they were entitled to qualified immunity because the complaint neither stated a Fourteenth Amendment claim nor alleged a violation of clearly established law. The district court rejected both arguments, reasoning that LRADs, which can cause injuries comparable to those caused by other tools that are capable of excessive force, fit within the scope of existing precedents. For the reasons stated in this opinion, we AFFIRM the district court's order insofar as it denied defendants qualified immunity for the Fourteenth Amendment claim. This case is REMANDED for further proceedings Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 06/13/2018. (nd) (Entered: 06/13/2018)
06/13/2018		Transmission of USCA Opinion to the District Judge re: 67 USCA Opinion. (nd) (Entered: 06/13/2018)
09/06/2018	68	MANDATE of USCA (Certified Copy) as to 57 Notice of Interlocutory Appeal, filed by Mike Poletto, John Maguire USCA Case Number 17-2065. IT IS HEREBY ORDERED, ADJUDGED and DECREED that judgment of the district court is AFFIRMED. The case is REMANDED for further proceedings consistent with this Courts opinion. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 9/6/2018. (tp) (Entered: 09/06/2018)
09/06/2018		Transmission of USCA Mandate/Order to the District Judge re: 68 USCA Mandate. (tp) (Entered: 09/06/2018)
09/21/2018	69	PRETRIAL ORDER: Counsel are directed to appear in courtroom 18C on 9-25-18 at 12 p.m. for a pretrial conference for the purpose of resolving any outstanding discovery or other issues, and setting a time for trial. IT IS SO ORDERED., (Pretrial Conference set for 9/25/2018 at 12:00 PM in Courtroom 18C, 500 Pearl Street, New

		York, NY 10007 before Judge Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 9/21/2018) (ama) (Entered: 09/21/2018)
09/25/2018		Minute Entry for proceedings held before Judge Robert W. Sweet: Interim Pretrial Conference held on 9/25/2018. (Chan, Tsz) (Entered: 09/26/2018)
09/26/2018	<u>70</u>	ORDER: IT IS HEREBY ORDERED that: 1. All motions are to be made returnable at 12:00 noon on Wednesday and in compliance with the rules of this Court. 2. The parties shall complete all fact discovery by 7/31/19 and all expert discovery by 9/4/19. The parties shall file all motions, other than motions in limine, by this date (or whichever is later), after which no discovery will be conducted and no motion will be entertained without a showing of special circumstances. 4. The parties shall submit to the court trial briefs, a joint proposed pretrial order, and, if applicable, motions in limine and proposed jury charges, voir dire requests and special verdict form in accordance with the annexed form and instructions by 10/2/19. A final pretrial conference will be held at 12:00 pm on that date and the action shall be added to the trial calendar published in the New York Law Journal. The parties are directed to be ready for trial the day after the pretrial order is due and, upon receipt of twenty-four hour telephone notice, on any day thereafter. (Expert Discovery due by 9/4/2019. Fact Discovery due by 7/31/2019. Motions due by 10/2/2019. Proposed Pretrial Order due by 10/2/2019. Final Pretrial Conference set for 10/2/2019 at 12:00 PM before Judge Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 9/25/2018) (ne) (Entered: 09/26/2018)
11/20/2018	<u>71</u>	MOTION to Substitute Attorney. Old Attorney: Ashley R. Garman, New Attorney: Peter W. Bocker . Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,.(Bocker, Peter) (Entered: 11/20/2018)
03/27/2019	<u>72</u>	Withdrawn as per Judge's Order dated 4/8/2019, Doc. # <u>75</u> DIRECTION TO THE BAR AND INTERIM ORDER OF REFERENCE: The Hon. Robert W. Sweet of this court having died on March 24, 2019; and Time being needed in order to effect the reassignment of the cases on his docket: It is hereby ordered that, pending the reassignment of Judge Sweet's civil cases, all urgent matters should be taken either to the Magistrate Judge who is assigned to the case or to the District Judge sitting in Part 1. In cases in which Judge Sweet did not sign an order of reference, this order operates as an interim order of reference to the Magistrate Judge for interim pre-trial supervision. Routine case management requests (such as, for extension of time) should be directed to the Magistrate

