

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:98-cv-03529-SJ-CLP**

Trowbridge, et al v. Institute for Basic, et al
Assigned to: Senior-Judge Sterling Johnson, Jr
Referred to: Magistrate-Judge Cheryl L. Pollak
Demand: \$0
Case in other court: 01-07429

105.00

105.00

Cause: 42:2003 Job Discrimination

Plaintiff

Dr. Richard S. Trowbridge

represented by **Jeremiah B. McKenna**
56 Bay Street
7th Floor
Staten Island, NY 10301
(718) 727-6043
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Lucille Donadio

represented by **Jeremiah B. McKenna**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Richard Coriasco

represented by **Jeremiah B. McKenna**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Dr. Betty Jo Merritt

represented by **Jeremiah B. McKenna**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Patricia Brophy

represented by **Jeremiah B. McKenna**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Dr. Alex Zemcov

represented by **Jeremiah B. McKenna**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Dr. Michael Zembrower
*individually and on behalf of all other
Persons similarly situated*

represented by **Jeremiah B. McKenna**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**Institute for Basic Research in
Developmental Disabilities of the Office
of Mental Retardation and
Developmental Disabilities**
TERMINATED: 08/24/1999

represented by **June I. Steinberg**
Attorney General of the State of New York
120 Broadway
New York, NY 10271
Fax (212) 416-6009
TERMINATED: 08/24/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mona Jha
Attorney General of the State of New York
120 Broadway
New York, NY 10271
(212) 416-8164
TERMINATED: 08/04/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**New York State Department of Mental
Hygiene**

represented by **June I. Steinberg**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**New York State Department of Civil
Service**
TERMINATED: 01/31/2001

represented by **Arlene R. Smoler**
New York State Attorney General
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June I. Steinberg
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LEAD ATTORNEY
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Mona Jha
(See above for address)
TERMINATED: 08/04/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dr. Henryk M. Wisniewski

represented by **June I. Steinberg**
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Mona Jha
(See above for address)
TERMINATED: 08/04/1999
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Melvin Hicks

TERMINATED: 01/31/2001

represented by **June I. Steinberg**
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TERMINATED: 01/31/2001
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Mona Jha

(See above for address)
TERMINATED: 08/04/1999
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Defendant

Peter Vietze

TERMINATED: 01/31/2001

represented by **Arlene R. Smoler**
(See above for address)
TERMINATED: 01/31/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

June I. Steinberg

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TERMINATED: 01/31/2001
LEAD ATTORNEY
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Mona Jha

(See above for address)
TERMINATED: 08/04/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Public Employees Federation,
AFL-CIO**

TERMINATED: 10/27/2000

represented by **Harold Eisenstein**
New York State Public Employees
Federation, AFL-CIO
P.O. Box 12414
1168-70 Troy-Schenectady Road
Albany, NY 12212-2414
Ext. 241
TERMINATED: 10/27/2000
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June I. Steinberg

(See above for address)
TERMINATED: 10/27/2000
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ATTORNEY TO BE NOTICED

Defendant

Michael Fenko

TERMINATED: 10/27/2000

Defendant

Thomas A. Maul

TERMINATED: 01/31/2001

represented by **Arlene R. Smoler**
(See above for address)
TERMINATED: 01/31/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

June I. Steinberg
(See above for address)
TERMINATED: 01/31/2001
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ATTORNEY TO BE NOTICED

Mona Jha
(See above for address)
TERMINATED: 08/04/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Office of Mental Retardation and
Developmental Disabilities**
TERMINATED: 01/31/2001

represented by **Arlene R. Smoler**
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TERMINATED: 01/31/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

June I. Steinberg
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TERMINATED: 01/31/2001
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Mona Jha
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TERMINATED: 08/04/1999
LEAD ATTORNEY
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Defendant

Jean S. Miller

Defendant

George C. Sinnott
TERMINATED: 01/31/2001

represented by **Arlene R. Smoler**
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TERMINATED: 01/31/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

