

CLOSED,CASREF,ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:04-cv-02944-BSJ-HBP**

Baergas v. City Of New York et al
Assigned to: Judge Barbara S. Jones
Referred to: Magistrate Judge Henry B. Pitman
Demand: \$2,000,000
Cause: 42:1983 Civil Rights Act

Date Filed: 04/16/2004
Date Terminated: 11/05/2008
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Harold Baergas
*on behalf of himself and others similarly
situated*

represented by **Ian Francis Wallace**
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V.

Defendant

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Defendant

New York City Police Department

represented by **Elizabeth M. Daitz**
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Defendant

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Defendant

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Defendant

Macy's East

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Diane Marjorie Saunders
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Defendant

Frick Company

Defendant

Scott Chester

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Defendant**Chris De Santis**

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Diane Marjorie Saunders
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ATTORNEY TO BE NOTICED

Defendant**Michael Green****Defendant**

John Does 1-5
Individually

Date Filed	#	Docket Text
04/16/2004	<u>1</u>	COMPLAINT against Scott Chester, City Of New York, Chris De Santis, Federated Department Stores, Inc., Federated Logistics, Frick Company, Michael Green, John Does 1-5, Macy's East, New York City Police Department. (Filing Fee \$ 150.00, Receipt Number 506097) Document filed by Harold Baergas.(gf,) Additional attachment(s) added on 4/19/2004 (gf,). (Entered: 04/19/2004)
04/16/2004		SUMMONS ISSUED as to Scott Chester, City Of New York, Chris De Santis, Federated Department Stores, Inc., Federated Logistics, Frick Company, Michael Green, John Does 1-5, Macy's East, New York City Police Department. (gf,) (Entered: 04/19/2004)
04/16/2004		Magistrate Judge Henry B. Pitman is so designated. (gf,) (Entered: 04/19/2004)
04/16/2004		Case Designated ECF. (gf,) (Entered: 04/19/2004)
04/29/2004	<u>2</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for general pretrial. Referred to Magistrate Judge Henry B. Pitman. (Signed by Judge Barbara S. Jones on 4/26/04) (cd,) (Entered: 05/13/2004)
05/17/2004	<u>3</u>	FIRST MOTION for Extension of Time to File Answer <i>or respond to the complaint</i> . Document filed by City Of New York. (Gugel, Alison) (Entered: 05/17/2004)
05/21/2004	4	ENDORSED LETTER addressed to Judge Jones from Alison Gugel dated 5/17/04: granting an enlargement of time for deft City of NY to answer the complaint from 5/18/04 to 7/19/04. (Signed by Judge Henry B. Pitman on 5/17/04) (cd,) (Entered: 05/24/2004)
05/21/2004		Set Answer Due Date purs. to 4 Endorsed Letter as to City Of New York answer due on 7/19/2004. (cd,) (Entered: 05/24/2004)
06/03/2004	<u>5</u>	ENDORSED LETTER addressed to Judge Jones from Diane Saunders dated 5/13/04 re: Granting defendants' request for extension of time in which to answer, move or otherwise respond to the complaint until 6/21/04. (Signed by Judge Henry