		Judge, not to the Part 1 Judge. So Ordered (Signed by Judge Colleen McMahon on 3/27/2019) (js) Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Barbara C. Moses. (Signed by Judge Colleen McMahon on 3/27/2019) (js) Modified on 3/28/2019 (js). Modified on 4/8/2019 (jwh). (Entered: 03/28/2019)
03/28/2019	73	MEMO ENDORSEMENT granting 71 Motion to Substitute Attorney. ENDORSEMENT: Application GRANTED. Attorney Ashley Rebecca Garman terminated (Signed by Magistrate Judge Barbara C. Moses on 3/28/2019) (cf) (Entered: 03/28/2019)
04/03/2019	74	ORDER REGARDING GENERAL PRETRIAL MANAGEMENT: In light of the passing of the late Hon. Robert W. Sweet, the above-referenced action has been referred to Magistrate Judge Barbara Moses for general pretrial management, including scheduling, discovery, non-dispositive pretrial motions, and settlement, pursuant to 28 U.S.C. § 636(b)(1)(A). (As further set forth in this Order.) If the parties believe that any matters (including matters that may not be apparent from the electronic docket) require the Court's prompt attention, they shall file a joint letter so notifying the Court. (Signed by Magistrate Judge Barbara C. Moses on 4/3/2019) (cf) (Entered: 04/03/2019)
04/08/2019		NOTICE OF CASE REASSIGNMENT to Judge Jesse M. Furman. Judge Robert W. Sweet is no longer assigned to the case. (sjo) (Entered: 04/08/2019)
04/08/2019	75	NOTICE OF CONFERENCE: WHEREAS this case was recently transferred to the undersigned, it is hereby ORDERED that counsel for all parties appear for a conference with the Court on April 16, 2019 at 4:15 p.m. Unless notified by the Court, any Scheduling Order or Case Management Plan remains otherwise in effect notwithstanding the case's transfer, as further set forth in this order. Finally, to the extent that the Interim Order of Reference to Magistrate Judge Barbara Moses is still in effect, see Docket Nos. 72, 74, the Order is hereby WITHDRAWN. (Status Conference set for 4/16/2019 at 04:15 PM before Judge Jesse M. Furman.) (Signed by Judge Jesse M. Furman on 4/8/2019) (jwh) (Entered: 04/08/2019)
04/12/2019	76	REVISED SCHEDULING ORDER: IT IS HEREBY ORDERED that the conference in this matter, previously scheduled for April 16, 2019, at 4:15 p.m., is RESCHEDULED for May 14, 2019, at 3:30 p.m. in Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York. The parties are reminded that they must file on ECF no later than the Thursday prior to the

		conference, a status letter, the contents of which are described in the Court's order scheduling the conference. (Status Conference set for 5/14/2019 at 03:30 PM in Courtroom 1105, 40 Centre Street, New York, NY 10007 before Judge Jesse M. Furman.) (Signed by Judge Jesse M. Furman on 4/12/2019) (cf) (Entered: 04/12/2019)
04/15/2019	77	CONSENT LETTER MOTION to Stay addressed to Judge Jesse M. Furman from Peter W. Bocker dated April 15, 2019. Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,.(Bocker, Peter) (Entered: 04/15/2019)
04/16/2019	78	ORDER granting 77 Letter Motion to Stay. The parties' joint motion to stay the proceedings pending Defendants' forthcoming appeal is hereby GRANTED. The parties shall promptly advise the Court if or when the stay can be lifted. In light of that, the conference scheduled for May 14, 2019, is hereby CANCELLED. The Clerk of Court is directed to terminate Docket No. 77. SO ORDERED this 16th day of April, 2019. (Signed by Judge Jesse M. Furman on 4/16/2019) (ne) (Entered: 04/16/2019)
04/16/2019		Case Stayed (ne) (Entered: 04/16/2019)
05/22/2019	79	JOINT LETTER MOTION for Discovery <i>Stay to be Lifted and for a Conference</i> addressed to Judge Jesse M. Furman from Peter W. Bocker dated May 22, 2019. Document filed by William Bratton, John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,.(Bocker, Peter) (Entered: 05/22/2019)
05/23/2019	80	ORDER granting 79 Letter Motion for Discovery. The parties' joint motion to lift the stay is hereby GRANTED. In light of that, the parties shall appear for a status conference before the Court on June 11, 2019, at 3:45 p.m. The parties are reminded that they must file on ECF no later than Thursday of the week prior to the status conference a joint letter, the contents of which are described in the Courts order scheduling the conference, see Docket No. 75. The Clerk of Court is directed to lift the stay and terminate Docket No. 79. SO ORDERED this 23rd day of May, 2019. (Signed by Judge Jesse M. Furman on 5/23/2019) (ne) (Entered: 05/23/2019)
05/23/2019		Case Stay Lifted. (ne) (Entered: 05/23/2019)
05/23/2019		Set/Reset Hearings: Status Conference set for 6/11/2019 at 03:45 PM before Judge Jesse M. Furman. (ne) (Entered: 05/23/2019)

06/06/2019	<u>81</u>	LETTER addressed to Judge Jesse M. Furman from Gideon Orion Oliver dated June 6, 2019 re: joint letter submitted in advance of 6/11/19 conference. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Attachments: # <u>1</u> Proposed CCMP)(Oliver, Gideon) (Entered: 06/06/2019)
06/07/2019	82	ORDER: The time of the June 11, 2019 conference is hereby CHANGED to 3:15 p.m. SO ORDERED. (Signed by Judge Jesse M. Furman on 6/7/2019) (Text Only Order) (Furman, Jesse) (Entered: 06/07/2019)
06/11/2019	<u>83</u>	NOTICE OF CHANGE OF ADDRESS by Michael J Decker on behalf of All Plaintiffs. New Address: Michael Decker, 1825 Foster Ave, Suite 1K, Brooklyn, NY, USA 11230, 718-783-3682. (Decker, Michael) (Entered: 06/11/2019)
06/11/2019		Minute Entry for proceedings held before Judge Jesse M. Furman: Status Conference held on 6/11/2019. Elena Cohen, Michael Decker, and Gideon Oliver present for Plaintiffs. Peter Brocker present for Defendants. (ab) (Entered: 06/11/2019)
06/11/2019	<u>84</u>	CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed no later than 12/6/2019. Fact Discovery due by 4/20/2020. All expert discovery, including reports, production of underlying documents, and depositions, shall be completed no later than 6/22/2020. Unless otherwise ordered by the Court, depositions of fact witnesses shall be completed by the date set forth in Paragraph 8(b). Deposition due by 4/20/2020. Unless the Court orders otherwise for good cause shown, the parties shall be ready for trial two weeks after the Joint Pretrial Order is filed. This case is to be tried to a jury. Counsel for the parties have conferred, and the present best estimate of the length of trial is 10 trial days. The parties shall file a joint letter by 10/11/2019 indicating whether they would like the Court to refer the case to the assigned Magistrate Judge and/or the Court mediation program for settlement purposes and, if so, approximately when they believe a settlement conference should be held. Pretrial Conference set for 4/21/2020 at 03:00 PM in Courtroom 1105, 40 Centre Street, New York, NY 10007 before Judge Jesse M. Furman. (Signed by Judge Jesse M. Furman on 6/11/2019) (ne) (Entered: 06/11/2019)

