

ADR, CLOSED

U.S. District Court
Northern District of New York - Main Office (Syracuse) [LIVE - Version 3.0.5] (Syracuse)
CIVIL DOCKET FOR CASE #: 5:03-cv-00531-DNH-DEP

Marriott v. County of Montgomery, et al
Assigned to: Judge David N. Hurd
Referred to: Magistrate Judge David E. Peebles
Demand: \$400,000,000
Case in other court: 2nd circuit, 05-01590
2nd Circuit, 06-01822-cv
Cause: 42:1983 Civil Rights Act

Date Filed: 04/29/2003
Date Terminated: 05/15/2007
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Paul Marriott

*both individually and on behalf of a class
of others similarly situated*

represented by **Alexander E. Barnett**

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V.

Defendant

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Defendant

**Montgomery County Sheriff's
Department**

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ATTORNEY TO BE NOTICED

Thomas W. Hyland

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Michael Amato

*Individually and as Sheriff of the County of
Montgomery*

TERMINATED: 12/20/2006

represented by **Theresa B. Marangas**

(See above for address)

LEAD ATTORNEY

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Thomas W. Hyland

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Defendant

Jeffrey Smith

*individually and as Undersheriff of the
County of Montgomery*

TERMINATED: 12/20/2006

represented by **Theresa B. Marangas**

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Defendant

Kevin Snell

*individually and as former Undersheriff of
the County of Montgomery*

represented by **Theresa B. Marangas**

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LEAD ATTORNEY

TERMINATED: 12/20/2006

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ATTORNEY TO BE NOTICED

Defendant

John Pecora

*individually and as Jail Administrator in
the Montgomery Couty Sheriff's
Department*

TERMINATED: 12/20/2006

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Defendant

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Montgomery County Sheriff's Department*

TERMINATED: 12/20/2006

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Date Filed	#	Docket Text
04/29/2003	<u>1</u>	COMPLAINT filed; FILING FEE \$ 150.00 RECEIPT # 67628 ; Service deadline 6/28/03 for Sue Buddles, for John Pecora, for Kevin Snell, for Jeffrey Smith, for Michael Amato, for Montgomery Co/Sherif, for County of Montgomery (wbl) Additional attachment(s) added on 11/1/2005 (see,). (Entered: 04/30/2003)
04/29/2003		SUMMONS(ES) issued for County of Montgomery, Montgomery Co/Sherif, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles (wbl) (Entered: 04/30/2003)
04/29/2003		General Order 25 Filing Order Issued; Conference set before Magistrate Judge David E. Peebles in Syracuse, Status Conference at 11:30 8/21/03 , Deadline for filing Case Management Plan, 8/7/03 , ADR Track Case. (wbl) (Entered: 04/30/2003)
05/20/2003	<u>2</u>	LETTER/REQUEST dated 5/16/03 and ORDER; Letter addressed to MJ Peebles from Elena DeFio, Esq.; Counsel requestss that the Court give all named defts. until 6/30/03 to answer the compalint; So Ordered (Signed by MJ Peebles 5/20/03) (kcl) (Entered: 05/21/2003)

06/30/2003	3	Minute entry: Telephone Conference held before Judge Peebles. Defts. have requested an extension of time to answer the complaint until 7/18/03. Defts. explain that there was some uncertainty as to who would be representing the county, but this has been resolved as of 6/25/03. Pltf. does not object to the extension of time to answer, but does object to a stay of discovery. Judge doesn't read Defts.' letter as a request to stay the discovery period, however, the Defts. may be requesting this in the near future. Judge advises parties that until a Rule 26(f) meeting is held, no discovery can go forward. Pltf's. intend to move for preliminary injunction. Judge advises Pltf. to wait until the time for Defts. to appear has expired & the Rule 26(f) meeting has been held. Counsel is to meet & confer before this meeting is held. Judge advises Defts. to prepare a stipulation extending Defts. time to answer the complaint until 7/18/03 for his signature. APP: Elmer Keach, Esq. & Bruce Menken, Esq. for Pltf. & Joseph Francoeur, Esq., Thomas Hyland, Esq. & Theresa Puleo, Esq. for Defts.. Clerk: Shelly Lazzaro (sal) (Entered: 07/01/2003)
07/01/2003		Atty. Joseph Francoeur will be representing the Defts. in this action. However, he is not admitted in this district yet. Atty. Francoeur advised that he is admitted in the SDNY & will be sending in the paperwork today to be admitted in this district. (sal) (Entered: 07/01/2003)
07/17/2003	11	NOTICE OF MOTION by Thomas W. Hyland, Esq., for Sue Buddles, John Pecora, Kevin Snell, Jeffrey Smith, Michael Amato, Montgomery Co/Sherif, County of Montgomery to Dismiss , Hearing set for 10:00 a.m. on 10/24/03 Motion returnable before Judge/Mag. Judge: David N. Hurd. This motion was received by the Court on 9/23/03, but is considered filed as of 7/17/03, pursuant to the CJRA Reporting requirements instituted 3/1/00. (jel) Additional attachment(s) added on 11/1/2005 (see,). (Entered: 09/24/2003)
07/18/2003	4	LETTER by Thomas Hyland, Esq. on behalf of defts. County of Montgomery, Montgomery Co/Sherif, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles pursuant to Local Rule 7.1(b) regarding Motion: Dismiss Date Served upon counsel: 7/17/03 (kcl) Additional attachment(s) added on 11/1/2005 (see,). (Entered: 07/18/2003)
07/31/2003	5	Letter REQUEST dd 7/28/03 and ORDER by Elmer Keach, III, Esq for the pltf, requesting to Extend Time to file pltf's responding papers to the defts' Motion to Dismiss and request for preliminary injunction for 10 days, until 8/21/03 and requests that defts receive an additional 10 days to reply-defts' do not oppose request; So Ordered. (signed by Judge David N. Hurd) (see) (Entered: 07/31/2003)
08/21/2003	16	NOTICE OF CROSS MOTION by Jason J. Rozger, Esq., for Paul Marriott for Preliminary Injunction , Hearing set for 10:00 a.m. on 10/24/03. This motion was received by the court on 9/23/03, but is considered filed as of 8/21/03, pursuant to the CJRA Reporting requirements instituted 3/1/00. (jel) (Entered: 09/24/2003)
09/10/2003		Tele-conference held (kcl) (Entered: 09/11/2003)
09/10/2003	6	Minute entry of Telephone conference before MJ Peebles; App: Elmer Keach, Bruce Menkin and Jason Rozger, Esqs. for pltf., Joseph Francoer and Theresa Marangas, Esqs. for defts., Clerk C. McNulty; Parties discussed the motions that are pending before Judge McCurn; Staying the action was discussed and MJ

		Peebles told the parties he would not stay discovery; He also stated that he would not hold the Rule 16 conference until the motions are decided and adjourned it to 10:30 12/18/03 , Deadline for filing Case Management Plan, 12/8/03 (kcl) (Entered: 09/11/2003)
09/10/2003	7	Scheduling Notice: Letter advising counsel for parties that the Court has reset the Rule 16 conference to 12/18/03 at 10:30 in person, unless permission for a telephonic conference is granted; Notice sent by Cindy McNulty, Judicial Assistant to MJ Peebles (kcl) Additional attachment(s) added on 11/1/2005 (see,). (Entered: 09/11/2003)
09/16/2003	8	Letter dd 9/12/03 by Joseph Francoeur, Esq for the defts, seeking clarification with regard to whether its reply memorandum to its dispositive motion should address pltf's cross-motion for injunctive relief. If so, also seeks confirmation as to whe the combined response is due. (see) Additional attachment(s) added on 11/1/2005 (see,). (Entered: 09/17/2003)
09/16/2003	9	Letter dd 9/15/03 by Jason Rozger, Esq for the pltfs, in response to defts' letter dd 9/12/03. (see) Additional attachment(s) added on 11/1/2005 (see,). (Entered: 09/17/2003)
09/16/2003	10	ORDER that upon consideration of the letter-submissions of the parties, it is ORDERED that defts may file and serve a response to pltfs' cross motion on or before 9/23/03; that pltfs may file and serve a reply, if any, on or before 10/3/03; that the motions are returnable at 10:00 am on 10/24/03 in Albany, NY, at which time oral argument will be heard. (signed by Judge David N. Hurd) (see) (Entered: 09/17/2003)
09/23/2003	11	MEMORANDUM OF LAW by Thomas W. Hyland, Esq., for Sue Buddles, John Pecora, Kevin Snell, Jeffrey Smith, Michael Amato, Montgomery Co/Sherif, County of Montgomery in support of the [11-1] motion to Dismiss (jel) (Entered: 09/24/2003)
09/23/2003	12	Copy of Case law in support [11-1] motion to dismiss. (jel) Additional attachment(s) added on 11/1/2005 (see,). (Entered: 09/24/2003)
09/23/2003	13	AFFIRMATION along with Exhibit F by Thomas W. Hyland, Esq., for Sue Buddles, John Pecora, Kevin Snell, Jeffrey Smith, Michael Amato, Montgomery Co/Sherif, County of Montgomery Re: in support of the [11-1] motion to Dismiss (jel) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 09/24/2003)
09/23/2003	14	AFFIDAVIT by Jeffrey Smith for Sue Buddles, John Pecora, Kevin Snell, Jeffrey Smith, Michael Amato, Montgomery Co/Sherif, County of Montgomery Re: in support of the [11-1] motion to Dismiss (jel) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 09/24/2003)
09/23/2003	15	AFFIDAVIT along with Exhibits A-E by John F. Pecora for Sue Buddles, John Pecora, Kevin Snell, Jeffrey Smith, Michael Amato, Montgomery Co/Sherif, County of Montgomery Re: in support of the [11-1] motion to Dismiss (jel) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 09/24/2003)
09/23/2003	16	MEMORANDUM OF LAW by Jason J. Rozger, Esq., for Paul Marriott in opposition to the [11-1] motion to Dismiss, in support of the [16-1] cross motion for Preliminary Injunction (jel) Additional attachment(s) added on 11/8/2005

		(see,). (Entered: 09/24/2003)
09/23/2003	17	AFFIRMATION by Theresa B. Marangas, Esq., for Sue Buddles, John Pecora, Kevin Snell, Jeffrey Smith, Michael Amato, Montgomery Co/Sherif, County of Montgomery Re: in opposition to the [16-1] cross motion for Preliminary Injunction, in further support of the [11-1] motion to Dismiss (jel) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 09/24/2003)
09/23/2003	18	MEMORANDUM OF LAW by Theresa B. Marangas, Esq., for Sue Buddles, John Pecora, Kevin Snell, Jeffrey Smith, Michael Amato, Montgomery Co/Sherif, County of Montgomery in opposition to the [16-1] cross motion for Preliminary Injunction, in further support of the [11-1] motion to Dismiss (jel) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 09/24/2003)
09/23/2003	19	Case law submitted by defendants counsel in regards to the motion to dismiss and motion for preliminary injunction. (jel) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 09/24/2003)
10/03/2003	20	REPLY MEMORANDUM OF LAW by Paul Marriott in support of [16-1] cross motion for Preliminary Injunction, and in response to [11-1] motion to Dismiss (wjg) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 10/03/2003)
10/14/2003	21	Letter dd 10/9/03 by Joseph Francoeur, Esq for the defts, requesting that the portions of pltfs' reply dated 10/2/03 to the cross-motion for injunctive relief, which address issues raised in opposition to defts' motion be disregarded. Local Rule 7.1(b)(1) states that "the cross-moving party may reply in further support of the cross-motion with a reply brief", non-moving party is NOT permitted to submit opposition to a motion and a reply to the same motion. Specifically, section II (B) 2 is the only portion that should be considered as appropriate for the pltfs' reply. In the event the Court deems the pltfs' entire reply as appropriate, the defts request an opportunity to serve a sur-reply. (see) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 10/15/2003)
10/16/2003	22	Scheduling Notice advising counsel that the following Motion Hearings have been reset for 10:30 am on 10/24/03 with Oral Argument before Judge Hurd in Albany, NY: pltf's [16-1] cross motion for Preliminary Injunction and deft's [11-1] motion to Dismiss . (Signed by CRD Craig Minor) (see) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 10/17/2003)
10/17/2003		Discovery hearing held (kcl) (Entered: 10/20/2003)
10/17/2003	23	Minute entry of Discovery Conference before MJ Peebles; App: Elmer Keach, Bruce menken and Jason Rozger, Esqs. for pltf., Joseph Francoer and Theresa Marangas, Esqs. for deft., Clerk CLM; Pltf. wants to take 30(b)(6) deposition of deft.; Deft. would prefer to meet after 11/5/03 conference has taken place; After further discussion MJ Peebles tells the parties that he is going to issue a short form Order directing the deft. to respond to outstanding discovery by 11/21/03 and also allowing pltf. to take the 30(b)(6) deposition of deft. the week of 12/8/03; the telephone conference set for 12/18/03 remains in effect (kcl) (Entered: 10/20/2003)
10/21/2003	24	ORDER that defts are hereby directed to respond in an appropriate fashion either by objecting and/or producing the documents sought to a Rule 34 document discovery request served upon plaintiffs on or about 9/22/03; complainece shall

		occur on or abefore 11/21/03; thereafter at a mutually convenient date, time, and place during the week of 12/8/03, or such othe time as is mutually agreed; defts shall produce one or moe witnesses to testify in accordance with Rule 30(b)(6) deposition notice also served by plaintiff; on or about 9/22/03; and the Clerk is directed to promptly forward copies of this order to counsel for the parties in this action. (signed by Magistrate Judge David E. Peebles) Date Entered: 10/21/03 (mnm) (Entered: 10/22/2003)
10/24/2003	25	ORDER that pursuant to the oral decision of the Court, entered into the record after hearing oral argument on 10/24/03, in Albany, NY, it is hereby Ordered: denying defts' [11-1] motion to Dismiss; defts' motion to deny class status is DENIED, without prejudice; denying pltf's [16-1] cross motion for Preliminary Injunction; deft shall file and serve an Answer to the complaint on or before 11/7/03 for County of Montgomery, Co/Sherif, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles . (signed by Judge David N. Hurd) Date Entered: 10/24/03 (see) (Entered: 10/24/2003)
10/27/2003	26	Minute entry of a Motion Hearing before Judge Hurd on 10/24/03, APPR: Elmer Keach, Esq, Bruce Menken, Esq & Jason Rozger, Esq for the pltf; and Theresa Marangas, Esq & Joseph Fracoeur, Esq for defts. Defts' motion to dismiss (11-1)-DENIED; Pltf's cross motion for injunctive relief (16-1)-DENIED. Summary order to be filed. Defts to file answer by 11/7/03. [10:35-11:00]; Court Clerk: Craig Minor; Court Reporter/ECRO: Theresa Berical (see) (Entered: 10/27/2003)
11/06/2003	27	TRANSCRIPT OF PROCEEDINGS (Motion Argument & Decision) filed for the date of 10/24/03 before Judge David N. Hurd in Albany. (jel) (Entered: 11/07/2003)
11/10/2003	28	ANSWER to Complaint by Sue Buddles, John Pecora, Kevin Snell, Jeffrey Smith, Michael Amato, Montgomery Co/Sherif, County of Montgomery (Attorney Theresa B. Marangas), (jel) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 11/11/2003)
12/01/2003	29	Minute entry: Discovery Telephone Conf. held before Judge Peebles. Defts. are seeking guidance from the court regarding discovery dispute. Pltf. has requested discovery material from April 2000 to the present that contains social security numbers, dates of birth, and criminal charges of certain individuals. Defts. advise that there are approximately 2500 requests all together and are willing to give up the names and addresses of the individuals, but there are privacy issues. Pltf. states that it would be hard to locate these individuals w/out this information if they relocate. Judge sets up briefing schedule. Pltf's. brief is due on 12/5/03 (5 page limit, not including attachments). Defts'. brief is due 12/12/03 (5 page limit, not including attachments). If there is to be a reply, this is due on 12/16/03 (3 page limit). In-person discovery conf. scheduled for 12/18/03 at 10:00 a.m.. Rule 16 Conf. will follow. set Pretrial Conference for 10:00 12/18/03 APP: Bruce Menken, Esq., Jason Rozger, Esq. Joseph Francour, Esq. & Theresa Marangas, Esq.. Clerk: Shelly Lazzaro (sal) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 12/02/2003)
12/02/2003	30	Scheduling Notice: an in-person discovery conference has been scheduled for December 18, 2003 at 10:00 a.m. before Judge Peebles. This conference will be held in Courtroom 7 on the 10th floor of the U.S. Courthouse in Syracuse, New

