

CLOSED

**U.S. District Court
Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:97-cv-02974-CLB**

Absolu, et al v. The County of Westch, et al
Assigned to: Judge Charles L. Brieant
Demand: \$0
Case in other court:
Cause: 42:1983 Civil Rights Act

Date Filed: 04/24/1997
Date Terminated: 07/07/1999
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Arnold Absolu

represented by **Robert David Goodstein**
Robert David GOODSTEIN
&ASSOCIATES
270 North Avenue, Suite 410
New Rochelle, NY 10801
(914) 632-8382
Fax: (914) 632-1833
Email: robertdavidgoodstein@verizon.net
LEAD ATTORNEY

Plaintiff

Edner Absolu

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Rafael Almonte

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Roberto Aranda

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Juan Benitez

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jose Bianchimano

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Emily Blake

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Francisca E. Bravo

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

David Brown

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Elena Caballero

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Angel F. Cabreja

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Paula Cabreja

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Yanet Cabreja

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jose R. Camacho

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Hernando Cardona

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Sergio Cardona

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Arnel Cargil

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Stanford Carter

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Yolanda E. Castillo

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Antonio Cifuentes

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Sulien Cifuentes

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jesus Contreras

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jose Antonio Diaz

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Nelson R. Disla

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jose A. Flores

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Maria Galeano

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Santana Garcia

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Ivan D. Gomez

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jorge Gomez

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Leticia Higinio

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jocelyn Isaacs

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jean Claude Jean

represented by

Robert David Goodstein
(See above for address)
LEAD ATTORNEY

Plaintiff

Robert Mann

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Carmen Martinez

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Hayzel Maxwell

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Ivy Maxwell

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Lloyd Maxwell

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Georgia Moore

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Rose Mosny

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Carmen B. Mothersill

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Roberto Motta

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Barbara Parker

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Marcia Parker

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Robert L. Parker

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jose Perez

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Luz A. Piantieri

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Cristobal Quintana

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Victoria Quispe

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Luis Ramirez

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Bolivar Ramos

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Reyes Rodriguez

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Victor Rosario

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Hazel Rose

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jairo Salgado

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Jose Luis Santana

represented by

Robert David Goodstein
(See above for address)
LEAD ATTORNEY

Plaintiff

Margarito Santana

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Louis M. Serrano

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Bienvenida Suriel

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Paulino Tapia

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Astleyman Tyrell

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

Plaintiff

Garfield Williams
*on behalf of themselves and all other
individuals similarly situated*

represented by **Robert David Goodstein**
(See above for address)
LEAD ATTORNEY

V.

Defendant

The County of Westchester

represented by **Kyle Charles McGovern**
Lyons, McGovern, L.L.P.
16 New Broadway
sleepy hollow, NY 10591
(914) 631-1336
Fax: 914 631 1161
Email: kmcgovern@lyons-mcgovern.com
LEAD ATTORNEY

Matthew Thaddeus Miklave
Epstein, Becker & Green, P.C. (New York)
250 Park Avenue
New York, NY 10177
212-351-4663
Fax: 212-661-0989
Email: MMiklave@ebglaw.com
LEAD ATTORNEY

Defendant

Andrew J. O'Rourke
*individually and in his capacity as County
Executive, County of Westchester*

represented by **Kyle Charles McGovern**
(See above for address)
LEAD ATTORNEY

Matthew Thaddeus Miklave
(See above for address)
LEAD ATTORNEY

Defendant

Westchester County H
*Westchester County Health Care
Corporation*

represented by **Andrew A. Peterson**
Jackson, Lewis, Schnitzler & Krupman
One North Broadway Ste 1502
White Plains, NY 10601
914-328-0404
TERMINATED: 05/28/1998
LEAD ATTORNEY

Anthony Joseph DiOrio
Jackson Lewis, LLP
One North Broadway
Suite 1502
White Plains, NY 10601
(914) 328-0404
TERMINATED: 05/28/1998
LEAD ATTORNEY