06/24/2019	<u>85</u>	JOINT LETTER MOTION for Discovery <i>asking that the Court enter the 1983 Plan Protective Order in this case</i> addressed to Judge Jesse M. Furman from Gideon Orion Oliver dated June 24, 2019. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. (Attachments: # <u>1</u> Attachment - 1983 Plan Protective Order)(Oliver, Gideon) (Entered: 06/24/2019)
06/25/2019	<u>86</u>	PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material...This stipulation binds the parties to treat as confidential the documents so classified. This Court, however, has not reviewed the documents referenced herein; therefore, by so ordering this stipulation, the Court makes no finding as to whether the documents are confidential. That finding will be made, if ever, upon a document-by-document review pursuant to the procedures set forth in the Court's Individual Rules and Practices and subject to the presumption in favor of public access to "judicial documents." See generally <i>Lugosch v. Pyramid Co. of Onondaga</i> , 435 F.3d 110, 119-20 (2d Cir. 2006). To that end, the Court does not "so order" any provision to the extent that it purports to authorize the parties to file documents under seal without a prior court order. The Clerk of Court is directed to terminate Docket No. 85. (Signed by Judge Jesse M. Furman on 6/25/2019) (ne) (Entered: 06/25/2019)
09/23/2019	<u>87</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, against the defendant(s) All Defendants pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by Keegan Stephan. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by chambers). ..(Cohen, Elena) Modified on 9/23/2019 (dt). (Entered: 09/23/2019)
09/23/2019		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Notice to Attorney Elena Cohen to RE-FILE Document <u>87</u> Stipulation of Voluntary Dismissal. Use the event type Proposed Stipulation and Order found under the event list Proposed Orders. (dt) (Entered: 09/23/2019)
09/23/2019	<u>88</u>	PROPOSED STIPULATION AND ORDER. Document filed by Keegan Stephan. (Cohen, Elena) (Entered: 09/23/2019)
09/23/2019	<u>89</u>	STIPULATION AND ORDER OF DISMISSAL: IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties in this action, as follows: Any

		and all claims plaintiff Keegan Stephan alleged or could have alleged in this matter, as against all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel are voluntarily dismissed pursuant to Fed. R. Civ. P. 41(a)(2), with prejudice, and without costs, expenses, or attorneys' fees to any party. The Clerk of Court is directed to close the case. SO ORDERED. (Signed by Judge Jesse M. Furman on 9/23/2019) (jca) (Entered: 09/23/2019)
09/24/2019	<u>90</u>	LETTER MOTION to Reopen Case addressed to Judge Jesse M. Furman from Elena L. Cohen dated September 24, 2019. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum.(Cohen, Elena) (Entered: 09/24/2019)
09/24/2019	<u>91</u>	ORDER: granting <u>90</u> Letter Motion to Reopen Case. The Clerk of Court is directed to reopen the case, to terminate Keegan Stephan as a party, and to terminate ECF No. 90. The deadlines set in the Case Management Plan and Scheduling Order at ECF No. 84 remain in effect. (Signed by Judge Jesse M. Furman on 9/24/2019). *** Party Keegan Stephan terminated. (ama) Modified on 9/24/2019 (ama). (Entered: 09/24/2019)
10/10/2019	<u>92</u>	LETTER addressed to Judge Jesse M. Furman from Elena L. Cohen dated October 10, 2019 re: Anika Edrei, et al. v. City of New York, et al.. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum.(Cohen, Elena) (Entered: 10/10/2019)
11/22/2019	<u>93</u>	LETTER MOTION for Extension of Time to Amend <i>Complaint</i> addressed to Judge Jesse M. Furman from Elena L. Cohen dated 11/22/2019. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum.(Cohen, Elena) (Entered: 11/22/2019)
11/24/2019	94	ORDER granting <u>93</u> Letter Motion for Extension of Time to Amend Complaint. Plaintiffs' deadline is extended to January 31, 2020. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 11/24/2019)
11/27/2019	<u>95</u>	FIRST LETTER MOTION for Discovery <i>Dispute</i> addressed to Judge Jesse M. Furman from Peter W. Bocker dated November 27, 2019., FIRST LETTER MOTION for Conference <i>re Discovery Dispute</i> addressed to Judge Jesse M. Furman from Peter W. Bocker dated November 27, 2019. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official