June I. Steinberg
(See above for address)
TERMINATED: 01/31/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mona Jha
(See above for address)
TERMINATED: 08/04/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Institute for Basic Research in
Development Disabilities.**
TERMINATED: 01/31/2001

represented by **Arlene R. Smoler**
(See above for address)
TERMINATED: 01/31/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/11/1998	1	COMPLAINT filed and summons(es) issued for Institute for Basic, NYS Dept of Mental H, NYS Dept of Civil Se, Henryk M. Wisniewski, Melvin Hicks, Peter Vietze, Public Employees Fed, Michael Fenko FILING FEE \$ 150.00 RECEIPT # 206845 (Chow, Alice) (Entered: 05/13/1998)
05/27/1998	2	AMENDED COMPLAINT CLASS ACTION by plaintiffs, (Answer due 6/6/98 for Michael Fenko, Public Employees Federation, AFL-CIO, Peter Vietze, Melvin Hicks, Henryk M. Wisniewski, NYS Dept of Civil Service, NYS Dept of Mental Health Hygiene and Institute for Basic Research in Developmental Disabilities) amending [1-1] complaint against Thomas A. Maul, Office of Mental Retardation and Developmental Disabilities, Jean S. Miller and George C. Sinnott. Galeano, Sonia (Entered: 05/28/1998)
06/29/1998	3	RETURN OF SERVICE executed as to Melvin Hicks 6/11/98 Answer due on 7/1/98 for Melvin Hicks (Piper, Francine) (Entered: 07/01/1998)
06/29/1998	4	RETURN OF SERVICE executed as to Institute for Basic 6/11/98 Answer due on 7/1/98 for Institute for Basic (Piper, Francine) (Entered: 07/01/1998)
06/29/1998	5	RETURN OF SERVICE executed as to Michael Fenko 6/24/98 Answer due on 7/14/98 for Michael Fenko (Piper, Francine) (Entered: 07/01/1998)
07/28/1998	6	ANSWER by Institute for Basic, NYS Dept of Civil Se, Henryk M. Wisniewski, Melvin Hicks, Peter Vietze, Thomas A. Maul, Office of Mental Ret, George C. Sinnott to amended complaint (Piper, Francine) (Entered: 07/29/1998)
07/30/1998	7	LETTER dated 7/28/98 from Judith M. Young to Judge Johnson, Enclosing a courtesy copy of dft's answer to the amended complaint. (Piper, Francine) (Entered: 07/30/1998)
08/05/1998	8	LETTER dated 7/27/98 from Harold Eisenstein to Jeremiah B. McKenna, Enclosing for service two copies of dfts Public Employees Federation, AFL-CIO and Michael D. Fenko's Motion to Dismiss Pltff's Amended Complaint. (Piper, Francine) (Entered: 08/05/1998)
08/17/1998	9	RETURN OF SERVICE executed as to Michael Fenko 6/24/98. Answer due 7/14/98 (Piper, Francine) (Entered: 08/18/1998)
08/17/1998	9	RETURN OF SERVICE executed as to Henryk M. Wisniewski 7/22/98. Answer due 8/11/98. (Piper, Francine) (Entered: 08/18/1998)
10/07/1998	10	LETTER dated 10/2/98 from Harold Eisenstein to Jeremiah B. McKenna, Enclosing a copy of dfts Public Employees Federation, AFL-CIO and Michael D. Fenko's reply memorandum of law in support of motion to dismiss plttf's amended complaint. (Piper, Francine) (Entered: 10/07/1998)
10/15/1998	11	MOTION by Public Employees Fed, Michael Fenko to dismiss the amended complaint . Motion hearing [11-1] motion . (Piper, Francine) (Entered: 10/20/1998)
10/15/1998	12	MEMORANDUM OF LAW by Public Employees Fed, Michael Fenko in support of [11-1] motion to dismiss the amended complaint (Piper, Francine) (Entered: 10/20/1998)
10/15/1998	13	AFFIDAVIT of Harold Eisenstein Re: In support of [11-1] motion to dismiss the amended complaint (Piper, Francine) (Entered: 10/20/1998)
10/15/1998	14	MEMORANDUM OF LAW by Richard S. Trowbridge, Lucille Donadio, Richard Coriasco, Betty Jo Merritt, Patricia Brophy, Alex Zemcov, Michael Zembrower in answer to [11-1] motion dismiss the amended complaint (Piper, Francine) (Entered: 10/20/1998)
10/15/1998	15	REPLY MEMORANDUM OF LAW by Public Employees Fed, Michael Fenko in support of [11-1] motion to dismiss the amended complaint (Piper, Francine) (Entered: 10/20/1998)

