

CLOSED, MEDT5

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:97-cv-08208-RPP

Ciraolo v. The City of New York, et al
Assigned to: Judge Robert P. Patterson
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 11/05/1997
Date Terminated: 05/12/1999
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Debra Ciraolo**

represented by **Stephen Howard Weiner**
Law Office of Stephen H. Weiner
575 Lexington Avenue, Suite 2840
New York, NY 10022
(212)-566-4669
Fax: (212)-888-3182
Email: stevehw@aol.com
LEAD ATTORNEY

V.

Defendant

The City of New York
TERMINATED: 05/07/1999

represented by **Alessandra Francesca Zorgniotti**
Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007
(212) 788-1276
TERMINATED: 05/07/1999
LEAD ATTORNEY

Defendant

Police Department of the City of New York
TERMINATED: 05/07/1999

represented by **Alessandra Francesca Zorgniotti**
(See above for address)
TERMINATED: 05/07/1999
LEAD ATTORNEY

Defendant

Christin Morgillo
Detective, Shield No. 2233
TERMINATED: 05/07/1999

represented by **Alessandra Francesca Zorgniotti**
(See above for address)
TERMINATED: 05/07/1999
LEAD ATTORNEY

Defendant

Jane Does 1-2*Shield Nos. Unknown***Defendant****Julie Fontanella****TERMINATED: 05/12/1999**represented by **Julie Fontanella**220 West 13th Street
New York, NY 10011
(212) 691-2632
PRO SE**Julie Fontanella**Pro Se
220 West 13th Street
Apt. 3-B
New York, NY 10011
TERMINATED: 05/12/1999
LEAD ATTORNEY

Date Filed	#	Docket Text
11/05/1997	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$150.00. RECEIPT # 300875. (em) (Entered: 11/06/1997)
11/05/1997		Magistrate Judge Katz is so Designated. (em) (Entered: 11/06/1997)
11/06/1997	2	RETURN OF SERVICE executed as to The City of New York by serving the Corporation Counsel by leaving the papers with Lilmaria Echevarria on 11/5/97. Answer due on 11/25/97 for The City of New York. (kw) (Entered: 11/13/1997)
11/06/1997	2	RETURN OF SERVICE executed as to Christin Morgillo by P.O. Riffas and mail on 11/6/97. Answer due on 11/26/97 for Christin Morgillo. (kw) (Entered: 11/13/1997)
11/06/1997	2	RETURN OF SERVICE executed as to Julie Fontanella by personal service on 11/6/97. Answer due on 11/26/97 for Julie Fontanella. (kw) (Entered: 11/13/1997)
12/04/1997	3	Filed Memo-Endorsement on letter to Judge Patterson from William P. Farley dated 12/01/97, reset answer due for 1/16/98 for Julie Fontanella, for Jane Does 1-2, for Christin Morgillo, for Police Department, for The City of New York ; conference will be held 1/23/98 at 9 a.m. (signed by Judge Robert P. Patterson) (djc) (Entered: 12/05/1997)
12/17/1997	4	ANSWER to Complaint by Debra Ciruolo (Appearing Pro Se). (jp) (Entered: 12/22/1997)
01/21/1998	5	ANSWER to Complaint by The City of New York, Police Department, Christin Morgillo (Attorney Alessandra Francesca Zorgniotti). (jp) (Entered: 01/22/1998)
01/23/1998		Before Judge Patterson; Pre-trial conference held; joinder of addl parties by 3/2, medical authorizations by 2/6, discovery 5/29, pretrial order 6/10/98, trial date