Joseph Anthony Saccomano , Jr
Jackson Lewis LLP
1 North Broadway
Suite 1504
White Plains, NY 10601
914-514-6124
Fax: 914-328-0541
Email: saccomaj@jacksonlewis.com
TERMINATED: 05/28/1998
LEAD ATTORNEY

Matthew Thaddeus Miklave
(See above for address)
LEAD ATTORNEY

Thomas Clay Moore
Proskauer Rose LLP (NY)
11 Times Square
New York, NY 10036
(212) 969-3000
Fax: (212) 969-2900
Email: tmoore@proskauer.com
LEAD ATTORNEY

Date Filed	#	Docket Text
04/24/1997	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 150.00 RECEIPT # 278806 (cj) (Entered: 04/25/1997)
04/24/1997		Magistrate Judge Fox is so Designated. (cj) (Entered: 04/25/1997)
05/16/1997	2	STIPULATION and ORDER, extending time to answer or move e extended to and including 6/25/97. (signed by Judge Charles L. Briant). mn (dh) (Entered: 05/16/1997)
05/16/1997		Case Management Conference held before Judge Briant. (ec) (Entered: 05/19/1997)
05/16/1997	3	Case Management Plan in a Standard or Complex Case:This Court requires that this case shall be ready for trial on or after March 31, 1998. The case is not to be tried to a jury. Joinder of additional parties must be accomplished by June 16,

		1997. Amended pleadings may be filed until June 16, 1997. Discovery: Rule 46(a) interrogatories, if any, to be served by all counsel no later than June 30, 1997 and responses to such interrogatories shall be served within 30 days thereafter. First request for production of documents, if any, to be served no later than June 15, 1997. Depositions to be completed by December 15, 1997. Any further interrogatories, including expert interrogatories to be served no later than November 15, 1997. All discovery is to be complete by December 31, 1997. Exchange of expert witness resume and reports by November 1, 1997. Motion for class certification filed on or before January 31, 1998 by pltf. Defendant to answer class certification motion by February 28, 1998; pltf shall submit reply if any by March 15, 1998. Any other motion including summary judgment by either party must adhere to the schedule contained in #8 above. Next case management conference September 19, 1997 at 8:45. (signed by Judge Charles L. Brieant); Copies mailed. (ec) Modified on 05/19/1997 (Entered: 05/19/1997)
06/26/1997	4	ANSWER to Complaint by The County of Westch, Andrew J. O'Rourke (Attorney Matthew T. Miklave), ; Firm of: Epstein, Becker & Green by attorney Matthew T. Miklave for defendant Andrew J. O'Rourke (ds) (Entered: 07/01/1997)
07/07/1997	5	NOTICE of attorney appearance for The County of Westch, Andrew J. O'Rourke by Matthew Miklave (ds) (Entered: 07/07/1997)