		capacity), The City Of New York,. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Brocker, Peter) (Entered: 11/27/2019)
11/27/2019	96	FIRST LETTER MOTION for Extension of Time to File Response/Reply as to 95 FIRST LETTER MOTION for Discovery <i>Dispute</i> addressed to Judge Jesse M. Furman from Peter W. Brocker dated November 27, 2019.FIRST LETTER MOTION for Conference <i>re Discovery Dispute</i> addressed to Judge Jesse M. Furman from Peter W. Brocker dated November 27, 2019. addressed to Judge Jesse M. Furman from Elena Cohen dated November 27, 2019. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan.(Cohen, Elena) (Entered: 11/27/2019)
12/02/2019	97	ORDER denying without prejudice 95 Letter Motion for Discovery; and denying as moot 96 Letter Motion for Extension of Time to File Response/Reply. Defendants' letter motion is denied without prejudice as premature. First, it is evident from Defendants' own letter and from Plaintiffs' response that counsel did not comply with the requirement to meet and confer prior to filing the letter motion. Second, and related, it is not clear that Defendants need a protective order in advance of responding to Plaintiffs' discovery requests; if Defendants believe that a particular request is objectionable, they should include their objections in their discovery responses (and/or provide a privilege log). Accordingly, Defendants' letter motion is denied without prejudice to renewal. In light of that, Plaintiffs' letter motion is denied as moot. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 12/02/2019)
01/22/2020	98	JOINT LETTER MOTION for Extension of Time to Amend addressed to Judge Jesse M. Furman from Peter W. Brocker dated January 22, 2020., JOINT LETTER MOTION for Extension of Time to Complete Discovery addressed to Judge Jesse M. Furman from Peter W. Brocker dated January 22, 2020. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,.(Brocker, Peter) (Entered: 01/22/2020)
01/23/2020	99	ORDER granting 98 Letter Motion for Extension of Time to Amend ; granting 98 Letter Motion for Extension of Time to Complete Discovery. Application GRANTED. That said, the parties are warned that they should not expect any further extensions of these

		deadlines. In light of the discovery extension, the pretrial conference scheduled for April 21, 2020, is ADJOURNED to June 30, 2020, at 3:00 p.m. The Clerk of Court is directed to terminate ECF No. 98. SO ORDERED. (Signed by Judge Jesse M. Furman on 1/23/22) (yv) (Entered: 01/23/2020)
01/23/2020		Set/Reset Deadlines: (Expert Discovery due by 8/21/2020., Fact Discovery due by 6/22/2020.), Set/Reset Hearings: (Pretrial Conference set for 6/30/2020 at 03:00 PM before Judge Jesse M. Furman.) (yv) (Entered: 01/23/2020)
01/23/2020		Set/Reset Deadlines: Amended Pleadings due by 3/31/2020. (yv) (Entered: 02/05/2020)
02/25/2020	100	CONSENT LETTER MOTION for Discovery <i>Order, pursuant to Rule 502(d)</i> addressed to Judge Jesse M. Furman from Peter W. Bocker dated February 25, 2020. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,. (Attachments: # 1 Exhibit A).(Bocker, Peter) (Entered: 02/25/2020)
02/26/2020	101	RULE 502(d) ORDER granting 100 Letter Motion for Discovery. The production of privileged or work-product protected documents, electronically stored information ("ESI") or information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d). Nothing contained herein is intended to or shall serve to limit a party's right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production. The Clerk of Court is directed to terminate ECF No. 100. So Ordered. (Signed by Judge Jesse M. Furman on 2/26/20) (yv) (Entered: 02/26/2020)
03/10/2020	102	FIRST LETTER MOTION for Conference <i>re Proposed Motion for a Protective Order</i> addressed to Judge Jesse M. Furman from Peter W. Bocker dated March 10, 2020. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,..(Bocker, Peter) (Entered: 03/10/2020)
03/11/2020	103	ORDER with respect to 102 Letter Motion for Conference. Although Defendants' letter motion indicates that the Rule 30(b)(6) Notice is attached as Exhibit A, counsel neglected to attach it. Plaintiffs' counsel shall file the Notice with their response, which -

		per the Court's Individual Rules and Practices - shall be filed within three business days. The Court will decide, after reviewing the response, whether a conference is necessary. (In light of the current public health situation, any conference would likely be held by telephone.) (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 03/11/2020)
03/12/2020	104	CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to 103 Order on Motion for Conference,, 102 FIRST LETTER MOTION for Conference <i>re Proposed Motion for a Protective Order</i> addressed to Judge Jesse M. Furman from Peter W. Brocker dated March 10, 2020. addressed to Judge Jesse M. Furman from Elena L. Cohen dated 03/12/20. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum. (Attachments: # 1 Exhibit 1 - 2020-2-27 Notice of Deposition Pursuant to FRCP 30b6, # 2 Exhibit 2 - 12-12-19 Defendants Written D+I Responses, # 3 Exhibit 3 - 1-14-20 Defendants Supplemental Written D+I Responses, # 4 Exhibit 4 - 9-28-19 Plaintiffs Discovery Deficiency Letter, # 5 Exhibit 5 - 12-30-19 Plaintiffs Discovery Deficiency Letter and Attachments, # 6 Exhibit 6 - 1-3-20 Defendants Discovery Letter, # 7 Exhibit 7 - 1-31-20 Plaintiffs Discovery Deficiency Letter, # 8 Exhibit 8 - 2-7-20 Letter).(Cohen, Elena) (Entered: 03/12/2020)
03/12/2020	105	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - JOINT LETTER MOTION for Conference <i>re Settlement</i> addressed to Judge Jesse M. Furman from Peter W. Brocker dated March 12, 2020. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,..(Brocker, Peter) Modified on 4/9/2020 (db). (Entered: 03/12/2020)
03/12/2020	106	ORDER granting 104 Letter Motion for Extension of Time to File Response/Reply. Plaintiffs are granted until March 16, 2020, to file their opposition to Defendants' motion. Plaintiffs shall file a single consolidated letter, not to exceed five pages, opposing Defendants' motion and in support of their own motion. (The Court will disregard the portions of Plaintiffs' extension motion that pertain to the substance of the dispute; that is, Plaintiffs should include anything of relevance in their letter on Monday and should not incorporate anything from today's letter by reference.) Defendants shall file any opposition to the cross-motion, not to exceed three pages, by March 19, 2020. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 03/12/2020)

