

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:02-cv-04002-GEL

Disability Advocates v. NYS Office of Mental, et al
Assigned to: Judge Gerard E. Lynch
Demand: \$0
Related Case: 1:02-cv-05418-WHP
Cause: 42:1983 Civil Rights Act

Date Filed: 05/28/2002
Date Terminated: 04/30/2007
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Disability Advocates, Inc.

represented by **Betsy Ginsberg**
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V.

Defendant

**New York State Office of Mental
Health**
(*"OMH"*)

represented by **John Eric Knudsen**
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(212) 416-8625
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Defendant

James L. Stone
Commissioner of Mental Health

represented by **John Eric Knudsen**
(See above for address)
LEAD ATTORNEY

Defendant

Jurgen Karker
OMH Satellite Mental Health Unit Chief

represented by **John Eric Knudsen**
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Defendant

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represented by

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Anthony Devito
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Defendant

**New York State Department of
Correctional Services**
("DOCS")

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Defendant

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Commissioner of DOCS

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Edward Donnelly
Facility Superintendent

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Date Filed	#	Docket Text
05/28/2002	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 0440407. (dle) (Entered: 05/31/2002)
05/28/2002		Magistrate Judge Henry B. Pitman is so designated. (dle) (Entered: 05/31/2002)
06/19/2002	2	Memo-Endorsement on letter addressed to Judge Lynbch from Richard W.Brewster, dated 06/14/02; reset answer to complaint due for 7/1/02 for Edward Donnelly, for Thomas Ricks, for James Walsh, for Michael P. McGinnis, for Brian Fischer, for Leonard Portuondo, for Charles Griener, for George Duncan, for Thomas Poole, for Floyd G. Bennett Jr., for David Miller, for Frank Tracy, for Gary Fillion, for Daniel Senkowski, for Elaine Lord, for John Burge, for Victor Herbert, for Glenn S. Goord, for NYS Dept. of Corr., for Anthony Devito, for Loretta Klein, for David Boyd, for Thomas Ryan, for Al Shimkunas, for Peter Russell, for John Dunn, for Michael Hill, for Kathy Cavanaugh, for Wayne Crosier, for Michelle Petrino, for Scott Clair, for Jurgen Karker, for James L. Stone, for NYS Office of Mental ; The application is denied to the extent it requests additional delay ; (signed by Judge Gerard E. Lynch); Copies mailed. (dj) (Entered: 06/21/2002)
06/24/2002	3	NOTICE OF MOTION by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier,

		Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly to transfer case . Return Date 7/31/02 . (sb) (Entered: 06/27/2002)
06/24/2002	4	MEMORANDUM OF LAW by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly in support of [3-1] motion to transfer case . (sb) (Entered: 06/27/2002)
06/24/2002	5	AFFIDAVIT of Steven Stark-Riemer by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly in support of [3-1] motion to transfer case . (sb) (Entered: 06/27/2002)
06/24/2002	6	AFFIDAVIT of Anthony J. Annucci by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly in support of [3-1] motion to transfer case . (sb) (Entered: 06/27/2002)
07/02/2002	7	ANSWER to Complaint by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly (Attorney John E. Knudsen) . (sb) (Entered: 07/10/2002)
07/09/2002	8	Memo-Endorsement on letter addressed to Judge Lynch from James W.B. Benkard, dated 6/27/02. Plaintiff's Response to motion reset to 7/16/02 for [3-1] motion to transfer case ; defendants' Reply to Response to Motion reset to 7/25/02 for [3-1] motion to transfer case . (signed by Judge Gerard E. Lynch); Copies mailed. (kw) (Entered: 07/15/2002)