		B. Pitman on 5/28/04) (tp,) (Entered: 06/03/2004)
06/03/2004		Set Answer Due Date purs. to <u>5</u> Endorsed Letter, as to Chris De Santis answer due on 6/21/2004; Federated Department Stores, Inc. answer due on 6/21/2004; Federated Logistics answer due on 6/21/2004; Macy's East answer due on 6/21/2004. (tp,) (Entered: 06/03/2004)
06/03/2004	<u>6</u>	ENDORSED LETTER addressed to Judge Jones from Alison Gugel dated 5/17/04 re: Granting defendant City of New York's request for extension of time to answer or otherwise respond to the complaint until 7/19/04. Application Granted on Consent. (Signed by Judge Henry B. Pitman on 5/17/04) (tp,) (Entered: 06/03/2004)
06/03/2004		Set Answer Due Date purs. to <u>6</u> Endorsed Letter, as to City Of New York answer due on 7/19/2004. (tp,) (Entered: 06/03/2004)
06/03/2004	<u>7</u>	ENDORSED LETTER addressed to Magistrate Judge Pitman from Diane Saunders dated 5/24/04 re: Granting Federated defendants' request for extension of time to answer, move or otherwise respond to the complaint until 6/21/04. (Signed by Judge Henry B. Pitman on 5/24/04) (tp,) (Entered: 06/03/2004)
06/18/2004		Set Answer Due Date purs. to <u>8</u> Endorsed Letter, as to Chris De Santis answer due on 6/28/2004; Federated Department Stores, Inc. answer due on 6/28/2004; Federated Logistics answer due on 6/28/2004; Macy's East answer due on 6/28/2004. (tp,) (Entered: 06/21/2004)
06/21/2004	<u>8</u>	ENDORSED LETTER addressed to Magistrate Judge Pitman from Diane Saunders dated 6/17/04 re: Granting defendants Federated Logistics, Federated Dept. Stores, Inc. Macy's East, Inc. and Chris De Santis' request for a 1 week extension of defendants' time to answer, move or otherwise respond to the complaint until 6/28/04. (Signed by Judge Henry B. Pitman on 6/18/04) (tp,) (Entered: 06/21/2004)
06/23/2004	<u>9</u>	FIRST MOTION to Compel <i>the Criminal Records Release</i> . Document filed by City of New York. (Gugel, Alison) (Entered: 06/23/2004)
06/24/2004	<u>10</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Federated Department Stores, Inc..(Saunders, Diane) (Entered: 06/24/2004)
06/24/2004	<u>11</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Macy's East.(Saunders, Diane) (Entered: 06/24/2004)
06/24/2004	<u>12</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Federated Department Stores, Inc..(Saunders, Diane) (Entered: 06/24/2004)
06/24/2004	<u>13</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Macy's East.(Saunders, Diane) (Entered: 06/24/2004)
06/24/2004	<u>14</u>	ANSWER to Complaint. Document filed by Chris De Santis, Federated Department Stores, Inc., Federated Logistics, Macy's East.(Saunders, Diane) (Entered: 06/24/2004)
06/24/2004	<u>15</u>	ENDORSED LETTER addressed to Judge Jones from Alison Gugel dated 6/23/04 re: Counsel, have advised that the discovery dispute has been resolved. The municipal defendants' time to answer or move is extended to 8/31/04. (Signed by Judge Henry B. Pitman on 6/24/04) (tp,) (Entered: 06/24/2004)
07/08/2004	<u>16</u>	SCHEDULING ORDER: Motions to amend the pleadings or to join additional parties due by 8/16/2004. Dispositive motions, if any, shall be served by 12/7/04 Discovery due by 11/8/2004. Settlement Conference set for 8/24/2004 02:00 PM before Magistrate Judge Henry B. Pitman. Proposed Pretrial Order due by 2/7/2005. (Signed by Judge Henry B. Pitman on 7/8/04) copies sent by chambers.(cd,) (Entered: 07/09/2004)
07/20/2004	<u>17</u>	ENDORSED LETTER addressed to Judge Jones from Scott Chester dated 7/14/04: deft Chester's time to answer or move with respect to the complaint is extended to 8/20/04. (Signed by Judge Henry B. Pitman on 7/14/04) (cd,) (Entered: 07/20/2004)

07/20/2004		Set Answer Due Date purs. to <u>17</u> Endorsed Letter as to Scott Chester answer due on 8/20/2004. (cd,) (Entered: 07/20/2004)
08/09/2004	<u>18</u>	ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Jan Wallace dated 8/5/04 re: counsel for plaintiff requests an extension of the 120 days deadline for service of the summons and complaint upon an individually named dft Michael Green. Plaintiff's time to complete service is extended by 60 days. (Signed by Judge Henry B. Pitman on 8/5/04) (dle,) (Entered: 08/09/2004)
08/26/2004	<u>19</u>	ANSWER to Complaint. Document filed by Scott Chester.(Krebs, Diane) (Entered: 08/26/2004)
09/02/2004	<u>20</u>	MOTION to Sever. Document filed by Chris De Santis, Federated Department Stores, Inc., Federated Logistics, Macy's East. (Attachments: # <u>1</u> Affidavit Declaration# <u>2</u> Exhibit Exhibit to Declaration)(Saunders, Diane) (Entered: 09/02/2004)
09/02/2004	<u>21</u>	MEMORANDUM OF LAW in Support re: <u>20</u> MOTION to Sever.. Document filed by Chris De Santis, Federated Department Stores, Inc., Federated Logistics, Macy's East. (Saunders, Diane) (Entered: 09/02/2004)
09/03/2004	<u>22</u>	ANSWER to Complaint with JURY DEMAND. Document filed by City of New York, New York City Police Department.(Gugel, Alison) (Entered: 09/03/2004)
10/05/2004		***REJECTION OF ATTEMPTED PAPER FILING IN ECF CASE. The following document(s) affidavit of service by Michael Shen, was rejected by the Clerk's Office and must be FILED ELECTRONICALLY on the Court's ECF System. (snu,) (Entered: 10/06/2004)
10/07/2004	<u>23</u>	FIRST MOTION to Amend/Correct <u>1</u> Complaint, <i>Cross Motion and Opposition to Defendants' Motion to Sever</i> . Document filed by Harold Baergas. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u>)(Wallace, Ian) (Entered: 10/07/2004)
10/15/2004	<u>24</u>	REPLY to Response to Motion re: <u>20</u> MOTION to Sever.. Document filed by Chris De Santis, Federated Department Stores, Inc., Federated Logistics, Macy's East. (Saunders, Diane) (Entered: 10/15/2004)
10/15/2004	27	ENDORSED LETTER addressed to Judge Pitman from Ian Wallace dated 10/4/04: granting plntf's request to extend time to 10/7/04 to file his opposition papers, and that the deadline for filing the motion for class certification until 11/8/04. (Signed by Judge Henry B. Pitman on 10/7/04) (cd,) (Entered: 10/20/2004)
10/18/2004	<u>25</u>	REPLY to Response to Motion re: <u>23</u> FIRST MOTION to Amend/Correct <u>1</u> Complaint, <i>Cross Motion and Opposition to Defendants' Motion to Sever</i> . <i>Corrected Reply</i> . Document filed by Chris De Santis, Federated Department Stores, Inc., Federated Logistics, Macy's East. (Saunders, Diane) (Entered: 10/18/2004)
10/20/2004	<u>26</u>	AFFIDAVIT OF SERVICE. Michael Green served on 9/27/2004, answer due 10/18/2004. Service was made by MAIL. Document filed by Harold Baergas. (Wallace, Ian) (Entered: 10/20/2004)
10/21/2004	<u>28</u>	ORDER that the depositions that are currently scheduled to take place between today's date and 11/8/04 shall proceed as scheduled; this order is without prejudice to a future application by plaintiff to reopen the depositions on the ground that dfts have unreasonably withheld critical documents from their produciton without reasonable basis in law or fact; no later than 5:00 p.m. on 10/22/04 counsel for dfts shall fax to my chambers and to all other parties a letter brief in support of their application for a protective order; no later than 5:00 p.m. on 10/26/04 counsel fo plaintiff shall fax his response to my chambers and to all counsel. (Signed by Judge Henry B. Pitman on 10/21/04)Copies electronically sent by chambers.(dle,) (Entered: 10/22/2004)
10/22/2004	<u>29</u>	FIRST REPLY MEMORANDUM OF LAW in Support re: <u>23</u> FIRST MOTION to Amend/Correct <u>1</u> Complaint, <i>Cross Motion and Opposition to Defendants' Motion to Sever</i> .. Document filed by Harold Baergas. (Wallace, Ian) (Entered: 10/22/2004)