		6/15/98 at 9:30 AM (cd) (Entered: 01/28/1998)
01/26/1998	6	SCHEDULING ORDER: medical authorizations are due by 2/6/98; all discovery is to be completed by 5/29/98; pretrial order is to be filed by 6/10/98; trial date scheduled for 6/15/98 at 9:30 a.m.; joinder of additional parties due by 3/2/98. (signed by Judge Robert P. Patterson); Copies mailed (sac) Modified on 01/27/1998 (Entered: 01/27/1998)
01/29/1998	7	Order referring action to the Clerk to assign the above-entitled action to mediation. All issues are eligible (signed by Judge Robert P. Patterson) (cd) (Entered: 01/30/1998)
03/13/1998	8	Notice of selection of mediator. (sc) (Entered: 03/13/1998)
06/11/1998		pre-trial conference (contested issue) held and concluded before Judge Patterson on 6/11/98; conference 6/23/98 at 5 p.m., schedule set: 8/31/98 for discovery, 9/16/98 for pretrial order, trial date 9/22/98 at 9:30 a.m. (ls) (Entered: 06/15/1998)
06/12/1998	9	SCHEDULING ORDER: all discovery is to be completed by 8/31/98; pre-trial order is to be filed by 9/16/98; settlement conference with parties & counsel on 6/23/98 at 5:00 p.m.; trial date scheduled for 9/22/98 at 9:30 a.m. (signed by Judge Robert P. Patterson); Copies mailed (sac) (Entered: 06/15/1998)
06/26/1998	10	SCHEDULING ORDER: all discovery to be completed by 9/30/98; pretrial order to be submitted on or before 10/14/98; trial date set for 10/19/98 at 9:30 a.m. (signed by Judge Robert P. Patterson); Copies mailed (ae) (Entered: 06/26/1998)
09/11/1998	11	Filed Memo-Endorsement on letter by Stephen H. Weiner to Judge Patterson dated 9/9/98, reset discovery due for 11/20/98 ; reset pretrial order due for 12/2/98 ; trial set for 12/7/98 at 9:00 a.m. (signed by Judge Robert P. Patterson) (ae) (Entered: 09/14/1998)
11/20/1998	12	Filed Memo-Endorsement on letter by Stephen H. Weiner to Judge Patterson dated 11/19/98, reset pretrial order due for 2/26/99 ; reset trial for 3/15/99 at 9:00 a.m. (signed by Judge P. Patterson) (ae) (Entered: 11/23/1998)
02/02/1999	13	Filed Memo-Endorsement on letter addressed to Judge Patterson from Clyde Jay Eisman dated 1/29/99, granting in part request for an extension. Pltff's counsel is to respond to the issue of the court's jurisdiction on or before 2/16/99 (signed by Judge Robert P. Patterson). (kg) (Entered: 02/03/1999)
02/18/1999	14	Filed Memo-Endorsement on letter to Judge Patterson from Steven A. Friedman dated 02/16/99, reset pretrial order due for 4/12/99 ; Trial for May 3, 1999 (signed by Judge Robert P. Patterson) (dj) (Entered: 02/18/1999)
02/19/1999	15	Filed Memo-Endorsement on letter addressed to Judge Patterson from Stephen H. Weiner, dated 2/16/99; Ms. Fontanella respectfully requests that if Your Honor decides to agree to the schedule proposed by Asst. Corporation Counsel Steven Friedman in his letter of today's date, there will be ample time to complete any outstanding discovery before trial on 5/3/99. In view of the Court's approval of the Corp. Counsel's schedule, this application is deemed moot (signed by Judge Robert P. Patterson) (sac) (Entered: 02/22/1999)

03/15/1999	16	Filed Memo-Endorsement on letter to Judge Patterson from Clyde Jay Eisman dated 3/8/99; Clyde Jay Eisman requests clarification of the Court's position w/ respect to how it intends to proceed on the jurisdictional question and that, in the meantime, proceedings be stayed. Application denied. This case will go to trial w/ the pendent claims. The issues of false arrest and malicious prosecution involve a resolution of factual issues common to the claims against both parties; ; (signed by Judge Robert P. Patterson) (ls) (Entered: 03/15/1999)
04/14/1999		Pre-trial conference held before Judge Patterson (ls) (Entered: 04/16/1999)
04/22/1999	17	Proposed Voir Dire Questions by The City of New York, Det Christin Morgillo (ri) Modified on 04/23/1999 (Entered: 04/22/1999)
04/22/1999	18	NOTICE OF MOTION by Debra Ciralo for an order granting the following motions in limine: to preclude testimony of the following witnesses for the City of New York defendants 1) Dr. Robert Berger and 2) "An individual, whose name will be supplied, who either conducted or supervised the strip search." In addition, plaintiff respectfully requests that this Court exclude City Exhibits L, Q, and S , no return date set (ri) (Entered: 04/22/1999)
04/22/1999	19	Request to charge by Debra Ciralo. (ri) (Entered: 04/22/1999)
04/22/1999	20	Proposed Voir Dire Questions by Debra Ciralo. (ri) (Entered: 04/22/1999)
04/22/1999	21	Municipal defendants' first request for jury instructions (ri) (Entered: 04/22/1999)
04/26/1999		Pre-trial conference held before Judge Patterson (cd) (Entered: 04/29/1999)
04/30/1999	22	Memo endorsed on copy of motion; granting in part, denying in part [18-1] motion for an order granting the following motions in limine: to preclude testimony of the following witnesses for the City of New York defendants 1) Dr. Robert Berger and 2) "An individual, whose name will be supplied, who either conducted or supervised the strip search." In addition, plaintiff respectfully requests that this Court exclude City Exhibits L, Q, and S; plttf is to complete her examination by Dr. Berger. Dr. Berger is to complete his report and be deposed before trial; defts will provide plttf with the identity of such witness or witnesses and allow their deposition before trial; City Exhibits L, Q & S are not admissable as evidence. (signed by Judge Robert P. Patterson); Copies mailed. (jp) (Entered: 05/03/1999)
05/03/1999		Jury trial begun before Judge Patterson. (jp) (Entered: 05/10/1999)
05/03/1999		Jury trial begun & continued on 5/3/99 before Judge Patterson (ae) (Entered: 05/18/1999)
05/04/1999		Jury trial held before Judge Patterson. (jp) (Entered: 05/10/1999)
05/04/1999		Jury trial held & continued on 5/4/99 before Judge Patterson (ae) (Entered: 05/18/1999)
05/05/1999		Jury trial held before Judge Patterson. (jp) (Entered: 05/10/1999)
05/05/1999		Jury trial held & continued on 5/6/99 before Judge Patterson (ae) (Entered: 05/18/1999)
05/06/1999		Jury trial concluded before Judge Patterson. (jp) (Entered: 05/10/1999)