		York. A briefing schedule has been set up as follows: plaintiff's brief is due on 12/5/03 (5 page limit, not including attachments); defendants' brief is due on 12/12/03 (5 page limit, not including attachments); and if there is a reply to be filed, this will be due on 12/16/03 (3 page limit). All of these letter briefs can be submitted by facsimile, however, an original must follow by regular mail. After the discovery conference is held, a Rule 16 conference will be conducted on that same day, December 18, 2003. The parties are directed to file their Civil Case Management Plan with the court at least ten (10) business days in advance of that date. (sal) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 12/02/2003)
12/09/2003	<u>31</u>	LETTER BRIEF submitted by Attorney Bruce Menken on behalf of plaintiff regarding outstanding discovery issues discussed during the 12/1/03 telephone conf. before Judge Peebles. (sal) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 12/09/2003)
12/09/2003	<u>32</u>	Proposed Civil Case Management Plan Submitted by Theresa Marangas, Esq. on behalf of the defendants. (sal) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 12/09/2003)
12/10/2003	<u>33</u>	Proposed Civil Case Management Plan Submitted by Elmer Keach, Esq. on behalf of plaintiff. (sal) Additional attachment(s) added on 11/8/2005 (see,). (Entered: 12/10/2003)
12/12/2003	<u>34</u>	LETTER BRIEF dated 12/12/03; Letter addressed to MJ Peebles from Joseph Francoeur, Esq., counsel for defts. Letter is in regard to privacy concerns defts. raised during pltf's demand for individuals' personal information on the 12/1/03 telephone conference; Attached Exhibit A (kcl,) Additional attachment(s) added on 12/16/2003 (kcl,). (Entered: 12/16/2003)
12/23/2003	<u>35</u>	ORDER: Plaintiff's motion to compel discovery is granted conditionally; w/in 60 days defts. shall produce to pltf's counsel the information set within paragraph 2 of the ordered section herein; So Ordered. Signed by Judge David E. Peebles on 12/23/03. (kcl,) (Entered: 12/29/2003)
12/23/2003	<u>37</u>	LETTER BRIEF dated 12/16/03 by Bruce Menken, Esq. for pltf. Paul Marriott in further support of motion to compel; Attached Exhibit A (kcl,) (Entered: 12/29/2003)
12/24/2003	<u>36</u>	ORDER: Any motion by pltf. for class certification in this case shall be filed before District Judge Hurd by 5/14/03; Signed by Judge David E. Peebles on 12/24/03. (kcl,) (Entered: 12/29/2003)
12/29/2003	<u>38</u>	Minute Entry of Discovery Conference held before Judge David E. Peebles; App: Elmer Keach, Esq. for pltf., Joseph Francoeur, and Theresa Marangas, Esqs. for defts., Clerk SAL; Discovery Hearing held on 12/29/2003. (Tape #2003-44.) (kcl,) (Entered: 12/30/2003)
12/29/2003	<u>39</u>	Minute Entry of Rule 16 conference before Judge David E. Peebles; App: Elmer Keach, Esq. for pltf., Joseph Francoeur, Esq. and Theresa Marangas, Esq. for defts., clerk SAL; Initial Pretrial Conference held on 12/29/2003. Next telephone conference set for 3/31/04 at 3:30, defts. atty to initiate (kcl,) (Entered: 12/30/2003)

12/29/2003	40	ORDER advising defense counsel to send a letter to each client advising of a potential conflict of interest w/ in 10 days of this order. If deft. wishes to stay w/ current counsel, that client must provide the court with an affidavit stating that he/she has voluntarily chosen to proceed w/ joint representation. Signed by Judge David E. Peebles on 12/29/03. (kcl,) (Entered: 12/30/2003)
12/29/2003	41	UNIFORM PRETRIAL SCHEDULING ORDER: Anticipated length of trial: 2weeks. Preferred Trial Location: Albany. Joinder of Parties due by 9/3/2004. Amended Pleadings due by 9/3/2004. Discovery due by 12/31/2004. Motions to be filed by 2/28/2005. Trial Ready Deadline is 4/29/2005.. Signed by Judge David E. Peebles on 12/29/03. (kcl,) (Entered: 12/30/2003)
01/15/2004	42	TRANSCRIPT of Proceedings held on 12/18/03 before Judge Judge Peebles. (kcl,) (Entered: 01/15/2004)
01/16/2004	43	Minute Entry of Discovery Conference held before Judge David E. Peebles; App: Elmer Keach, Esq. for pltf., Bruce Menken, Esq. for pltf., Joseph Francoeur and Theresa Marangas, Esqs. for deft., Clekr CLM; Discovery Hearing held on 1/16/2004. (kcl,) (Entered: 01/16/2004)
01/20/2004	44	LETTER/NOTICE dated 1/6/03 by Theresa Marangas, Esq., counsel for defts. Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell; Counsel requests MJ Peebles' assistance Re: the proposed Confidentiality Agreement (kcl,) (Entered: 01/20/2004)
01/20/2004	45	LETTER/NOTICE dated 1/7/04; Letter addressed to MJ Peebles from Elmer Keach, Esq., counsel for pltf. Paul Marriott; Counsel requests that a Discovery conference be set (kcl,) (Entered: 01/20/2004)
01/20/2004	46	LETTER/NOTICE dated 1/15/04; Letter addressed to MJ Peebles from Joseph Francoeur, Esq.; Counsel requests the Court's input re: Discovery (kcl,) (Entered: 01/20/2004)
01/20/2004	47	LETTER/NOTICE dated 1/15/04; Letter addressed to MJ Peebles from Elmer Keach, Esq.; Counsel requests that the Court Compel the testimony of Mr. Robinson and deny defts. Protective Order (kcl,) (Entered: 01/20/2004)
01/23/2004	48	LETTER BRIEF 1-23-04 by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell in response to the issue of whether deposition discovery should be limited to individuals who were assigned to booking/admissions. (Marangas, Theresa) Modified on 1/26/2004, description of brief. (see) (Entered: 01/23/2004)
01/23/2004	49	First MOTION to Compel <i>Physical Inspection and compliance with Rule 30(b)(6) deposition</i> by Paul Marriott. (Attachments: # 1 Affidavit counsel's affirmation in support of motion to compel discovery)(Keach, Elmer) (Entered: 01/23/2004)
01/30/2004	50	LETTER BRIEF by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Attachments: # 1 Affidavit)(Marangas, Theresa) (Entered: 01/30/2004)

01/30/2004	51	LETTER BRIEF <i>In Opposition to Defendants' Motion for Protective Order and in Support of Application for Sanctions, Costs and Attorneys' Fees</i> by Paul Marriott. (Attachments: # 1 Affidavit Elmer Robert Keach, III# 2 Affidavit Jason Rozger)(Keach, Elmer) (Entered: 01/30/2004)
01/31/2004	52	LETTER BRIEF <i>Providing Supplemental Case Authority</i> by Paul Marriott. (Keach, Elmer) (Entered: 01/31/2004)
02/02/2004	53	AFFIDAVIT re 50 LETTER BRIEF <i>filed on 1/30/04</i> by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Marangas, Theresa) (Entered: 02/02/2004)
02/04/2004	54	ORDER APPROVING WAIVER OF POTENTIAL CONFLICT; the Affidavits of Douglas Landon, Esq., Montgomery County Attorney, Sheriff Michael Amato, John Pecora, Kevin Snell, Jeffrey Smith, Richard Denton, and Lt. Buddles have provided the Court w/ sufficient notice of potential conflict; the Aforementioned Affidavits, as well as their Counsel's letters to them are to be filed under seal w/ the Court; . Signed by Judge David E. Peebles on 2/4/04. (kcl,) (Entered: 02/09/2004)
02/04/2004	55	SEALED DOCUMENT - maintained in Clerk's Office and not available for electronic viewing; Affidavits of: D. Landon, M. Amato, J. Pecora, K. Snell, J. Smith, R. Denton, S. Buddles (kcl,) (Entered: 02/09/2004)
02/12/2004	57	Minute Entry for Digitally recorded discovery conference held before Judge David E. Peebles : Discovery Hearing held on 2/12/2004. (Tape #2004-21.) (kcl,) (Entered: 02/19/2004)
02/17/2004	56	ORDER granting 49 Motion to Compel under certain conditions listed within; Pltfs request for an order compelling the production of a further 30(b)(6) deposition of witness on behalf of the County is denied; Pltfs request for a protective order limiting the pltf. in his ability to conduct depositions is denied without prejudice; Pltfs application for award of costs is denied without prejudice. Signed by Judge David E. Peebles on 2/17/04. (kcl,) (Entered: 02/18/2004)
02/23/2004	58	Letter from Elmer Robert Keach, III for Paul Marriott requesting Discovery Conference Scheduling Time for Physical Inspection. (Keach, Elmer) (Entered: 02/23/2004)
02/24/2004	59	LETTER BRIEF <i>Judge Peebles letter brief re: inspection time</i> by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Francoeur, Joseph) (Entered: 02/24/2004)
02/24/2004	60	LETTER BRIEF <i>Judge Peebles Letter Brief re: inspection time WITH ATTACHMENTS</i> by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Attachments: # 1 Keach letter re: inspection time# 2 Affidavit)(Francoeur, Joseph) (Entered: 02/24/2004)
02/24/2004	61	Letter from Elmer Keach for Paul Marriott requesting Confirming Confererence with Court on March 4, 2004. (Keach, Elmer) (Entered: 02/24/2004)

03/03/2004	62	Minute Entry for proceedings held before Judge David E. Peebles : Discovery Hearing held on 3/3/2004. (kcl,) (Entered: 03/04/2004)
03/04/2004	63	Minute Entry for proceedings held before Judge David E. Peebles : Discovery Hearing held on 3/4/2004. (Tape #2004-28.) (kcl,) (Entered: 03/08/2004)
03/05/2004	64	ORDER: It is ordered that the inspection that is to be conducted pursuant to MJ Peeble's 2/17/04 Order, shall occur 3/10/04 between the Hours of 12:00 noonand 1:00pm. Signed by Judge David E. Peebles on 3/5/04. (kcl,) (Entered: 03/09/2004)
03/10/2004	65	STIPULATION <i>executed by all parties submitted</i> by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Attachments: # 1 Enclosure letter of Stipulation and Protective Order to be So Ordered)(Marangas, Theresa) (Entered: 03/10/2004)
03/11/2004	66	PROTECTIVE ORDER. Signed by Judge David E. Peebles on 3/11/04. (kcl,) (Entered: 03/11/2004)
03/23/2004	67	STIPULATION <i>for Site Inspection to be So Ordered by Magistrate Peebles</i> by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Attachments: # 1 Enclosure letter of Stipulation for Site Inspection)(Marangas, Theresa) (Entered: 03/23/2004)
03/29/2004	68	STIPULATION AND ORDER FOR SITE INSPECTION. Signed by Judge David E. Peebles on 3/28/04. (kcl,) (Entered: 03/29/2004)
03/31/2004	69	Minute Entry of Telephone Conference held before Judge David E. Peebles on 3/31/2004. Case status discussed, parties are making progress with discovery, deft raised an issue regarding lead counsel being unavailable from 4/23/04 to 7/8/04 and requests a moratorium on discovery for that period, plaintiff opposes request, MJ Peebles provided guidance on this issue but did not make a ruling concerning it, next telephone conference set for 7/20/04 at 4:00 PM, plaintiff to initiate. App: Elmer R. Keach, III, Esq., Jason Rozger, Esq., Joseph L. Francoeur, Esq., Theresa Marangas, Esq., Court Clerk: Cindy McNulty; Time: 3:30-3:45 PM (jmb) (Entered: 04/01/2004)
03/31/2004	70	SCHEDULING ORDER: setting the next Telephone Conference set for 7/20/2004 at 4:00 PM before Magistrate Judge Peebles. (Atty for plaintiff shall initiate the call.) Signed by Judge David E. Peebles on 3/31/04. (jmb) (Entered: 04/01/2004)
04/19/2004	72	Minute Entry for telephone discovery conference held before Judge David E. Peebles on 4/19/04: APP: Bob Keach, Esq., Theresa Marangas, Esq., & Joseph Francour, Esq.. Defendants would like to stay discovery pending the return of Attorney Franceour who will be out of the country until July. MJ Peebles told the parties that he would not stay discovery at least in part to preclude depositions be taken and dispositive motions being filed. Defendants request discovery responses from plaintiffs prior to the deposition of Mr. Marriott whose deposition will be scheduled the beginning of May. Atty. Keach stated that he would produce those responses to defendants. Defendants stated that they would like to amend their answer. They will provide a copy of the amended answer to plaintiffs

		and if the parties cannot stipulate then MJ Peebles gave defendants permission to file a motion to amend. (sal,) (Entered: 04/20/2004)
04/20/2004	71	Letter from Elmer Keach for Paul Marriott requesting Leave to File a Brief in Excess of 25 Pages. (Keach, Elmer) (Entered: 04/20/2004)
04/20/2004	73	LETTER BRIEF <i>in response to plaintiff's request to file an overlength brief</i> by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Marangas, Theresa) (Entered: 04/20/2004)
04/21/2004	74	ORDER that Defts. request made during a conf. held on 4/19/04 for a partial stay in this action be DENIED, w/out prejudice to Defts. right to request that any dispositive motion filed in counsel's absence be adjourned by District Judge David N. Hurd until his return, in which case it will be the decision of Judge Hurd as to whether or not such a request, if made, will be granted. Signed by Judge David E. Peebles on 4/21/04. (sal,) (Entered: 04/21/2004)
04/23/2004	75	Letter request dd 4/19/2004 by Elmer Keach, III, Esq for the pltf, requesting leave of Court to file an overlength brief not to exceed 40 pages to its combined motion for class certification, partial summary judgment, and prelimiary injunction; So ORDERED. Signed by Judge David N. Hurd on 4/23/2004. (see) (Entered: 04/27/2004)
04/23/2004	76	Letter request and in response to document 75 dd 4/20/2004 by Theresa Marangas, Esq for the defts, requesting leave of Court to file an overlength brief, not to exceed 40 pages in length; So ORDERED. Signed by Judge David N. Hurd on 4/23/2004. (see) (Entered: 04/27/2004)
05/04/2004	77	Minute Entry for proceedings held before Judge David E. Peebles : Telephone Conference held on 5/4/2004. APP: Elmer Keach, III, Esq., Jason Rozger, Esq. & Bruce Menken, Esq. for Pltf. & Theresa Marangas, Esq. & Richard Porter, Esq. for Defts.. Deposition is scheduled for a non-party witness on May 6th. After arguments are heard from counsel, Judge sets up a briefing schedule. Defts. letter brief is due by 5/14/04. Pltfs. letter brief is due by 5/21/04. Both letter briefs are limited to 5 pages excluding attachments. Judge gives parties permission to submit documents for in camera review if necessary. Judge will review these submissions once submitted to see if further argument is necessary. Parties would like an extension of the ddl. to file motion for class certification. Judge extends this ddl. to May 28th. (sal,) (Entered: 05/05/2004)
05/05/2004	78	ORDER that the request made by plaintiff's counsel during a telephone conf. held on 5/4/04 before Magistrate Judge Peebles for an extension of the deadline to file a motion for class certification is granted. The deadline to file a motion for class certification is extended to May 28, 2004. Signed by Judge David E. Peebles on 5/5/04. (sal,) (Entered: 05/05/2004)
05/14/2004	79	LETTER BRIEF by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Attachments: # 1)(Marangas, Theresa) (Entered: 05/14/2004)
05/20/2004	80	CERTIFICATE OF SERVICE by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell re 79 LETTER BRIEF (Marangas, Theresa) (Entered: 05/20/2004)

