

CLOSED, CASREF, ECF

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:11-cv-03599-RMB -HBP**

Battle et al v. The City of New York et al  
Assigned to: Judge Richard M. Berman  
Referred to: Magistrate Judge Henry B. Pitman  
Cause: 42:1983 Civil Rights Act

Date Filed: 05/26/2011  
Date Terminated: 05/14/2012  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Terrence Battle**

represented by **Christopher T Dunn**  
New York Civil Liberties Union  
125 Broad Street, 19th floor  
New York, NY 10004  
(212)607-3300  
Fax: (212) 344-3318  
Email: [cdunn@nyclu.org](mailto:cdunn@nyclu.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Arthur Nelson Eisenberg**  
New York Civil Liberties Union  
125 Broad Street, 19th floor  
New York, NY 10004  
(212) 607-3300  
Fax: (212) 607-3318  
Email: [arteisenberg@nyclu.org](mailto:arteisenberg@nyclu.org)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Munir Pujara**

represented by **Christopher T Dunn**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Arthur Nelson Eisenberg**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**The City of New York**  
**TERMINATED: 05/14/2012**

represented by **Mark David Zuckerman**  
NYC Law Department  
100 Church Street  
New York, NY 10007  
(212)-442-8248  
Fax: (212)-788-9776  
Email: [mzuckerm@law.nyc.gov](mailto:mzuckerm@law.nyc.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joey Jackson**  
Koehler & Isaacs, LLP  
61 Broadway  
New York, NY 10006  
(917)551-1300 x1310  
Fax: 2127914115  
Email: [JJackson@Koehler-Isascs.com](mailto:JJackson@Koehler-Isascs.com)

ATTORNEY TO BE NOTICED

**Stephanie Marie Breslow**  
NYC Law Department  
100 Church Street Rm. 3-187  
New York, NY 10007  
(212)-788-1575  
Fax: (212)-788-9776  
Email: [sbreslow@law.nyc.gov](mailto:sbreslow@law.nyc.gov)  
ATTORNEY TO BE NOTICED

**Defendant**

**Raymond W. Kelly**  
*Commissioner of the New York City  
Police Department*

represented by **Mark David Zuckerman**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Joey Jackson**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Stephanie Marie Breslow**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**John Does 1-4**  
*members of the New York City Police  
Department*  
TERMINATED: 07/21/2011

represented by **Joey Jackson**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**Jane Doe**  
*a member of the New York City Police  
Department*  
TERMINATED: 07/21/2011

represented by **Joey Jackson**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**Wendelyn Costanza**  
*Member of the New York City Police  
Department*

represented by **Mark David Zuckerman**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Stephanie Marie Breslow**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**Philip Facenda**  
*Member of the New York City Police  
Department*

represented by **Mark David Zuckerman**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Stephanie Marie Breslow**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**Michael Miller**  
*Member of the New York City Police  
Department*

represented by **Mark David Zuckerman**  
(See above for address)  
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Stephanie Marie Breslow**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Defendant**

**Tomas Reyes**  
*Member of the New York City Police  
 Department*

represented by **Mark David Zuckerman**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Stephanie Marie Breslow**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Defendant**

**Jeff Torreda**  
*Member of the New York City Police  
 Department*

represented by **Mark David Zuckerman**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Stephanie Marie Breslow**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