07/15/1997	6	NOTICE of attorney appearance for The County of Westch, Andrew J. O'Rourke by Matthew T. Miklave, Esq. (kz) (Entered: 07/15/1997)
07/22/1997	7	STIPULATION and ORDER...it is hereby stip. and agreed that the time for both parties to respond to the First Request for Production of Documents and for pltf's to Respond to defts' First Set of interrogatories shall be extended for thirty (30) days. Deft's response shall be extended to and including August 9, 1997. Pltf's response to the Request for Production of Documents shall be extended to and including August 18, 1997, and pltf's answer to First Set of Interrogatories shall be extended to and including September 2, 1997. (signed by Judge Charles L. Brieant). (ec) (Entered: 07/22/1997)
09/19/1997		Case Management Conference held by Judge Brieant. Transcript taken by Adrienne Mignano (jac) (Entered: 09/22/1997)
10/23/1997	8	Letter filed dated October 21, 1997 to Judge Brieant from atty Robert David Goodstein re it is requested that the Court rule as to whether this law firm, Epstein, Becker & Green, P.C. is an interloper in this action, or whether it was properly retained by Westchester County. (ec) (Entered: 10/23/1997)
11/07/1997		Case Management Conference held by Judge Brieant. Transcript taken by Sue Ghorayeb (jac) (Entered: 11/07/1997)
11/07/1997	9	Letter filed dated 11/6/97 to Judge Brieant from atty Matthew T. Miklave re we write in response to pltf's Oct. 21, 1997 letter to this Court. (ec) (Entered: 11/07/1997)
11/13/1997	10	Letter to USDJ Brieant from attyh Matthew Miklave filed by The County of Westch, Andrew J. O'Rourke dated Nov. 12, 1997 re the parties' partial resolution of the discovery dispute presented to this Court during the 11/7/97 conference (ds) (Entered: 11/13/1997)
11/13/1997	11	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for All purposes permitted by law (signed by Judge Charles L. Brieant) Referred to Magistrate Judge Mark D. Fox (ds) (Entered: 11/13/1997)
11/21/1997	12	ORDER In order to facilitate the progress of pre-trial discovery of this litigation in a just, speedy and inexpensive manner, to insure compliance with the case management plan, and to prevent the accumulation of unresolved discovery issues, the following procedures will be followed for the resolution of discovery disputes: (See document for details) So Ordered; (signed by Magistrate Judge Mark D. Fox); Copies mailed (ds) (Entered: 11/24/1997)
02/17/1998	13	Transcript of record of proceedings filed for dates of November 21, 1997 (ll) (Entered: 02/17/1998)