10/15/1998	16	CERTIFICATE OF SERVICE by Maria A. Betor on 10/2/98 a copy of an affidavit by Harold Eisenstein, Reply Memorandum of Law in Support upon Mona Jha, Esq by regular mail. (Piper, Francine) (Entered: 10/20/1998)
10/15/1998	17	CERTIFICATE OF SERVICE by Maria A. Betor on 10/2/98 by regular mail of an affidavit by Harold Eisenstein and dft's Reply Memorandum of Law in Support of Motion to Dismiss upon Jeremiah B. McKenna, Esq. (Piper, Francine) (Entered: 10/20/1998)
10/15/1998	18	CERTIFICATE OF SERVICE by Maria A. Betor on 7/27/98 of the Motion to Dismiss plttf's complaint, Supporting Memorandum upon Jeremiah B. McKenna by First Class Mail. (Piper, Francine) (Entered: 10/20/1998)
10/15/1998	19	CERTIFICATE OF SERVICE by Maria A. Betor on 7/27/98 of the Motion to Dismiss plff's amended complaint and supporting memorandum of law upon Mona Jha Esq. by First Class Mail. (Piper, Francine) (Entered: 10/20/1998)
10/20/1998	20	STIPULATION and ORDER, the action is voluntarily dismissed without prejudice, as to the Fifth and Sixth Cause of Action against the dft Public Employees Federation, AFL-CIO and dft Michael Fenko without costs or attorney's fees to any party (signed by Judge Sterling Johnson Jr. 10/15/98) (Piper, Francine) (Entered: 10/20/1998)
11/27/1998	21	ORDER dated 11/25/98 an initial conference has been scheduled for 12/17/98 at 2:30 p.m. set status conference for 2:30 12/17/98 before Magistrate Cheryl L. Pollak (signed by Magistrate Cheryl L. Pollak) (c/m). (Gonzalez, Mary) (Entered: 11/27/1998)
12/07/1998	22	LETTER dated 12/3/98 from Harold Eisenstein to Mag. Pollak, Requesting that the 12/17/98 conference be postponed pending the outcome of dfts PEF and Fenko's motion to dismiss before Judge Johnson. (Piper, Francine) (Entered: 12/07/1998)
12/08/1998	23	LETTER dated 12/3/98 from Jeremiah B. McKenna to Mag. Pollak, Requesting an adjournment of the conference set for 12/17/98. (Piper, Francine) (Entered: 12/08/1998)
12/08/1998		Endorsed order, Conference adjourned pending decision on motion to dismiss. (Signed by Magistrate Cheryl L. Pollak 12/4/98) (endorsed on letter, document #23) (Piper, Francine) (Entered: 12/08/1998)
04/30/1999	24	LETTER dated 4/29/1999 from HAROLD EISENSTEIN to SJ enclosing for Judge Johnson's consideration a recent Second Circuit decision, Vital v. Interfaith Medical Center. (Enclosure is attached to the letter.) [Letter and attachment were forwarded to SJ.] (Mackey, Donna) (Entered: 05/03/1999)
06/24/1999	25	MEMORANDUM and ORDER, the complaint is dismissed but plttfs may file an amended complaint within 60 days with respect to the claims brought pursuant to Title VII and the ADEA against PEF and Fenko . (signed by Judge Sterling Johnson Jr. , on 6/21/99) c/m (Piper, Francine) Modified on 06/24/1999 (Entered: 06/24/1999)
08/04/1999	26	LETTER dated 7/29/99 from June Steinberg to Mag. Pollak, advising that this case has been reassigned to Steinberg. (Piper, Francine) (Entered: 08/04/1999)
08/06/1999	27	LETTER dated 7/29/99 from June Steinberg to Judge Johnson, advising that court that this case has been reassigned to June Steinberg. (Piper, Francine) (Entered: 08/06/1999)
08/24/1999	28	SECOND AMENDED COMPLAINT by Michael Zebrower, Alex Zemcov, Patricia Brophy, Betty Jo Merritt, Richard Coriasco, Lucille Richard S. Trowbridge , (Answer due 9/3/99 for NYS Dept of Mental H, for NYS Dept of Civil Se, for Henryk M. Wisniewski, for Melvin Hicks, for Peter Vietze, for Public Employees Fed, for Michael Fenko, for Thomas A. Maul, for Office of Mental Ret, for Jean S. Miller, for George C. Sinnott) amending [2-1] amended complaint against Institute for Basi (Piper, Francine) Modified on 08/25/1999 (Entered: 08/25/1999)
09/23/1999	29	ANSWER by Institute for Basi, Thomas A. Maul, Office of Mental Ret, George C. Sinnott, NYS Dept of Civil Se, Peter Vietze to second amended complaint (Piper, Francine) (Entered: 09/28/1999)