| Date Filed | #        | Docket Text                                                                                                                                                                                                                                                                              |
|------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/26/2011 | <u>1</u> | COMPLAINT against Jane Doe, John Does 1-4, Raymond W. Kelly, Munir Pujara, The City of New York. (Filing Fee \$ 350.00, Receipt Number 7712) Document filed by Terrence Battle.(ama) (Entered: 05/27/2011)                                                                               |
| 05/26/2011 |          | SUMMONS ISSUED as to Jane Doe, John Does 1-4, Raymond W. Kelly, The City of New York. (ama) (Entered: 05/27/2011)                                                                                                                                                                        |
| 05/26/2011 |          | Magistrate Judge Henry B. Pitman is so designated. (ama) (Entered: 05/27/2011)                                                                                                                                                                                                           |
| 05/26/2011 |          | Case Designated ECF. (ama) (Entered: 05/27/2011)                                                                                                                                                                                                                                         |
| 06/02/2011 | <u>2</u> | ORDER: The initial pretrial conference scheduled for 8/16/2011 is hereby rescheduled to 7/11/2011 at 09:00 AM before Judge Richard M. Berman. (Signed by Judge Richard M. Berman on 6/2/2011) (ab) (Entered: 06/02/2011)                                                                 |
| 06/07/2011 | <u>3</u> | NOTICE OF APPEARANCE by Joey Jackson on behalf of Jane Doe, John Does 1-4, Raymond W. Kelly, The City of New York (Jackson, Joey) (Entered: 06/07/2011)                                                                                                                                  |
| 06/07/2011 | <u>4</u> | ANSWER to <u>1</u> Complaint. Document filed by Jane Doe, John Does 1-4, Raymond W. Kelly, The City of New York.(Jackson, Joey) (Entered: 06/07/2011)                                                                                                                                    |
| 06/07/2011 | <u>5</u> | CERTIFICATE OF SERVICE of Motion to Intervene served on Christopher Dunn and Arthur Eisenberg Counsel for Plaintiffs on June 7, 2007. Service was made by Mail. Document filed by Jane Doe, John Does 1-4, Raymond W. Kelly, The City of New York. (Jackson, Joey) (Entered: 06/07/2011) |
| 06/09/2011 | <u>6</u> | SUMMONS RETURNED EXECUTED. The City of New York served on 5/27/2011, answer due 6/17/2011. Service was accepted by Dimitriv Aronov. Document filed by Munir Pujara; Terrence Battle. (Dunn, Christopher) (Entered: 06/09/2011)                                                           |
| 06/09/2011 | <u>7</u> | SUMMONS RETURNED EXECUTED. Raymond W. Kelly served on 5/27/2011, answer due 6/17/2011. Service was accepted by Det. Eileen Flaherty. Document filed by Munir Pujara; Terrence Battle. (Dunn, Christopher) (Entered: 06/09/2011)                                                          |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/13/2011 | <u>8</u>  | FIRST MOTION to Intervene. Document filed by Jane Doe, John Does 1–4, Raymond W. Kelly, The City of New York.(Jackson, Joey) (Entered: 06/13/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 06/14/2011 | <u>9</u>  | NOTICE OF APPEARANCE by Mark David Zuckerman on behalf of Raymond W. Kelly, The City of New York (Zuckerman, Mark) (Entered: 06/14/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 06/14/2011 |           | Set Deadlines/Hearings: Conference set for 7/11/2011 at 09:00 AM before Judge Richard M. Berman. (cd) (Entered: 06/15/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 06/14/2011 | <u>11</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Christopher Dunn dated 6/14/11 re: Request to extend time to respond to the complaint for the City of NY. ENDORSEMENT: The conference date of 7/11/11 @9:00 is firm. The City's time to answer is extended to the conference date; we can discuss further extension then. The Court suggests the parties work in good faith on settlement before the conference. The City of New York answer due 7/11/2011. (Signed by Judge Richard M. Berman on 6/14/11) (cd) (Entered: 06/15/2011)                                                                                                   |
| 06/15/2011 | <u>10</u> | MEMO ENDORSEMENT on <u>8</u> FIRST MOTION to Intervene, filed by The City of New York, Raymond W. Kelly, John Does 1–4, Jane Doe. ENDORSEMENT: We can discuss preliminarily at a conference on 7/11/11 @9:00 am. Going forward, please see the Court's (local) rules re: pre-motion letters, etc. (Signed by Judge Richard M. Berman on 1/14/11) (cd) (Entered: 06/15/2011)                                                                                                                                                                                                                                                                       |