03/26/1998	14	Transcript of record of proceedings filed for dates of 3/13/97 (dh) (Entered: 03/27/1998)
04/01/1998	15	AMENDED COMPLAINT by Arnold Absolu, Edner Absolu, Rafael Almonte, Roberto Aranda, Juan Benitez, Jose Bianchimano, Emily Blake, Francisca E. Bravo, David Brown, Elena Caballero, Angel F. Cabreja, Paula Cabreja, Yanet Cabreja, Jose R. Camacho, Hernando Cardona, Sergio Cardona, Arnel Cargil, Stanford Carter, Yolanda E. Castillo, Antonio Cifuentes, Sulien Cifuentes, Jesus Contreras, Jose Antonio Diaz, Nelson R. Disla, Jose A. Flores, Maria Galeano, Santana Garcia, Ivan D. Gomez, Jorge Gomez, Leticia Higinio, Jocelyn Isaacs, Jean Claude Jean, Robert Mann, Carmen Martinez, Hayzel Maxwell, Ivy Maxwell, Lloyd Maxwell, Georgia Moore, Rose Mosny, Carmen B. Mothersill, Roberto Motta, Barbara Parker, Marcia Parker, Robert L. Parker, Jose Perez, Luz A. Piantieri, Cristobal Quintana, Victoria Quispe, Luis Ramirez, Bolivar Ramos, Reyes Rodriguez, Victor Rosario, Hazel Rose, Jairo Salgado, Jose Luis Santana, Margarito Santana, Louis M. Serrano, Bienvenida Suriel, Paulino Tapia, Astleyman Tyrell, Garfield Williams , (Answer due 4/14/98 for Andrew J. O'Rourke, for The County of Westch) amending [1-1] complaint against Westchester Medical; Summons issued. (ec) (Entered: 04/01/1998)
04/01/1998	16	ORDER...Pursuant to the telephone conversation between the parties on Wednesday, April 1, 1998, it is hereby ordered that plaintiffs be allowed to file an Amended Complaint in the above referred to matter designating Westchester medical cernter as a party deft. (signed by Magistrate Judge Mark D. Fox); Copies mailed (ec) (Entered: 04/02/1998)
04/14/1998	17	Transcript of record of proceedings filed for dates of April 7, 1998 (ds) (Entered: 04/14/1998)
04/15/1998	18	Transcript of record of proceedings filed for dates of April 8, 1998 (ec) (Entered: 04/15/1998)
04/20/1998	19	NOTICE of attorney appearance for Westchester Medical by Andrew A. Peterson, Joseph A. Saccomano Jr. (ds) (Entered: 04/21/1998)
04/20/1998	20	STIPULATION and ORDER It is hereby stipulated and agreed that Westchester County Health Care Corp.'s time to answer, move or otherwise respond to the complaint herein shall be extended to and including 4/28/98. So Ordered: (signed by Magistrate Judge Mark D. Fox). (ds) (Entered: 04/21/1998)
04/21/1998	21	ANSWER by The County of Westch, Andrew J. O'Rourke (Attorney) to amended complaint ; Firm of: Epstein,Beckerby attorney Matthew T. Miklave for defendant Andrew J. O'Rourke (ec) (Entered: 04/23/1998)
04/29/1998	22	DECLARATION in support of Matthew T. Miklave by The County of Westch, Andrew J. O'Rourke, Westchester Medical Re: motion to disqualify counsel (ds) (Entered: 04/29/1998)
04/29/1998	23	MEMORANDUM by The County of Westch, Andrew J. O'Rourke, Westchester Medical in support of motion to disqualify dft Westchester County Health Care Corp.'s office of General Counsel and the Law Firm of Jackson Lewis (ds) (Entered: 04/29/1998)
05/04/1998	24	Transcript of record of proceedings filed for dates of 4/17/98 (fb) Modified on 05/04/1998 (Entered: 05/04/1998)
05/04/1998	25	Transcript of record of proceedings filed for dates of 4/21/98 (fb) (Entered: 05/04/1998)
05/15/1998	26	NOTICE of attorney appearance for Westchester Medical by Thomas A. Moore (ec) (Entered: 05/15/1998)
05/27/1998	27	Transcript of record of proceedings filed for dates of May 15, 1998 (ec) (Entered: 05/28/1998)
05/28/1998	28	STIPULATION AND ORDER, it is hereby stipulated anda greed as follows: 1) The Court approves the request of Jackson Lewis to w/draw as counsel afor the OCrp. 2) Proskauer Rose hereby enters ita appearance as counsel for the COporation... 3) The COunty dfts hereby w/draw their motion to disqualify the