07/15/2002	9	AFFIRMATION of Steven Stark–Rierner by NYS Office of Mental and all other defendant's Re: correcting statement made in previous affirmation (of Steven Stark–Rierner). (db) (Entered: 07/17/2002)
07/18/2002	10	DECLARATION of Jennifer H. Rearden by Disability Advocates in support Re: opposition to defendants' motion to transfer . Received in night deposit box on 7/18/02 at 5:31 p.m. (yv) (Entered: 07/22/2002)
07/29/2002	11	REPLY MEMORANDUM by Disability Advocates in support re: plaintiff's motion for protective order. Proposed Protective Order attached. (yv) (Entered: 07/31/2002)
07/31/2002	12	MEMORANDUM OF LAW by Disability Advocates in opposition to [3–1] motion to transfer case . (yv) (Entered: 08/02/2002)
07/31/2002	13	DECLARATION of Cliff Zucker by Disability Advocates in opposition Re: [3–1] motion to transfer case . (yv) (Entered: 08/02/2002)
07/31/2002	14	DECLARATION of Betsy C. Sterling by Disability Advocates in support Re: [12–1] opposition memorandum . (yv) (Entered: 08/02/2002)
07/31/2002	15	DECLARATION of Sarah Kerr by Disability Advocates in opposition Re: [3–1] motion to transfer case . (yv) (Entered: 08/02/2002)
07/31/2002	16	DECLARATION of Jennifer H. Rearden by Disability Advocates in support Re: [12–1] opposition memorandum . (yv) (Entered: 08/02/2002)
08/01/2002	17	MEMORANDUM OF LAW by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly in opposition to plaintiff's motion for a protective order. (yv) (Entered: 08/07/2002)
08/01/2002	18	AFFIDAVIT of Lawrence Farago by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly in opposition to plaintiff's motion for a protective order. (yv) (Entered: 08/07/2002)
08/01/2002	19	AFFIDAVIT of Leonard A. Cohen by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly in opposition to plaintiff's motion for protective

		order. (yv) (Entered: 08/07/2002)
08/01/2002	20	AFFIDAVIT of John Culkin by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly in opposition to plaintiff's motion for protective order. (yv) (Entered: 08/07/2002)
08/05/2002	21	NOTICE OF MOTION by Disability Advocates for an order, purs. to FRCP 26(c), for a protective order, to preseve the privacy and confidentiality of the prisoners with mental illness described in the Complaint ; Return Date not indicated. (sac) (Entered: 08/09/2002)
08/05/2002	22	MEMORANDUM OF LAW by Disability Advocates in support of [21-1] motion for an order, purs. to FRCP 26(c), for a protective order, to preseve the privacy and confidentiality of the prisoners with mental illness described in the Complaint. (sac) (Entered: 08/09/2002)
08/05/2002	23	DECLARATION of Sarah Kerr by Disability Advocates in support Re: [21-1] motion for an order, purs. to FRCP 26(c), for a protective order, to preseve the privacy and confidentiality of the prisoners with mental illness described in the Complaint. (sac) (Entered: 08/09/2002)
08/08/2002	24	ORDER granting plaintiff's [21-1] protective order motion to the extent reflected in the Court's Protective Order dated 8/15/02. (signed by Judge Gerard E. Lynch); Copies mailed. (dle) (Entered: 08/19/2002)
08/14/2002	26	CERTIFICATE OF IDENTIFICATION filed by Disability Advocates (sac) (Entered: 08/19/2002)
08/16/2002	25	ORDER, regarding the procedures to be followed that shall govern the handling of the identity of inmates . (signed by Judge Gerard E. Lynch); Copies mailed. (dle) (Entered: 08/19/2002)
08/16/2002	27	ORDER that the plaintiff's [21-1] motion for a protective order is granted to the extent reflected in the Court's Protective Order dated August 15, 2002 . (signed by Judge Gerard E. Lynch); Copies mailed. (dle) (Entered: 08/20/2002)
10/02/2002	28	Case Management Plan: after consultation with counsel for all parties, the following case management plan is adopted: all discovery is to be completed by 10/15/03; first request for production of documents, if any, to be served by 10/15/02; interrogatories pursuant to local rule 33.3(a) of the Civil Rules of the S.D.N.Y. to be served by 3/3/03; depositions to be completed by 9/30/03; experts, if any, are to be designated by 5/30/03; experts' reports exchanged no later than 7/30/03; requests to admit, if any, are to be served no later than 10/30/03; dispositive motions are to be served and filed by 11/15/03; answering papers are to be served and filed by 12/15/03; reply papers are to be served and filed by 1/10/04; next case management conference 5/2/03 at 10:30a.m. (signed by Judge Gerard E. Lynch); (dle) (Entered: 10/07/2002)
10/02/2002		Deadline(s) updated: scheduling order deadlines: Response to motion deadline 12/15/03 ; Reply to response to motion deadline 1/10/04 ; . (kkc) (Entered: 10/08/2002)