		05/20/2004)
05/21/2004	81	LETTER BRIEF <i>Letter brief in response to Defendants' letter brief of May 14, 2004</i> by Paul Marriott. (Attachments: # 1 Exhibit Exhibit A)(Rozger, Jason) (Entered: 05/21/2004)
05/27/2004	82	Letter from Elmer R. Keach, III for Paul Marriott requesting Enlargement of Time for One Business Day to File Class Certification and Preliminary Injunction Motion Papers , <i>On Consent</i> . (Keach, Elmer) (Entered: 05/27/2004)
06/01/2004		***[83] MOTION to Amend/Correct Complaint was STRICKEN FROM THE COURT'S RECORD PER ORDER 95 OF MJ PEEBLES DATED 6/9/04** Modified on 10/13/2004 to remove document (cbm,). (Entered: 06/01/2004)
06/01/2004	84	MOTION to Certify Class Motion Hearing set for 7/23/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 7/6/2004 Reply to Response to Motion due by 7/12/2004. Motion Hearing set for 7/23/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 7/6/2004 Reply to Response to Motion due by 7/12/2004. by Paul Marriott. (Attachments: # 1 Affidavit Affirmation of Jason Rozger# 2 Exhibit Ex. A - Proposed amended complaint# 3 Exhibit Ex. B - Search Policies)(Rozger, Jason) (Entered: 06/01/2004)
06/01/2004	85	MOTION to Certify Class Motion Hearing set for 7/23/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 7/6/2004 Reply to Response to Motion due by 7/12/2004. Motion Hearing set for 7/23/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 7/6/2004 Reply to Response to Motion due by 7/12/2004. by Paul Marriott. (Attachments: # 1 Exhibit Ex. D - Admissions Policies# 2 Exhibit Ex. E - Pecora affidavit# 3 Exhibit Ex. F - 30(b)(6) deposition notice# 4 Exhibit Ex. G - Order of 2 17 04# 5 Exhibit Ex. H - 30(b)(6) Transcript Day 1# 6 Exhibit Ex. I - 30(b)(6) Transcript Day 2# 7 Exhibit Ex. J - Sue Buddles Transcript)(Rozger, Jason) (Entered: 06/01/2004)
06/01/2004	86	LETTER BRIEF <i>Memorandum of Law in Support of Class Certification</i> by Paul Marriott. (Keach, Elmer) (Entered: 06/01/2004)
06/01/2004	87	MOTION to Certify Class Motion Hearing set for 7/23/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 7/6/2004 Reply to Response to Motion due by 7/12/2004. Motion Hearing set for 7/23/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 7/6/2004 Reply to Response to Motion due by 7/12/2004. by Paul Marriott. (Attachments: # 1 Exhibit Ex M - Dora Hurd deposition# 2 Exhibit Ex. O - Table of SS Offenses# 3 Exhibit Ex. P - Booking Officer Post Order# 4 Exhibit Ex. Q - Kahler order on prelim. app.# 5 Exhibit Ex. R - Calvin v. Sheriff# 6 Exhibit Ex. S - Bynum v. DC# 7 Exhibit Ex. T - Gary v. Sheahan# 8 Exhibit Ex. U - Tyson v. City of NY# 9 Exhibit Ex. V - Eddleman v. Jefferson# 10 Exhibit Ex. W - Marriott Affidavit# 11 Exhibit Ex. X - Davis Affidavit# 12 Exhibit Ex. Y - Ashline Affidavit# 13 Exhibit Ex. Z - Owens v. Delaware# 14 Exhibit Ex. AA - Lewis v. Gagne# 15 Exhibit Ex. EE - Def. letter brief 12 17 03)(Rozger, Jason) (Entered: 06/01/2004)

06/02/2004	88	MOTION to Certify Class Motion Hearing set for 7/23/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 7/6/2004 Reply to Response to Motion due by 7/12/2004. Motion Hearing set for 7/23/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 7/6/2004 Reply to Response to Motion due by 7/12/2004. by Paul Marriott. (Attachments: # 1 Exhibit Ex. N, Robinson Transcript pt. 1 of 8# 2 Exhibit Ex. N, Robinson transcript pt. 2 of 8# 3 Exhibit Ex N, Robinson transcript pt. 3 of 8# 4 Exhibit Ex. N, Robinson Transcript pt. 4 of 8# 5 Exhibit Ex. N, Robinson Transcript pt. 5 of 8# 6 Exhibit Ex. N, Robinson Transcript pt. 6 of 8# 7 Exhibit Ex. N, Robinson Transcript pt. 7 of 8# 8 Exhibit Ex. N, Robinson Transcript pt. 8 of 8# 9 Exhibit Ex. C - Sheriff's Annual Reports# 10 Exhibit Ex. K - Denton Transcript pt. 1# 11 Exhibit Ex. K - Denton Transcript pt. 2# 12 Exhibit Ex. L - Gardner Transcript pt. 1# 13 Exhibit Ex. L - Gardner Transcript pt. 2# 14 Exhibit Ex. BB - Grassian affidavit# 15 Exhibit Ex. CC - Ierardi v. Lorillard# 16 Exhibit Ex. DD - Wilton v. Gallagher)(Rozger, Jason) (Entered: 06/02/2004)
06/02/2004	89	Letter request dd 6/1/2004 by Theresa Marangas, Esq for the defts, jointly requesting to extend the motion dates to the 88 MOTION to Certify Class as follows: 1) return date of 8/27/2004 at 10:00 am in Albany, 2) defts' opposition/cross motion to be filed by 8/6/2004, and 3) pltf's reply to be filed by 8/20/2004; So Ordered.Signed by Judge David N. Hurd on 6/2/2004. (see) (Entered: 06/02/2004)
06/02/2004		Set/Reset Deadlines as to 87 MOTION to Certify Class. Response to Motion due by 8/6/2004 Reply to Response to Motion due by 8/20/2004. Motion Hearing set for 8/27/2004 10:00 AM in Albany before Judge David N. Hurd. (see) (Entered: 06/02/2004)
06/02/2004	90	Amended MOTION to Certify Class <i>Refiled to Substitute for Docket Entries 84 through 88</i> Motion Hearing set for 8/27/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 8/10/2004 Reply to Response to Motion due by 8/16/2004. Motion Hearing set for 8/27/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 8/10/2004 Reply to Response to Motion due by 8/16/2004. by Paul Marriott. (Attachments: # 1 Memorandum of Law # 2 Affidavit of Jason Rozger In Support of Class Certification# 3 Proposed Amended Complaint (Ex. A)# 4 MCJ Search Policies (Ex. B)# 5 Sheriff's Annual Reports (Ex. C)# 6 MCJ Admissions Policies (Ex. D)# 7 Affidavit of John Pecora (Ex. E)# 8 Plaintiff's 30(b)(6) Notice (Ex. F)# 9 Order of USMJ Peebles, Feb. 17, 2004 (Ex. G)# 10 Deposition of John Pecora, Day One (Ex. H)# 11 Deposition of John Pecora, Day Two (Ex. I)# 12 Deposition of Sue Buddles (Ex. J)# 13 Deposition of Richard Denton (Ex. K)# 14 Deposition of Donald Gardner (Ex. L)# 15 Deposition of Dora Hurd (Ex. M)# 16 Deposition of Aaron Robinson (Ex. N)# 17 Table of Strip Searchable Offenses (Ex. O)# 18 Booking Area Post Order (Ex. P)# 19 Preliminary Approval Order, Kahler v. County of Rensselaer (Ex. Q)# 20 Unreported Decision -- Calvin v. Sheriff of Will County (Ex. R)# 21 Unreported Decision -- Bynum v. District of Columbia (Ex. S)# 22 Unreported Decision -- Gary v. Sheahan (Ex. T)# 23 Bench Decision on Class Certification -- Tyson v. City of New York (Ex. U)# 24 Unreported decision -- Eddleman v. Jefferson Co. (Ex. V)# 25 Marriott Affidavit (Ex. W)# 26 Davis Aff. (Ex. X)# 27 Ashline Aff. (Ex. Y)# 28 Unreported Decision -- Owens v. County of Delaware (Ex. Z)# 29 Unreported Decision -- Lewis v. Gagne (Ex. AA)# 30 Aff. of Stuart Grassian, Ph.D. (Ex. BB)# 31

		Unreported Decision -- Ierardi v. Iorillard (Ex. CC)# 32 Unreported Decision -- Wilton Partners v. Gallagher (Ex. DD)# 33 Letter Brief of Defendants, Dec. 17, 2003 (Ex. EE))(Keach, Elmer) (Entered: 06/02/2004)
06/02/2004	91	ORDER Granting the 82 Letter Request filed by Paul Marriottto file the class certificationand preliminary injunction papers on 6/1/04. Signed by Judge David E. Peebles on 6/2/04. (jlm) (Entered: 06/03/2004)
06/03/2004	92	LETTER REQUEST to Amend/Correct <i>Docket entries 84 through 88.</i> by Paul Marriott.(Rozger, Jason) Modified on 6/4/2004 (sal,). (Entered: 06/03/2004)
06/04/2004		CLERK'S CORRECTION OF DOCKET ENTRY : Docket number 92 was corrected due to Attorney Rozger filing it as a motion when in fact it is a letter request. (sal,) (Entered: 06/04/2004)
06/04/2004	93	Letter for Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell requesting rejection of plaintiffs' motion papers electronically filed as Document Number 83, or in the alternative, a court conference. (Marangas, Theresa) (Entered: 06/04/2004)
06/09/2004	94	Letter from Elmer Keach for Paul Marriott requesting Motion Conference with the Court Regarding Request for Permissive Intervention. (Keach, Elmer) (Entered: 06/09/2004)
06/10/2004	95	DOCUMENT REJECTION ORDER as to Plaintiff returning Motion to Amend Complaint; Document rejected due to non-compliance with with LR 7.1(b); Document [83] is stricken without prejudice from the record and will not be considered. Signed by Judge David E. Peebles on 6/9/04. (kcl,) (Entered: 06/10/2004)
06/11/2004	96	Letter from Elmer Keach for Paul Marriott requesting Confirming Conference on Thursday, June 17, 2004 at 12:00 PM.. (Keach, Elmer) (Entered: 06/11/2004)
06/24/2004	97	Letter for Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell requesting permission to file an additonal 15 pages in the defendants' opposition brief. (Marangas, Theresa) (Entered: 06/24/2004)
06/24/2004	99	Minute Entry for Discovery Hearing held on 6/24/2004 before Judge David E. Peebles, APPR: Elmer Keach, Esq for pltf; Jason Rozger, Esq for pltf; Theresa Marangas, Esq for defts. Judge gives a ruling regarding discovery of the four disputed letters, directing that the two letters dated March 26, 2004 and the retainer letter dated April 20, 2004 be disclosed but that the 4/2/04 letter could be withheld. An order is to be issued. Telephone Pretrial Conference set for 9/24/2004 at 2:00 PM before Magistrate Judge David E. Peebles. (CD#: 2004-077) (jlm) (Entered: 06/30/2004)
06/25/2004	98	Endorsement ORDER granting the 97 Letter Request, filed by Theresa Marangas, Esq for County of Montgomery, Michael Amato, Montgomery County Sheriff's Department, Jeffrey Smith, Kevin Snell, John Pecora, and Sue BuddlesSigned by Judge David N. Hurd on 6/25/2004. (see,) Modified on 6/25/2004, sent non-participating CM/ECF counsel a copy of order. (see,). (Entered: 06/25/2004)

07/06/2004	103	SEALED DOCUMENT - per 7/7/04 order of MJ Peebles, maintained in Clerk's Office and not available for electronic viewing (lmp) (Entered: 07/08/2004)
07/07/2004	100	**VACATED pursuant to the 151 MDO of Judge Hurd ** ORDER: it is ordered that defts. shall produce to pltf's. counsel the two disputed letters dated 3/26/04, 5/14/04 and 4/20/04; Defts. motion for a protective order with regard to the letter dated 4/21/04 is granted . Signed by Judge David E. Peebles on 7/7/04. (kcl,) Modified on 3/25/2005 (see,). (Entered: 07/08/2004)
07/07/2004	101	ORDER APPROVING DEFENDANT'S WAIVER OF POTENTIAL CONFLICT. Signed by Judge David E. Peebles on 7/7/04. (kcl,) (Entered: 07/08/2004)
07/07/2004	102	ORDER directing Defts. to produce to Pltf's counsel within 10 days 2 disputed letters described herein; Defts' 4/21/04 letter motion for protective order is GRANTED; sealing 5/14/04 letter from Theresa B. Marangas, Esq. with attachments. Signed by Judge David E. Peebles on 7/7/04. (lmp) (Entered: 07/08/2004)
07/07/2004	104	ORDER finding non-party witnesses have knowingly & voluntarily chosen to waive potential for conflict and proceed w/joint representation; sealing non-party witnesses' affidavits and attorney letters. Signed by Judge David E. Peebles on 7/7/04. (lmp) (Entered: 07/08/2004)
07/07/2004	105	SEALED DOCUMENT - per 7/7/04 Order of MJ Peebles (#104) maintained in Clerk's Office and not available for electronic viewing (lmp) (Entered: 07/08/2004)
07/09/2004	106	ORDER approving defendants' waiver of potential conflict . Signed by Judge David E. Peebles on 7/9/04. (kcl,) (Entered: 07/12/2004)
07/09/2004	107	SEALED DOCUMENT - maintained in Clerk's Office and not available for electronic viewing; Affidavit of Erik Schnackenberg and Michael Franko, as well as counsel's letters to them; sealed per: 106 Order (kcl,) (Entered: 07/12/2004)
07/15/2004	108	MOTION to Set Aside <i>Magistrate's Order Directing the Production of the Dora Hurd Letters</i> Motion Hearing set for 8/27/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 8/10/2004 Reply to Response to Motion due by 8/16/2004. by Michael Amato, Sue Buddles, County of Montgomery, Montogomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Attachments: # 1 Order to Show Cause# 2 Memorandum of Law # 3 Affirmation in Support of Order to Show Cause# 4 Affirmation is Support of Objections# 5 Magistrate's Order (Ex. A)# 6 Conference Transcript (Ex. B)# 7 Plaintiff's Letter Brief (Ex. C)# 8 Dora Hurd's Deposition Transcript (Ex. D)# 9 Defendants' Letter Brief (Ex. E)# 10 Dora Hurd Privilege Log (Ex. F)# 11 Unreported Decision - NY City v. Coastal Oil (Ex. G)# 12 Unreported Decision - Coleman v. City of NY (Ex. H)# 13 December 29, 2003 Order (Ex. I))(Marangas, Theresa) (Entered: 07/15/2004)
07/16/2004		ORDER The July 7, 2004, Magistrate Judge's Order compelling production of documents is STAYED pending resolution of the appeal (Docket No. 108). In all other respects the County of Montgomery's proposed Order to Show Cause is denied. The foregoing is pursuant to the oral order of Judge Hurd. (djc,) Modified on 7/16/2004, served non-CM/ECF participant a copy of the Receipt of