03/12/2020	107	ORDER granting 105 Letter Motion for Settlement Conference. The Court will enter a referral order to the assigned Magistrate Judge in due course. The parties shall contact the Magistrate Judge's Chambers no later than March 18, 2020, to schedule a settlement conference to occur before the close of discovery. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 03/12/2020)
03/13/2020	108	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Barbara C. Moses. (Signed by Judge Jesse M. Furman on 3/13/2020) (va) (Entered: 03/13/2020)
03/16/2020	109	LETTER RESPONSE in Opposition to Motion addressed to Judge Jesse M. Furman from Elena Cohen dated March 16, 2020 re: 102 FIRST LETTER MOTION for Conference <i>re Proposed Motion for a Protective Order</i> addressed to Judge Jesse M. Furman from Peter W. Brocker dated March 10, 2020., 104 CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to 103 Order on Motion for Conference,, 102 FIRST LETTER MOTION for Conference <i>re Proposed Motion for a Protective Order</i> addressed to Judge Jesse M. Furman from P . Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum. (Attachments: # 1 Exhibit 1 - DI Chart, # 2 Exhibit 2 - Improper Objections Chart, # 3 Exhibit 3 - 12-12-19 Defendants Written D+I Responses, # 4 Exhibit 4 - 1-14-20 Defendants Supplemental Written D+I Responses, # 5 Exhibit 5 - 9-28-19 Plaintiffs Discovery Deficiency Letter, # 6 Exhibit 6 - 12-30-19 Plaintiffs Discovery Deficiency Letter and Attachments, # 7 Exhibit 7 - 1-31-20 Plaintiffs Discovery Deficiency Letter, # 8 Exhibit 8 - 1-31-20 Plaintiffs Discovery Deficiency Letter, # 9 Exhibit 9 - 2-7- 20 Letter).(Cohen, Elena) (Entered: 03/16/2020)
03/20/2020	110	LETTER RESPONSE in Support of Motion addressed to Judge Jesse M. Furman from Peter W. Brocker dated March 20, 2020 re: 102 FIRST LETTER MOTION for Conference <i>re Proposed Motion for a Protective Order</i> addressed to Judge Jesse M. Furman from Peter W. Brocker dated March 10, 2020. <i>And letter response in Opposition to Dkt. No. 109.</i> Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,. (Attachments: # 1 Exhibit A, # 2 Exhibit B).(Brocker, Peter) (Entered: 03/20/2020)

03/25/2020	<u>111</u>	JOINT LETTER MOTION to Stay addressed to Judge Jesse M. Furman from Elena L. Cohen dated March 25, 2020. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum..(Cohen, Elena) (Entered: 03/25/2020)
03/31/2020	<u>112</u>	ORDER granting <u>111</u> Letter Motion to Stay. Application GRANTED. The case is stay for 90 days and the pretrial conference is ADJOURNED to September 29, 2020, at 3:00 p.m. Plaintiffs shall file their amended pleadings within 30 days of the stay being lifted. Within 90 days of the date of this order, the parties shall submit a joint status letter addressing whether they are prepared to proceed and whether they believe any further changes to the schedule are necessary. The Clerk of Court is directed to terminate ECF No. 111. SO ORDERED. (Signed by Judge Jesse M. Furman on 3/31/20) (yv) (Entered: 03/31/2020)
03/31/2020		Set/Reset Hearings: Pretrial Conference set for 9/29/2020 at 03:00 PM before Judge Jesse M. Furman. (yv) (Entered: 03/31/2020)
06/29/2020	<u>113</u>	JOINT LETTER MOTION to Stay addressed to Judge Jesse M. Furman from Peter W. Bocker dated June 29, 2020. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,..(Bocker, Peter) (Entered: 06/29/2020)
06/29/2020	<u>114</u>	ORDER terminating <u>102</u> Letter Motion for Conference ; granting <u>113</u> Letter Motion to Stay. Application GRANTED. The Court is of the view that this case can and should settle. Accordingly, to encourage the parties' settlement efforts, the stay is hereby EXTENDED to August 28, 2020. Future extension requests, however, will likely be denied. In light of the extension and the parties' focus on settlement, the Court exercises its discretion to deny the pending discovery-related motion without prejudice to renewal by August 14, 2020. The Clerk of Court is directed to terminate ECF Nos. 102 and 113. SO ORDERED.. (Signed by Judge Jesse M. Furman on 6/29/2020) (ks) (Entered: 06/29/2020)
07/07/2020	<u>115</u>	LETTER MOTION for Conference addressed to Magistrate Judge Barbara C. Moses from Elena L. Cohen dated 7/7/2020. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan..(Cohen, Elena) (Entered: 07/07/2020)
07/13/2020		Minute Entry for proceedings held before Magistrate Judge Barbara Moses: Pre-Settlement Telephone Conference held on 7/13/2020. (Snell, Kevin) (Entered: 07/13/2020)