10/31/2002	29	ORDER denying [3-1] motion to transfer case. The Clerk of Court is respectfully directed to record this motion as closed for the purposes of all internal court reports. (signed by Judge Gerard E. Lynch); (kg) (Entered: 11/01/2002)
11/18/2002	30	NOTICE of Address Change by Disability Advocates . (sac) (Entered: 11/20/2002)
02/26/2003	31	NOTICE OF MOTION by Disability Advocates for a protective order under FRCP 26(c) governing the production and use of confidential information in this litigation . Return Date 3/6/03. (laq) (Entered: 02/27/2003)
02/26/2003	32	MEMORANDUM OF LAW by Disability Advocates in support of [31-1] motion for a protective order under FRCP 26(c) governing the production and use of confidential information in this litigation . (laq) (Entered: 02/27/2003)
02/26/2003	33	DECLARATION of Matthew S. Warren by Disability Advocates in support Re: [31-1] motion for a protective order under FRCP 26(c) governing the production and use of confidential information in this litigation . (laq) (Entered: 02/27/2003)
03/04/2003	34	Transcript of record of proceedings before Judge Gerard E. Lynch for the date(s) of January 31, 2003. (dt) (Entered: 03/04/2003)
03/07/2003	35	NOTICE OF CROSS-MOTION by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly for protective order pursuant to Rule 26(c), governing the production and use of confidential information in this litigation . Declaration of Leonard Cohen in support of motion attached. Return Date 3/11/03. (db) Modified on 03/10/2003 (Entered: 03/10/2003)
03/07/2003	36	MEMORANDUM OF LAW by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly in support of [35-1] cross motion for protective order pursuant to Rule 26(c), governing the production and use of confidential information in this litigation . (db) (Entered: 03/10/2003)
03/10/2003	37	REPLY MEMORANDUM by Disability Advocates in support re: [31-1] motion for a protective order under FRCP 26(c) governing the production and use of confidential information in this litigation . (laq) (Entered: 03/11/2003)
03/10/2003	38	DECLARATION of Nina Loewenstein by Disability Advocates in support Re: [31-1] motion for a protective order under FRCP 26(c) governing the production and use of confidential information in this litigation . (laq) (Entered: 03/11/2003)
03/10/2003	39	REPLY DECLARATION OF SARA KERR by Disability Advocates Re: [31-1] motion for a protective order under FRCP 26(c) governing the production and use of confidential information

