

CLOSED, MAG

**U.S. District Court
Eastern District of New York (Uniondale)
CIVIL DOCKET FOR CASE #: 9:93-cv-04807-ADS-MLO**

USA v. State of New York, et al
Assigned to: Judge Arthur D. Spatt
Referred to: Magistrate Michael L. Orenstein
Demand: \$0
Cause: 28:1345 USA Plaintiff

Date Filed: 10/25/1993
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff**United States of America**

represented by **Christopher Lehmann**
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V.

Defendant**The State of New York**

represented by **Arnold D. Fleischer**
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TERMINATED: 01/31/2003
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Defendant

George E. Pataki

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Defendant

**New York State Office of Mental
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Defendant

James L. Stone
commissioner

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Defendant

Alan M. Weinstock
*Executive Director, Pilgrim Psychiatric
 Center*

represented by **Arnold D. Fleischer**
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Date Filed	#	Docket Text
10/25/1993	1	COMPLAINT filed and summons(es) issued for State of New York, Mario M. Cuomo, New York State Offic, Richard C. Surles, Peggy O'Neil (Crotty, Mary) (Entered: 10/29/1993)
10/25/1993		CASE REFERRED to Magistrate Michael L. Orenstein (Crotty, Mary) (Entered: 10/29/1993)
10/31/1993	2	STIPULATION/ORDER, dismissing (signed by Judge Arthur D. Spatt) (McMahon, Carol) (Entered: 11/01/1993)
10/31/1993		Case closed (McMahon, Carol) (Entered: 11/01/1993)
06/28/1996	3	SUPPLEMENTAL STIPULATION AND ORDER dated 6/28/96, to ensure the protection of the constitutional rights of patients at Pilgrim Psychiatric Center, and to avoid adversarial litigation (see order for further details) (signed by Judge Arthur D. Spatt) (Rooney, Tim) (Entered: 07/01/1996)
09/03/1996	4	STIPULATION dated 9/3/96, extending defendants' time to comply with paragraph 5 of the Supplemental Stipulation and order dated 6/28/96, up to and including 9/30/96 (signed by Judge Arthur D. Spatt) (Rooney, Tim) (Entered: 09/04/1996)

05/17/1999	5	STIPULATION and ORDER amending [3-1] supplemental stipulation and order to permit Pilgrim to continue patient L.B. on a standing order of Sodium Amytal, following the recommendation of the University Hospital consultants, for so long as the Pilgrim clinicians in the exercise of their professional judgment, may deem this to be clinically appropriate Except as modified, the provisions of the Stipulation entered by this Court on 6/28/96 shall remain in full force and effect unless and until amended by further order of this Court. (signed by Judge Arthur D. Spatt, dated 5/17/99) c/m (Toritto, James) (Entered: 05/26/1999)
07/29/1999	6	LETTER dated 7/28/99 from William Jaffe to Judge Spatt RE: Parties request that the enclosed stipulation be so ordered. (Toritto, James) (Entered: 08/03/1999)
07/29/1999	7	SECOND SUPPLEMENTAL STIPULATION and ORDER, amending [3-1] order to ensure the protection of the constitutional rights of patients at Pilgrim Psychiatric Center, and to avoid adversarial litigation (see order for further details) (signed by Judge Arthur D. Spatt, on 7/29/99) c/m (Toritto, James) (Entered: 08/03/1999)
01/31/2003	8	NOTICE of attorney appearance for Peggy O'Neil, Richard C. Surles, New York State Office, State of New York, Mario M. Cuomo by William B. Jaffee (Fagan, Linda) (Entered: 02/07/2003)
02/07/2003	9	LETTER dated 2/7/03 from Sena Kim-Reuter, Law Clerk to USDJ Spatt to William B. Jaffe Re: The enclosed papers, Third Supplemental Stipulation, are being returned to you without docketing or filing as they violate Judge Spatt's Individual Rules. The papers do not bear the full caption and docket number of the case. You may re-file upon compliance with the Court's individual rules. (Coleman, Laurie) (Entered: 02/21/2003)
02/19/2003	10	NOTICE OF AMENDED CAPTION; Purs. to Fed. R. Civ. P. 25(d)(1) the parties to this action, the United States of America and the State of New York et al., agree and stipulate that the following public officers are substituted for their formerly named counterparts to this action: George E. Pataki is substituted for Mario M. Cuomo as Governor, James L. Stone is substituted for Richard C. Surles as Commissioner of the New York State Office of Mental Health, and, Alan Weinstock is substituted as Executive Director of the Pilgrim Psychiatric Center. (Fagan, Linda) (Entered: 02/26/2003)
02/25/2003	12	THIRD SUPPLEMENTAL STIPULATION and ORDER; That Pltff, the United States of America, and Defts, the State of New Yrok, et al., in order further to ensure the protection of the consitutuional rights of patients at Pilgrim Phychiatric Center ("PCC"), and to avoid advesarial litigation, hereby further agree and stipulate, purs. to Fed. R. Civ. P. 41 (a) (2), as follows: I. PROVISION OF CARE AND TREATMENT - Defts shall provide an adequate number of professional and direct care staff to provide care and treatment for all Pilgrim patients, as further set forth herein; II. DEVELOPMENT AND IMPLEMENTATION OF TREATMENT PLANS - Defts shall redesign treatment planning to