		Corporations's counsel dated 4/28/98.... substituting attorney terminated attorney Anthony J. DiOrio for Westchester Medical, attorney Joseph A. Jr. for Westchester Medical, attorney Andrew A. Peterson Westchester Medical Added Proskauer Rose ; SO ORDERED: (signed by Magistrate Judge D. Fox); Copies mailed (ds) (Entered: 05/29/1998)
06/03/1998	29	Case Management Plan in a Standard or Complex Case:The case is not to be tried to a jury. All parties have been joined. Deft. Westchester County health shall serve and file an answer or motion to dismiss on or before June 30, 1998. The parties may supplement their responses to requests for document on or before July 15, 1998. Interrogatories and/or additional requests for production of documents, if any, to be served no later than July 15, 1998, except that expert interrogatories must be served by July 31, 1998. Depositions shall proceed concurrently with interrogatories and/or additional requests for production of documents. Depositions, other than those of experts, shall be completed by August 31, 1998. The resume9s0 and report(s) of pltfs' expert(s), if any, shall be served no later than August 14, 1998. The resume(s) and report(s) of all defts experts, if any, shall be served no later than September 15, 1998. Depositions of experts shall be completed by Sept. 30, 1998. All discovery is to be completed by September 30, 1998. Dispositive motions, if any, must be served in accordance with the Local Civil Rules on or before Oct. 30, 1998. Opposition papers shall be served by November 30, 1998. Reply papers, if any, shall be served by December 15, 1998. (signed by Magistrate Judge Mark D. Fox); Copies mailed. (ec) (Entered: 06/04/1998)
06/18/1998	30	Transcript of record of proceedings filed for dates of June 11, 1998 (ad) (Entered: 06/18/1998)
06/19/1998	31	Transcript of record of proceedings filed for dates of June 12, 1998 (ds) (Entered: 06/22/1998)
06/25/1998	32	Transcript of record of proceedings filed for dates of June 12, 1998 (ICMSUSER) (Entered: 06/25/1998)
06/26/1998		Case Management Conference held before USDJ Briant. Transcript taken by Adrienne Mignano. (pm) (Entered: 06/29/1998)
06/30/1998	33	NOTICE OF MOTION by The County of Westch to dismiss the amended complaint against them in its entirety, with prejudice and without leave to amend pursuant to Rule 12(b)(6) FRCP , Return date 7/31/98 (pm) (Entered: 07/01/1998)
06/30/1998	34	MEMORANDUM by The County of Westch in support of [33-1] motion to dismiss the amended complaint against them in its entirety, with prejudice and without leave to amend pursuant to Rule 12(b)(6) FRCP (pm) (Entered: 07/01/1998)
07/06/1998	35	Transcript of record of proceedings filed for dates of June 12, 1998 (ds) (Entered: 07/06/1998)
07/16/1998	36	MEMORANDUM of Law in opposition to the motion to dismiss the Amended Complaint against The Westchester Medical Center by Arnold Absolu, Edner Absolu, Rafael Almonte, Roberto Aranda, Juan Benitez, Jose Bianchimano, Emily Blake, Francisca E. Bravo, David Brown, Elena Caballero, Angel F. Cabreja, Paula Cabreja, Yanet Cabreja, Jose R. Camacho, Hernando Cardona, Sergio Cardona, Arnel Cargil, Stanford Carter, Yolanda E. Castillo, Antonio Cifuentes, Sulien Cifuentes, Jesus Contreras, Jose Antonio Diaz, Nelson R. Disla, Jose A. Flores, Maria Galeano, Santana Garcia, Ivan D. Gomez, Jorge Gomez, Leticia Higinio, Jocelyn Isaacs, Jean Claude Jean, Robert Mann, Carmen Martinez, Hayzel Maxwell, Ivy Maxwell, Lloyd Maxwell, Georgia Moore, Rose Mosny, Carmen B. Mothersill, Roberto Motta, Barbara Parker, Marcia Parker, Robert L. Parker, Jose Perez, Luz A. Piantieri, Cristobal Quintana, Victoria Quispe, Luis Ramirez, Bolivar Ramos, Reyes Rodriguez, Victor Rosario, Hazel Rose, Jairo Salgado, Jose Luis Santana, Margarito Santana, Louis M. Serrano, Bienvenida Suriel, Paulino Tapia, Astleyman Tyrell, Garfield Williams in opposition to [33-1] motion to dismiss the amended complaint against them in its entirety, with prejudice and without leave to amend pursuant to Rule 12(b)(6) FRCP (ll) (Entered: 07/16/1998)