10/25/2004	<u>30</u>	REPLY AFFIDAVIT of Harold Baergas in Opposition re: <u>23</u> FIRST MOTION to Amend/Correct <u>1</u> Complaint, <i>Cross Motion and Opposition to Defendants' Motion to Sever.</i> . Document filed by Harold Baergas. (Wallace, Ian) (Entered: 10/25/2004)
10/26/2004	<u>31</u>	DECLARATION of Diane Saunders in Support re: <u>23</u> FIRST MOTION to Amend/Correct <u>1</u> Complaint, <i>Cross Motion and Opposition to Defendants' Motion to Sever.</i> . Document filed by Macy's East. (Attachments: # <u>1</u>)(Saunders, Diane) (Entered: 10/26/2004)
10/29/2004	<u>32</u>	ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Ian Wallace dated 10/27/04 re: counsel for parties request an extension of factual discovery deadline until 12/15/04; plaintiff requests until 11/30/04 by which to file this motion for class certification. Application Granted. (Signed by Judge Henry B. Pitman on 10/28/04) (dle,) (Entered: 11/01/2004)
10/29/2004		Set/Reset Deadlines: Discovery due by 12/15/2004. Motions due by 11/30/2004. (dle,) (Entered: 11/01/2004)
10/29/2004	<u>33</u>	ORDER that Macy's application for a protective order concerning the circumstances surrounding Chester's cessation of employment with Macy's is denied; given the liberal standards applicable to discovery, I conclude that evidence of possible race based discrimination against African Americans is sufficiently proximate to national original based discrimination against Hispanics to be discoverable; for the reasons stated during the conference call of 10/21/04 the fact that Chester's alleged conduct post dated the events alleged in the complaint is immaterial. (Signed by Judge Henry B. Pitman on 10/29/04) Copies electronically sent by chambers.(dle,) (Entered: 11/01/2004)
11/24/2004	<u>34</u>	STIPULATION AND ORDER; regarding procedures that will govern the handling of "Confidential Information." (Signed by Judge Henry B. Pitman on 11/24/04) (sac,) (Entered: 11/29/2004)
12/06/2004	<u>35</u>	DECLARATION of Diane Krebs, Esq. in Support re: <u>20</u> MOTION to Sever.. Document filed by Scott Chester. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(Krebs, Diane) (Entered: 12/06/2004)
12/21/2004	<u>36</u>	NOTICE of Change of Address by Diane Marjorie Saunders on behalf of Chris De Santis, Federated Department Stores, Inc., Federated Logistics, Frick Company, Macy's East. New Address: Morgan, Brown & Joy, LLP, 200 State Street, Boston, Massachusetts, USA 02109, 617-523-6666. (Saunders, Diane) (Entered: 12/21/2004)
12/21/2004	<u>37</u>	RESPONSE to Motion re: <u>20</u> MOTION to Sever., <u>23</u> FIRST MOTION to Amend/Correct <u>1</u> Complaint, <i>Cross Motion and Opposition to Defendants' Motion to Sever. 12/21/04 Letter to Hon. Barbara S. Jones.</i> Document filed by Harold Baergas. (Wallace, Ian) (Entered: 12/21/2004)
01/07/2005	<u>38</u>	ORDER: regarding the Court's order after the tape-recorded conference calls held on January 5 and 6, 2005. The deadline for the filing of plaintiff's motion for class certification is extended to 2/15/05. The deadline for the filing of dispositive motions is extended to 3/4/05. (Signed by Judge Henry B. Pitman on 1/7/05) Copies Mailed By Chambers.(kw,) (Entered: 01/11/2005)
01/27/2005	<u>39</u>	ORDER; the Macy's defendants' motion for reconsideration of my Order dated January 7, 2005 with respect to the number of witnesses plaintiff may depose is granted, and upon reconsideration, I adhere to my January 7, 2005 Order. Plaintiff's application to apportion to the costs of depositions that plaintiff has noticed is denied. (Signed by Judge Henry B. Pitman on 1/27/05); copies electronically sent to attorneys of Record; (dj,) (Entered: 01/31/2005)
02/04/2005	<u>40</u>	AFFIDAVIT OF SERVICE of Subpoena for production of documents served on Cablevision Systems Corporation on 1/13/05. Service was accepted by Marie Mastroianni, employee. Document filed by Federated Department Stores, Inc.. (O'Leary, Richard) (Entered: 02/04/2005)
02/14/2005	<u>41</u>	ENDORSED LETTER addressed to Mag. Judge Pitman from Ian F. Wallace dated 02/08/05 re: the deadline for making the class certification motion is extended to 02/22/05; the deadline for dispo motions is extended to 3/11/05; (Signed by Judge