05/06/1999		Jury trial held & concluded on 5/6/99 before Judge Patterson. Total trial days 4; Jury Verdict (see attached) (ae) (Entered: 05/18/1999)
05/07/1999	23	JUDGMENT #99,1052, that plntf have judgment in the sum of \$5,019,645.00 as against the deft, the City of NY (signed by James M. Parkison, Clerk of Court); Mailed copies and notice of to appeal. Entered on 5/10/99 (cd) Modified on 05/12/1999 (Entered: 05/10/1999)
05/10/1999	24	NOTICE OF APPEAL by The City of New York, Police Department, Christin Morgillo, Jane Does 1-2, Julie Fontanella ; from [23-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: Stephen H. Weiner . \$105.00 Appeal filing fee paid on May 10, 1999 on receipt # E 344851. (dt) (Entered: 05/11/1999)
05/11/1999		Notice of appeal and certified copy of docket to USCA: [24-1] appeal by Julie Fontanella, Jane Does 1-2, Christin Morgillo, Police Department, The City of New York ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/11/1999)
05/12/1999	25	STIPULATION AND ORDER; this action is hereby dismissed with prejudice and without costs, expenses, or fees in excess of the consideration specified in this document as against deft Julie Fontanella ; deft hereby agrees to provide pltff with the consideration set forth herein, in full satisfaction of all claims, including for costs, expenses, benefits and atty fees. In consideration for the payment of this sum, pltff agrees to dismissal of all the claims against the deft and all claims, or right of action in the complaint in this action, including claims for costs, expenses and atty fees. The effective date of this agreement is 3/31/99. Deft hereby agrees to provide pltff with the sum of \$2,500.00. (signed by Judge Robert P. Patterson). (sac) (Entered: 05/13/1999)
05/12/1999		Case closed (sac) (Entered: 05/14/1999)
05/12/1999	26	Court Exhibit #2 at 12:24 p.m. (ae) (Entered: 05/19/1999)
05/12/1999	27	Court Exhibit #3 (ae) (Entered: 05/19/1999)
05/12/1999	28	Court Exhibit #4 at 1:02 p.m. (ae) (Entered: 05/19/1999)
05/12/1999	29	Court Exhibit #5 at 2:35 p.m. (ae) (Entered: 05/19/1999)
05/12/1999	30	Court Exhibit #6 at 3:37 p.m. (ae) (Entered: 05/19/1999)
05/12/1999	31	Court Exhibit #6 at 3:06 p.m. (ae) (Entered: 05/19/1999)
05/12/1999	32	Court Exhibit #7 at 4:34 p.m. (ae) (Entered: 05/19/1999)
05/12/1999	33	Court Exhibit #8 (ae) (Entered: 05/19/1999)
05/12/1999	34	Court Exhibit #9 at 5:00 p.m. (ae) (Entered: 05/19/1999)
05/24/1999	36	AFFIRMATION in support of Stephen H. Weiner of his motion for attorney's fees and costs purs to 42 U.S.C. section 1988. (dj) (Entered: 05/26/1999)
05/24/1999	37	MEMORANDUM of LAW in support of Motion of Plaintiff for Attorney's Fees (dj) (Entered: 05/26/1999)

