

68 Civ. 4058 Martin Sostre vs. Nelson A. Rockefeller, etc., 68 Civ. 4058

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DATE	PROCEEDINGS	Date Order or Judgment Noted
Oct 15-68	Filed complaint and issued summons.	
Nov 13-68	Filed summons & return, service as follows:	
	Nelson A. Rockefeller by Atty. Gen'l., State of N.Y. in NDNY 10-21-68	4.00
	Paul D. McGinnis, N.Y.S. Comm. of Correction by J.R. Cain, Dep. Comm. in NDNY 10-21-68	4.24
	Vincent Mancusi, Warden, Attica State Prison by E. Cochrane, Record Clerk of the prison in WDNY 10-21-68	16.00
	Warden Harold W. Follette personally 10-21-68	21.28
Dec.3-68	Filed Notice of Motion re: Dismiss. Ret. 12/10/68.	LJL
Dec.3-68	Filed Affidavit in support of motion.	
Dec.3-68	Filed Memorandum in support of motion to dismiss.	
Feb.4-69	Filed MEMO.END. on motion papers filed 12/3/68. Motion to dismiss is denied. Time to file an answer is extended 40 days. So ordered. Croake, J. (mailed notice)	
Apr.10-69	Filed ANSWER to defendants motion to dismiss.	
Feb.4-69	Filed MEMO.END. on Notice of Motion re: Dismiss. An examination of the papers indicates that this motion at this time should be denied. Time to file an answer is extended forty days. So ordered. Croake, J. (mailed notice)	
Apr.29-69	Filed Notice of Motion re: Leave to file papers. Ret. 5/6/69.	
Jun 27.69	Filed ORDER TO SHOW CAUSE -ORDERED that Defts show cause on 7.15.69 in room 506 at 10:00 why a preliminary injunction should not be issued. Lasker, J.	
Jun 27.69	Filed Memorandum of law in support of motion for preliminary injunction.	
Jul/1/69	Filed plttfs notice of appearance.	
Jul/2/69	Filed Order Ordered that deft Follette is hereby restrained from further holding of the Pltff in punitive segregation etc motley J.	
Jul 30-69	Filed Amended Complaint.	
Jul 30-69	Filed Record of Proceedings of July 8, 1969.	
Jul 30-69	Filed stipulation and order that plaintiff may file an amended complaint. So ordered. Mansfield, J.	
Aug.1-69	Filed Findings of Fact, Conclusions of Law and Order. Ordered that the trial of this action proceed at 10:A.M. on 9/30/69; ordered that pending determination the deft. Follette is restrained from holding plaintiff in punitive segregation, etc. as indicated. Motley, J. (mailed notice)	
Sept.5-69	Filed OPINION #36136. Motley, J. Plaintiff is entitled to the preliminary injunction issued by this court on 8/1/69 restraining the deft. Follette from holding the plaintiff in punitive segregation, from segregating him from the general prison population, and from depriving him of the rights, privileges, and customs enjoyed by the general prison population until a trial and determination of this action can be had. Motley, J. (mailed notice).	
Sept.19-69	Filed MEMORANDUM OPINION #36152. Tenney, J. Plaintiff's motion is in all respects denied. So ordered. (mailed notice)	
Oct.22-69	Filed Petition for Writ of habeas corpus ad testificandum. Issued Writ. Ret. 10/23/69.	
Oct.22-69	Filed order granting leave to plaintiff to serve interrogatories. Motley, J. (mailed notice). (on defendant Charles P. McKendrick)nd	
Oct.22-69	Filed order granting leave to plaintiff to serve interrogs on Paul D. McGinnis. Motley, J. (mailed notice).	
Oct.27-69	Filed Order for issuance of writ of habeas corpus ad testificandum, to Warden, Greenhaven Prison, to bring JACK JAMES before this court 10/30/69. Motley, J. Issued Writ Ret. 10/30/69.	
Oct.27-69	Filed Order for issuance of writ of habeas corpus ad testificandum, to Warden, Greenhaven Prison, to bring JOHN CARROTHERS before this court 10/30/69. Motley, J. Issued Writ. Ret. 10/30/69.	

continued next page

PRO SE 68 Civil 4058

Martin Sostre vs. Rockefeller, etc.