07/14/2020	<u>116</u>	LETTER MOTION for Extension of Time addressed to Judge Jesse M. Furman from Elena L. Cohen dated 7/14/2020. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum..(Cohen, Elena) (Entered: 07/14/2020)
07/14/2020	<u>117</u>	ORDER granting <u>116</u> Letter Motion for Extension of Time. Application GRANTED. The parties' deadline to renew the discovery-related motions is EXTENDED to August 19, 2020. The Clerk of Court is directed to terminate ECF No. 116. SO ORDERED. (Motions due by 8/19/2020.) (Signed by Judge Jesse M. Furman on 7/14/20) (yv) (Entered: 07/14/2020)
07/15/2020	<u>118</u>	ORDER SCHEDULING PRE-SETTLEMENT CONFERENCE: Judge Moses will hold a telephonic counsel-only pre-settlement conference on August 6, 2020, at 11:00 a.m. Counsel are directed to call (888) 557-8511 and dial the access code 7746387. Counsel shall be prepared to discuss the progress of settlement negotiations to date as to both the monetary and equitable issues. (Telephone Conference set for 8/6/2020 at 11:00 AM before Magistrate Judge Barbara C. Moses.) (Signed by Magistrate Judge Barbara C. Moses on 7/15/2020) (cf) (Entered: 07/15/2020)
07/15/2020	<u>119</u>	ORDER SCHEDULING SETTLEMENT CONFERENCE: A settlement conference is scheduled before Magistrate Judge Barbara Moses on August 18, 2020, at 2:15 p.m. (As further set forth in this Order.) (Settlement Conference set for 8/18/2020 at 02:15 PM before Magistrate Judge Barbara C. Moses.) (Signed by Magistrate Judge Barbara C. Moses on 7/15/2020) (cf) (Entered: 07/15/2020)
08/06/2020		Minute Entry for proceedings held before Magistrate Judge Barbara Moses: Pre-Settlement Conference held on 8/6/2020. (Snell, Kevin) (Entered: 08/06/2020)
08/06/2020	<u>120</u>	NOTICE OF APPEARANCE by Jessica Massimi on behalf of Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum..(Massimi, Jessica) (Entered: 08/06/2020)
08/06/2020	121	The settlement conference scheduled for August 18, 2020, will begin promptly at 2:00 p.m. (HEREBY ORDERED by Magistrate Judge Barbara C. Moses) (Text Only Order) (srb) (Entered: 08/06/2020)
08/17/2020	<u>122</u>	NOTICE OF APPEARANCE by Melissa Wachs on behalf of William Bratton, John Maguire(Individually), Mike Poletto(Individually. Shield No. 3762), The City Of New York,..(Wachs, Melissa) (Entered: 08/17/2020)

08/18/2020		Minute Entry for proceedings held before Magistrate Judge Barbara Moses: Settlement Conference held on 8/18/2020. (Snell, Kevin) (Entered: 08/19/2020)
08/19/2020	<u>123</u>	ORDER CONTINUING SETTLEMENT CONFERENCE: Judge Moses will conduct a continued settlement conference on September 29, 2020, at 2:00 p.m. (As further set forth in this Order.) The parties shall coordinate the videoconference technology to be used during the conference and send the link to Judge Moses's chambers upon submission of their joint letter. (Telephone Conference set for 9/29/2020 at 02:00 PM before Magistrate Judge Barbara C. Moses.) (Signed by Magistrate Judge Barbara C. Moses on 8/19/2020) (cf) (Entered: 08/19/2020)
08/19/2020	<u>124</u>	JOINT LETTER MOTION to Stay <i>pending ongoing settlement negotiations</i> addressed to Judge Jesse M. Furman from Peter W. Bocker dated August 19, 2020. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,..(Bocker, Peter) (Entered: 08/19/2020)
08/20/2020	<u>125</u>	ORDER granting <u>124</u> Letter Motion to Stay. Applications GRANTED. To facilitate settlement discussions, the stay is extended to October 27, 2020, and the pretrial conference is ADJOURNED sine die. The parties shall advise the Court immediately in the event of a settlement and, in any event, shall submit a status letter no later than October 27, 2020. The Clerk of Court is directed to terminate ECF No. 124. SO ORDERED. (Signed by Judge Jesse M. Furman on 8/20/20) (yv) (Entered: 08/20/2020)
09/21/2020	<u>126</u>	FIRST LETTER MOTION to Adjourn Conference addressed to Magistrate Judge Barbara C. Moses from Elena L. Cohen dated 09/21/2020. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum, Keegan Stephan. Return Date set for 9/29/2020 at 02:00 PM..(Cohen, Elena) (Entered: 09/21/2020)
09/22/2020	<u>127</u>	ORDER granting <u>126</u> Letter Motion to Adjourn Conference. Application GRANTED. The settlement conference currently scheduled for September 29, 2020, at 2:00 p.m. is hereby ADJOURNED to October 20, 2020, at 2:00 p.m. The parties shall submit their joint confidential settlement letter, as directed in the Court's August 19 Order Continuing Settlement Conference (Dkt. No. 123), no later than October 13, 2020. Settlement Conference set for 10/20/2020 at 02:00 PM before Magistrate Judge Barbara C.