| 06/15/2011 | <u>12</u> | Letter addressed to Judge Richard M. Berman from Mark D. Zuckerman dated 6/14/11 re: Counsel requests an extension of time to answer or otherwise respond to the complaint from 6/17/11 until 8/1/11. Document filed by Raymond W. Kelly, The City of New York. (ft) (Entered: 06/15/2011)                                                                                                                                                                                                                                                                                                                                                        |
| 06/20/2011 | <u>13</u> | Letter addressed to Judge Richard M. Berman from Christopher Dunn dated 6/16/11 re: Counsel writes to confirm the status of the Motion to Intervene filed on 6/6/11. Document filed by Terrence Battle, Munir Pujara. (ft) (Entered: 06/20/2011)                                                                                                                                                                                                                                                                                                                                                                                                  |
| 06/27/2011 | <u>14</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Mark D. Zuckerman dated 6/24/11 re: Counsel requests a pre-motion conference with respect to a motion to dismiss; also requests, should Your Honor deem the requested pre-motion conference appropriate, that the issues raised herein be discussed at the same time as the Initial Conference in this matter, scheduled for July 11, 2011 at 9:00 a.m. ENDORSEMENT: Plaintiffs to respond by 7/5/11. We will discuss Defendants' proposed motion at the conference on 7/11/11. (Signed by Judge Richard M. Berman on 6/27/11) (djc) Modified on 6/27/2011 (jar). (Entered: 06/27/2011) |
| 06/27/2011 | <u>15</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Christopher Dunn dated 6/27/2011 re: Counsel for the Plaintiffs writes to inform the Court that Plaintiff remains ready to agree on a proposed discovery plan prior to the July 11 conference and requests that the Court direct Mr. Zuckerman to make the Operations Order 46 available to the Court and to the plaintiffs prior to the July 11 initial conference. ENDORSEMENT: No stay of discovery is contemplated by the Court. Discovery issues are referred to Magistrate Judge Pitman. (Signed by Judge Richard M. Berman on 6/27/2011) (ab) (Entered: 06/27/2011)              |
| 06/27/2011 | <u>16</u> | ORDER OF REFERENCE TO A MAGISTRATE JUDGE: Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Henry B. Pitman. (Signed by Judge Richard M. Berman on 6/27/2011) (ab) (Entered: 06/27/2011)                                                                                                                                                                                                                                                                               |
| 07/05/2011 | <u>17</u> | Letter addressed to Judge Richard M. Berman from Christopher Dunn dated 7/1/2011 re: On behalf of the plaintiffs and pursuant to your memo endorsement of 6/27/2011, I write in response to the City's pre-motion letter concerning motions to dismiss the complaint in its entirety and to stay discovery. Document filed by Terrence Battle.(mbe) (Entered: 07/07/2011)                                                                                                                                                                                                                                                                         |
| 07/11/2011 | <u>18</u> | CASE MANAGEMENT PLAN: Amended Pleadings due by 7/22/2011. Joinder of Parties due by 7/22/2011. Status of settlement discussions: no expected further discussion. Motions: By Defs (Joint) to dismiss & intervene by 8/5/2011. Responses due by 9/9/2011: Replies due by 9/23/2011. Joint Pre-Trial Order to be                                                                                                                                                                                                                                                                                                                                    |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | submitted by: Page limits (30pp). Followup pls' amendment, a MTD would be with prejudice. (Signed by Judge Richard M. Berman on 7/11/11) (pl) (Entered: 07/11/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 07/11/2011 |           | Minute Entry for proceedings held before Judge Richard M. Berman: Status Conference held on 7/11/2011. Case Management entered. (mbe) (Entered: 07/12/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 07/12/2011 |           | Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman: Initial Pretrial Conference held on 7/12/2011, order to follow. (mro) (Entered: 07/13/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 07/21/2011 | <u>19</u> | FIRST AMENDED COMPLAINT against Wendelyn Costanza, Philip Facenda, Raymond W. Kelly, Michael Miller, Tomas Reyes, The City of New York, Jeff Torreda with JURY DEMAND. Document filed by Terrence Battle, Munir Pujara. (ft) (Entered: 07/22/2011)                                                                                                                                                                                                                                                                                                                                                                                                   |