10/25/1999	30	LETTER dated 10/13/99 from Jeremiah B. McKenna to Jeffrey G. Plant, Esq., confirming that it was agreed to extend the time to answer the motion of dfts, PEF and Fenko to dismiss plttf's second amended complaint up to and including 10/27/99. (Piper, Francine) (Entered: 10/25/1999)
11/22/1999	31	SCHEDULING ORDER; Setting Pretrial conference for 9:30 2/16/00 ; (signed by Judge Sterling Johnson Jr. , on 11/16/99) (Piper, Francine) (Entered: 11/22/1999)
02/02/2000	32	MOTION by Michael Fenko, Public Employees Fed to dismiss plttf's second amended complaint , Motion hearing [32-1] motion (Piper, Francine) (Entered: 02/08/2000)
02/02/2000	33	MEMORANDUM OF LAW by Michael Fenko, Public Employees Fed in support of [32-1] motion to dismiss plttf's second amended complaint. (Piper, Francine) (Entered: 02/08/2000)
02/02/2000	34	MEMORANDUM OF LAW by Michael Zembrower, Alex Zemcov, Patricia Brophy, Betty Jo Merritt, Richard Coriasco, Lucille Richard S. Trowbridge in answer to [32-1] motion to dismiss plttf's second amended complaint (Piper, Francine) (Entered: 02/08/2000)
02/02/2000	35	REPLY MEMORANDUM OF LAW by Michael Fenko, Public Employees Fed in support of [2-1] motion to dismiss plttf's second amended complaint (Piper, Francine) (Entered: 02/08/2000)
02/02/2000	36	ANSWERING AFFIDAVIT by Richard S. Trowbridge to [32-1] motion to dismiss plttf's second amended complaint (Piper, Francine) (Entered: 02/08/2000)
02/02/2000	37	Exhibit J, Exhibit k, Exhibit L (Piper, Francine) (Entered: 02/08/2000)
02/02/2000	38	CERTIFICATE OF SERVICE by Steven M. Klein, Re: Reply Memorandum of Law in Support of Motion to Dismiss Plttf's Second Amended Complaint upon Arlene R. Smoler, Esq on 1/31/00 by regular mail. (Piper, Francine) (Entered: 02/08/2000)
02/02/2000	39	CERTIFICATE OF SERVICE by Steven M. Klein, Re: Reply Memorandum of Law in Support of The motion to dismiss second amended complaint upon Jeremiah B. McKenna by regular mail on 1/31/00. (Piper, Francine) (Entered: 02/08/2000)
02/02/2000	40	AFFIDAVIT OF SERVICE BY MAIL by Christine M. Yusko Re: [32-1] motion to dismiss plttf's second amended complaint, [33-1] support memorandum upon Jeremiah B. McKenna on 9/23/99. (Piper, Francine) Modified on 02/08/2000 (Entered: 02/08/2000)
02/02/2000	41	AFFIDAVIT OF SERVICE by Mail by Christine M. Yusko Re: [32-1] motion to dismiss plttf's second amended complaint, [33-1] support memorandum upon Hon. Eliot Spizer on 9/24/99. (Piper, Francine) (Entered: 02/08/2000)
02/23/2000	42	LETTER dated 1/31/00 from Harold Eisenstein to Judge Johnson, requesting that the court waive the rule and allow an additional three pages in dfts Public Employees Federation and Michael Fenko Reply Memorandum of Law. (Piper, Francine) (Entered: 02/23/2000)
02/23/2000		Endorsed order, Dft's Public Employees Federation and Michael Fenko are granted permission to file an additional three pages in their reply memorandum of law. (Signed by Judge Sterling Johnson Jr. , on 2/3/00) (endorsed on letter, document #42) (Piper, Francine) (Entered: 02/23/2000)
02/23/2000	43	LETTER dated 2/14/00 from Jeremiah B. McKenna to Judge Johnson, advising that the conference set for 2/16/00 has been adjourned to 3/8/00 at 9:30. (Piper, Francine) (Entered: 02/23/2000)
03/08/2000	44	Calendar entry:, Before Judge Johnson on 3/8/00 for a Pretrial Conference. Dft to file motion to dismiss by 4/14/00. Response 5/15/00. Set Pretrial Conference for 9:30 6/15/00 before Judge Sterling Johnson Jr. . (Piper, Francine) (Entered: 03/10/2000)