07/16/1998	37	AFFIDAVIT in opposition of Robert David Goodstein by Arnold Absolu et. al. Re: [33-1] motion to dismiss the amended complaint against them in its entirety, with prejudice and without leave to amend pursuant to Rule 12(b)(6) FRCP (ll) (Entered: 07/16/1998)
07/20/1998	38	AFFIDAVIT of Matthew T. Miklave by The County of Westch, Andrew J. O'Rourke Re: [34-1] support memorandum, [33-1] motion to dismiss the amended complaint against them in its entirety, with prejudice and without leave to amend pursuant to Rule 12(b)(6) FRCP (ll) (Entered: 07/20/1998)
07/20/1998	39	MEMORANDUM of Law in opposition to Westchester Medical Center's Motion to dismiss the Amended Complaint by The County of Westch (ll) (Entered: 07/20/1998)
07/27/1998	40	Reply memorandum of Law in Further support of the motion to dismiss the amended complaint as against the Westchester Medical Center. (ec) (Entered: 07/29/1998)
07/31/1998		Memorandum to Docket Clerk:Hearing begun and concluded on July 31, 1998 of deft Westchester Medical Center's motion to dismiss the amended complaint docketed June 30, 1998 (court rpt. Mary Staten). Judge's Decision: Westchester County health is the real entity being sued in this action doing business as Westchester Medical Center. Court grants pltf leave to issue an amended summons and amended complaint within 20 days against the Company by its own name. The court finds that this filing relates back to the original complaints. The motion is in all other respects denied. See transcript. So Ordered:Judge Briant. (ec) (Entered: 07/31/1998)
08/03/1998	41	AFFIDAVIT of Frederick B. Miller by Louis M. Serrano Re: I make this affidavit in response tot he order of the Court on July 31, 1998, directing that WCHCC submit an affidavit demonstrating that a good faith and diligent search for documents in the action was conducted. (ec) (Entered: 08/05/1998)
08/07/1998	42	Transcript of record of proceedings filed for dates of July 31, 1998 (ec) (Entered: 08/07/1998)
08/17/1998	43	SECOND AMENDED COMPLAINT by Arnold Absolu, Edner Absolu, Rafael Almonte, Roberto Aranda, Juan Benitez, Jose Bianchimano, Emily Blake, Francisca E. Bravo, David Brown, Elena Caballero, Angel F. Cabreja, Paula Cabreja, Yanet Cabreja, Jose R. Camacho, Hernando Cardona, Sergio Cardona, Arnel Cargil, Stanford Carter, Yolanda E. Castillo, Antonio Cifuentes, Sulien Cifuentes, Jesus Contreras, Jose Antonio Diaz, Nelson R. Disla, Jose A. Flores, Maria Galeano, Santana Garcia, Ivan D. Gomez, Jorge Gomez, Leticia Higinio, Jocelyn Isaacs, Jean Claude Jean, Robert Mann, Carmen Martinez, Hayzel Maxwell, Ivy Maxwell, Lloyd Maxwell, Georgia Moore, Rose Mosny, Carmen B. Mothersill, Roberto Motta, Barbara Parker, Marcia Parker, Robert L. Parker, Jose Perez, Luz A. Piantieri, Cristobal Quintana, Victoria Quispe, Luis Ramirez, Bolivar Ramos, Reyes Rodriguez, Victor Rosario, Hazel Rose, Jairo Salgado, Jose Luis Santana, Margarito Santana, Louis M. Serrano, Bienvenida Suriel, Paulino Tapia, Astleyman Tyrell, Garfield Williams , (Answer due 8/31/98 for Westchester Medical, for Andrew J. O'Rourke, for The County of Westch) amending [15-1] amended complaint ; Summons issued. (ds) (Entered: 08/17/1998)
08/31/1998	44	ANSWER by The County of Westch, Andrew J. O'Rourke (Attorney) to SECOND amended complaint and cross claims ; Firm of: Epstein, Becker &Green, PC by attorney Matthew T. Miklave for defendant Andrew J. O'Rourke (ds) (Entered: 09/01/1998)
09/02/1998	45	ANSWER by Westchester County H (Attorney) to amended complaint ; Firm of: Proskauer Rose LLP by attorney Thomas A. Moore for defendant Westchester County H (ds) (Entered: 09/03/1998)
09/04/1998	46	Transcript of record of proceedings filed for dates of 7/31/98 (fb) (Entered: 09/04/1998)
09/18/1998	47	Transcript of record of proceedings filed for dates of September 3, 1998 (ec) (Entered: 09/18/1998)