| 07/21/2011 |           | SUMMONS ISSUED as to Wendelyn Costanza, Philip Facenda, Raymond W. Kelly, Michael Miller, Tomas Reyes, The City of New York, Jeff Torreda. (ft) (Entered: 07/22/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 07/29/2011 | <u>20</u> | SUMMONS RETURNED EXECUTED. Tomas Reyes served on 7/26/2011, answer due 8/16/2011. Service was accepted by Police Officer T. Reyes. Document filed by Terrence Battle ; Munir Pujara. (Dunn, Christopher) (Entered: 07/29/2011)                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 07/29/2011 | <u>21</u> | SUMMONS RETURNED EXECUTED. Philip Facenda served on 7/26/2011, answer due 8/16/2011. Service was accepted by Police Officer Y. Reyes. Document filed by Terrence Battle ; Munir Pujara. (Dunn, Christopher) (Entered: 07/29/2011)                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 07/29/2011 | <u>22</u> | SUMMONS RETURNED EXECUTED. Michael Miller served on 7/26/2011, answer due 8/16/2011. Service was accepted by Police Officer Y. Reyes. Document filed by Terrence Battle ; Munir Pujara. (Dunn, Christopher) (Entered: 07/29/2011)                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 07/29/2011 | <u>23</u> | SUMMONS RETURNED EXECUTED. Wendelyn Costanza served on 7/26/2011, answer due 8/16/2011. Service was accepted by Sergeant Nyell Gilliard. Document filed by Terrence Battle ; Munir Pujara. (Dunn, Christopher) (Entered: 07/29/2011)                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 07/29/2011 | <u>24</u> | SUMMONS RETURNED EXECUTED. Jeff Torreda served on 7/26/2011, answer due 8/16/2011. Service was accepted by Sergeant Nyell Gilliard. Document filed by Terrence Battle ; Munir Pujara. (Dunn, Christopher) (Entered: 07/29/2011)                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 08/04/2011 | <u>25</u> | MOTION to Dismiss. Document filed by Raymond W. Kelly, The City of New York.(Zuckerman, Mark) (Entered: 08/04/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 08/04/2011 | <u>26</u> | MEMORANDUM OF LAW in Support re: <u>25</u> MOTION to Dismiss. <i>and motion to intervene by New York State Federation of Taxi Drivers</i> . Document filed by Raymond W. Kelly, The City of New York. (Zuckerman, Mark) (Entered: 08/04/2011)                                                                                                                                                                                                                                                                                                                                                                                                        |
| 08/04/2011 | <u>27</u> | MOTION to Dismiss ( <i>amended</i> ). Document filed by Raymond W. Kelly, The City of New York.(Zuckerman, Mark) (Entered: 08/04/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 08/05/2011 | <u>28</u> | NOTICE of Notice of Motion re: <u>26</u> Memorandum of Law in Support of Motion. Document filed by The City of New York. (Jackson, Joey) (Entered: 08/05/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 08/10/2011 | <u>29</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Mark D. Zuckerman dated 8/3/2011 re: Counsel respectfully request that the Court sua sponte extend the time for the newly added individual defendants Wendelyn Costanza, Philip Feceenda, Michael Miller, Tomas Reyes and Jeff Torreda to respond to the First Amended Complaint to September 30, 2011.<br>ENDORSEMENT: Application granted as to City and Kelly only; Denied as to all other defendants. Counsel cannot seek relief in behalf of parties it does not represent. So Ordered. (Signed by Magistrate Judge Henry B. Pitman on 8/9/2011) (jfe) (Entered: 08/10/2011) |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/16/2011 | <u>30</u> | ANSWER to <u>19</u> Amended Complaint with JURY DEMAND. Document filed by Wendelyn Costanza, Philip Facenda, Michael Miller, Tomas Reyes, Jeff Torreda.(Zuckerman, Mark) (Entered: 08/16/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 09/09/2011 | <u>31</u> | MEMORANDUM OF LAW in Opposition re: <u>27</u> MOTION to Dismiss ( <i>amended</i> ).. Document filed by Terrence Battle, Munir Pujara. (Dunn, Christopher) (Entered: 09/09/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 09/16/2011 | <u>32</u> | TRANSCRIPT of Proceedings re: Conference held on 7/11/2011 before Judge Richard M. Berman. Court Reporter/Transcriber: Alena Lynch, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/10/2011. Redacted Transcript Deadline set for 10/20/2011. Release of Transcript Restriction set for 12/19/2011.