		Moses. (Signed by Magistrate Judge Barbara C. Moses on 9/22/2020) (cf) (Entered: 09/22/2020)
10/16/2020	<u>128</u>	JOINT LETTER MOTION to Adjourn Conference addressed to Magistrate Judge Barbara C. Moses from Peter W. Brocker dated October 16, 2020. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,..(Brocker, Peter) (Entered: 10/16/2020)
10/16/2020	<u>129</u>	ORDER granting <u>128</u> Letter Motion to Adjourn Conference. Application GRANTED. The settlement conference currently scheduled for October 20, 2020, at 2:00 p.m. is hereby ADJOURNED to January 11, 2021 at 2:00 p.m. The parties shall submit their joint confidential settlement letter, as directed in the Court's August 19 Order Continuing Settlement Conference (Dkt. No. 123) no later than January 4, 2021. Settlement Conference set for 1/11/2021 at 02:00 PM before Magistrate Judge Barbara C. Moses. (Signed by Magistrate Judge Barbara C. Moses on 10/16/2020) (cf) (Entered: 10/16/2020)
10/27/2020	<u>130</u>	FOURTH LETTER MOTION to Stay <i>pending ongoing settlement negotiations</i> addressed to Judge Jesse M. Furman from Peter W. Brocker dated October 27, 2020. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,..(Brocker, Peter) (Entered: 10/27/2020)
10/27/2020	<u>131</u>	ORDER: granting <u>130</u> Letter Motion to Stay. Application GRANTED. To facilitate settlement discussions, the stay is extended to January 25, 2021. The parties shall advise the Court immediately in the event of a settlement and, in any event, shall submit a status letter no later than January 25, 2021. The Clerk of Court is directed to terminate ECF No. 130. SO ORDERED. (Signed by Judge Jesse M. Furman on 10/27/2020) (ama) (Entered: 10/27/2020)
12/30/2020	<u>132</u>	JOINT LETTER MOTION for Extension of Time to File <i>pre-settlement conference letters</i> addressed to Magistrate Judge Barbara C. Moses from Peter W. Brocker dated December 30, 2020. Document filed by John Maguire(in his official capacity), Mike Poletto(in his official capacity), The City Of New York,..(Brocker, Peter) (Entered: 12/30/2020)
01/01/2021	133	ORDER granting <u>132</u> Letter Motion for Extension of Time to File. No later than January 6, 2021, the parties shall submit separate confidential settlement letters to the chambers email. (HEREBY

		ORDERED by Magistrate Judge Barbara C. Moses)(Text Only Order) (sb) (Entered: 01/01/2021)
01/11/2021		Minute Entry for proceedings held before Magistrate Judge Barbara Moses: Settlement Conference held on 1/11/2021. (Snell, Kevin) (Entered: 01/13/2021)
01/12/2021	134	ORDER OF DISMISSAL... It is ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs, and without prejudice to the right to reopen the action within sixty days of the date of this Order if the settlement is not consummated. To be clear, any application to reopen must be filed by the aforementioned deadline; any application to reopen filed thereafter may be denied solely on that basis. Further, requests to extend the deadline to reopen are unlikely to be granted. If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court by the deadline to reopen to be "so ordered" by the Court. Per Paragraph 4(B) of the Court's Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record. Any pending motions are moot. All conferences are canceled. The Clerk of Court is directed to close the case. SO ORDERED. (Signed by Judge Jesse M. Furman on 1/12/21) (yv) (Entered: 01/12/2021)
03/11/2021	135	LETTER MOTION for Conference addressed to Judge Jesse M. Furman from Elena Cohen dated 3/11/2021., LETTER MOTION for Extension of Time addressed to Judge Jesse M. Furman from Elena Cohen dated 3/11/2021., LETTER MOTION to Reopen Case addressed to Judge Jesse M. Furman from Elena Cohen dated 3/11/2021. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum..(Cohen, Elena) (Entered: 03/11/2021)
03/12/2021	136	ORDER terminating with respect to 135 Letter Motion for Extension of Time to Move to Reopen Case: Defendants shall file any response to Plaintiffs' request by Monday, March 15, 2021. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 03/12/2021)
03/12/2021	137	LETTER RESPONSE to Motion addressed to Judge Jesse M. Furman from Peter W. Bocker dated March 12, 2021 re: 135 LETTER MOTION for Conference addressed to Judge Jesse M. Furman from Elena Cohen dated 3/11/2021. LETTER MOTION for Extension of Time addressed to Judge Jesse M. Furman from Elena Cohen dated 3/11/2021. LETTER MOTION to Reopen Case addressed to Judge Jesse M. Furman from Elena Cohen dated