		in this litigation. (laq) (Entered: 03/11/2003)
03/11/2003	40	Memo-Endorsement on letter addressed to Judge Lynch from Leonard A. Cohen, dated 3/3/03, depts will serve their response and a cross-motion seeking entry of their own version of the protective order on 3/6. Plntf will then have until 3/10 to serve reply papers in support of its motion (signed by Judge Gerard E. Lynch); (cd) (Entered: 03/12/2003)
03/11/2003	41	ORDER, the order authorizes the disclosure for plntf's inspection of inmate mental health records, as may be agreed between the parties and solely for the purposes of the above-referenced tours ; to the extent that any such mental health records include "Confidential HIV related information", this Order authorizes the disclosure of such documetns for the same limited purpose of the scheduled tours, as further set forth in this document (signed by Judge Gerard E. Lynch); (cd) (Entered: 03/13/2003)
03/12/2003	42	MEMORANDUM OF LAW by Disability Advocates in opposition to [35-1] cross motion for protective order pursuant to Rule 26(c), governing the production and use of confidential information in this litigation . (laq) (Entered: 03/13/2003)
03/14/2003	43	REPLY MEMORANDUM by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly in support of [35-1] cross motion for protective order pursuant to Rule 26(c), governing the production and use of confidential information in this litigation. (sb) (Entered: 03/17/2003)
03/14/2003	44	REPLY DECLARATION of Leonard A. Cohen by NYS Office of Mental, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill, John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, NYS Dept. of Corr., Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett Jr., Thomas Poole, George Duncan, Charles Griener, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly in support of [35-1] cross motion for protective order pursuant to Rule 26(c), governing the production and use of confidential information in this litigation. (sb) (Entered: 03/17/2003)
04/01/2003	45	NOTICE of Supplemental Authority by Disability Advocates. (sb) (Entered: 04/02/2003)
04/01/2003	46	SECOND DECLARATION of Matthew S. Warren by Disability Advocates in support of [45-1] notice of supplemental authority. (sb) (Entered: 04/02/2003)
04/14/2003	47	PROTECTIVE ORDER, regarding procedures to be followed that shall govern the handling of the confidential materials as set forth in this order . (signed by Judge Gerard E. Lynch); (dle) Modified on 04/15/2003 (Entered: 04/15/2003)
04/14/2003	48	ORDER, granting [35-1] cross motion for protective order pursuant to Rule 26(c), governing the production and use of confidential information in this litigation; granting [31-1] motion for a protective order under FRCP 26(c) governing the production

		and use of confidential information in this litigation; the Clerk of the Court is respectfully directed to docket the attached protective order . (signed by Judge Gerard E. Lynch); (ae) (Entered: 04/15/2003)
01/30/2004	50	ORDER, that DAI's request for disclosure of the documents designated by numbers two through seven on depts' privilege log is denied, and the claim of privilege as to those documents, and as to the 9/1/99 letter from Comm. Goord to Comm. Stone, is sustained...Copies of the documents reviewed in camera, designated as numbers one through eight of depts' privilege log, shall be maintained under seal to facilitate any appellate review that may become necessary. (Signed by Judge Gerard E. Lynch on 1/27/03) (cd,) (Entered: 02/05/2004)
02/17/2004	51	SCHEDULING ORDER: First request for production of documents served by 10/15/2004; discovery to be completed by 11/1/2004; Interrogatories to be served by 3/3/2003; experts to be designated by 8/16/2004 and experts reports no later than 9/15/2004. Deposition due by 11/1/2004. Request to admit to be served by 8/31/2004. Next case management conference 7/23/2004 at 11:00am. (Signed by Judge Gerard E. Lynch on 2/7/2004) (jsa,) (Entered: 02/20/2004)
02/17/2004		Set Deadlines/Hearings: Case Management Conference set for 7/23/2004 11:00 AM before Judge Gerard E. Lynch. (jsa,) (Entered: 02/20/2004)
06/30/2004	52	CASE MANAGEMENT PLAN: Discovery due by 3/4/2005. Case Management Conference set for 7/23/2004 11:00 AM before Judge Gerard E. Lynch. See Document for further Scheduling Deadline. (Signed by Judge Gerard E. Lynch on 6/23/04) (sac,) (Entered: 07/01/2004)
10/14/2004	53	CASE MANAGEMENT PLAN: The case is to be tried by a jury. All Discovery due by 7/1/2005, further discovery extensions will be strongly disfavored. Case Management Conference set for 11/19/2004 03:30 PM before Judge Gerard E. Lynch. Deposition of fact witnesses due 2/28/04. (Signed by Judge Gerard E. Lynch on 10/13/04) (db,) (Entered: 10/20/2004)
10/22/2004	54	MOTION for Protective Order under Fed.R.Civ.P. 26(c). Document filed by Disability Advocates, Inc. (rw,) (Entered: 10/25/2004)
10/22/2004	55	MEMORANDUM OF LAW in Support re: 54 MOTION for Protective Order under Fed. R. Civ. P. 26(c). Document filed by Disability Advocates, Inc. (rw,) Modified on 10/25/2004 (rw,). (Entered: 10/25/2004)
10/22/2004	56	DECLARATION of CLIFF ZUCKER in Support re: 54 MOTION for Protective Order under F. R. Civ. P. 26(c). Document filed by Disability Advocates, Inc. (rw,) (Entered: 10/25/2004)
10/22/2004	57	DECLARATION of NINA LOEWENSTEIN in Support re: 54 MOTION for Protective Order under F. R. Civ. P. 26(c). Document filed by Disability Advocates, Inc. (rw,) (Entered: 10/25/2004)
10/29/2004	58	MEMORANDUM OF LAW in Opposition re: 54 MOTION for Protective Order.. Document filed by Floyd G. Bennett Jr., David Boyd, John Burge, Kathy Cavanaugh, Scott Clair, Wayne Crosier, Anthony Devito, Edward Donnelly, George Duncan, John Dunn, Gary Fillion, Brian Fischer, Glenn S. Goord, Charles Griener, Victor Herbert, Michael Hill, Jurgen Karker, Loretta Klein, Elaine Lord, Michael P. McGinnis, David Miller, New York State Department of Correctional Services, New York State Office of