09/21/1998	48	Letter filed dated Sept. 16, 1998 to Judge Briant from atty Robert D. Goodstein re I write to the Court and request that the Court order that defts bring to the Sept. 25th, 1998 conference individuals with authority to negotiate and enter into a proposed stipulation. (ec) (Entered: 09/21/1998)
09/22/1998	49	Objection(s) to the order of USMJ Fox stated orally on the record on 9/3/98 by The County of Westch, Andrew J. O'Rourke (ds) (Entered: 09/22/1998)
09/22/1998	50	MEMORANDUM by The County of Westch, Andrew J. O'Rourke in support of [49-1] miscellaneous (ds) (Entered: 09/22/1998)
09/23/1998	51	AFFIDAVIT of Jonathan S. Falk by The County of Westch, Andrew J. O'Rourke Re:I make this affidavit based upon my personal review of the plaintiff's expert report of Dr. Barry Skolnik. (ec) (Entered: 09/23/1998)
09/25/1998	52	Letter to USDJ Briant from atty Matthew Miklave filed by The County of Westch, Andrew J. O'Rourke dated Sept. 23, 1998 re in response to plntfs' 9/16/98 letter (ds) (Entered: 09/25/1998)
09/25/1998		Pre-trial conference held before Judge Briant. Transcript taken by Mary Staten. (ec) (Entered: 09/28/1998)
10/01/1998	53	AFFIDAVIT of Frederick B. Miller by Westchester County H Re: a good faith and diligent search for certain documents in the action was conducted (ds) (Entered: 10/06/1998)
10/13/1998	54	Transcript of record of proceedings filed for dates of Sept. 23, 1998 (ds) (Entered: 10/13/1998)
10/14/1998	55	Transcript of record of proceedings filed for dates of October 7, 1998 (ec) (Entered: 10/14/1998)
10/26/1998	56	Objection(s) to the order of USMJ Fox stated orally on the record on 10/7/98 by The County of Westch, Andrew J. O'Rourke (ds) (Entered: 10/27/1998)
10/26/1998	57	MEMORANDUM by The County of Westch, Andrew J. O'Rourke in support of [56-1] miscellaneous (ds) (Entered: 10/27/1998)
10/27/1998	58	FLD: County Dfts' Expert Report (ds) (Entered: 10/27/1998)
11/02/1998	59	Letter to USDJ Briant from atty Matthew Miklave filed by The County of Westch, Andrew J. O'Rourke dated Oct. 23, 1998 re to request leave to file an enlarged memo of law in support of County Dfts' motion for summary judgment (ds) (Entered: 11/02/1998)
12/04/1998		Case Management Conference held before Judge Briant. No transcript taken. (ec) (Entered: 12/07/1998)
01/15/1999		Case Management Conference held before USDJ Briant. no transcript taken (ds) (Entered: 01/15/1999)
02/11/1999		Pre-trial conference held by telephone by Judge Briant (ll) Modified on 02/11/1999 (Entered: 02/11/1999)
03/18/1999	60	NOTICE of attorney appearance for Westchester County H by Matthew T. Miklave (pf) (Entered: 03/18/1999)
03/18/1999		Case Management Conference held before USDJ Briant. Transcript taken by Mary Staten. (pf) (Entered: 03/19/1999)
04/07/1999	61	ORDER TO SHOW CAUSE by The County of Westch, Andrew J. O'Rourke, Westchester County H Show Cause Hearing set for 8:30 4/7/99 why an order pursuant to Rule 23 of the FRCvP and other applicable law, should not be entered:(1) preliminarily approving the Settlement Agreement and approving the Notice to the Class so that it may be forwarded to the members of the Class as set forth in the Settlement Agreement and so that final judgment dismissing this Action on their merits, with prejudice and without costs may be entered as set forth in the Settlement Agreement; (2) conditionally certifying the Class as set forth in the Settlement Agreement; (3) preliminarily appointing the named plaintiffs as the representatives of the Class as set forth in the Settlement Agreement; (4)