		Henry B. Pitman on 2/11/05) (dj,) (Entered: 02/15/2005)
02/14/2005		Set Deadlines/Hearings: Motions due by 2/22/2005. (dj,) (Entered: 02/15/2005)
02/22/2005	<u>42</u>	SECOND MOTION to Amend/Correct <u>1</u> Complaint,, FIRST MOTION to Certify Class. Document filed by Harold Baergas. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> # <u>13</u> # <u>14</u> # <u>15</u> # <u>16</u> # <u>17</u>)(Wallace, Ian) (Entered: 02/22/2005)
02/28/2005	<u>45</u>	ENDORSED LETTER addressed to Magistrate Judge Pitman from Laura M. Raisty dated 02/24/05 re: the schedule proposed herein is approved. March 25, 2005– oppositions to plaintiff's motion for class certification and motion to amend due; March 29,2005 – summary judgment due; April 25, 2005 – Reply for Plaintiff's motion for class certification and motion to amend due; May 12, 2005 – opposition to summary judgment motions due; June 3, 2005 Reply for summary judgment motions due; (Signed by Judge Henry B. Pitman on 2/28/05) (dj,) (Entered: 03/09/2005)
03/01/2005	<u>43</u>	FILING ERROR – WRONG DOCUMENT TYPE SELECTED FROM MENU – FIRST MOTION to Amend/Correct <u>42</u> SECOND MOTION to Amend/Correct <u>1</u> Complaint,.FIRST MOTION to Certify Class.FIRST MOTION to Certify Class, MOTION to Certify Class (Supplemental Affidavit in Support of Motions). Document filed by Harold Baergas. (Attachments: # <u>1</u>)(Wallace, Ian) Modified on 3/8/2005 (kg,). (Entered: 03/01/2005)
03/08/2005		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DOCUMENT TYPE ERROR. Note to Attorney Ian Wallace to RE-FILE Document <u>43</u> FIRST MOTION to Amend/Correct <u>42</u> SECOND MOTION to Amend/Correct <u>1</u> Complaint,.FIRST MOTION to Certify Class.FIRST MOTION to Certify Class. MOTION to Certify Class Supplemental (Affidavit in Support of Motions). MOTION to Certify Class (Supplemental Affidavit in Support of Motions). Use the document type Affirmation in support of motion found under the document list Responses and Replies. (kg,) (Entered: 03/08/2005)
03/08/2005	<u>44</u>	AFFIRMATION of Ian F. Wallace in Support re: <u>42</u> SECOND MOTION to Amend/Correct <u>1</u> Complaint,.FIRST MOTION to Certify Class.FIRST MOTION to Certify Class.. Document filed by Harold Baergas. (Attachments: # <u>1</u>)(Wallace, Ian) (Entered: 03/08/2005)
03/10/2005	<u>46</u>	ENDORSED LETTER addressed to Judge Jones from Ian F. Wallace dated 3/8/05 re: request for leave to file a paper copy of an exhibit further to plaintiff's motion for class certification and to amend the complaint. Application is granted (Signed by Judge Barbara S. Jones on 3/10/05) (yv,) (Entered: 03/11/2005)
03/25/2005	<u>47</u>	RESPONSE to Motion re: <u>42</u> SECOND MOTION to Amend/Correct <u>1</u> Complaint,.FIRST MOTION to Certify Class.FIRST MOTION to Certify Class.. Document filed by Scott Chester, Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Second Half of Memo of Law# <u>2</u> Appendix)(Raisty, Laura) (Entered: 03/25/2005)
03/25/2005	<u>48</u>	DECLARATION of Diane M. Saunders in Opposition re: <u>42</u> SECOND MOTION to Amend/Correct <u>1</u> Complaint,.FIRST MOTION to Certify Class.FIRST MOTION to Certify Class.. Document filed by Scott Chester, Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit D# <u>4</u> Exhibit E# <u>5</u> Exhibit F# <u>6</u> Exhibit G# <u>7</u> Exhibit H# <u>8</u> Exhibit I# <u>9</u> Exhibit J# <u>10</u> Exhibit K# <u>11</u> Exhibit L# <u>12</u> Exhibit M# <u>13</u> Exhibit N# <u>14</u> Exhibit O# <u>15</u> Exhibit P# <u>16</u> Exhibit Q# <u>17</u> Exhibit R# <u>18</u> Exhibit S# <u>19</u> Exhibit T# <u>20</u> Exhibit U# <u>21</u> Exhibit V# <u>22</u> Exhibit W# <u>23</u> Exhibit X)(Raisty, Laura) (Entered: 03/25/2005)
03/28/2005	<u>49</u>	DECLARATION of Diane M. Saunders in Opposition re: <u>42</u> SECOND MOTION to Amend/Correct <u>1</u> Complaint,.FIRST MOTION to Certify Class.FIRST MOTION to Certify Class.. Document filed by Scott Chester, Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Exhibit C, Part 1# <u>2</u> Exhibit C, Part 2)(Raisty, Laura) (Entered: 03/28/2005)