		Notice of Electronic Filing. (see,). (Entered: 07/16/2004)
07/16/2004		IN CAMERA exhibits J,K,L,M submitted in support of 108 motion, maintained in clerk's office in sealed folder. (cbm,) (Entered: 04/15/2005)
08/06/2004	109	Cross MOTION for Summary Judgment Motion Hearing set for 8/27/2004 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 8/10/2004 Reply to Response to Motion due by 8/16/2004. by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Attachments: # 1 Statement of Material Facts # 2 Memorandum of Law # 3 Affidavit # 4 Franko Deposition Transcript (Exhibit A)# 5 Smith Deposition Transcript (Exhibit B)# 6 Schnackenberg Deposition Transcript (Exhibit C)# 7 April 23, 2004 Order (Exhibit D)# 8 October 24, 2003 Hearing Transcript (Exhibit E)# 9 August 19, 1999 Chairman's Memorandum (Exhibit F)# 10 MCCF Evaluations (Exhibit G)# 11 Unreported Dodge v. Co. of Orange Decision (Exhibit H)# 12 Davis Deposition Transcript (Exhibit I)# 13 Ashline Deposition Transcript (Exhibit J)# 14 Marriott Deposition - Part 1 (p. 1-81) (Exhibit K)# 15 Marriott Deposition - Part 2 (p. 82-161) (Exhibit K)# 16 Marriott Deposition - Part 3 (p. 162-243) (Exhibit K)# 17 June 9, 2004 Order (Exhibit L)# 18 December 23, 2003 Order (Exhibit M)# 19 Plaintiff's Class Action Complaint (Exhibit N)# 20 Red-Line Version of Proposed Amended Complaint (Exhibit O)# 21 October 24, 2003 Order (Exhibit P))(Marangas, Theresa) (Entered: 08/06/2004)
08/11/2004	110	Letter from Theresa Marangas for Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell requesting adjournment of the August 27, 2004 return date for oral argument of plaintiff's motion for class certification and renewed motion for preliminary injunction and defendants' cross motion for summary judgment.. (Marangas, Theresa) (Entered: 08/11/2004)
08/13/2004	113	Endorsement ORDER granting the 110 Letter Request, filed by Theresa Marangas, Esq for the County of Montgomery, Michael Amato, Montgomery County Sheriff's Department, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles.Signed by Judge David N. Hurd on 8/13/2004. (see) Modified on 8/16/2004, served non-CM/ECF participants via U.S. Mail on 8/16/2004. (see,). (Entered: 08/16/2004)
08/13/2004		Set/Reset Deadlines as to 109 Cross MOTION for Summary Judgment, 90 Amended MOTION to Certify Class <i>Refiled to Substitute for Docket Entries 84 through 88</i> . Motion Hearing set for 9/24/2004 10:00 AM in Albany before Judge David N. Hurd. (see) (Entered: 08/16/2004)
08/13/2004		Set/Reset Deadlines as to 90 Amended MOTION to Certify Class <i>Refiled to Substitute for Docket Entries 84 through 88</i> . Reply to Response/Opposition papers to Motion due by 9/13/2004. (see) (Entered: 08/16/2004)
08/13/2004		Set/Reset Deadlines as to 109 Cross MOTION for Summary Judgment. Reply to Response to Motion due by 9/20/2004. (see,) (Entered: 08/16/2004)
08/14/2004	111	MEMORANDUM OF LAW <i>Opposing Defendants' Objections to Magistrate Peebles' July 7, 2004 Order</i> filed by Paul Marriott. (Rozger, Jason) (Entered: 08/14/2004)

08/14/2004	112	AFFIDAVIT in Opposition re 108 MOTION to Set Aside <i>Magistrate's Order Directing the Production of the Dora Hurd Letters</i> filed by Paul Marriott. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F)(Rozger, Jason) (Entered: 08/14/2004)
08/19/2004		NOTICE of Hearing on Motion 108 MOTION to Set Aside <i>Magistrate's Order Directing the Production of the Dora Hurd Letters</i> , 109 Cross MOTION for Summary Judgment: Motion Hearing set for 9/24/2004 10:00 AM in Albany before Judge David N. Hurd. Please adjust your records to reflect this change.(cmr,) (Entered: 08/19/2004)
08/19/2004		Set/Reset Deadlines as to 108 MOTION to Set Aside <i>Magistrate's Order Directing the Production of the Dora Hurd Letters</i> , 109 Cross MOTION for Summary Judgment, 90 Amended MOTION to Certify Class <i>Refiled to Substitute for Docket Entries 84 through 88</i> . Motion Hearing set for 9/24/2004 10:00 AM in Albany before Judge David N. Hurd. (cmr,) (Entered: 08/19/2004)
08/24/2004	114	Letter for Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell requesting permission to submit a Reply Brief in support of Defendants' Motion to Set Aside the Magistrate's Order directing the production of letters. (Marangas, Theresa) (Entered: 08/24/2004)
08/26/2004	115	Endorsement ORDER granting the 114 Letter Request, filed by County of Montgomery, Michael Amato, Montgomery County Sheriff's Department, Jeffrey Smith, Kevin Snell, John Pecora, and Sue Buddles.Signed by Judge David N. Hurd on 8/26/2004. (see) Modified on 8/26/2004, served non-CM/ECF participants by U.S. Mail on 8/26/2004. (see,). (Entered: 08/26/2004)
09/01/2004	116	Letter for Paul Marriott requesting On consent, extension of time to join parties and amend complaint to September 10, 2004. (Rozger, Jason) (Entered: 09/01/2004)
09/02/2004	117	ORDER granting 116 Letter Request filed by Paul Marriott Joinder of Parties due by 9/10/2004. Signed by Judge David E. Peebles on 9/2/04. (lmp) (Entered: 09/03/2004)
09/10/2004	118	MOTION to Amend/Correct <i>Complaint</i> Motion Hearing set for 10/13/2004 09:30 AM in Syracuse before Magistrate Judge David E. Peebles. Response to Motion due by 9/27/2004 Reply to Response to Motion due by 10/4/2004. by Paul Marriott. (Attachments: # 1 Affidavit Affirmation of Jason Rozger# 2 Proposed Amended Pleading Proposed amended complaint - Exhibit A to Rozger affirmation# 3 Exhibit Exhibit B to Rozger affirmation# 4 Memorandum of Law)(Rozger, Jason) (Entered: 09/10/2004)
09/13/2004	119	REPLY to Response to Motion re 108 MOTION to Set Aside <i>Magistrate's Order Directing the Production of the Dora Hurd Letters</i> filed by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Marangas, Theresa) (Entered: 09/13/2004)
09/13/2004	120	Letter for Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell requesting confirmation of conversation <i>regarding motion schedule</i> . (Marangas, Theresa)

		(Entered: 09/13/2004)
09/14/2004	122	Letter request dd 8/13/2004 by Jason Rozger, Esq for the pltf requesting that the Court extend the time for the pltf to file their reply papers to 9/14/2004 and also extend defts' sur-reply to 9/21/2004; So ORDERED. Signed by Judge David N. Hurd on 9/13/2004. (see) Modified on 9/16/2004, served non-CM/ECF participants via US Mail on 9/16/2004. (see,). (Entered: 09/16/2004)
09/15/2004	121	REPLY to Response to Motion re 109 Cross MOTION for Summary Judgment filed by Paul Marriott. (Attachments: # 1 Affidavit # 2 Statement of Material Facts # 3 Exhibit Exhibit A to Rozger affidavit)(Rozger, Jason) (Entered: 09/15/2004)
09/17/2004		NOTICE of Hearing: Settlement Conference set for 9/24/2004 11:45 AM in Albany before Judge David N. Hurd. (cmr,) (Entered: 09/17/2004)
09/20/2004	123	Letter for Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell requesting confirmation of briefing schedule <i>for pending motions</i> . (Marangas, Theresa) (Entered: 09/20/2004)
09/22/2004		The telephone conference scheduled for 9/24/04 at 2:00 pm in this matter has been cancelled in lieu of a settlement conference before Judge Hurd on 9/24/04 at 11:45 am. (cam,) (Entered: 09/22/2004)
09/22/2004	124	REPLY to Response to Motion re 109 Cross MOTION for Summary Judgment filed by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Attachments: # 1 Amended Statement of Material Facts (Exhibit A))(Marangas, Theresa) (Entered: 09/22/2004)
09/27/2004	125	LETTER BRIEF <i>providing supplemental authority from USCA, 2d Cir.</i> by Paul Marriott. (Attachments: # 1 N.G. v. State of Connecticut decision)(Keach, Elmer) (Entered: 09/27/2004)
09/27/2004	126	Minute Entry for proceedings held before Judge David N. Hurd : Settlement Conference held on 9/24/2004 in Albany, NY. (Court Reporter None) (cmr,) (Entered: 09/27/2004)
09/27/2004		Set/Reset Deadlines as to 108 MOTION to Set Aside <i>Magistrate's Order Directing the Production of the Dora Hurd Letters</i> , 109 Cross MOTION for Summary Judgment, 90 Amended MOTION to Certify Class <i>Refiled to Substitute for Docket Entries 84 through 88</i> . Motion Hearing set for 10/22/2004 10:30 AM in Albany before Judge David N. Hurd. (cmr,) (Entered: 09/27/2004)
10/04/2004	127	RESPONSE to Motion re 118 MOTION to Amend/Correct <i>Complaint</i> filed by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Marangas, Theresa) (Entered: 10/04/2004)
10/04/2004	128	LETTER/REQUEST AND ORDER re 118 MOTION to Amend/Correct <i>Complaint</i> terminated . Signed by Judge David E. Peebles on 10/4/04. (kcl,) (Entered: 10/04/2004)

10/04/2004	<u>129</u>	AMENDED COMPLAINT <i>filed with consent of all parties</i> against all defendants, filed by Paul Marriott.(Rozger, Jason) (Entered: 10/04/2004)
10/05/2004		Test message: Updated counsel of record's primary email address--this entry is just a test to see if the change processed correctly. (wjg,) (Entered: 10/05/2004)
10/06/2004	<u>130</u>	RESPONSE in Support re <u>109</u> Cross MOTION for Summary Judgment filed by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Marangas, Theresa) (Entered: 10/06/2004)
10/06/2004	<u>131</u>	RESPONSE in Support re <u>109</u> Cross MOTION for Summary Judgment (<i>signed</i>) filed by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell. (Marangas, Theresa) (Entered: 10/06/2004)
10/06/2004		Clerk's note: Documents <u>130</u> and <u>131</u> are the same, the only difference is the inclusion of an "s/" on document <u>131</u> , which was counsel's reason for re-filing the document (kcl,) (Entered: 10/06/2004)
10/13/2004		Set/Reset Deadlines as to <u>108</u> MOTION to Set Aside <i>Magistrate's Order Directing the Production of the Dora Hurd Letters</i> , <u>109</u> Cross MOTION for Summary Judgment, <u>90</u> Amended MOTION to Certify Class <i>Refiled to Substitute for Docket Entries 84 through 88</i> . Motion Hearing set for 10/22/2004 10:30 AM in Albany before Judge David N. Hurd. Appearance required. (cmr,) (Entered: 10/13/2004)
10/14/2004	<u>132</u>	ANSWER to Amended Complaint by Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell.(Marangas, Theresa) (Entered: 10/14/2004)
10/25/2004	<u>133</u>	Minute Entry for proceedings held before Judge David N. Hurd : Motion Hearing held on 10/22/2004 in Albany, NY. re <u>108</u> MOTION to Set Aside <i>Magistrate's Order Directing the Production of the Dora Hurd Letters</i> filed by County of Montgomery, Michael Amato, Montgomery County Sheriff's Department, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles, <u>90</u> Amended MOTION to Certify Class <i>Refiled to Substitute for Docket Entries 84 through 88</i> filed by Paul Marriott, <u>109</u> Cross MOTION for Summary Judgment filed by County of Montgomery, Michael Amato, Montgomery County Sheriff's Department, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles, Motions Taken Under Advisement: <u>108</u> MOTION to Set Aside <i>Magistrate's Order Directing the Production of the Dora Hurd Letters</i> , <u>90</u> Amended MOTION to Certify Class <i>Refiled to Substitute for Docket Entries 84 through 88</i> , <u>109</u> Cross MOTION for Summary Judgment. (Court Reporter Bonnie Buckley) (cmr,) (Entered: 10/25/2004)
11/13/2004	<u>134</u>	Letter from Elmer Keach for Paul Marriott requesting Ninety Day Enlargment of Discovery Deadline, On Consent. (Keach, Elmer) (Entered: 11/13/2004)
11/30/2004	<u>135</u>	Minute Entry for proceedings held before Judge David E. Peebles : Telephone Conference held on 11/30/2004. Parties request extension of Discovery deadline, order to be issued re: the same (kcl,) (Entered: 11/30/2004)

11/30/2004	136	SCHEDULING ORDER: Discovery due by 5/31/2005. Motions to be filed by 7/29/2005.. Signed by Judge David E. Peebles on 11/30/04. (kcl,) (Entered: 11/30/2004)
12/06/2004	137	Minute Entry for proceedings held before Judge David E. Peebles : Status Conference held on 12/6/2004. : Defendants' counsel requested this conference call and are asking the Court for a protective order re: the video taped deposition of Deft. Sheriff Amato, which is to take place tomorrow morning. Defendants' counsel requests that the video tape and/or transcript of the deposition not be released to the public and that it is to be used just for litigation purposes. Plaintiff's counsel will not consent to this request. Judge sets up a briefing schedule. Defendants' letter brief is due by 12/10/04 and plaintiff's letter brief is due by 12/16/04 (5 page limit). Judge will then give a ruling as to this issue during a digitally recorded telephone conf. to be held on 1/4/05 at 2:30 p.m.. Defendants' counsel is to place the call. Until this ruling is rendered, Judge Peebles stays public dissemination of the video and/or transcript of Deft. Sheriff Amato's deposition. (sal,) (Entered: 12/07/2004)
12/07/2004		TEXT NOTICE of Hearing: Status Telephone Conference set for 1/4/2005 at 2:30 PM before Magistrate Judge David E. Peebles. Counsel for the parties are instructed to confer with each other at least one (1) week prior to the date of the conference to confirm their availability, and defendants' attorney is directed to make arrangements for initiating the call to counsel for all parties and the court which should be contacted at (315) 234-8620.(sal,) (Entered: 12/07/2004)
12/07/2004		CLERK'S CORRECTION OF DOCKET ENTRY re 138 Document Rejection Order. This document was docketed in the wrong case and is being deleted from the docket. (sal,) (Entered: 12/07/2004)
12/09/2004	138	Letter for Michael Amato, Sue Buddles, County of Montgomery, Montgomery County Sheriff's Department, John Pecora, Jeffrey Smith, Kevin Snell requesting that Defendants' application for a protective order regarding the Sheriff's videotaped deposition be withdrawn. (Marangas, Theresa) (Entered: 12/09/2004)
12/10/2004	139	LETTER/REQUEST AND ORDER re 138 Letter Request, filed by County of Montgomery, et al. Counsel for County advises that they withdraw the request for a protective order within document 138 . Signed by Judge David E. Peebles on 12/10/04. (kcl,) (Entered: 12/13/2004)
12/22/2004	140	MOTION to Intervene <i>on Behalf of Clarendon Insurance Company</i> Motion Hearing set for 1/28/2005 09:30 AM in Albany before Judge David N. Hurd. Response to Motion due by 1/11/2005 Reply to Response to Motion due by 1/18/2005. by Clarendon Insurance Company. (Attachments: # 1 Affidavit Affidavit of Latha Raghavan in Support of Motion to Intervene# 2 Memorandum of Law in Support of Motion to Intervene# 3 Exhibit Exhibit A# 4 Exhibit Exhibit B# 5 Exhibit Exhibit C# 6 Exhibit Exhibit D# 7 Westlaw Cites# 8 Certificate of Service)(Raghavan, Latha) (Entered: 12/22/2004)
12/23/2004		CLERK'S CORRECTION OF DOCKET ENTRY Clerk changes party designation of Clarendon Insurance Company; Filer of document 140 added Clarendon Insurance Co. as an Intervenor Defendant, however party would not become such until the point that the 140 motion to intervene was granted; Clerk changed party designateion of Clarendon Insurance Company to Movant. Upon