03/21/2000	45	LETTER dated 3/10/00 from Harold Eisenstein to Jeremiah B. McKenna, Esq., confirming that plttfs have withdrawn their discrimination claim under the Age Discrimination and Employment Act of 1967 against all dfts, including dfts Public Employees Federation and Michael Fenko. (Piper, Francine) (Entered: 03/21/2000)
04/14/2000	49	MOTION by Institute for Basi, Thomas A. Maul, Office of Mental Ret, George C. Sinnott, NYS Dept of Civil Se, Melvin Hicks, Peter Vietze to dismiss complaint . Motion hearing [49-1] motion set for 6/15/00 at 9:30 . Motion file stamped: 7/20/00 and mailed/served: 4/14/00 (Piper, Francine) (Entered: 07/28/2000)
04/14/2000	50	MEMORANDUM OF LAW by Institute for Basi, Thomas A. Maul, Office of Mental Ret, George C. Sinnott, NYS Dept of Civil Se, Melvin Hicks, Peter Vietze in support of [49-1] motion to dismiss complaint (Piper, Francine) (Entered: 07/28/2000)
04/14/2000	51	MEMORANDUM OF LAW by Michael Zembrower, Alex Zemcov, Patricia Brophy, Betty Jo Merritt, Richard Coriasco, Lucille C. Donadio, Richard S. Trowbridge in opposition to [49-1] motion to dismiss complaint (Piper, Francine) (Entered: 07/28/2000)
04/14/2000	52	REPLY MEMORANDUM OF LAW by Institute for Basi, Thomas A. Maul, Office of Mental Ret, George C. Sinnott, NYS Dept of Civil Se, Melvin Hicks, Peter Vietze in support [49-1] motion to dismiss complaint. (Piper, Francine) (Entered: 07/28/2000)
04/14/2000	53	ANSWERING AFFIDAVIT of Jeremiah B. McKenna in support of plttf's answer to the motion to dismiss the second amended complaint (Piper, Francine) (Entered: 07/28/2000)
05/31/2000	46	ENDORSED ORDER granting an extension of time for plaintiff to answer the public defendant's motion to dismiss. Plaintiff's answer due 5/30/00. Submission of Attorney General's reply due 6/19/00. Motion conference adjourned to 6/29/00 before Judge Sterling Johnson Jr. ; Assistant Attorney General Stern will be engaged 6/15/00 (signed by Judge Sterling Johnson , on 5/25/00). See letter dated 5/23/00 from Jeremiah McKenna, Esq., to August Marziliano, Law Clerk to Judge Johnson. (Rodriguez,Angela) (Entered: 05/31/2000)
06/29/2000	47	Calendar entry: Before Judge Johnson on 6/29/00 for a Status Conference. Only counsel for dft appears. Counsel for plttf does not appear. Case to be re-called in the afternoon. Further Status Conference 9/15/00 at 9:30. (Piper, Francine) (Entered: 07/05/2000)
07/13/2000	48	LETTER dated 7/7/00 from Jermiah B. McKenna to Leonard A. Cohen, confirming that plttfs time to file their answer to dft's motion to dismiss is extended to 7/10/00 and dft's reply is extended to 7/17/00. (Piper, Francine) (Entered: 07/13/2000)
07/28/2000	54	LETTER dated 5/30/00 from Jeremiah B. McKenna to Judge Johnson, plttf's request that before they are required to submit an answer to the public dfts motion to dismiss their complaint, that the court direct that a conference be held to discuss the attorney general's representation of and reliance on the testimony and statements of Melvin Hicks. (Piper, Francine) (Entered: 07/28/2000)
08/03/2000	55	LETTER dated 7/12/00 from Leonard Cohen to Judge Johnson, requesting permission to file the state dft's moving papers without any opposition. (Piper, Francine) (Entered: 08/03/2000)
08/03/2000	56	LETTER dated 4/14/00 from Leonard Cohen to Jeremiah Mckenna, enclosing copies of the moving dft's motion to dismiss and memorandum of law in support. (Piper, Francine) (Entered: 08/03/2000)
08/03/2000	57	LETTER dated 6/2/00 from Leonard Cohen to Judge Johnson, state dft's opposition to plttfs request to delay determination of the pending motion to dismiss. (Piper, Francine) (Entered: 08/03/2000)
08/03/2000	58	LETTER dated 7/24/00 from Harold Eisenstein to Judge Johnson, requesting that the court not consider plttf's claims of breach of duty of fair represenation and ADEA violations against dfts PEF and Fenko and requesting that the court grant