05/24/1999	38	NOTICE OF MOTION for attorney fees to Stephen H. Weiner, Esq., in the sum of \$64,215.00 with an appropriate multiplier and an award of attorney's fees to Scott Korenbaum, Esq., in the sum of \$6,030.00 and for costs in the amount of \$7,484.59 , Return date 6/16/99 w. affirmation of service (dj) (Entered: 05/26/1999)
05/25/1999	35	Jury Trial Court Exhibit #1. Docketed per instructions of Chambers. (emil) (Entered: 05/26/1999)
05/28/1999	39	Filed Memo-Endorsement on letter to Judge Patterson from Steven A. Freidman dated 5/26/99, defendant writes in response to plaintiff's motion for attorneys fees and costs, currently returnable 6/16/99. Plaintiff's application should be stayed pending the decision by the Second Circuit; Application granted, defendant need not respond to plaintiff's application for attorney's fees until 10 days after the Court of Appeals decides defendant's appeal (signed by Judge Robert P. Patterson) (ri) Modified on 06/03/1999 (Entered: 06/01/1999)
07/12/1999	40	Transcript of record of proceedings before Judge Patterson filed for dates of 5/3-6/99 (jp) (Entered: 07/13/1999)
07/22/1999	41	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: (as) (Entered: 07/22/1999)
08/04/1999	42	Report of the Clerk of Court regarding court-ordered mediation: Paragraph 4 or 5 and unresolved issues should be treated as if they had not been sent to mediation. (Signed by George O'Malley, Counsel for the Clerk of Court) (sc) (Entered: 08/05/1999)
08/04/1999	43	Report of Mediator to the Clerk that the court-ordered mediation was held but was unsuccessful in resolving any issue in the case. The unresolved issues should be treated as if they had not been sent to mediation. (sc) (Entered: 08/05/1999)
11/17/1999		Indexed record on appeal files (99-7550) sent to the U.S.C.A. *(Files requested by Vincenza Singleton from the U.S.C.A.)*. (dt) (Entered: 11/17/1999)
06/27/2000	44	Memo-Endorsement on letter addressed to Judge Patterson from Lisa A. Weiss, dated June 23, 2000; Defendant's Response to motion reset to 7/26/00 for [38-1] motion for attorney fees to Stephen H. Weiner, Esq., in the sum of \$64,215.00 with an appropriate multiplier and an award of attorney's fees to Scott Korenbaum, Esq., in the sum of \$6,030.00, reset to 7/26/00 for [38-2] motion for costs in the amount of \$7,484.59 ; (signed by Judge Robert P. Patterson); Copies mailed. (dj) (Entered: 06/29/2000)
07/19/2000	45	MANDATE OF USCA (certified copy) Re: Ordered, Adjudged and decreed that the judgment of said district is Reversed in accordance with the opinion of this Court [24-1] appeal by Julie Fontanella, Jane Does 1-2, Christin Morgillo, Police Department, The City of New York. 99-7550, Roseann B. Mackechnie, Clerk. (sl) (Entered: 07/26/2000)
07/26/2000	46	NOTICE OF CROSS MOTION by The City of New York, Police Department, Christin Morgillo for an order prus to FRCP 68 granting costs sought by City defts ; Return date not indicated; attached are papers in support (cd) (Entered: 07/27/2000)

07/26/2000	47	MEMORANDUM OF LAW by The City of New York, Police Department in opposition to [38-1] motion for attorney fees to Stephen H. Weiner, Esq., in the sum of \$64,215.00 with an appropriate multiplier and an award of attorney's fees to Scott Korenbaum, Esq., in the sum of \$6,030.00, [38-2] motion for costs in the amount of \$7,484.59 . (jp) (Entered: 07/27/2000)
08/15/2000	48	Memo-Endorsement on letter addressed to Judge Patterson from Stephen H. Weiner, dated 8/14/00; granting counsel for the plttfs request for leave to serve an opposition to the defts [46-1] cross motion for costs on or before 8/18/00 , and granting the request to serve reply papers, if any, in further support of plttfs [38-1&2] application for legal fees on or before 8/18/00 ; defts reply papers to the [46-1] cross motion, if any, are due 8/28/00 . (signed by Judge Robert P. Patterson); Copies mailed. (jp) (Entered: 08/15/2000)
10/05/2000		Record on appeal files (99-7550) returned from U.S. Court of Appeals: [24-1] appeal by Julie Fontanella, Jane Does 1-2, Christin Morgillo, Police Department, The City of New York. (dt) (Entered: 10/05/2000)
10/13/2000	49	OPINION AND ORDER #84678, granting [46-1] cross motion for an order prus to FRCP 68 granting costs sought by City defts in the amount of \$8,038.40; granting [38-1] motion for attorney fees in the amount of \$14,737.50, granting [38-2] motion for costs in the amount of \$4,378.95, for a total of \$19,116.45 (signed by Judge Robert P. Patterson); Copies mailed (cd) Modified on 10/16/2000 (Entered: 10/13/2000)

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Transaction Receipt

06/28/2007 13:10:47

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