		Mental Health, Michelle Petrino, Thomas Poole, Leonard Portuondo, Thomas Ricks, Peter Russell, Thomas Ryan, Daniel Senkowski, Al Shimkunas, James L. Stone, Frank Tracy, James Walsh. (djc,) (Entered: 11/03/2004)
11/08/2004	59	REPLY MEMORANDUM OF LAW in Support re: 54 MOTION for Protective Order.. Document filed by Disability Advocates, Inc.. (pa,) (Entered: 11/09/2004)
12/14/2004	60	ORDER granting 54 Motion for Protective Order . (Signed by Judge Gerard E. Lynch on 12/13/04) (cd,) (Entered: 12/16/2004)
12/21/2004	61	ORDER, the Clerk is directed to file the correspondence, submitted by plaintiff for ex parte review in connection with plaintiff's motion for protective order, under seal. (Signed by Judge Gerard E. Lynch on 12/13/04) (djc,) Modified on 12/28/2004 (kg,). (Entered: 12/27/2004)
01/06/2005	63	TRANSCRIPT of proceedings held on 11/19/04 before Judge Gerard E. Lynch. (es,) (Entered: 01/06/2005)
02/24/2005	64	ORDER; that an Assistant Attorney General may take the deposition of Ram Lall before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	65	ORDER ; that an Assistant Attorney General may take the deposition of Rene Lewis before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	66	ORDER ; that an Assistant Attorney General may take the deposition of Easton Beckford before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	67	ORDER ; that an Assistant Attorney General may take the deposition of John Brown before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	68	ORDER; that an Assistant Attorney General may take the deposition of Jerry Exhume before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	69	ORDER ; that an Assistant Attorney General may take the deposition of Hamilcar Barca before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge

		Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	70	ORDER ; that an Assistant Attorney General may take the deposition of Adrian Trice before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	71	ORDER ; that an Assistant Attorney General may take the deposition of Takarla Carroll before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	72	ORDER ; that an Assistant Attorney General may take the deposition of Alan Cata before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	73	ORDER ; that an Assistant Attorney General may take the deposition of Jimmy Gonzalez before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	74	ORDER ; that an Assistant Attorney General may take the deposition of Maria Rosado before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	75	ORDER ; that an Assistant Attorney General may take the deposition of Guillaume Nijman before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	76	ORDER ; that an Assistant Attorney General may take the deposition of Robert Hodges before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)
02/24/2005	77	ORDER ; that an Assistant Attorney General may take the deposition of Nathaniel Pearson before a notary public, or some other officer authorized to administer oaths by the laws of the United States or the State of New York, at any New Yrok StateCorrectional Facility, upon notice to the plttf and Superintendent of the correctional facility. (Signed by Judge Gerard E. Lynch on 2/4/2005) (jp,) (Entered: 02/25/2005)

05/17/2005	78	ENDORSED LETTER addressed to Judge Lynch from Nancy B. Ludmerer dated 5/5/2005 re: the expert reports to be due in hand by 6/1/2005 and the close of expert discovery is extended to 7/14/2005. The time for the defendants to respond to plaintiff's requests for admissions is extended to 6/1/2005. The conference with the Court scheduled for 7/8/2005 is adjourned to 7/29/2005 at 11:00am. So ordered (Signed by Judge Gerard E. Lynch on 5/10/2005) (jsa,) (Entered: 05/18/2005)
05/17/2005		Set/Reset Hearings: Pretrial Conference set for 7/29/2005 11:00 AM before Judge Gerard E. Lynch. (jsa,) (Entered: 05/18/2005)
08/08/2005	79	ENDORSED LETTER addressed to Judge Gerard E. Lynch from Kimberly Ann Dasse dated 7/12/05 re: granting the parties request for permission to take Mr Lewis's deposition on 8/2/05. (Signed by Judge Gerard E. Lynch on 7/25/05) (pl,) (Entered: 08/10/2005)
10/24/2005	80	ORDER;pretrial breifs are to be submitted to the Court by 12/16/05, they may attach exhibits to the brief, the brief is not exceed 30 pages in length. The parties are to appear for a pretrial conference on 1/6/2006 at 3:00 PM. (Signed by Judge Gerard E. Lynch on 10/18/05) (kco,) (Entered: 10/25/2005)
10/24/2005		Set Deadlines/Hearings: Brief due by 12/16/2005. Pretrial Conference set for 1/6/2006 03:00 PM before Judge Gerard E. Lynch. (kco,) (Entered: 10/25/2005)
12/16/2005	81	PRETRIAL MEMORANDUM. Document filed by John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, New York State Department of Correctional Services, Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett, Jr, Thomas Poole, George Duncan, Charles Griener, New York State Office of Mental Health, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill.(dle,) (Entered: 12/19/2005)
02/24/2006	82	ENDORSED LETTER addressed to Judge Gerard E. Lynch from John E. Kundsén dated 2/17/2006 re: to request that any inmate witnesses offered by plaintiff testify on dircet examination in person rather than by affidavit, pursuant to section 3(C)(I) of the Court's individual parctices.ENDORSEMENT: Denied. The issues raised can adqutely be addressed by live cross-examination. (Signed by Judge Gerard E. Lynch on 2/21/2006) (jmi,) (Entered: 02/27/2006)
03/08/2006	83	MOTION in Limine. Document filed by John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, New York State Department of Correctional Services, Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett, Jr, Thomas Poole, George Duncan, Charles Griener, New York State Office of Mental Health, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill. Return Date set for 4/3/2006 10:00 AM. (jmi,) (Entered: 03/08/2006)
03/08/2006	84	MEMORANDUM OF LAW in Support re: 83 MOTION in Limine.. Document filed by John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, New York State Department of Correctional Services, Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G.