		granting of motion, party designation to be changed to Intervenor Defendant (kcl,) (Entered: 12/23/2004)
12/23/2004	141	CERTIFICATE OF SERVICE by Clarendon Insurance Company re 140 MOTION to Intervene <i>on Behalf of Clarendon Insurance Company</i> (Raghavan, Latha) (Entered: 12/23/2004)
01/12/2005	142	Letter from Elmer Keach for Paul Marriott requesting That Motion Papers of Clarendon Insurance Company be Stricken from the Docket for Failure to Comply with Local Rule 7.1(b)(2) or, in the Alternative, For Adjournment of Return Date and Enlargement of Time to Respond. (Keach, Elmer) (Entered: 01/12/2005)
01/12/2005	143	RESPONSE TO LETTER BRIEF filed by Clarendon Insurance Company as to 142 Letter Request, filed by Paul Marriott,. (Raghavan, Latha) (Entered: 01/12/2005)
01/13/2005	144	Letter from Elmer Keach for Paul Marriott requesting Responding to Proposed Intervenor Clarendon Insurance Company's Letter from Yesterday and Requesting Adjournment of Return Date, as Previously Agreed to by all Parties. (Keach, Elmer) (Entered: 01/13/2005)
01/13/2005		ORDER re 142 Letter Request, filed by Paul Marriott, Granted in part and denied in part. Plaintiffs' reponse due by January 20, 2005, at 5:00 p.m. Movant's reply due by January 27, 2005, at 5:00 p.m. Motion to intervene is returnable on January 28, 2005, on submission of the papers. Pursuant to the oral order of Hon. David N. Hurd. (djc,) (Entered: 01/13/2005)
01/14/2005		Copy of 1/13/05 text order was mailed to non-ECF filers. (cbm,) (Entered: 01/14/2005)
01/20/2005	145	RESPONSE to Motion re 140 MOTION to Intervene <i>on Behalf of Clarendon Insurance Company</i> filed by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Marangas, Theresa) (Entered: 01/20/2005)
01/20/2005	146	RESPONSE in Opposition re 140 MOTION to Intervene <i>on Behalf of Clarendon Insurance Company</i> filed by Paul Marriott. (Attachments: # 1 Affirmation of Elmer Keach in Opposition to Motion for Leave to Intervene# 2 Exhibit A to Keach Aff. -- Docket Entries, Marriott v. County of Montgomery# 3 Exhibit B to Keach Aff. -- Deposition of Jeffrey Smith)(Keach, Elmer) (Entered: 01/20/2005)
01/27/2005	147	REPLY to Response to Motion re 140 MOTION to Intervene <i>on Behalf of Clarendon Insurance Company</i> filed by Clarendon Insurance Company. (Attachments: # 1 Exhibit(s) Exhibit A# 2 Memorandum of Law # 3 Certificate of Service)(Raghavan, Latha) (Entered: 01/27/2005)
01/28/2005	148	REPLY to Response to Motion re 140 MOTION to Intervene <i>on Behalf of Clarendon Insurance Company</i> filed by Clarendon Insurance Company. (Attachments: # 1 Cover Letter to Judge# 2 Certificate of Service)(Raghavan, Latha) (Entered: 01/28/2005)
01/28/2005	149	LETTER BRIEF <i>Providing Supplemental Authority to Court</i> by Paul Marriott. (Attachments: # 1 unreported Gary v. Sheahan decision)(Keach, Elmer) (Entered: 01/28/2005)

03/09/2005	150	NOTICE of Change of Address by Elmer R. Keach, III Effective Date March 9, 2005 Old Address: Albany, New York New Address: Amsterdam, New York (Keach, Elmer) (Entered: 03/09/2005)
03/25/2005	151	MEMORANDUM-DECISION & ORDER, that Clarendon's motion to intervene is DENIED; that defts' cross motion for summary judgment is DENIED; that the Magistrate Judge's oral order of 6/24/2004, exemplified by a written order on 7/7/2004 is VACATED; that pltf's motion for class certification is GRANTED; definition of pltf's certified class defined w/in order; that pltf's motion for a preliminary injunction is GRANTED; that defts are PRELIMINARY ENJOINED from conducting a strip search, as set forth in the Jail's change-out procedure, w/regard to all persons being placed into the custody of the Montgomery County Jail after being charge w/misdemeanors, violations, violations of probation or parole, traffic infractions, or other minor crimes, or held on civil matters, w/o reasonable suspicion that such persons are secreting contraband and/or weapons. Signed by Judge David N. Hurd on 3/25/2005. (see) (Entered: 03/25/2005)
03/25/2005	152	ORDER, that defts elect, on or before 4/8/2005, whether to provide notice to the prospective class or provide the information necessary to pltf's so they can provide such notice; that the parties confer on or before 4/18/2005. At such conference, the party providing the notice to the prospective class inform the other party of whether the notice to the prospective class will be individual or general. The parties attempt to agree upon the contents of a proposed notice; that on or before 4/28/2005, the parties submit for approval a proposed joint order setting forth the contents of the proposed notice, or, if an agreement as to content cannot be reached, the parties submit separate proposed notices. Signed by Judge David N. Hurd on 3/25/2005. (see) (Entered: 03/25/2005)
03/25/2005		Served Atty Mason w/file stamped copies of the 151 MDO & 152 Order by regular mail on 3/25/2005. (see) (Entered: 03/25/2005)
03/28/2005	153	NOTICE OF APPEAL as to 151 Order on Motion to Certify Class,,, Order on Motion to Set Aside,,, Order on Motion for Summary Judgment,,, Order on Motion to Intervene,,, by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Marangas, Theresa) (Entered: 03/28/2005)
03/29/2005	154	ELECTRONIC NOTICE sent to US Court of Appeals re 153 Notice of Appeal, (kcl,) (Entered: 03/29/2005)
03/29/2005		CLERK'S CORRECTION OF DOCKET ENTRY re 154 Motion for Preliminary Injunction: Deleted Exhibit A and Exhibit D after speaking with the attorney because they were filed incorrectly. The Attorney (Theresa Marangas) will electronically file Exhibits A and D, as well as additional exhibits later today. (ban) (Entered: 03/29/2005)
03/29/2005		CLERK'S CORRECTION OF DOCKET ENTRY. Clerk deleted originally-filed document #154 (Order to Show Cause) and renumbered 154 Electronic Notice to USCA of Appeal from #153. Corrected Order to Show Cause with complete supporting documentation to be re-filed by counsel. Counsel to notify chambers of re-filing of Order to Show Cause. (wjg,) (Entered: 03/29/2005)

03/29/2005	155	MOTION for Preliminary Injunction <i>to be Stayed Pending Appeal</i> by County of Montgomery, Montogomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Attachments: # 1 Exhibit A - March 25, 2005 Decision and Order# 2 Exhibit B - New MCCF Protocols# 3 Exhibit C - Pecora Affidavit# 4 Exhibit D - Transcript of October 24, 2003 Proceedings# 5 Exhibit E - Notice of Appeal)(Marangas, Theresa) (Entered: 03/29/2005)
03/29/2005	156	ORDER TO SHOW CAUSE why an order should not be entered staying the 3/25/05 order to the extent that it granted a preliminary injunction, pending decision on appeal and / or court ordering security to be posted. Show Cause Hearing set for 4/12/2005 at 2:00 PM in Utica before Judge David N. Hurd. Service deadline is 3/31/05, responsive papers due 4/6/05, reply papers due 4/8/05. Signed by Judge David N. Hurd on 3/29/05. (cbm,) (Entered: 03/29/2005)
03/30/2005		Appeal Filing fee Received: \$ 255.00, receipt number ALB000645 (ban) (Entered: 03/30/2005)
03/31/2005	157	CERTIFICATE OF SERVICE by County of Montgomery, Montogomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles re 155 MOTION for Preliminary Injunction <i>to be Stayed Pending Appeal</i> , 156 Order,, Set Deadlines/Hearings, (Marangas, Theresa) (Entered: 03/31/2005)
04/01/2005	158	AMENDED ELECTRONIC NOTICE sent to US Court of Appeals re 153 Notice of Appeal. Appeal Filing fee of \$255.00 paid 3/30/05. (ban) (Entered: 04/01/2005)
04/07/2005	159	RESPONSE TO ORDER TO SHOW CAUSE filed by Barbara Davis, Andy Rivera, Paul Marriott. (Attachments: # 1 Exhibit(s) Exhibit A to Keach Affirmation -- Schnackenberg Memorandum# 2 Exhibit(s) Exhibit B to Keach Affirmation -- Erik Schnackenberg Deposition# 3 Exhibit(s) Exhibit C to Keach Affirmation -- Sheriff Michael Amato Deposition# 4 Exhibit(s) Exhibit D to Keach Affirmation -- Memoranda regarding change out policy# 5 Exhibit(s) Exhibit E to Keach Affirmation -- herpes diagnosis information# 6 Exhibit(s) Exhibit F to Keach Affirmation -- National Herpes Resource Center fact sheet# 7 Exhibit(s) Exhibit G to Keach Affirmation -- Undersheriff Jeffrey Smith Deposition# 8 Memorandum of Law)(Keach, Elmer) (Entered: 04/07/2005)
04/07/2005	160	Letter from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Enlargement of Time to File Response Papers. (Keach, Elmer) (Entered: 04/07/2005)
04/07/2005	161	Endorsement ORDER granting the 160 Letter Request filed by Elmer Keach, Esq for Barbara Davis, Paul Marriott, & Andy Rivera. Signed by Judge David N. Hurd on 4/7/2005. (see) (Entered: 04/07/2005)
04/07/2005		Faxed & mailed a copy of the 161 Endorsement Order to Atty Mason on 4/7/2005. (see) (Entered: 04/07/2005)
04/12/2005	162	ORDER : pltf's shall not be required to post supersedeas bond; defts' 155 Motion for supersedeas bond and / or to stay Preliminary Injunction ending appeal is DENIED in all respects. Signed by Judge David N. Hurd on 4/12/05. (cbm,)

		(Entered: 04/12/2005)
04/14/2005	163	Minute Entry for proceedings held before Judge David N. Hurd : Motion Hearing held on 4/12/2005 in Utica, NY. re 155 MOTION for Preliminary Injunction <i>to be Stayed Pending Appeal</i> filed by County of Montgomery,, Michael Amato,, Montgomery County Sheriff's Department,, Jeffrey Smith,, Kevin Snell,, John Pecora,, Sue Buddles,--DENIED. Ct. to issue summary order. (Court Reporter Nancy Freddoso) (cmr,) (Entered: 04/14/2005)
04/18/2005	164	Letter for County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles requesting a telephone conference with Magistrate Peebles. (Marangas, Theresa) (Entered: 04/18/2005)
04/19/2005		TEXT NOTICE of Hearing: Status Telephone Conference set for 4/29/2005 at 3:00 PM before Magistrate Judge David E. Peebles. Counsel for the parties are instructed to confer with each other at least one (1) week prior to the date of the conference to confirm their availability, and Attorney Theresa Marangas is directed to make arrangements for initiating the call to counsel for all parties and the court which should be contacted at (315) 234-8620.(sal,) (Entered: 04/19/2005)
04/29/2005		TEXT NOTICE of Hearing: Due to a conflict w/ Judge Peebles' schedule that has arisen today, and a trial starting the week of 5/2/05, the Status Telephone Conference set for today at 3:00 PM has been adjourned until 5/13/2005 at 3:30 PM before Magistrate Judge David E. Peebles. PLEASE MARK YOUR CALENDARS ACCORDINGLY RE: THIS DATE AND TIME CHANGE. CRD for Judge Peebles has also notified the parties of this change by phone. (sal,) (Entered: 04/29/2005)
04/29/2005	166	TRANSCRIPT of a Return on Order to Show Cause held on 4/12/2005 before Judge Hurd. Court Reporter: Nancy Freddoso. (see) (Entered: 05/02/2005)
04/30/2005	165	Letter from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Joint Enlargement of Time to Submit Proposed Class Notices to Court until May 6, 2005. (Keach, Elmer) (Entered: 04/30/2005)
05/02/2005	167	Endorsement ORDER granting the 165 Letter Request filed by Barbara Davis, Paul Marriott, & Andy Rivera. Signed by Judge David N. Hurd on 5/2/2005. (see) (Entered: 05/03/2005)
05/03/2005		Served a copy of the 167 Order upon Atty Mason by regular mail on 5/3/2005. (see) (Entered: 05/03/2005)
05/11/2005	168	NOTICE by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles <i>to Class members as proposed by Defendants</i> (Attachments: # 1 Proposed Notice of Class Action# 2 Proposed Short Notice)(Marangas, Theresa) (Entered: 05/11/2005)
05/11/2005	169	LETTER BRIEF <i>providing Plaintiffs' Proposed Class Notices to the Court</i> by Barbara Davis, Andy Rivera, Paul Marriott. (Attachments: # 1 Supplement Plaintiffs' Proposed Long Form Notice# 2 Supplement Plaintiffs' Proposed Short Form Notice# 3 Supplement Defendants' Proposed Short Form Notice, May 6,

		2005# 4 Supplement Defendants' Proposed Short Form Notice--05.09.05# 5 Supplement Defendants' Proposed Long Form Notice -- 05.06.09# 6 Supplement Defendants' Proposed Long Form Notice -- 05.09.05)(Keach, Elmer) (Entered: 05/11/2005)
05/12/2005	170	CERTIFICATE OF SERVICE by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles <i>of letter to Hon. David N. Hurd with Proposed Class Notices</i> (Marangas, Theresa) (Entered: 05/12/2005)
05/12/2005	171	TRANSCRIPT of Proceedings (Motion - Oral Argument) held on October 22, 2004 before Judge David N. Hurd. Court Reporter: Bonnie J. Buckley, RPR. (ban) (Entered: 05/12/2005)
05/13/2005	172	MOTION for Preliminary Injunction <i>by Order to Show Cause Seeking certification for immediate appellate review pursuant to 28 U.S.C. 1292(b)</i> by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Attachments: # 1 Declaration # 2 Exhibit A# 3 Memorandum of Law)(Marangas, Theresa) (Entered: 05/13/2005)
05/13/2005		TEXT Minute Entry for proceedings held before Judge David E. Peebles : Status Conference held on 5/13/2005. Defendant's counsel states that they are appealing Judge Hurd's order re: class certification and a preliminary injunction. Parties have been advised by the Second Circuit that oral argument regarding the pending appeal will be heard no sooner than 8/22/05. Plaintiff's counsel states that the County Defts. haven't timely filed the appeal re: the class certification, but have done so w/ respect to the preliminary injunction. Plaintiff's oppose any effort to stay case pending decision on the appeal or any request to extend the discovery deadline. Judge stays all discovery on the question of damages. Defendant's time to disclose expert reports re: liability is extended until 6/17/05. Plaintiff's time to disclose expert reports re: liability is extended until 7/15/05. Expert depositions must be completed by 8/19/05. Motion filing deadline is extended until 9/30/05. Case will be tracked for ninety days to see if there is a decision from the Second Circuit. Judge may schedule another telephone conference in early fall. APP: Charlie Schneider, Esq, Bob Keach, Esq. for Pltf. and Joseph Francour, Esq., Theresa Marangas, Esq. for Defts.. (sal,) (Entered: 05/16/2005)
05/16/2005		TEXT SCHEDULING ORDER: Defendant's expert reports re: liability are to be disclosed by 6/17/05. Plaintiff's expert reports re: liability are to be disclosed by 7/15/05. Expert depositions must be completed by 8/19/05. Motions to be filed deadline is extended until 9/30/2005. Endorsed by Judge David E. Peebles on 5/16/05. (sal,). (Entered: 05/16/2005)
05/16/2005	173	Letter from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting That Request for Order to Show Cause Be Denied, or, in the Alternative, that Order Provide Dates for Plaintiffs to Serve Rule 11 Letter and to Cross-Move for Sanctions. (Keach, Elmer) (Entered: 05/16/2005)
05/17/2005	174	ORDER denying the 172 Application for an Order to Show Cause. Signed by Judge David N. Hurd on 5/17/2005. (see) (Entered: 05/17/2005)