PRO SE 68 Civil 4058

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
Oct.27-69	Filed Order for issuance of writ of habeas corpus ad testificandum, to Warden, Greenhaven Prison, to bring SILAS DAVID before this court 10/30/69. Motley, J. Issued Writ Ret. 10/30/69.	
Oct.29-69	Non-Jury trial begun. Plfft. Produced on Writ. Writ adj'd for every day of trial. MOTLEY, J	
Oct. 30-69	Trial cont'd.	
Oct.31-69	- " "	
June 3-69	Filed affidavit of Harold W. Follette in response to plttf's motion. (Filed in court.)	
Nov.3-69	Trial continued. Plaintiffs Rest. Defts. motion to dismiss Decision Reserved.	
Nov.6-69	Trial continued.	
Nov.7-69	Trial continued and concluded. Decision Reserved. Both sides to submit Findings of Facts and Conclusions of Law, and briefs.	
Nov.17-69	Filed Notice of Pre-Trial Conference. Sugarman, Ch.J.	
Nov.18-69	Filed Order that plaintiff, proceeding in forma pauperis, be given a copy of the trial transcript in this action at no cost to him, cost to be borne by the U.S. Government. Motley, J. (Returned to Judge Motley)	
Jan.13-70	Filed plttf's post-trial memorandum.	
Jan.13-70	Filed plttf's proposed findings of fact & conclusions of law.	
Feb.10-70	Filed writ satisfied, John Carrothers on 10-31-69. Motley, J., Jack James on 11-3-69 and Silas Davis on 11-3-69.	
May 14-70	Filed Opinion #36790--Findings of fact and conclusions of law--the third cause of action is dismissed as to all parties, and the case as to Governor Rockefeller is dismissed. Defts. Follette, McGinnis and Mancusi will be enjoined from returning plttf. to punitive segregation, etc. without copy of charges or hearing, etc. Defts. will be required to submit proposed rules and regulations governing future disciplinary charges and hearings, and will be permanently enjoined from censoring, refusing to mail or to give to plttf. communications indicated, etc. The court awards plttf. \$25.00 per day spent in punitive segregation - total \$9,300. The court awards the additional sum of \$10 per day in punitive damages - total \$3,720 against defts. Follette and McGinnis. The court will retain jurisdiction of this case to give defts. Follette McGinnis and Mancusi an opportunity to submit, for approval the proposed rules required. Such proposal shall be submitted on or before the expiration of 90 days from filing of the court's order, plttf. shall have 30 days thereafter to file any objections thereto after which the court will determine whether any further hearing is required before final approval. Motley, J. m/n 66pp	
May 14-70	Filed order that defts. Follette, McGinnis and Mancusi, their employees, etc. are perpetually enjoined and restrained from acts indicated. Ordered that defts. submit within 90 days from date of this order for approval by court, proposed rules and regulations governing as indicated. Defts. and their agents credit plttf. with 124 1/3 days of good time credit while wrongfully incarcerated and that plttf. recover of defts. Follette and McGinnis the sum of \$13,020.00. The court retain jurisdiction. So Ordered-Motley, J. m/n	LJL
Oct.29-69	Filed defts' amended ANSWER.	
Nov.18-69	Filed plttf's motion for copy of transcript at govt's expense.	
May 18-70	Filed plttf's exhibits.	
May 18-70	Filed deft's exhibits.	
May 18-70	Filed plttf's notice of motion requiring defts to return books, etc.	
May 18-70	Filed plttf's affidavit on motion to return books.	
May 18-70	Filed defts' memorandum of law.	
May 18-70	Filed defts' ANSWER.	LJL

CONT'D ON PAGE #3

DATE	PROCEEDINGS	Date Order or Judgment Noted
May 18-70	Filed letter from Rabinowitz, Boudin & Standard to Judge Motley for leave to file reply brief.	
May 18-70	Filed plttf's reply memorandum.	
May 18-70	Filed supplemental memorandum of law in support of plttf's application for preliminary injunction.	
May 18-70	Filed letter to Judge Motley from Rabinowitz, Boudin & Standard dtd. 3-26-70.	
May 18-70	Filed affidavit of Charles L. McKendrick.	
May 18-70	Filed plttf deft's proposed finding of fact and conclusions of law.	
May 18-70	Filed memorandum of law of defts. in opposition to preliminary injunction.	
May 18-70	Filed defts' post trial memorandum of law.	
May 18-70	Filed defts' proposed findings of fact and conclusions of law.	
May 18-70	Filed reply brief of defts.	
May 18-70	Filed affidavit of Albert D. Gilligan.	
May 18-70	Filed plttf's trial memorandum.	
May 18-70	Filed transcript of record of proceedings dtd. 7-8-69.	
May 18-70	Filed transcript of record of proceedings dtd. 10-28-69.	
May 18-70	Filed transcript of record of proceedings dtd. 10-29-69.	
May 18-70	Filed transcript of record of proceedings dtd. 10-30-69.	
May 18-70	Filed transcript of record of proceedings dtd. 10-31-69.	
May 18-70	Filed transcript of record of proceedings dtd. 11-3-69.	
May 18-70	Filed transcript of record of proceedings dtd. 11-5-69.	
May 18-70	Filed transcript of record of proceedings dtd. 11-6-69.	
May 18-70	Filed transcript of record of proceedings dtd. 11-7-69.	
May 15-70	Filed defts' notice of appeal to USCA mailed copy to Rabinowitz, Boudin & Standard.	
May 20-70	Filed stip and order that entire pre-trial deposition of deft. Follette shall be entered and received in evidence on trial. So Ordered-Motley, J.	
Jun. 2-70	Filed answering affidavit of Victor Rabinowitz.	
Jun. 12-70	Filed Opinion #36866--defts. applied for a stay of court's order dtd. 5-14-70 pending appeal and for permission to prosecute appeal without filing cost bond; and for new trial or amendment of judgment. The court held a recorded hearing on defts' request on 6-10-70. The court grants defts' request for a stay to those provisions indicated of court's order dtd. 5-14-70 providing defts perfect their appeal within 45 days from 6-11-70. The court denies the stay as to that part of the permanent injunction that enjoins and restrains defts. as indicated. Defts have permission to prosecute the appeal without bond. The court is without jurisdiction to grant a new trial, etc. after filing of notice of appeal. The request for new trial as to deft. Follette on ground of his death is without merit. Plttf. may substitute an order for court's approval substituting Follette's successor as deft., etc. So Ordered--Motley, J. m/n	
Jun. 15-70	Filed plttf's amended complaint.	
Jun. 15-70	Filed affidavit of Hillel Hoffman.	
Jun. 15-70	Filed reply affidavit of Hillel Hoffman to answering affdvt. of Mr. Rabinowitz.	
Jun. 17-70	Filed memorandum to Judge Tenney from Pro se clerk dtd. 6-5-69, and enclosed letter from plttf. dtd. 5-29-69.	
Jun. 19-70	Filed notice of certification of record on appeal to USCA.	
Jun. 15-70	Filed letters from Edward Sullivan (exhibits to Sostre Case).	
Sept. 14-70	Filed transcript of record of proceedings dtd. 6-10-70.	

Page #4

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