03/29/2005	<u>50</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT – FIRST MOTION for Extension of Time to File Summary Judgment Papers. Document filed by City of New York, New York City Police Department. (Gugel, Alison) Modified on 4/4/2005 (kg). (Entered: 03/29/2005)
03/29/2005	<u>52</u>	ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Mercedes Colwin dated 3/28/05 re: counsel for defendant Scott Chester request a three (3) day extension until 4/1/05 to file their motions. (Signed by Judge Henry B. Pitman on 3/29/05) (db,) (Entered: 04/01/2005)
03/29/2005		Set/Reset Deadlines: Motions due by 4/1/2005. (db,) (Entered: 04/01/2005)
03/29/2005	<u>53</u>	ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Alison Gugel dated 3/29/05 re: counsel for defendants City of New York and NYC Police Department request an extension of time until 4/1/05 to file their motions for summary judgment. Application GRANTED. (Signed by Judge Henry B. Pitman on 3/29/05) (db,) (Entered: 04/01/2005)
03/29/2005		Set/Reset Deadlines: Motions due by 4/1/2005. (db,) (Entered: 04/01/2005)
03/30/2005	<u>51</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Alison Gugel dated 3/29/05 re: counsel for City dfts request that the time to file their motion for summary judgment be extended from 3/29/05 to 4/1/05. Application granted. (Signed by Judge Barbara S. Jones on 3/29/05) (dle,) (Entered: 03/31/2005)
03/30/2005		Set/Reset Deadlines: Motions due by 4/1/2005. (dle,) (Entered: 03/31/2005)
04/01/2005	<u>54</u>	MOTION for Summary Judgment. Document filed by City of New York, New York City Police Department. Responses due by 5/12/2005 (Attachments: # <u>1</u> Affidavit of Alison Gugel, Esq.# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Exhibit E# <u>7</u> Exhibit F# <u>8</u> Exhibit G# <u>9</u> Exhibit H# <u>10</u> Exhibit I# <u>11</u> Exhibit J)(Gugel, Alison) (Entered: 04/01/2005)
04/01/2005	<u>55</u>	MEMORANDUM OF LAW in Support re: <u>54</u> MOTION for Summary Judgment.. Document filed by City of New York, New York City Police Department. (Gugel, Alison) (Entered: 04/01/2005)
04/01/2005	<u>56</u>	RULE 56.1 STATEMENT. Document filed by City of New York, New York City Police Department. (Gugel, Alison) (Entered: 04/01/2005)
04/01/2005	<u>57</u>	MOTION for Summary Judgment. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Saunders, Diane) (Entered: 04/01/2005)
04/01/2005	<u>58</u>	MOTION for Summary Judgment. Document filed by Scott Chester. (Krebs, Diane) (Entered: 04/01/2005)
04/01/2005	<u>59</u>	DECLARATION of Scott Chester in Support re: <u>58</u> MOTION for Summary Judgment.. Document filed by Scott Chester. (Attachments: # <u>1</u> Exhibit Exhibit 1# <u>2</u> Exhibit Exhibit 2)(Krebs, Diane) (Entered: 04/01/2005)
04/01/2005	<u>60</u>	DECLARATION of Diane M. Saunders in Support re: <u>57</u> MOTION for Summary Judgment.. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B, part 1# <u>3</u> Exhibit B, part 2# <u>4</u> Exhibit B, part 3# <u>5</u> Errata C, part 1# <u>6</u> Exhibit C, part 2# <u>7</u> Exhibit C, part 3# <u>8</u> Exhibit C, part 4# <u>9</u> Exhibit C, part 5# <u>10</u> Exhibit D# <u>11</u> Exhibit E# <u>12</u> Exhibit F, part 1# <u>13</u> Exhibit F, part 2# <u>14</u> Exhibit F, part 3# <u>15</u> Exhibit G# <u>16</u> Exhibit H, part 1# <u>17</u> Exhibit H, part 2# <u>18</u> Exhibit I# <u>19</u> Exhibit J# <u>20</u> Exhibit K, part 1# <u>21</u> Exhibit K, part 2# <u>22</u> Exhibit L# <u>23</u> Exhibit M# <u>24</u> Exhibit N# <u>25</u> Exhibit O# <u>26</u> Exhibit P# <u>27</u> Exhibit Q# <u>28</u> Exhibit R# <u>29</u> Exhibit S# <u>30</u> Exhibit T# <u>31</u> Exhibit U# <u>32</u> Exhibit V# <u>33</u> Exhibit W# <u>34</u> Exhibit X# <u>35</u> Exhibit Y# <u>36</u> Exhibit Z)(Raisty, Laura) (Entered: 04/01/2005)
04/01/2005	<u>61</u>	MEMORANDUM OF LAW in Support re: <u>57</u> MOTION for Summary Judgment.. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Part 2 of Memo of Law)(Raisty, Laura) (Entered: 04/01/2005)