05/17/2005		Served a copy of the 174 Order on Motion for Preliminary Injunction upon Gary Mason by regular mail on 5/17/2005. (see) (Entered: 05/17/2005)
05/18/2005	175	LETTER BRIEF <i>in response to plaintiffs' letter of May 11, 2005</i> by County of Montgomery, Montogomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Marangas, Theresa) (Entered: 05/18/2005)
05/20/2005	176	USCA Scheduling Order as to 153 Notice of AppealUSCA Case No. 05-1590. Appealed to: 2nd circuit. Appeal Record due by 6/7/2005. (kcl,) (Entered: 05/20/2005)
05/20/2005	177	ELECTRONIC CERTIFICATION to US Court of Appeals of Record on Appeal re 153 Notice of Appeal, (kcl,) (Entered: 05/20/2005)
06/01/2005	178	MOTION for Certificate of Appealability <i>Pursuant to 28 U.S.C 1292(b)</i> Motion Hearing set for 7/22/2005 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 7/5/2005 Reply to Response to Motion due by 7/11/2005. Motion Hearing set for 7/22/2005 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 7/5/2005 Reply to Response to Motion due by 7/11/2005. by County of Montgomery, Montogomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Attachments: # 1 Memorandum of Law # 2 Affidavit # 3 Exhibit A)(Marangas, Theresa) (Entered: 06/01/2005)
06/02/2005	179	CERTIFICATE OF SERVICE by County of Montgomery, Montogomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles of <i>Notice of Motion for 28 U.S.C. 1292(b) Certification to Allow an Application for Immediate Appeal</i> (Marangas, Theresa) (Entered: 06/02/2005)
06/03/2005	180	ORDER, that Class counsel send the Notice of Class Action in the form issued by the Clerk of the Court by First Class Mail to all class members at the address provided in Montgomery County's booking records on or before 8/31/2005; that Class counsel publish the short form Notice of Class Action as issued by the Clerk of the Court on at least three occasions in the Amsterdam Recorder on or before 9/30/2005; No website will be permitted. Signed by Judge David N. Hurd on 6/3/2005. (Attachments: # 1 Class Notice# 2 Short Class Notice)(see) (Entered: 06/03/2005)
06/03/2005		Served a file stamped copy of the 180 Order upon Atty Mason (non-ECF filer) by regular mail on 6/3/2005. (see) (Entered: 06/03/2005)
06/21/2005	181	Letter from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Discovery Conference submitted to Judge David E. Peebles. (Keach, Elmer) (Entered: 06/21/2005)
06/24/2005		At the consent of all parties, a telephone conference has been scheduled in this matter for 6/29/05 at 3:00 pm (Atty. Keach is to initiate the call. (cam,) (Entered: 06/24/2005)
06/29/2005		TEXT Minute Entry for proceedings held before Judge David E. Peebles : Status Conference held on 6/29/2005. APP: Bob Keach, Esq., Theresa Marangas, Esq. & Joseph Francour, Esq.. Defendant's counsel consents to have the deposition of Mr. Savoy taken. Judge directs that this deposition is to be completed w/in 30

		days from today's date. Defendant's counsel requests an extension of the amended expert report filing deadline. Judge DENIES this request and states that defendant's counsel has not established good cause as to why this deadline should be extended. Judge schedules a settlement conference for 7/20/05 at 1:00 PM in Albany. Ex parte settlement statements are due 10 days prior to this conference date. (sal,) (Entered: 06/30/2005)
06/30/2005		TEXT NOTICE of Hearing: In-Person Settlement Conference set for 7/20/2005 at 1:00 PM in Albany before Magistrate Judge David E. Peebles. At that conference the parties are directed to appear in person, through counsel and, unless specifically excused by the court prior to the time of the conference, by a representative of the party with full authority to enter into binding agreements on behalf of that party in connection with this litigation. In preparation for the scheduled settlement conference, not later than July 11, 2005, the parties shall submit directly to my chambers a short, concise statement setting forth the material facts of the case, together with an indication of which if any are disputed; providing a synopsis of the parties' respective legal positions concerning any issues presented in the case; and outlining any settlement discussions which have occurred. That confidential statement, which shall not be filed with the court clerk and need not be served upon opposing counsel, should also include an assessment of the strength and weaknesses of the party's position in the case together with a candid indication of the party's settlement position.(sal,) (Entered: 06/30/2005)
07/01/2005	182	RESPONSE to Motion re 178 MOTION for Certificate of Appealability Pursuant to 28 U.S.C 1292(b) withdrawing the motion filed by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Marangas, Theresa) (Entered: 07/01/2005)
07/12/2005	183	Letter from Theresa Marangas for County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles requesting an extension of the deadline for the non-party deposition of the Commission of Correction submitted to Judge Peebles <i>on behalf of all parties</i> . (Marangas, Theresa) (Entered: 07/12/2005)
07/12/2005	184	Letter from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Responding to Defendants' Withdrawal of Request for Certificate of Appealability submitted to Judge David N. Hurd. (Attachments: # 1 Exhibit(s) Rule 11 Demand Letter to Defendants)(Keach, Elmer) (Entered: 07/12/2005)
07/13/2005	185	LETTER REQUEST AND ORDER; Letter addressed to MJ Peebles requesting that Mr. Savoy's deposition be postponed to 8/1/05; So Ordered. Signed by Judge David E. Peebles on 7/13/05. (kcl,) (Entered: 07/13/2005)
07/19/2005	186	Letter from Theresa B. Marangas for County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles submitted to Judge David N. Hurd. (Marangas, Theresa) (Entered: 07/19/2005)
07/20/2005		TEXT Minute Entry for proceedings held before Judge David E. Peebles : Settlement Conference held on 7/20/2005 in Albany. After lengthy settlement discussions, case does not settle. However, parties are going to continue their

		settlement discussions and will report back to the court in a couple of weeks as to the status. Judge will schedule a telephone conference in a couple of weeks to discuss status of settlement discussions. APP: Bruce Menken, Esq., Elmer Keach, III, Esq., Joseph Francour, Esq., Theresa Marangas, Esq., Dave Barrocas, Scott Bertschi, Rona Platt, Terry Gilroy, & Jonathan Bernstein. (sal,) (Entered: 07/22/2005)
08/03/2005		TEXT NOTICE of Hearing: A Telephone Conference has been set for 8/16/2005 at 2:00 PM before Magistrate Judge David E. Peebles. Atty. Marangas will initiate the call to Chambers. She has confirmed w/ all of the parties re: this time and date for the conference. (sal,) (Entered: 08/03/2005)
08/15/2005	187	Letter from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Providing Additional Authority to the Court In Preparation for Telephone Conference submitted to Judge David E. Peebles. (Attachments: # 1 Exhibit(s) Decision of the Court in Kelsey v. County of Schoharie)(Keach, Elmer) (Entered: 08/15/2005)
08/17/2005		TEXT Minute Entry for proceedings held before Judge David E. Peebles : Status Conference held on 8/17/2005. Judge discusses settlement w/ the parties. Plaintiff's counsel will be moving for summary judgment by the end of the month. If both parties believe that another settlement conference would be beneficial, then they are to contact Chambers and one will be scheduled for Albany. No further telephone conference is scheduled w/ Judge Peebles. (sal,) (Entered: 08/17/2005)
08/31/2005	188	Letter from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Enlargement of Time to Mail Long Form Class Notice Until September 9, 2005 submitted to Judge David N. Hurd <i>On Consent</i> . (Keach, Elmer) (Entered: 08/31/2005)
09/02/2005	189	Endorsement ORDER granting the 188 Letter Request filed by Barbara Davis, Paul Marriott, & Andy Rivera. Signed by Judge David N. Hurd on 9/2/2005. (see) (Entered: 09/02/2005)
09/02/2005		Served a copy of the 189 Order upon Attorney Gary Mason by regular mail on 9/2/2005. (see) (Entered: 09/02/2005)
09/08/2005	190	MOTION Limit Damages pursuant to the PLRA and to Dismiss the Official Capacity Claims and the Claim against the Sheriff's Department as Redundant to the Claim against Montgomery County Motion Hearing set for 10/14/2005 10:00 AM in Utica before Judge David N. Hurd. Response to Motion due by 9/27/2005 Reply to Response to Motion due by 10/3/2005. by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Attachments: # 1 Memorandum of Law # 2 Attorney Affidavit in Support# 3 Exhibit A - Class Action Complaint# 4 Exhibit B - Amended Complaint# 5 Exhibit C - Kelsey Decision# 6 Exhibit D - Steinberg v. County of Rockland# 7 Exhibit E - Schnackenberg Deposition# 8 Exhibit F - Denton Deposition# 9 Exhibit G - Gardner Deposition# 10 Exhibit H - Snall v. City of New York# 11 Exhibit I - Corona v. Lunn# 12 Exhibit J - Azzam v. Travelers Ins. Co.# 13 Exhibit K - LaCorte v. Hudacs# 14 Exhibit L - Petty v. Goord# 15 Exhibit M - Porter v. Coombe# 16 Exhibit N - Thompkins v. Wayne# 17 Exhibit O - Lawrence Deposition# 18 Exhibit P - Affidavit of George

		M. Camp)(Marangas, Theresa) (Entered: 09/08/2005)
09/27/2005	191	RESPONSE in Opposition re 190 MOTION Limit Damages pursuant to the PLRA and to Dismiss the Official Capacity Claims and the Claim against the Sheriff's Department as Redundant <i>to the Claim against Montgomery County</i> filed by Barbara Davis, Andy Rivera, Paul Marriott. (Attachments: # 1 Exhibit(s) Canady decision# 2 Exhibit(s) Chairman's Memorandum# 3 Exhibit(s) Gary Decision# 4 Exhibit(s) Gibson Decision# 5 Exhibit(s) Rivera Decision# 6 Exhibit(s) Thomas Decision)(Keach, Elmer) (Entered: 09/27/2005)
09/29/2005	192	Letter Motion for County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles requesting permission to submit a late Statement of Material Facts submitted to Judge Hurd. (Marangas, Theresa) (Entered: 09/29/2005)
09/30/2005	193	NOTICE by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles re 192 Letter Motion for County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles requesting permission to submit a late Statement of Material Facts submitted to Judge Hurd <i>has been consented to by plaintiffs</i> (Marangas, Theresa) (Entered: 09/30/2005)
09/30/2005	194	Letter Motion from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Enlargement of Motion Deadline to October 14, 2005, on consent submitted to Judge David N. Hurd. (Keach, Elmer) (Entered: 09/30/2005)
09/30/2005	195	STATUS REPORT <i>Regarding Provision of Class Notice</i> by Barbara Davis, Andy Rivera, Paul Marriott. (Keach, Elmer) (Entered: 09/30/2005)
10/03/2005	196	NOTICE by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles <i>that plaintiffs have granted defendants a one-day extension to submit Reply Brief and Material Statement of Facts</i> (Marangas, Theresa) (Entered: 10/03/2005)
10/04/2005	197	Endorsement ORDER granting the 194 Letter Motion from Elmer Keach for Barbara Davis, Andy Rivera, & Paul Marriott requesting Enlargement of Motion Deadline to October 14, 2005, on consent submitted to Judge David N. Hurd. Motions to be filed by 10/14/2005.Signed by Judge David N. Hurd on 10/3/2005. (see) (Entered: 10/04/2005)
10/04/2005		Served a copy of the 197 Order upon Atty Mason by regular mail on 10/4/2005. (see) (Entered: 10/04/2005)
10/04/2005	198	REPLY to Response to Motion re 190 MOTION Limit Damages pursuant to the PLRA and to Dismiss the Official Capacity Claims and the Claim against the Sheriff's Department as Redundant <i>to the Claim against Montgomery County</i> filed by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Attachments: # 1 Statement of Material Facts)(Marangas, Theresa) (Entered: 10/04/2005)

10/04/2005	199	Endorsement ORDER granting the 192 Letter Motion from Theresa Marangas, Esq for defts. Signed by Judge David N. Hurd on 10/3/2005. (see) (Entered: 10/05/2005)
10/05/2005		Served a copy of the 199 Order upon Atty Mason by regular mail on 10/5/2005. (see) (Entered: 10/05/2005)
10/05/2005		NOTICE of Hearing on Motion 190 MOTION Limit Damages pursuant to the PLRA and to Dismiss the Official Capacity Claims and the Claim against the Sheriff's Department as Redundant <i>to the Claim against Montgomery County</i> : Motion Hearing set for 10/14/2005 10:30 AM in Utica before Judge David N. Hurd. Appearance required. Please adjust your records to reflect this change.(cmr,) (Entered: 10/05/2005)
10/05/2005		Set/Reset Deadlines as to 190 MOTION Limit Damages pursuant to the PLRA and to Dismiss the Official Capacity Claims and the Claim against the Sheriff's Department as Redundant <i>to the Claim against Montgomery County</i> . Motion Hearing set for 10/14/2005 10:30 AM in Utica before Judge David N. Hurd. (cmr,) (Entered: 10/05/2005)
10/14/2005	200	LETTER BRIEF <i>providing supplemental authority to Court on PLRA issue</i> by Barbara Davis, Andy Rivera, Paul Marriott. (Attachments: # 1 Supplement Transcript of Proceedings in McDaniel v. County of Schenectady, 9.29.05)(Keach, Elmer) (Entered: 10/14/2005)
10/14/2005	201	ORDER, that defts' motion to limit the type of compensation under the Prison Litigation Reform Act, 42 U.S.C. 1997e(e) is DENIED; that defts' motion to dismiss the claim for punitive damages is DENIED without prejudice; & that defts' motion to dismiss the complaint against the debt Montgomery County Sheriff's Department & defts Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora & Sue Buddles in their official capacities is GRANTED as the debt County of Montgomery is liable for the acts of the Montgomery County Sheriff's Dept, which is not a legal entity, & for the acts of the remaining defts in their official capacities as employees of the County of Montgomery. Signed by Judge David N. Hurd on 10/14/2005. (see) (Entered: 10/14/2005)
10/14/2005		Served a copy of the 201 Order upon Atty Mason by regular mail on 10/14/2005. (see) (Entered: 10/14/2005)
10/14/2005	202	(terminated) MOTION for Partial Summary Judgment , <i>Provision of Permanent Injunction, Preclusion of Expert Testimony, and for Interim Award of Attorneys' Fees</i> Motion Hearing set for 11/25/2005 10:00 AM in Albany before Judge David N. Hurd. Response to Motion due by 11/8/2005 Reply to Response to Motion due by 11/14/2005. by Barbara Davis, Andy Rivera, Paul Marriott. (Attachments: # 1 Memorandum of Law # 2 Statement of Material Facts # 3 Affirmation Affirmation of Elmer Keach# 4 Exhibit(s) Exhibit A to Keach Affirmation -- Affidavit of John Pecora# 5 Exhibit(s) Exhibit B -- 30b6 deposition, day one# 6 Exhibit(s) Exhibit C -- 30b6 deposition, day 2)(Keach, Elmer) Modified on 10/17/2005 (kcl,). (Entered: 10/14/2005)
10/14/2005	203	Amended MOTION for Partial Summary Judgment , <i>Permanent Injunction, Preclusion of Expert Testimony and Interim Award of Attorneys' Fees (Corrected to Include All Exhibits)</i> Motion Hearing set for 11/25/2005 10:00 AM in Albany