		Bennett, Jr, Thomas Poole, George Duncan, Charles Griener, New York State Office of Mental Health, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill. (jmi,) (Entered: 03/08/2006)
03/20/2006	85	Objections and Cross-Designations as to Plaintiff's Deposition Designations. Document filed by John Dunn, Peter Russell, Al Shimkunas, Thomas Ryan, David Boyd, Loretta Klein, Anthony Devito, New York State Department of Correctional Services, Glenn S. Goord, Victor Herbert, John Burge, Elaine Lord, Daniel Senkowski, Gary Fillion, Frank Tracy, David Miller, Floyd G. Bennett, Jr, Thomas Poole, George Duncan, Charles Griener, New York State Office of Mental Health, Leonard Portuondo, Brian Fischer, Michael P. McGinnis, James Walsh, Thomas Ricks, Edward Donnelly, James L. Stone, Jurgen Karker, Scott Clair, Michelle Petrino, Wayne Crosier, Kathy Cavanaugh, Michael Hill. (dj,) (Entered: 03/21/2006)
03/20/2006	86	Defendants' Marked Copy of Plaintiff's Exhibit List. (document filed by Defendants) (dj,) (Entered: 03/21/2006)
03/20/2006	87	DEFENDANTS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW. (dj,) (Entered: 03/21/2006)
04/20/2006	88	TRANSCRIPT of proceedings held on 3/29/2006 before Judge Gerard E. Lynch. (jar,) (Entered: 04/20/2006)
04/28/2006	89	TRANSCRIPT of proceedings held on 4/12/06 before Judge Gerard E. Lynch. (mo,) (Entered: 04/28/2006)
04/28/2006	90	TRANSCRIPT of proceedings held on 4/3/06,4/4/06,4/5/06,4/6/06 before Judge Gerard E. Lynch. (mo,) (Entered: 04/28/2006)
06/05/2006	91	TRANSCRIPT of proceedings held on 5/19/06 before Judge Gerard E. Lynch. (mo,) (Entered: 06/05/2006)
09/18/2006	92	ORDER: The parties shall appear before the Court for a status conference on 11/17/2006 at 10:30 a.m. Unless the action has been settled, the parties shall appear for trial on 1/29/2007. (Signed by Judge Gerard E. Lynch on 9/11/2006) (lb,) (Entered: 09/19/2006)
09/18/2006		Set/Reset Hearings: Status Conference set for 11/17/2006 at 10:30 AM before Judge Gerard E. Lynch. (lb,) (Entered: 09/19/2006)
11/16/2006	93	ORDER: It has come to the Court's attention that the defendants' motion in limine (docket entry #83) is listed by the Clerk as an open motion for statistical purposes. That motion having been denied in part and granted in part in open Court, at a pretrial conference on March 29, 2006, the Clerk is respectfully directed to close the motion. (Signed by Judge Gerard E. Lynch on 11/13/06) (js,) (Entered: 11/17/2006)
04/30/2007	94	PRIVATE SETTLEMENT AGREEMENT, regarding Commitment by DOCS and OMH to Heightened Level of Care; Definition of Serious Mental Illness, and as further set forth in this document. (Signed by Judge Gerard E. Lynch on 4/27/07) (cd). (Entered: 05/01/2007)
05/17/2007	95	TRANSCRIPT of proceedings held on April 27, 2007 before Judge Gerard E. Lynch. (jpo) (Entered: 05/17/2007)
08/15/2007	96	ORDER: On August 2, 2007, the Court received a communication from Annette Vogelsang, a prisoner in a New York State corrections facility, styled a "motion for order of contempt of court," and an accompanying affidavit, alleging certain mistreatment and contending that the New York State Office of

		Mental Health and Department of Correctional Services are in violation of the Court's order settling the above-captioned litigation. The motion will be denied. (Signed by Judge Gerard E. Lynch on 8/3/07) (tro) (Entered: 08/16/2007)
10/05/2007	97	AFFIDAVIT of Annette Vogelberg in Support motion for an order finding Bedford Hills officials in contempt of court order. (cd) (Entered: 10/11/2007)