		the motion for an order dismissing plttf's second amended complaint. (Piper, Francine) (Entered: 08/03/2000)
08/04/2000	59	TRANSCRIPT of Proceedings before Judge Johnson filed for dates of 3/8/00. Jeremiah McKenna for Pltff; Lynette Philips for Dft; Court Reporter, Holly Driscoll. (Piper, Francine) (Entered: 08/04/2000)
09/15/2000	60	Calendar entry: Before Judge Johnson on 9/15/00 or a Pretrial Conference. Motion to be decided by next appearance. Pretrial Conference 10/20/00 at 9:30. (Piper, Francine) (Entered: 09/19/2000)
09/15/2000		Deadline updated; set pretrial conference for 9:30 10/20/00 before Judge Sterling Johnson Jr. (Piper, Francine) (Entered: 09/19/2000)
10/20/2000	63	Calendar entry: Before Judge Johnson on 10/20/00 for a Telephone Conference. Dft's motion to dismiss (second amended complaint) granted. Dismissed as to union dfts. Pretrial Conference 1/24/01 at 9:30. (Piper, Francine) (Entered: 10/26/2000)
10/23/2000	61	TRANSCRIPT filed of telephone conference and decision before Judge Johnson for dates of 10/20/00 at 9:30a.m. CR Sheldon Silverman. (Dobkin, David) (Entered: 10/23/2000)
10/25/2000	62	LETTER dated 10/20/00 from Leonard A. Cohen to Judge Johnson, enclosing additional courtesy copies of all papers relating to the motion of the State Dfts to dismiss the second amended complaint in its entirety. (Piper, Francine) (Entered: 10/25/2000)
10/27/2000	64	ORDER, granting dft's Public Employees Federation, AFL-CIO, and Michael Fenko's [32-1] motion to dismiss plttf's second amended complaint. (signed by Judge Sterling Johnson Jr. , on 10/24/00) c/m (Piper, Francine) (Entered: 10/27/2000)
01/24/2001	66	Calendar entry: Before Judge Johnson on 1/24/01 for a Conference. Decision read on the record. Pltff's Title VII claim is dismissed. Dft's motion to dismiss is granted. (Piper, Francine) (Entered: 02/09/2001)
01/31/2001	65	ORDER, granting [49-1] motion to dismiss complaint. (signed by Judge Sterling Johnson Jr. , on 1/25/01) c/m (sent to pro se for judgment) (Piper, Francine) (Entered: 01/31/2001)
02/22/2001	67	TRANSCRIPT of Status Conference/Decision before Judge Johnson dated 1/24/01. Jeremiah McKenna for the plaintiff; No appearance for dft. Court Reporter, Sheldon Silverman. (Piper, Francine) (Entered: 02/22/2001)
03/14/2001	68	MAIL RETURNED #65 returned on 2/7/01. Mailed to Leonard Cohen, Envelope Stamped, Return to Sender, Addressee Unknown. (Piper, Francine) (Entered: 03/14/2001)
04/09/2001	69	LETTER dated 2/28/01 from Leonard A. Cohen to Judge Johnson, state dfts request that the dismissal order be amended to include the dismissal of all claims against the NYS Dept of Mental Hygiene, Jean S. Miller and Henry M. Wisniewski. (Piper, Francine) (Entered: 04/09/2001)
04/09/2001	70	ORDER, the Second Amended Complaint is dismissed as to the remaining dfts. (signed by Judge Sterling Johnson Jr. , on 4/4/01) (sent to pro se for judgment) (Piper, Francine) (Entered: 04/09/2001)
04/09/2001	72	NOTICE OF APPEAL by attorney for Michael Zembrower, Alex Zemcov, Patricia Brophy, Betty Jo Merritt, Richard Coriasco, Lucille Richard S. Trowbridge Fee Paid \$ 105.00 Receipt # 245129 [71-1] judgment order, [70-1] order, [65-1] order. Affidavit of service dtd 4/13/01 attached. (McGee, Maryann) Modified on 04/18/2001 (Entered: 04/13/2001)
04/11/2001	71	JUDGMENT, that plaintiffs take nothing of the dfts, and the remaining dfts, NYS Dept of Mental Hygiene, Jean S. Miller, and Henry Wisniewski's request to dismiss the second amended complaint is granted. (Signed by Robert C. Heinemann on 4/9/01) c/m (Mag. Pollak Notified) , (Piper, Francine) (Entered: 04/11/2001)