		before Judge David N. Hurd. Response to Motion due by 11/8/2005 Reply to Response to Motion due by 11/14/2005. by Barbara Davis, Andy Rivera, Paul Marriott. (Attachments: # 1 Memorandum of Law # 2 Statement of Material Facts # 3 Affirmation Affirmation of Elmer Keach in Support of Motion# 4 Exhibit(s) Exhibit A -- Affirmation of John Pecora# 5 Exhibit(s) Exhibit B to Keach Affirmation -- Rule 30(b)(6) deposition of Montgomery County, Day One# 6 Exhibit(s) Exhibit C to Keach Affirmation -- Rule 30(b)(6) deposition of Montgomery County, Day Two# 7 Exhibit(s) Exhibit D to Keach Affirmation -- Deposition of Sheriff Michael Amato# 8 Exhibit(s) Exhibit E to Keach Affirmation -- Letter from Francoeur to Judge David Peebles, dated December 27, 2003# 9 Exhibit(s) Exhibit E & F to Keach Affirmation -- Montgomery County Search Policies, 1996, 2003# 10 Exhibit(s) Exhibit H & I to Keach Affirmation -- Montgomery County Admission Policies, 1996, 2003# 11 Exhibit(s) Exhibit J to Keach Affirmation -- Memoranda on possible change in strip search policies# 12 Exhibit(s) Exhibit K -- Memorandum by Michael Franko, March 25, 2005# 13 Exhibit(s) Exhibit L to Keach Affirmation -- Transcript of Oral Argument, October 22, 2004# 14 Exhibit(s) Exhibit M to Keach Affirmation -- Decision and Order of Court, March 25, 2003# 15 Exhibit(s) Exhibit N to Keach Affirmation -- Defendants' Supplemental Expert Disclosure for George Camp# 16 Exhibit(s) Exhibit O to Keach Affirmation -- Defendants' Second Supplemental Expert Disclosure for George Camp)(Keach, Elmer) (Entered: 10/14/2005)
10/17/2005		CLERK'S CORRECTION OF DOCKET ENTRY; Clerk terminated pending status of 202 motion as it was amended by the filing of the 203 motion (kcl,) (Entered: 10/17/2005)
10/17/2005	204	Minute Entry for proceedings held before Judge David N. Hurd : Motion Hearing held on 10/14/2005 in Utica, NY. re 190 MOTION Limit Damages pursuant to the PLRA and to Dismiss the Official Capacity Claims and the Claim against the Sheriff's Department as Redundant <i>to the Claim against Montgomery County</i> filed by County of Montgomery,, Michael Amato,, Montogomery County Sheriff's Department,, Jeffrey Smith,, Kevin Snell,, John Pecora,, Sue Buddles,--GRANTED IN PART/DENIED IN PART. Summary order to be filed. (Court Reporter Nancy Freddoso) (cmr,) (Entered: 10/17/2005)
10/31/2005	205	TRANSCRIPT of a Motion held on 10/14/2005 before Judge Hurd, Court Reporter: Nancy Freddoso - maintained in Clerk's Office and not available for electronic viewing. (see) (Entered: 11/01/2005)
11/08/2005		NOTICE of Hearing on Motion 203 Amended MOTION for Partial Summary Judgment , <i>Permanent Injunction, Preclusion of Expert Testimony and Interim Award of Attorneys' Fees (Corrected to Include All Exhibits)</i>: Video Motion Hearing set for 11/29/2005 11:15 AM, 1st Floor Video Conference Room in Albany before Judge David N. Hurd. Appearance required. Please adjust your calendars to reflect this change.(cmr,) (Entered: 11/08/2005)
11/08/2005		Set/Reset Deadlines as to 203 Amended MOTION for Partial Summary Judgment , <i>Permanent Injunction, Preclusion of Expert Testimony and Interim Award of Attorneys' Fees (Corrected to Include All Exhibits)</i>. Video Motion Hearing set for 11/29/2005 11:15 AM, 1st Floor Video Conference Room in Albany before Judge David N. Hurd. (cmr,) (Entered: 11/08/2005)

11/08/2005	206	Letter Motion from Theresa B. Marangas for County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles requesting Adjournment of plaintiffs' Motion for Summary Judgment submitted to Judge David N. Hurd. (Marangas, Theresa) (Entered: 11/08/2005)
11/08/2005	207	MOTION for Certificate of Appealability of <i>Order denying Defendants' Motion for Partial Summary Judgment</i> Motion Hearing set for 12/9/2005 10:00 AM in Utica before Judge David N. Hurd. Response to Motion due by 11/22/2005 Reply to Response to Motion due by 11/28/2005. Motion Hearing set for 12/9/2005 10:00 AM in Utica before Judge David N. Hurd. Response to Motion due by 11/22/2005 Reply to Response to Motion due by 11/28/2005. by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Attachments: # 1 Memorandum of Law # 2 Affidavit # 3 Exhibit(s) A# 4 Exhibit(s) B# 5 Exhibit(s) C# 6 Exhibit(s) D# 7 Exhibit(s) E)(Marangas, Theresa) (Entered: 11/08/2005)
11/10/2005		Set/Reset Deadlines as to 203 Amended MOTION for Partial Summary Judgment , <i>Permanent Injunction, Preclusion of Expert Testimony and Interim Award of Attorneys' Fees (Corrected to Include All Exhibits)</i> , 207 MOTION for Certificate of Appealability of <i>Order denying Defendants' Motion for Partial Summary Judgment</i> . Response to Motion due by 11/22/2005 Reply to Response to Motion due by 11/28/2005. Motion Hearing set for 12/15/2005 10:00 AM in Utica before Judge David N. Hurd. Appearance required. Please adjust your records to reflect this change. (cmr,) (Entered: 11/10/2005)
11/10/2005	208	NOTICE by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles re 206 Letter Motion from Theresa B. Marangas for County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles requesting Adjournment of plaintiffs' Motion for Summary Judgment <i>su is being withdrawn in light of Court's resetting of briefing deadlines and hearing dates</i> (Marangas, Theresa) (Entered: 11/10/2005)
11/21/2005	209	RESPONSE in Opposition re 203 Amended MOTION for Partial Summary Judgment , <i>Permanent Injunction, Preclusion of Expert Testimony and Interim Award of Attorneys' Fees (Corrected to Include All Exhibits)</i> filed by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Attachments: # 1 Statement of Material Facts # 2 Affidavit # 3 Exhibit(s) A# 4 Exhibit(s) B# 5 Exhibit(s) C# 6 Exhibit(s) D# 7 Exhibit(s) E# 8 Affidavit of George Camp)(Marangas, Theresa) (Entered: 11/21/2005)
11/22/2005	210	AFFIDAVIT in Opposition re 207 MOTION for Certificate of Appealability of <i>Order denying Defendants' Motion for Partial Summary Judgment</i> filed by Barbara Davis, Andy Rivera, Paul Marriott. (Attachments: # 1 Exhibit(s) A, District Judge decision in Kelsey v. County of Schoharie# 2 Exhibit(s) B, transcript in McDaniel v. County of Schenectady# 3 Memorandum of Law)(Rozger, Jason) (Entered: 11/22/2005)

11/28/2005		Set/Reset Deadlines as to 203 Amended MOTION for Partial Summary Judgment , <i>Permanent Injunction, Preclusion of Expert Testimony and Interim Award of Attorneys' Fees (Corrected to Include All Exhibits)</i> , 207 MOTION for Certificate of Appealability of <i>Order denying Defendants' Motion for Partial Summary Judgment</i> . Motion Hearing reset for 12/15/2005 02:00 PM in Utica before Judge David N. Hurd. Appearance required. Please adjust your calendars to reflect this change. (cmr,) (Entered: 11/28/2005)
11/28/2005	211	Letter Motion from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Enlargement of Time to File Reply Papers submitted to Judge David N. Hurd <i>Joint Request, on Consent</i> . (Keach, Elmer) (Entered: 11/28/2005)
11/29/2005		TEXT Minute Entry for proceedings held before Judge David E. Peebles : Status Telephone Conference held on 11/29/2005. In light of the recent decision/summary order from the Second Circuit Court of Appeals, Judge Peebles believes that maybe the parties can discuss settlement options further. Parties report that they may set up a mediation session through an independent mediator from NYC. Plaintiff's counsel is not opposed to having an independent mediator, but has concerns w/ bringing someone up to speed w/ this case, which may be costly and time consuming. Judge believes that having an independent mediator might be beneficial to the parties and will leave it up to them to request a settlement conference w/ the court, if consented to. Parties will continue to explore this further. Plaintiff's counsel has issued a written demand. Defendants' counsel has issued a counter-proposal with two options proposed. Plaintiff's counsel has issued another settlement proposal on 11/22/05 and would like some clarification re: some of the issues contained w/in defendants' counter-proposal. Parties will continue this dialogue and will report on the status at the next telephone conference. Next telephone conference is scheduled for 12/7/05 at 3:00 PM. Defendants' counsel is to initiate the call. APP: Jason Rozger, Esq., Bruce Menken, Esq., Bob Keach, Esq., Joseph Francour, Esq., & Theresa Marangas, Esq.. (sal,) (Entered: 11/29/2005)
11/29/2005		TEXT NOTICE of Hearing: Status Telephone Conference set for 12/7/2005 at 3:00 PM before Magistrate Judge David E. Peebles. Defendants' attorney is directed to make arrangements for initiating the call to counsel for all parties and the court which should be contacted at (315) 234-8620.(sal,) (Entered: 11/29/2005)
11/29/2005	212	Endorsement ORDER granting 211 Letter Request. Signed by Judge David N. Hurd on 11/28/2005. (see) (Entered: 11/30/2005)
11/30/2005		Served a copy of the 212 Order on non-CM/ECF participant Atty Mason by regular mail on 11/30/2005. (see) (Entered: 11/30/2005)
11/30/2005	213	Letter Motion from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting One day enlargment of time to file Reply Brief submitted to Judge David N. Hurd. (Keach, Elmer) (Entered: 11/30/2005)
11/30/2005	214	REPLY to Response to Motion re 207 MOTION for Certificate of Appealability of <i>Order denying Defendants' Motion for Partial Summary Judgment</i> filed by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Marangas, Theresa) (Entered: 11/30/2005)

12/01/2005	215	REPLY to Response to Motion re 203 Amended MOTION for Partial Summary Judgment , <i>Permanent Injunction, Preclusion of Expert Testimony and Interim Award of Attorneys' Fees (Corrected to Include All Exhibits)</i> filed by Barbara Davis, Andy Rivera, Paul Marriott. (Attachments: # 1 Exhibit(s) Exhibit A to Keach Affirmation -- Defendants' Statement of Material Fact, August 5, 2004# 2 Exhibit(s) Exhibit B to Keach Affirmation -- Plaintiffs' Notice of Deposition of Defendant Montgomery County, dated September 22, 2003# 3 Exhibit(s) Exhibit C to Keach Affirmation -- Order of USMJ David E. Peebles, dated February 17, 2003# 4 Exhibit(s) Exhibit D to Keach Affirmation -- Deposition of Michael Franko, dated March 8, 2004# 5 Exhibit(s) Exhibit E to Keach Affirmation -- Decision of USCA, Second Circuit, dated November 23, 2005# 6 Memorandum of Law)(Keach, Elmer) (Entered: 12/01/2005)
12/05/2005	216	Endorsement ORDER granting the 213 Letter Request. Signed by Judge David N. Hurd on 12/5/2005. (see) (Entered: 12/05/2005)
12/05/2005		Served a copy of the 216 Order on Letter Request on Atty Mason by regular mail on 12/5/2005. (see) (Entered: 12/05/2005)
12/07/2005		At the request of Atty. Marangas the telephone conference scheduled for today at 3:00 pm has been rescheduled to 12/13/05 at 4:30 pm (Atty. Marangas is to initiate the call). Chambers has spoken with plaintiffs' counsel and they consent to this date and time. (cam,) (Entered: 12/07/2005)
12/13/2005		TEXT Minute Entry for proceedings held before Judge David E. Peebles : Telephone Conference held on 12/13/2005. Defendants have made an offer on 11/7/05. Plaintiff has responded to that offer w/ an option A and B for their review. Defendants have now raised other issues regarding this settlement, however, plaintiff is willing to discuss these issues w/ them. Judge directs the parties to continue with settlement negotiations. Oral argument on the pending motion is going forward as scheduled before Judge Hurd. (sal,) (Entered: 12/14/2005)
12/16/2005	217	Minute Entry for proceedings held before Judge David N. Hurd : Motion Hearing held on 12/16/2005 in Utica, New York. (Court Reporter Nancy Freddoso) (cmr,) (Entered: 12/16/2005)
12/19/2005	218	MANDATE of USCA as to 153 Notice of Appeal, Judgment of District Court is affirmed(kcl,) (Entered: 12/29/2005)
04/12/2006	219	MEMORANDUM-DECISION & ORDER & PERMANENT INJUNCTION: that pltfs' motion for partial summary judgment as to the liability of the County is GRANTED; pltfs' motion to preclude the testimony of George M. Camp is GRANTED; pltfs' motion for a permanent injunction is GRANTED; defts are PERMANENTLY ENJOINED from conducting a strip search, as set forth in the Jail's "change out" procedure, w/regard to all persons being placed into the custody of the Montgomery County Jail after being charged w/misdemeanors, violations, violations of probation or parole, traffic infractions or other minor crimes, or held on civil matters, w/o reasonable suspicion that such persons are secreting contraband and/or weapons; pltfs' motion for an interim award of attys' fees & expenses against the County is GRANTED; pltfs shall file & serve, on or before 4/26/2006, an appropriate application for interim attys' fees & expenses for work performed up to 4/26/2006; defts may file & serve a response on or

		before 5/10/2006; the application will be taken on submit; & defts' motion for a COA is DENIED. Signed by Judge David N. Hurd on 4/12/2006. (see) (Entered: 04/12/2006)
04/12/2006	220	ORDER: that the case is referred to the Magistrate Judge to make a final effort at settlement & to clarify & finalize the status of the pltf class. The Magistrate Judge's report, shall be due on or before 5/31/2006. If there is no settlement, a trial date will be set immediately thereafter. Signed by Judge David N. Hurd on 4/10/2006. (see) (Entered: 04/12/2006)
04/12/2006		Mailed copies of the 219 Memorandum-Decision & Order & Permanent Injunction & 220 Order on Atty Mason by regular mail on 4/12/2006. (see) (Entered: 04/12/2006)
04/13/2006		TEXT NOTICE of Hearing: Due to the most recent decision issued by Judge Hurd in this case, a Status Telephone Conference is set for 4/20/2006 at 4:30 PM before Magistrate Judge David E. Peebles. Plaintiff's counsel is to make arrangements for initiating the call to counsel for all parties and the court which should be contacted at (315) 234-8620. (sal,) (Entered: 04/13/2006)
04/13/2006	221	NOTICE OF APPEAL by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles. (Marangas, Theresa) (Entered: 04/13/2006)
04/14/2006		USCA Appeal Fees received \$ 455 receipt number ALB002236 re 221 Notice of Appeal filed by County of Montgomery,, Michael Amato,, Montgomery County Sheriff's Department,, Jeffrey Smith,, Kevin Snell,, John Pecora,, Sue Buddles, (ban) (Entered: 04/14/2006)
04/17/2006	222	ELECTRONIC NOTICE sent to US Court of Appeals re 221 Notice of Appeal.Appeal Filing fee paid, Rct. No. ALB002236.(ban) (Entered: 04/17/2006)
04/20/2006		TEXT Minute Entry for proceedings held before Judge David E. Peebles : Status Conference held on 4/20/2006. Parties report that there are 2141 potential class members, however, double booking may have occurred and this number may be somewhat less. It is unknown to the parties how many potential class members will actually participate as they have not formally opted in or out. This will be discussed at the next conference. Parties agree to schedule a settlement conferene before an independent mediator shortly. Judge directs the parties to submit a joint or separate statement to the court by 5/15/06 indicating what progress was made during this mediation session. Judge schedules an in-person conference for 5/17/06 at 11:00 AM in Albany, NY. APP: Jason Rozger, Esq., Bruce Menken, Esq., Elmer Keach, Esq., Joseph Francour, Esq., and Theresa Marangas, Esq.. (sal,) (Entered: 04/21/2006)
04/24/2006	223	Letter Motion from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Enlargement of Time to File Motion for Interim Attorneys' Fees Until May 1, 2006 submitted to Judge David N. Hurd <i>On Consent</i> . (Keach, Elmer) (Entered: 04/24/2006)
04/25/2006	224	Endorsement ORDER granting 223 Letter requesting Enlargement of Time to File Motion for Interim Attorneys' Fees Until May 1, 2006. Signed by Judge David N. Hurd on 4/25/2006. (see) (Entered: 04/25/2006)