(McGuirk, Kelly) (Entered: 09/16/2011)                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 09/16/2011 | <u>33</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 7/11/2011 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/16/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 09/22/2011 | <u>34</u> | REPLY MEMORANDUM OF LAW in Support re: <u>27</u> MOTION to Dismiss ( <i>amended</i> ).. Document filed by Raymond W. Kelly, The City of New York. (Zuckerman, Mark) (Entered: 09/22/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 09/27/2011 | <u>35</u> | NOTICE OF APPEARANCE by Stephanie Marie Breslow on behalf of Wendelyn Costanza, Philip Facenda, Raymond W. Kelly, Michael Miller, Tomas Reyes, The City of New York, Jeff Torreda (Breslow, Stephanie) (Entered: 09/27/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 10/13/2011 | <u>36</u> | SCHEDULING ORDER: Motions due by 3/14/2012. All fact discovery due by 1/12/2012. Pretrial Order due by 4/16/2012. (Signed by Magistrate Judge Henry B. Pitman on 10/13/2011) Copies Sent By Chambers. (lmb) (Entered: 10/13/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 12/01/2011 | <u>37</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Mark D. Zuckerman dated 11/29/2011 re: Counsels jointly request a stay of discovery for 30 days so that the parties may further explore settlement and also request that the existing deadlines in the Case Management Order be extended 30 days to accommodate the requested stay in the event that settlement cannot be reached. ENDORSEMENT: The application for a 30-day stay of discovery is granted. Because experience shows that the presence of deadlines generally tends to promote settlement more effectively than stays, the 30 day stay will not be extended. Counsel are directed to submit a revised scheduling order in the form previously entered reflecting the requested adjourned dates. The dates are not extended until such revised scheduling order is approved. (Signed by Magistrate Judge Henry B. Pitman on 12/1/2011) Copies Mailed By Chambers. (ft) (Entered: 12/01/2011) |
| 12/08/2011 | <u>38</u> | AMENDED SCHEDULING ORDER:Dispositive Motions due by 4/13/2012. Fact Discovery due by 2/13/2012. Pretrial Order due by 5/16/2012, and as further set forth in this document. (Signed by Magistrate Judge Henry B. Pitman on 12/7/2011) Copies Sent By Chambers. (cd) (Entered: 12/08/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12/13/2011 | <u>39</u> | LAW STUDENT INTERN APPEARANCE FORM: I authorize Brian Richici: (a) to appear in court or other proceedings on behalf of the above client, and (b) to prepare documents on behalf of the above client. (Signed by Judge Richard M. Berman on 12/12/2011) (lmb) (Entered: 12/13/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12/13/2011 | <u>40</u> | LAW STUDENT INTERN APPEARANCE FORM: I authorize Vadim Glukhovsky (a) to appear in court or other proceedings on behalf of the above client, and (b) to prepare documents on behalf of the above client. (Signed by Judge Richard M. Berman on 12/12/2011) (lmb) (Entered: 12/13/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 12/13/2011 | 41        | Letter addressed to Judge Richard M. Berman from Christopher Dunn dated 11/28/11 re: Counsel for the plaintiffs writes to request that you authorize two students to participate in this case pursuant to the SDNY's student-practice plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | Document filed by Terrence Battle, Munir Pujara.(mro) (Entered: 12/15/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 01/13/2012 | <u>42</u> | DECISION AND ORDER denying <u>8</u> Motion to Intervene; denying <u>25</u> Motion to Dismiss; denying <u>27</u> Motion to Dismiss. For the foregoing reasons, Defendants' motion to dismiss [#25, #27] and the Taxi Federation's motion to intervene [#8, #28] are denied. (Signed by Judge Richard M. Berman on 1/13/2012) (jfe) (Entered: 01/13/2012)                                                                                                                                                                                                                                                                                                                                                                                       |
| 01/18/2012 | <u>43</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Marc D. Zuckerman dated 1/13/12 re: Counsel for the defendants writes jointly with plaintiffs' counsel to request an additional stay of discovery of 40 days so that the parties may finalize a settlement in this matter. ENDORSEMENT: Application granted. No further extensions in the absence of a representation that all material terms of the settlement have been finalized. So ordered. (Signed by Magistrate Judge Henry B. Pitman on 1/18/2012) (mro) (Entered: 01/18/2012)                                                                                                                                                                                     |
| 02/23/2012 | <u>44</u> | ENDORSED LETTER addressed to Magistrate Judge Henry Pitman from Christopher Dunn dated 2/23/2012 re: counsel for plaintiffs request that you continue your stay for another two weeks, to Wednesday, March 7. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Henry B. Pitman on 2/23/2012) (pl) (Entered: 02/23/2012)                                                                                                                                                                                                                                                                                                                                                                                              |