04/11/2001		Case closed (Piper, Francine) (Entered: 04/11/2001)
04/13/2001		Certified copy of docket sheet sent to USCA. [72-1] appeal (McGee, Maryann) (Entered: 04/13/2001)
06/06/2001	73	USCA Scheduling Order: [72-1] appeal Appeal record due by 6/28/01 . USCA Number: 01-7429 Appellant's brief due 7/5/01. Appellee's brief due 8/6/01. Argument set for 9/17/01. (Gonzalez, Mary) (Entered: 06/06/2001)
06/12/2001	74	MANDATE OF USCA (certified copy) Re: [72-1] appeal dismissed. Certified by USCA on 6/6/01. USCA's No. is 01-7449. Copy sent to Judge Johnson &to USCA. (Vaughn, Terry) (Entered: 06/12/2001)
06/21/2001	75	USCA Scheduling Order:Index to record due 6/28/01 Appellant's brief due 7/5/01. Appellee's brief due 8/6/01. Argument set for 9/17/01. USCA# 01-7429.a (Vasquez, Liz) (Entered: 06/27/2001)
06/26/2001		Certified and transmitted INDEX on appeal to U.S. Court of Appeals. USCA#01-7429. Acknowledgment requested. (McGee, Maryann) (Entered: 06/28/2001)
07/13/2001	76	Acknowledgment from USCA received. Acknowledgment signed on 7/2/01. USCA# 01-7429. (Vasquez, Liz) (Entered: 07/13/2001)
07/20/2001		Record on Appeal that was prepared and kept in the CV/CR cabinet is being returned to the file section. (Drayton, Lorraine) (Entered: 07/20/2001)
08/06/2001	77	MANDATE OF USCA (certified copy) Re: dismissed, scheduling default. C/A#01-7429. Judge notified. Ackn. mailed. (Glenn, Marilyn) Modified on 08/08/2001 (Entered: 08/08/2001)
04/17/2002	78	LETTER dated 4/11/02 from Jeremiah B. McKenna,Esq. to The Attorney General of the State of New York enclosing copies of Pltf's motion to vacate orders and judgement of 4/11/01 and copies of Pltf's Memorandum oflaw in support of their motion. (enclosures not attached) (Fernandez, Erica) (Entered: 04/17/2002)
05/01/2002	79	ORDER, granting dfts.' request to extend time to respond to pltf.'s motion from 4/30/02 to 5/14/02 . (Signed by Judge Sterling Johnson Jr. on 4/29/02). Endorsed on letter dated 4/25/02 from Leonard A. Cohen to Judge Johnson. (Reddy, Lisa) (Entered: 05/01/2002)
05/28/2002	80	LETTER dated 5/14/02 from Leonard A. Cohen, Esq. to Jeremiah B. McKenna, Esq. enclosing deft's memorandum of law in opposition to pltf's motion pursuant to Rule 60(b); and Affidavit of Leonard A. Cohen in opposition to pltf's motion. (enclosures not attached) (Fernandez, Erica) (Entered: 05/28/2002)
05/29/2002	82	MOTION by pltfs Michael Zembrower, Alex Zemcov, Patricia Brophy, Betty Jo Merritt, Richard Coriasco, Lucille Donadio, S. Trowbridge to vacate [71-1] judgment order entered in this action on 4/11/01 pursuant to FRCP Rule 60(b) on the following grounds: 1)Material newly discovered evidence ; 2)Fraud, Misrepresentation and misconduct on the part of State defts . (Exhibits A-J attached). Motion file stamped: 5/29/02. (Fernandez, Erica) (Entered: 06/10/2002)
05/29/2002		Text not available. (Entered: 06/10/2002)
05/29/2002	83	MEMORANDUM by Michael Zembrower, Alex Zemcov, Patricia Brophy, Betty Jo Merritt, Richard Coriasco, Lucille Donadio, Richard S. Trowbridge in support of [82-1] motion to vacate [71-1] judgment order entered in this action on 4/11/01 pursuant to FRCP Rule 60(b) on the following grounds: 1)Material newly discovered evidence ; 2)Fraud, Misrepresentation and misconduct on the part of State defts. (Fernandez, Erica) (Entered: 06/10/2002)
05/29/2002	84	MEMORANDUM by George C. Sinnott, Office of Mental Ret, Thomas A. Maul, Peter Vietze, Melvin Hicks, NYS Dept of Civil Se, Institute for Basi in opposition to [82-1] motion to vacate [71-1] judgment order entered in this action on 4/11/01 pursuant to FRCP Rule 60(b) on the following grounds: 1)Material newly discovered evidence ; 2)Fraud, Misrepresentation and misconduct on the part of State defts (Fernandez, Erica) (Entered: 06/10/2002)