		3/11/2021. . Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,..(Brockner, Peter) (Entered: 03/12/2021)
03/12/2021	138	ORDER granting 135 Letter Motion for Extension of Time to Reopen. In light of Defendants' consent, the deadline for any motion to reopen is hereby extended to May 13, 2021. The parties shall contact the Chambers of Magistrate Judge Moses no later than March 16, 2021, to schedule a settlement conference as soon as practicable. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 03/12/2021)
03/15/2021	139	ORDER SCHEDULING CONTINUED SETTLEMENT CONFERENCE: Judge Moses will conduct a continued settlement conference on April 20, 2021, at 2:15 p.m. No later than April 13, 2021, the parties shall submit a joint confidential settlement letter no longer than three pages single-spaced to Moses_NYSDChambers@nysd.uscourts.gov. (As further set forth in this Order.) (Settlement Conference set for 4/20/2021 at 02:15 PM before Magistrate Judge Barbara C. Moses.) (Signed by Magistrate Judge Barbara C. Moses on 3/15/2021) (cf) (Entered: 03/16/2021)
04/13/2021	140	JOINT LETTER MOTION to Adjourn Conference <i>because the parties reached a settlement agreement</i> addressed to Magistrate Judge Barbara C. Moses from Peter W. Brockner dated April 13, 2021. Document filed by John Maguire(Individually), John Maguire(in his official capacity), Mike Poletto(Individually. Shield No. 3762), Mike Poletto(in his official capacity), The City Of New York,..(Brockner, Peter) (Entered: 04/13/2021)
04/14/2021	141	ORDER granting 140 Letter Motion to Adjourn Conference. Application GRANTED. The settlement conference currently scheduled for April 20, 2021 is hereby ADJOURNED sine die. (Signed by Magistrate Judge Barbara C. Moses on 4/14/2021) (cf) (Entered: 04/14/2021)
04/14/2021	142	ORDER OF DISMISSAL... It is ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs, and without prejudice to the right to reopen the action within sixty days of the date of this Order if the settlement is not consummated. To be clear, any application to reopen must be filed by the aforementioned deadline; any application to reopen filed thereafter may be denied solely on that basis. Further, requests to extend the deadline to reopen are unlikely to be granted. If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court by the deadline to reopen to be "so ordered"

		by the Court. Per Paragraph 4(B) of the Court's Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record. Any pending motions are moot. All conferences are canceled. The Clerk of Court is directed to close the case. SO ORDERED. (Signed by Judge Jesse M. Furman on 4/14/21) (yv) (Entered: 04/14/2021)
04/19/2021	143	PROPOSED STIPULATION AND ORDER. Document filed by Alexander Appel, James Craven, Anika Edrei, Shay Horse, Michael Nusbaum..(Oliver, Gideon) (Entered: 04/19/2021)
04/19/2021	144	STIPULATION OF SETTLEMENT. IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows: The NYPD shall amend the Administrative Guide to include the section set forth in Appendix "A" within a reasonable time from the date the parties execute this stipulation. The NYPD shall amend its LRAD training materials consistent with the Administrative Guide provision set forth in Appendix "A" within a reasonable time from the date of the Administrative Guide amendment described in Paragraph "1(a)." In exchange for the consideration set forth above in Paragraphs "1" and "2," including all sub-parts, and in Paragraphs "3(a)(i)," "3(a)(ii)," "3(a)(iii)," "3(a)(iv)," "3(a)(v)," and in Paragraph "4," including all sub-parts, Plaintiffs agree to the dismissal with prejudice of all the claims against the defendants and to release defendants City of New York, John Maguire and Michael Poletto, their successors or assigns, and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all liability, claims, or rights of action alleging a violation of plaintiffs' civil rights and any and all related state law claims, including any claims for equitable relief, from the beginning of the world to the date of the General Releases, including claims for costs, expenses, and attorneys' fees. i. The City of New York agrees to pay plaintiff Anika Edrei \$15,000; ii. The City of New York agrees to pay plaintiff Shay Horse \$15,000; iii. The City of New York agrees to pay plaintiff James Craven \$18,000; iv. The City of New York agrees to pay plaintiff Alexander Appel \$20,000; and v. The City of New York agrees to pay plaintiff Michael Nusbaum \$30,000. Nothing contained herein shall be deemed to be an admission by Defendants that they have, in any manner or way, violated Plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This Stipulation shall not be admissible in, nor is it related to, any other litigation or

	settlement negotiations, except to enforce the terms of this agreement. The City of New York agrees to pay \$650,000 to Plaintiffs' counsels, Elena Cohen and Gideon Oliver, in full satisfaction of all claims for costs, expenses, and/or attorneys' fees accrued in relation to the above-captioned matter. In consideration of the payment of this sum, Plaintiffs' counsels, Elena Cohen and Gideon Oliver, agree to release and hold harmless defendants City of New York, John Maguire, and Michael Poletto, their successors or assigns, and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all liability, claims, or rights of action claims for costs, expenses, and attorneys' fees in the above-referenced action from the beginning of the world to the date of the General Releases. Notwithstanding the dismissal of this action in accordance with this Court's April 14, 2021 Order of Dismissal (ECF No. 142) and this agreement, the District Court shall continue to maintain jurisdiction over this action for the limited purpose of enforcing the terms of this Stipulation of Settlement, if necessary and as further set forth in this Stipulation. So Ordered. (Signed by Judge Jesse M. Furman on 4/19/21) (yv) (Entered: 04/19/2021)
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05/25/2021 12:06:42			
PACER Login:	CRClearinghouse	Client Code:	Harrington
Description:	Docket Report	Search Criteria:	1:16-cv-01652-JMF
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