04/01/2005	<u>62</u>	DECLARATION of Mercedes Colwin, Esq. in Support re: <u>58</u> MOTION for Summary Judgment.. Document filed by Scott Chester. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D# <u>5</u> Exhibit Exhibit E# <u>6</u> Exhibit Exhibit F# <u>7</u> Exhibit Exhibit G# <u>8</u> Exhibit Exhibit H# <u>9</u> Exhibit Exhibit I# <u>10</u> Exhibit Exhibit J# <u>11</u> Exhibit Exhibit K# <u>12</u> Exhibit Exhibit L# <u>13</u> Exhibit Exhibit M)(Krebs, Diane) (Entered: 04/01/2005)
04/01/2005	<u>63</u>	DECLARATION of Thomas Grady in Support re: <u>57</u> MOTION for Summary Judgment.. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Raisty, Laura) (Entered: 04/01/2005)
04/01/2005	<u>64</u>	DECLARATION of Mitchell F. Borger in Support re: <u>57</u> MOTION for Summary Judgment.. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Raisty, Laura) (Entered: 04/01/2005)
04/01/2005	<u>65</u>	DECLARATION of Rose Ashmore in Support re: <u>57</u> MOTION for Summary Judgment.. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2, part 1# <u>3</u> Exhibit 2, part 2# <u>4</u> Exhibit 2, part 3# <u>5</u> Exhibit 3, part 1# <u>6</u> Exhibit 3, part 2# <u>7</u> Exhibit 3, part 3# <u>8</u> Exhibit 3, part 4# <u>9</u> Exhibit 5# <u>10</u> Exhibit 6# <u>11</u> Exhibit 7# <u>12</u> Exhibit 8# <u>13</u> Exhibit 9# <u>14</u> Exhibit 10)(Raisty, Laura) (Entered: 04/01/2005)
04/01/2005	<u>66</u>	MEMORANDUM OF LAW in Support re: <u>58</u> MOTION for Summary Judgment.. Document filed by Scott Chester. (Krebs, Diane) (Entered: 04/01/2005)
04/01/2005	<u>67</u>	RULE 56.1 STATEMENT. Document filed by Scott Chester, Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Part 2 of 56.1 Statement)(Raisty, Laura) (Entered: 04/01/2005)
04/04/2005		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Alison E. Gugel to MANUALLY RE-FILE Document No. <u>50</u> Letter. This document is not filed via ECF. (kg) (Entered: 04/04/2005)
04/05/2005	<u>68</u>	FILING ERROR - WRONG DOCUMENT TYPE SELECTED FROM MENU - MOTION for Summary Judgment supplemental declaration. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Exhibit Ex. 4 part 1# <u>2</u> Exhibit Ex. 4 part 2# <u>3</u> Exhibit Ex. 4 part 3# <u>4</u> Exhibit Ex. 4 part 4# <u>5</u> Appendix brief table of contents)(Saunders, Diane) Modified on 4/6/2005 (kg). (Entered: 04/05/2005)
04/06/2005		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DOCUMENT TYPE ERROR. Note to Attorney Diane M. Saunders to RE-FILE Document <u>68</u> MOTION for Summary Judgment (supplemental declaration). Use the document type Declaration in support of motion found under the document list Responses and Replies. (kg) (Entered: 04/06/2005)
04/06/2005	<u>69</u>	DECLARATION of Diane Saunders in Support re: <u>57</u> MOTION for Summary Judgment.. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Appendix brief table of contents# <u>2</u> Exhibit Ex. 4 part 1# <u>3</u> Exhibit Ex. 4 part 2# <u>4</u> Exhibit Ex. 3 part 3# <u>5</u> Exhibit Ex. 4 part 4)(Saunders, Diane) (Entered: 04/06/2005)
04/15/2005	<u>70</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Ian F. Wallace dated 4/8/05 re: Applications granted. Plaintiff' reply is due 5/9/05. Plaintiff's opposition to dft's motions for summary judgment is due on 5/27/05 and dfts' reply papers are due on 6/17/05. (Signed by Judge Barbara S. Jones on 4/12/05) (pl,) (Entered: 04/18/2005)
04/21/2005	<u>71</u>	NOTICE of Appearance by Laura Mae Raisty on behalf of Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East (Raisty, Laura) (Entered: 04/21/2005)
05/09/2005	<u>72</u>	REPLY AFFIRMATION of Ian F. Wallace in Support re: <u>42</u> SECOND MOTION to Amend/Correct <u>1</u> Complaint..FIRST MOTION to Certify Class.FIRST MOTION to Certify Class.. Document filed by Harold Baergas. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> # <u>13</u> # <u>14</u> # <u>15</u> # <u>16</u> # <u>17</u> # <u>18</u> # <u>19</u> #