05/29/2002	85	AFFIDAVIT by Leonard A. Cohen, Esq. on behalf of defts in opposition to Pltf's [82-1] motion to vacate [71-1] judgment order entered in this action on 4/11/01 pursuant FRCP Rule 60(b) on the following grounds: 1)Material newly discovered evidence ; 2)Fraud, Misrepresentation and misconduct on the part of State defts. (Fernandez, Erica) (Entered: 06/10/2002)
05/29/2002	86	REPLY MEMORANDUM OF LAW by Pltfs Michael Zembrower, Alex Zemcov, Patricia Brophy, Betty Jo Merritt, Richard Coriasco, Donadio, Richard S. Trowbridge, Institute for Basi in further support of [82-1] motion to vacate [71-1] judgment order entered in this action on 4/11/01 pursuant to FRCP Rule 60(b) on the following grounds: 1)Material newly discovered evidence ; 2)Fraud, Misrepresentation and misconduct on the part of State defts. (Fernandez, Erica) (Entered: 06/10/2002)
05/29/2002	87	AFFIRMATION IN REPLY TO STATE DEFT'S ANSWER TO PLTF'S MOTION TO VACATE JUDGMENT by Pltfs Michael Zembrower, Alex Zemcov, Patricia Brophy, Betty Jo Merritt, Richard Coriasco, Lucille Richard S. Trowbridge, Institute for Basi Re: [82-1] to vacate [71-1] judgment order entered in this action on 4/11/01 pursuant to FRCP Rule 60(b) on the following grounds: 1)Material newly discovered evidence ; 2)Fraud, Misrepresentation and misconduct on the part of State defts. (Fernandez, Erica) (Entered: 06/10/2002)
05/29/2002	88	LETTER dated 5/27/02 from Jeremiah B. McKenna, Esq. to Clerk of the Court enclosing Notice of Motion and supporting papers. (enclosures not attached) (Fernandez, Erica) (Entered: 06/10/2002)
05/31/2002	81	ORDER: request granted; for an extension of time until 5/27/02 to reply to the State deft's Oppostion . Signed by Judge Sterling Johnson Jr. , undated. (See letter dated 5/16/02 from Jeremiah B. McKenna, Esq.) (Fernandez, Erica) (Entered: 05/31/2002)
03/14/2003	89	MEMORANDUM and ORDER denying [82-1] motion to vacate [71-1] judgment order entered in this action on 4/11/01 pursuant FRCP Rule 60(b) on the following grounds: 1)Material newly discovered evidence ; 2)Fraud, Misrepresentation and misconduct on the part of State defts; The Clerk of the Court is directed to enter judgment for the defts and to close the case. Signed by Judge Sterling Johnson Jr. , on 3/3/03. c/m by chambers (3 certified copies fwd to Judge Johnson) (Fernandez, Erica) (Entered: 03/14/2003)
04/01/2003	90	NOTICE OF APPEAL by attorney for Michael Zembrower, Alex Zemcov, Patricia Brophy, Betty Jo Merritt, Richard Coriasco, Lucille Richard S. Trowbridge Fee Paid \$ 105.00 Receipt # 275264 [89-1] order. Affidavit of service attched. Forms C and D mailed to Jeremiah B. McKenna, 19 Brentwood Avenue, Staten Island, NY. 10301. (McGee, Maryann) (Entered: 04/04/2003)
06/17/2003		Certified and Transmitted (INDEX) Record on Appeal to US Court of Appeals re 90 Notice of Appeal,, 72 Notice of Appeal, (Gonzalez, Mary) (Entered: 06/17/2003)
06/17/2003	91	Acknowledgment from USCA received re: 90 Appeal. Acknowledgment signed EA on 6/20/03. (Drayton, Lorraine) (Entered: 06/26/2003)
07/24/2003	<u>92</u>	USCA Scheduling Order as to 90 Notice of Appeal: Appeal Record, a certified copy of the docket entries, and the clerk's certificate due by 8/15/2003. The appellant's brief and the joint appendix due by 8/22/2003. The brief of the appellee due by 9/22/2003. The argument of the appeal shall be heard no earlier than the week of 11/3/2003. USCA#03-7339.(Delions, Aaron) (Entered: 08/07/2003)
03/30/2004	<u>93</u>	MANDATE of USCA : Ordered that the District Court's order of 3/3/03 is AFFIRMED and that the judgment of the District Court is AFFIRMED. USCA No. 03-7339. Copy to Judge Johnson and M.J. Pollak. (Vaughn, Terry) (Entered: 03/30/2004)