		scheduling a hearing (the "Fairness Hearing") to consider and determine whether final approval by the Court should be given to the proposed Settlement as set forth in the Settlement Agreement (signed by Judge Charles L. Brieant); Copies mailed. (ec) (Entered: 04/07/1999)
04/07/1999		Memorandum to Docket Clerk:Pre-trial conference held and concluded on April 7, 1999. (No transcript taken). Judge's Decision – Order to show cause signed. (ec) (Entered: 04/07/1999)
06/11/1999		Text not available. (Entered: 06/11/1999)
06/11/1999	62	NOTICE OF MOTION by Arnold Absolu, Edner Absolu, Rafael Almonte, Roberto Aranda, Juan Benitez, Jose Bianchimano, Emily Blake, Francisca E. Bravo, David Brown, Elena Caballero, Angel F. Cabreja, Paula Cabreja, Yanet Cabreja, Jose R. Camacho, Hernando Cardona, Sergio Cardona, Arnel Cargil, Stanford Carter, Yolanda E. Castillo, Antonio Cifuentes, Sulien Cifuentes, Jesus Contreras, Jose Antonio Diaz, Nelson R. Disla, Jose A. Flores, Maria Galeano, Santana Garcia, Ivan D. Gomez, Jorge Gomez, Leticia Higinio, Jocelyn Isaacs, Jean Claude Jean, Robert Mann, Carmen Martinez, Hayzel Maxwell, Ivy Maxwell, Lloyd Maxwell, Georgia Moore, Rose Mosny, Carmen B. Mothersill, Roberto Motta, Barbara Parker, Marcia Parker, Robert L. Parker, Jose Perez, Luz A. Piantieri, Cristobal Quintana, Victoria Quispe, Luis Ramirez, Bolivar Ramos, Reyes Rodriguez, Victor Rosario, Hazel Rose, Jairo Salgado, Jose Luis Santana, Margarito Santana, Louis M. Serrano, Bienvenida Suriel, Paulino Tapia, Astleyman Tyrell, Garfield Williams for attorney fees , Return date 7/7/99 (pf) (Entered: 06/11/1999)
07/07/1999	64	STIPULATION and ORDER of Settlement (see document) (signed by Judge Charles L. Brieant). (ec) (Entered: 07/08/1999)
07/07/1999		Memo endorsed on Stipulation of Settlement.....Endorsed:This document may be docketed and filed in the action. So Ordered: (signed by Judge Charles L. Brieant); Copies mailed. (ec) (Entered: 07/08/1999)
07/07/1999	65	Final JUDGMENT And Bar Order #99,0215wp The Court hereby orders and directs that the Settlement Proceeds shall be delivered to the Claims Administrator in escrow in accordance with paragraph 1.1 of the Settlement Agreement, and shall be distributed in accordance with the terms of the Settlement Agreement, including without limitation, that Class Counsel shall be reimbursed, from the Settlement proceeds, for its costs and disbursements in this Action in the amount of \$27,125.00, and shall be paid, from the Settlement Proceeds, its attorney fees in this Action in the amount of \$400,000.00, of which \$320,000.00 shall be paid to the attorneys upon the occurrence of the Effective Date, as that term is defined in the Settlement Agreement, and the remaining \$80,000 shall be paid to the attorneys upon resolution of all claims to the Settlement Proceeds. (signed by Judge Charles L. Brieant); Mailed copies and notice of right to appeal. EOD 7/9/99 (ec) Modified on 07/09/1999 (Entered: 07/09/1999)
07/07/1999		Case closed (ec) (Entered: 07/09/1999)
07/08/1999	63	AFFIDAVIT of Leonard A. Feiwus by Westchester County H in support Re: [61-1] motion why an order pursuant to Rule 23 of the FRCvP and other applicable law, should not be entered:(1) preliminarily approving the Settlement Agreement and approving the Notice to the Class so that it may be forwarded to the members of the Class as set forth in the Settlement Agreement and so that final judgment dismissing this Action on their merits, with prejudice and without costs may be entered as set forth in the Settlement Agreement; (2) conditionally certifying the Class as set forth in the Settlement Agreement; (3) preliminarily appointing the named plaintiffs as the representatives of the Class as set forth in the Settlement Agreement; (4) scheduling a hearing (the "Fairness Hearing") to consider and determine whether final approval by the Court should be given to the proposed Settlement as set forth in the Settlement Agreement . (pf) (Entered: 07/08/1999)
11/22/1999		CASE NO LONGER REFERRED TO Magistrate Judge Mark D. Fox (ds) (Entered: 11/22/1999)