04/25/2006		Set Deadlines/Hearings: Motion for Interim Attorneys' Fees to be filed by 5/1/2006. Response due 5/15/2006. (see) (Entered: 04/25/2006)
05/01/2006	225	NOTICE by Barbara Davis, Andy Rivera, Paul Marriott re 219 Order on Motion for Partial Summary Judgment,,,, Order on Motion for Certificate of Appealability,,,, <i>Notice of Application for Interim Award of Attorneys' Fees</i> (Attachments: # 1 Exhibit(s) Dunn Affidavit# 2 Exhibit(s) Arbor Hill Unreported Decision# 3 Exhibit(s) Rozger Affirmation# 4 Exhibit(s) Rozger Time Records# 5 Exhibit(s) Menken Affirmation# 6 Exhibit(s) Menken Time Records# 7 Exhibit(s) Expense Records, Berenbaum, Menken, Ben-Asher & Bierman# 8 Exhibit(s) Martindale Hubbell Listing, Bruce Menken, Jason Rozger# 9 Exhibit(s) Keach Affirmation# 10 Exhibit(s) Keach Time Records)(Keach, Elmer) (Entered: 05/01/2006)
05/01/2006		*NOTE: this entry is being made so that the Application shows up as a pending motion. The motion w/supporting documents is attached to document number 225 . MOTION for Interim Award of Attorneys' Fees by Barbara Davis, Andy Rivera, Paul Marriott. Motion Hearing on Submit before Judge David N. Hurd. Response to Motion due by 5/15/2006. (see) (Entered: 05/03/2006)
05/15/2006		Atty. Bob Keach phoned chambers to inform us that this matter has settled. He will be filing a letter electronically stating this. The settlement documents will take some time to finalize so this matter will be tracked for 90 days. The In-Person Conference scheduled in Albany for 5/17/06 has been CANCELED. (sal,) (Entered: 05/15/2006)
05/17/2006	226	NOTICE of Settlement <i>Letter Informing Court of Settlement In Principal of Class Action</i> by Barbara Davis, Andy Rivera, Paul Marriott (Keach, Elmer) (Entered: 05/17/2006)
06/21/2006		USCA Case Number is 06-1822-cv for defts' 221 Notice of Appeal. (cbm,) (Entered: 06/21/2006)
06/29/2006		NOTICE TO COUNSEL: A letter was recently filed w/ this court advising that this case has settled and the parties are in the process of finalizing the settlement agreement. According to the docket, an appeal 221 is still pending, as well as Plaintiffs' 225 Motion for Interim Attorneys' Fees. Plaintiff's counsel is directed to contact Judge Peebles CRD (315) 234-8623 regarding the status of settlement and indicate if Judge Peebles assistance is requested by the parties. (sal,) (Entered: 06/29/2006)
06/29/2006		Atty. Keach and Marangas have contacted the court regarding the status of settlement. Atty. Keach will be electronically filing shortly a letter to Judge Hurd re: impasse on the "opt out issue." CRD advised Atty. Keach that if Judge Peebles assistance is needed in the future, he is to contact Chambers and request a conference. Otherwise, this case will be tracked for the finalized settlement documents. As to Atty. Marangas, she has advised that a stipulation will be submitted to the 2nd Circuit Court of Appeals, w/ a copy to this court, to hold the appeal in abeyance while the parties continue to negotiate settlement terms. (sal,) (Entered: 06/29/2006)
06/30/2006	227	Letter Motion from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Confirming Conference with the Court on July 6, 2006 and Detailing

		Basis for Conference submitted to Judge David N. Hurd. (Keach, Elmer) (Entered: 06/30/2006)
07/07/2006	228	Minute Entry for proceedings held before Judge David N. Hurd : Telephone Conference held on 7/6/2006 (Court Reporter None) (cmr,) (Entered: 07/07/2006)
08/01/2006	229	RECORD of Proceedings: Motion held on December 15, 2005 before Judge David N. Hurd, Court Reporter: Nancy L. Freddoso. IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS: In order to remove personal identifier data from the transcript, a party must electronically file a Notice of Intent to Redact with the Clerk's Office within 5 business days of this date. The policy governing the redaction of personal information is located on the court website at www.nynd.uscourts.gov . <u>Read this policy carefully.</u> If no Notice of Intent to Redact is filed within 5 business days of this date, the court will assume redaction of personal data identifiers is not necessary and the transcript will be made available on the web. Notice of Intent to Redact due by 8/8/2006 (nlf,) (Entered: 08/01/2006)
08/01/2006	230	NOTICE by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles <i>of a joint request via letter for an additional one day extension of time for submission of a joint proposed settlement agreement</i> (Marangas, Theresa) (Entered: 08/01/2006)
08/02/2006	231	Endorsement ORDER granting the 230 joint request for an additional one day extension of time for submission of a joint proposed settlement agreement. Signed by Judge David N. Hurd on 8/2/2006. (see) (Entered: 08/02/2006)
08/02/2006	232	Letter Motion from defendants for County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles requesting an additional one-day extension to submit a joint proposed settlement agreement submitted to Judge Hurd. (Marangas, Theresa) (Entered: 08/02/2006)
08/03/2006	233	Endorsement ORDER granting 232 Letter Request for an extension of time to submit a joint proposed settlement agreement; SO ORDERED. Parties are granted a one week extension. Signed by Judge David N. Hurd on 8/3/2006. (see) (Entered: 08/03/2006)
08/03/2006		Mailed a copy of the 233 Order on Letter Request to Atty Mason by regular mail on 8/3/2006. (see) (Entered: 08/03/2006)
08/09/2006	234	NOTICE by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles <i>of letter request for a one-week extension of time to submit a joint proposed settlement agreement</i> (Marangas, Theresa) (Entered: 08/09/2006)
08/10/2006	235	Endorsement ORDER granting the 234 letter request for a one-week extension of time to submit a joint proposed settlement agreement. Signed by Judge David N. Hurd on 8/10/2006. (see) (Entered: 08/10/2006)
08/10/2006		Mailed a copy of the 235 Order to Atty Mason by regular mail on 8/10/2006. (see) (Entered: 08/10/2006)

08/16/2006	236	NOTICE by Barbara Davis, Andy Rivera, Paul Marriott <i>of a joint request via letter for an additional one day extension of time for submission of a joint proposed settlement agreement</i> (Rozger, Jason) (Entered: 08/16/2006)
08/17/2006	237	Endorsement ORDER granting the 236 Letter requesting an additional one day extension of time to submit the completed settlement agreement. Signed by Judge David N. Hurd on 8/17/2006. (see) (Entered: 08/17/2006)
08/17/2006		Mailed a copy of the 237 Order to Atty Mason on 8/17/2006 by regular mail. (see) (Entered: 08/17/2006)
08/17/2006	238	NOTICE by Barbara Davis, Andy Rivera, Paul Marriott <i>that the parties have reached agreement on all terms of the settlement</i> (Attachments: # 1 Exhibit(s) A., Settlement Agreement)(Rozger, Jason) (Entered: 08/17/2006)
08/23/2006	239	NOTICE of Settlement Agreement signed by County of Montgomery by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles (Marangas, Theresa) Exhibits A-F added on 9/11/2006 (Exhibit B is sealed pursuant to # 242 order) (cbm,). (Entered: 08/23/2006)
08/31/2006	240	Letter Motion from Plaintiffs for Barbara Davis, Andy Rivera, Paul Marriott requesting Preliminary Approval of Settlement submitted to Judge Hurd. (Attachments: # 1 Exhibit(s) Executed Settlement Agreement# 2 Proposed Order/Judgment Proposed Preliminary Approval Order)(Rozger, Jason) (Entered: 08/31/2006)
09/01/2006	241	SUBSTITUTE FOR DOC. 240: CORRECTED Letter Motion from Plaintiffs; Substitute for letter brief filed on August 31, 2006. (Attachments: # 1 Exhibit(s) Corrected letter brief)(Rozger, Jason) Modified on 9/11/2006 to indicate that this document replaces doc. 240 (cbm,). (Entered: 09/01/2006)
09/06/2006	242	SEALED Request & Order to seal Appendix B to the settlement agreement - maintained in Clerk's Office and not available for electronic viewing. (see) (Entered: 09/06/2006)
09/12/2006	243	MANDATE of USCA withdrawing appeal from active consideration, without prejudice, with leave to reactivate by 12/1/06. (dmf) (Entered: 09/12/2006)
09/20/2006	244	TRANSCRIPT of Proceedings (Unredacted): Motion held on December 15, 2005 before Judge David N. Hurd, Court Reporter: Nancy L. Freddoso. (nlf,) (Entered: 09/20/2006)
09/22/2006	245	ORDER PRELIMINARILY APPROVING SETTLEMENT. Signed by Judge David N. Hurd on 9/22/2006. (Attachments: # 1 Exhibit(s) A & B)(see) (Entered: 09/22/2006)
09/22/2006		Mailed a copy of the 245 Order to Atty Mason by regular mail on 9/22/2006. (see) (Entered: 09/22/2006)
12/18/2006	246	Certified copy of Stip and order of USCA, issued 12/15/06, withdrawing appeal w/o prejudice, subject to reactivation on written notice by 6/1/07. (cbm,) (Entered: 12/18/2006)

12/19/2006	247	STIPULATION of Dismissal <i>As Against Defendant, Jeffrey Smith</i> by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles submitted to Judge Hurd. (Marangas, Theresa) (Entered: 12/19/2006)
12/19/2006	248	STIPULATION of Dismissal <i>As Against Defendant, John Pecora</i> by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles submitted to Judge Hurd. (Marangas, Theresa) (Entered: 12/19/2006)
12/19/2006	249	STIPULATION of Dismissal <i>As Against Defendant, Kevin Snell</i> by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles submitted to Judge Hurd. (Marangas, Theresa) (Entered: 12/19/2006)
12/19/2006	250	STIPULATION of Dismissal <i>As Against Defendant, Michael Amato</i> by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles submitted to Judge Hurd. (Marangas, Theresa) (Entered: 12/19/2006)
12/19/2006	251	STIPULATION of Dismissal <i>As Against Defendant, Sue Buddles</i> by County of Montgomery, Montgomery County Sheriff's Department, Michael Amato, Jeffrey Smith, Kevin Snell, John Pecora, Sue Buddles submitted to Judge Hurd. (Marangas, Theresa) (Entered: 12/19/2006)
12/20/2006	252	Endorsement ORDER granting the 248 Stipulation of Dismissal as Against John Pecora. Signed by Judge David N. Hurd on 12/20/2006. (see) (Entered: 12/20/2006)
12/20/2006	253	Endorsement ORDER granting the 247 Stipulation of Dismissal as Against deft Jeffrey Smith with prejudice. Signed by Judge David N. Hurd on 12/20/2006. (see) (Entered: 12/20/2006)
12/20/2006	254	Endorsement ORDER granting the 249 Stipulation of Dismissal as Against deft Kevin Snell with prejudice. Signed by Judge David N. Hurd on 12/20/2006. (see) (Entered: 12/20/2006)
12/20/2006	255	Endorsment ORDER granting the 250 Stipulation of Dismissal as Against deft Michael Amato with prejudice. Signed by Judge David N. Hurd on 12/20/2006. (see) (Entered: 12/20/2006)
12/20/2006	256	Endorsement ORDER granting the 251 Stipulation of Dismissal as Against Sue Buddles with prejudice. Signed by Judge David N. Hurd on 12/20/2006. (see) (Entered: 12/20/2006)
12/26/2006	257	STIPULATION/ORDER of USCA as to 221 Notice of Appeal filed by Jeffrey Smith, John Pecora, Kevin Snell, Montgomery County Sheriff's Department, Michael Amato, Sue Buddles, County of Montgomery Withdrawing Appeal without prejudice (filed w/2nd Circuit on 12/13/06). (Imp) (Entered: 12/26/2006)
01/03/2007	258	NOTICE OF OBJECTION to the Proposed Class Action Settlement by Class Member David Porter. (see) (Entered: 01/04/2007)
02/27/2007	259	Letter Motion from Jason Rozger for Barbara Davis, Andy Rivera, Paul Marriott requesting that the Plaintiff and the class' motion for final approval of the

		settlement may be filed by March 9, 2007. submitted to Judge Hurd. (Rozger, Jason) (Entered: 02/27/2007)
03/06/2007	260	ORDER granting 259 Letter Requesting that their written application for final approval of the settlement be due on 3/9/2007. Signed by Judge David N. Hurd on 3/6/2007. (see) (Entered: 03/06/2007)
03/08/2007	261	Letter Motion from Jason Rozger for Barbara Davis, Andy Rivera, Paul Marriott requesting adjournment of final approval hearing and permission to execute certain documents on behalf of the class submitted to Judge Hurd. (Attachments: # 1 Proposed Order/Judgment)(Rozger, Jason) (Entered: 03/08/2007)
03/09/2007	262	ORDER granting 261 Letter Request to adjourn Final Approval Hearing date; adjourning hearing date from 3/23/07 to 4/27/07 at 10:00 AM. The date on which class counsel must file their final approval memo and supporting documentation has been extended from 3/9/07 to 4/13/07. Signed by Judge David N. Hurd on 3/9/07. (cbm,) (Entered: 03/09/2007)
03/09/2007	263	ORDER: Elmer Robert Keach, III may execute a release for each of pltf's class representatives to effectuate the release of monies from the NY Liquidation Bureau. Signed by Judge David N. Hurd on 3/9/07. (cbm,) (Entered: 03/09/2007)
03/23/2007	264	NOTICE by Barbara Davis, Andy Rivera, Paul Marriott <i>of Change of Address and Firm Name for Alexander Barnett and Change of Firm Name for Gary E. Mason</i> (Barnett, Alexander) (Entered: 03/23/2007)
04/13/2007	265	MOTION to Approve Consent Judgment Motion Hearing set for 4/27/2007 10:00 AM in Albany before Judge David N. Hurd. by Barbara Davis, Andy Rivera, Paul Marriott. (Attachments: # 1 Affirmation Of Bruce Menken# 2 Affidavit of Settlement Administrator# 3 Memorandum of Law # 4 Exhibit(s) A, settlement agreement) (Rozger, Jason) (Entered: 04/13/2007)
04/17/2007		NOTICE of Hearing on Motion 265 MOTION to Approve Consent Judgment : Motion Hearing set for 4/27/2007 on submit. No need to appear. Ct. to issue written decision. (cmr,) (Entered: 04/17/2007)
04/27/2007	266	AFFIDAVIT in Support re 265 MOTION to Approve Consent Judgment <i>without Exhibits E & F, which will be filed under separate cover</i> filed by Barbara Davis, Andy Rivera, Paul Marriott. (Attachments: # 1 Exhibit(s) Exhibit A -- Rust Consulting Affidavit# 2 Exhibit(s) Exhibit B -- long form notice# 3 Exhibit(s) C --- Spanish Notice# 4 Exhibit(s) D -- Claim Form# 5 Exhibit(s) G--Website Affidavit# 6 Exhibit(s) H -- Objection# 7 Exhibit(s) I -- Keach Fee Affidavit# 8 Exhibit(s) J -- BMBB Fee Affidavit# 9 Exhibit(s) K -- Mason Fee Affidavit)(Keach, Elmer) (Entered: 04/27/2007)
04/28/2007	267	Letter Motion from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Providing the Court with Exhibits Omitted from Final Approval Affidavit and Proposed Order Regarding Late Claimants submitted to Judge David N. Hurd. (Attachments: # 1 Exhibit E to Final Approval Affidavit -- Initial short Form Notice# 2 Exhibit F to Final Approval Affidavit -- Later Short Form Notice# 3 Proposed Order Regarding Late Claimants)(Keach, Elmer) (Entered: 04/28/2007)

05/01/2007	268	ORDER granting pltf's 267 letter request to allow late claimants, identified in exhibit D of the affidavit of the settlement administrator, to participate in class action settlement. Signed by Judge David N. Hurd on 5/1/2007. (see) (Entered: 05/02/2007)
05/03/2007	269	Letter Motion from Elmer Keach for Barbara Davis, Andy Rivera, Paul Marriott requesting Providing Proposed Order for Final Approval To Court submitted to Judge David N. Hurd. (Attachments: # 1 Proposed Order/Judgment)(Keach, Elmer) (Entered: 05/03/2007)
05/15/2007	270	ORDER granting 269 Letter Request: granting final approval of class action settlement and judgment. Signed by Judge David N. Hurd on 5/14/07. (cbm,) (Entered: 05/15/2007)
07/19/2007	271	MANDATE of USCA, issued 7/17/07: appeal was not reactivated, now considered withdrawn w/prejudice.(cbm,) (Entered: 07/19/2007)

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