		<u>20</u>)(Wallace, Ian) (Entered: 05/09/2005)
05/09/2005	<u>73</u>	FIRST REPLY MEMORANDUM OF LAW in Support re: <u>42</u> SECOND MOTION to Amend/Correct <u>1</u> Complaint.,FIRST MOTION to Certify Class.FIRST MOTION to Certify Class.. Document filed by Harold Baergas. (Wallace, Ian) (Entered: 05/09/2005)
05/25/2005	<u>74</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Ian F. Wallace dated 5/24/05, Set Deadlines/Hearing as to <u>54</u> MOTION for Summary Judgment., <u>57</u> MOTION for Summary Judgment., <u>58</u> MOTION for Summary Judgment : Responses due by 6/17/2005; Replies due by 7/25/2005. (Signed by Judge Barbara S. Jones on 5/25/05) (sac,) (Entered: 05/26/2005)
05/31/2005	<u>75</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Laura M. Raisty dated 5/11/05 re: Application DENIED. The Macy's defendant and the Chester co-defendant request that the surreply be due 6/15/05. (Signed by Judge Barbara S. Jones on 5/25/05) (db,) (Entered: 06/01/2005)
05/31/2005	<u>76</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Ian Wallace dated 5/12/05 re: plaintiff requests a ruling from this Court allowing plaintiff to file a hard copy of relevant portions of deposition testimony in support of plaintiffs motion to certify class an amend the complaint. Application GRANTED. (Signed by Judge Barbara S. Jones on 5/25/05) (db,) (Entered: 06/01/2005)
06/17/2005	<u>77</u>	AFFIRMATION of Ian F. Wallace, Esq. in Opposition re: <u>54</u> MOTION for Summary Judgment., <u>57</u> MOTION for Summary Judgment., <u>58</u> MOTION for Summary Judgment.. Document filed by Harold Baergas. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> # <u>13</u> # <u>14</u> # <u>15</u> # <u>16</u> # <u>17</u> # <u>18</u> # <u>19</u> # <u>20</u> # <u>21</u> # <u>22</u> # <u>23</u> # <u>24</u> # <u>25</u> # <u>26</u>)(Wallace, Ian) (Entered: 06/17/2005)
06/17/2005	<u>78</u>	RULE 56.1 STATEMENT. Document filed by Harold Baergas. (Wallace, Ian) (Entered: 06/17/2005)
06/17/2005	<u>79</u>	DECLARATION of O'Neil Duncan in Opposition re: <u>54</u> MOTION for Summary Judgment., <u>57</u> MOTION for Summary Judgment., <u>58</u> MOTION for Summary Judgment.. Document filed by Harold Baergas. (Wallace, Ian) (Entered: 06/17/2005)
06/17/2005	<u>80</u>	AFFIDAVIT of Harold Baergas in Opposition re: <u>54</u> MOTION for Summary Judgment., <u>57</u> MOTION for Summary Judgment., <u>58</u> MOTION for Summary Judgment.. Document filed by Harold Baergas. (Attachments: # <u>1</u>)(Wallace, Ian) (Entered: 06/17/2005)
06/17/2005	<u>81</u>	FIRST MEMORANDUM OF LAW in Opposition re: <u>54</u> MOTION for Summary Judgment., <u>68</u> MOTION for Summary Judgment <i>supplemental declaration</i> ., <u>57</u> MOTION for Summary Judgment., <u>58</u> MOTION for Summary Judgment.. Document filed by Harold Baergas. (Wallace, Ian) (Entered: 06/17/2005)
07/01/2005	<u>82</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Laura M. Raisty dated 6/21/05 re: the Macy's defendants request that this Court strike plaintiff's papers in opposition to the Macy's defendants' motion for summary judgment in their entirety and that plaintiff is required to file opposition papes within 30 days. Application denied. (Signed by Judge Barbara S. Jones on 6/29/05) (sac,) (Entered: 07/05/2005)
07/01/2005	<u>83</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Ian F. Wallace dated 6/21/05 re: Plaintiff request permission to file papers copies of the following documents designated as confidential by Macy's under seal with the Clerk of the Court pursuant to Plaintiff's Opposition to the MSJ filed by the Defendants in this lawsuit. Application granted. (Signed by Judge Barbara S. Jones on 6/29/05) (sac,) (Entered: 07/05/2005)
07/01/2005	<u>84</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Laura M. Raisty dated 6/2/05 re: the Macy's defendants and Chester request that the Court reconsider its decision denying leave to file a surreply. Application denied.. (Signed by Judge Barbara S. Jones on 6/29/05) (sac,) (Entered: 07/05/2005)