| 03/08/2012 | <u>45</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Christopher Dunn dated 3/7/2012 re: The parties request that you extend the existing stay until Monday, March 12. ENDORSEMENT: Application granted. (Signed by Magistrate Judge Henry B. Pitman on 3/8/2012) (lmb) (Entered: 03/08/2012)                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 03/13/2012 | <u>46</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Christopher Dunn dated 3/12/2012 re: I now write to inform You that the parties have agreed to all substantive terms of a settlement. which will include actions to be taken by the NYPD, monetary settlements for the plaintiffs, and attorney' fees and costs. Having reached substantive agreement on terms, the parties now need to prepare a formal settlement document to be submitted to the Court. Accounting for time out of the office next week, we expect to submit the settlement to Judge Berman by Wednesday, March 28. ENDORSEMENT: Application Granted. SO ORDERED. (Signed by Magistrate Judge Henry B. Pitman on 3/12/2012) (ama) (Entered: 03/13/2012) |
| 03/27/2012 | <u>47</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Mark D. Zuckerman dated 3/26/2012 re: I write jointly with plaintiffs' counsel to respectfully request that the time be extended to submit final settlement documents to Judge Berman from March 28, 2012 to April 6, 2012, and that the pre-trial stay of discovery be extended to that date as well. ENDORSEMENT: Application granted. (Signed by Magistrate Judge Henry B. Pitman on 3/27/2012) (lmb) (Entered: 03/27/2012)                                                                                                                                                                                                                                             |
| 04/09/2012 | <u>48</u> | ENDORSED LETTER addressed to Judge Henry B. Pitman from Mark D. Zuckerman dated 4/6/2012 re: counsel for Defendants write jointly with plaintiffs' counsel to respectfully request that the time be extended to submit settlement documents—to Judge Berman from April 6, 2012 to April 18, 2012, and that the pre-trial stay of discovery be extended to that date as well. ENDORSEMENT: Application Granted., ( Request for Production of Documents due by 4/18/2012.) (Signed by Magistrate Judge Henry B. Pitman on 4/9/2012) (pl) (Entered: 04/10/2012)                                                                                                                                                                                  |
| 04/19/2012 | <u>49</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Christopher Dunn dated 4/18/2012 re: While we have made progress, we still have several issues that require more discussion. We therefore respectfully request that you extend your stay until Wednesday, April 25, 2012. ENDORSEMENT: The stay of proceedings is extended through 4-30-12. If the case is not settled by that date, counsel are to report to courtroom 18A at 2:00 PM on 4-30-12 for a settlement conference., ( Settlement Conference set for 4/30/2012 at 02:00 PM before Magistrate Judge Henry B. Pitman.) (Signed by Magistrate Judge Henry B. Pitman on 4/19/2012) (lmb) (Entered: 04/19/2012)                                                      |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/03/2012 |           | Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman: Settlement Conference held on 5/3/2012. Settlement successful. (rjm) (Entered: 05/07/2012)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 05/14/2012 | <u>50</u> | <p>STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, as follows: This action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or fees in excess of the amounts specified in paragraphs 2, 3 and 7 below. Defendant City of New York hereby agrees to pay plaintiff Terrence Battle \$10,000.00 the relief set forth in paragraphs 4, 5 and 6 herein, plus the portion of the total attorneys' fees, costs and expenses set forth in paragraph 7 below, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants and to release the defendants and any present or former employees and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all liability, claims, or rights of action alleging a violation of plaintiff's civil rights from the beginning of the world to the date of the General Release, including claims for costs, expenses and attorneys' fees. Defendant City of New York hereby agrees to pay plaintiff Munir Pujara \$10,000.00 the relief set forth in paragraphs 4, 5 and 6 herein, plus the portion of the total attorneys' fees, costs and expenses set forth in paragraph 7 below, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants and to release the defendants and any present or former employees and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all liability, claims, or rights of action alleging a violation of plaintiff's civil rights from the beginning of the world to the date of the General Release, including claims for costs, expenses and attorneys' fees. Defendant City of New York hereby agrees to pay plaintiffs the total sum of \$37,500 in full satisfaction of any costs, expenses and attorneys' fees. Plaintiffs have assigned their rights to attorneys' fees, costs and expenses to their attorneys, the New York Civil Liberties Union. As such, said check will be made payable to plaintiffs' attorneys, the New York Civil Liberties Union. (Signed by Judge Richard M. Berman on 5/14/2012) (jfe) (Entered: 05/14/2012)</p> |