		provide sufficiently focussed and individualized treatment to give patients realistic opportunities to improve their mental condition, as further set forth herein; III. MEDICATION PRACTICES - Defts shall ensure that a purposeful and systematic medication portion of the treatment plan is included as part of the patient's overall treatment plan, as clinically appropriate; and as further set forth herein; IV. ROUTINE, SPECIALIZED, AND EMERGENCY MEDICAL CARE - In order to maintain and improve the quality of the medical care provided to PPC patients at the core general hospital used by the facility for outside medical care, Defts shall take reasonable steps to continue to have one or more members of the PCC medical staff with privileges at the core general hospital for the purpose of coordinating or providing general medical care to PPC patients at the said hospital; and as further set forth herein; V. REHABILITATION - Defts shall ensure that patients receive services in the most integrated setting their clinical condition permits; and as further set forth herein; VI. CONTINUING FORCE AND EFFECT OF JULY 29, 1999 STIPULATION, JUNE 28, 1996 STIPULATION, AND OCTOBER 31, 1993 STIPULATION - All provisions of the October 31, 1993 Stipulation, the First Supplemental Stipulation and Order, and the Second Supplemental Stipulation and Order that do not otherwise conflict with the terms of this Third Supplemental Stipulation and Order shall remain in full force and effect; VIII. ADDITIONAL QUARTERLY REPORTS - Beginning with the calendar-quarter reporting period during which this Third Supplemental Stipulation is entered, Defts shall provide the United States with additional information, as further set forth herein, as part of their Quarterly Status Reports required by Section IV of the October 31, 1993 stipulation, Paragraph 26 of the Second Supplemental Stipulation and Order . (signed by Judge Arthur D. Spatt, on 2/25/03) c/m (Fagan, Linda) (Entered: 02/26/2003)
02/26/2003	11	ANSWER to Complaint (Fagan, Linda) (Entered: 02/26/2003)
03/21/2005	13	First MOTION to Dismiss (<i>joint motion for dismissal of case</i>) by all defendants. (Attachments: # 1 Text of Proposed Order)(Jaffe, William) (Entered: 03/21/2005)
03/22/2005	14	ORDER upon consideration of the 13 First MOTION to Dismiss (<i>joint motion for dismissal of case</i>) filed by The State of New York,, New York State Office of Mental Health,, George E. Pataki,, James L. Stone,, Alan M. Weinstock,this court dismisses the 1993 stipulation and the supplemental stipulations entered in this case. This case is hereby dismissed and jurisdiction of this Court is terminated. . Signed by Judge Arthur D. Spatt on 3/22/05. cm(Mierzejewski, Elizabeth) (Entered: 03/30/2005)

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