07/07/2005	<u>85</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Ian F. Wallace dated 7/7/05 re: granting plaintiff permission to file specific documents. (Signed by Judge Barbara S. Jones on 7/7/05) (pl,) (Entered: 07/08/2005)
07/11/2005	<u>86</u>	ENDORSED LETTER addressed to Judge Jones from Diane Krebs dated 7/7/05 re: Granting counsel's request for an extension of time until Monday, Aug. 15, 2005 in which to submit reply papers.. (Signed by Judge Barbara S. Jones on 7/11/05) (dj,) (Entered: 07/11/2005)
07/11/2005		Set/Reset Deadlines as to <u>58</u> MOTION for Summary Judgment.. Replies due by 8/15/2005. (dj,) (Entered: 07/11/2005)
07/19/2005	<u>87</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Alison E. Gugel dated 7/18/05 re: Application GRANTED. City defendants time to file their reply in support of their motion for summary judgment is extended to 8/15/05. (Signed by Judge Barbara S. Jones on 7/18/05) (db,) (Entered: 07/20/2005)
07/19/2005		Set/Reset Deadlines as to <u>54</u> MOTION for Summary Judgment. Replies due by 8/15/2005. (db,) (Entered: 07/20/2005)
07/20/2005	<u>88</u>	AFFIRMATION of Ian F. Wallace, Esq. in Opposition re: <u>54</u> MOTION for Summary Judgment., <u>57</u> MOTION for Summary Judgment., <u>58</u> MOTION for Summary Judgment.. Document filed by Harold Baergas. (Wallace, Ian) (Entered: 07/20/2005)
08/10/2005	<u>89</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Laura M. Raisty dated 8/4/05, Set Deadlines/Hearing as to <u>57</u> MOTION for Summary Judgment., <u>58</u> MOTION for Summary Judgment: Replies due by 8/29/2005. (Signed by Judge Barbara S. Jones on 8/10/05) (sac,) (Entered: 08/11/2005)
08/15/2005	<u>90</u>	REPLY MEMORANDUM OF LAW in Support re: <u>54</u> MOTION for Summary Judgment.. Document filed by City of New York, New York City Police Department. (Gugel, Alison) (Entered: 08/15/2005)
08/24/2005	<u>91</u>	DECLARATION of Mercedes Colwin in Support re: <u>58</u> MOTION for Summary Judgment.. Document filed by Scott Chester. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L)(Krebs, Diane) (Entered: 08/24/2005)
08/24/2005	<u>92</u>	ENDORSED LETTER addressed to Judge Jones from Laura M. Raisty dated 8/17/05 re: counsel on behalf of Macy's defendants and co-defendant Scott Cheester requests that the Court grant them permission to file a paper copy (in lieu of an electronic copy) of their response to plaintiff's LocalRule 56.1 Statement and Chester's reply brief under seal.... (Signed by Judge Loretta A. Preska on 8/22/05) (dj,) (Entered: 08/25/2005)
08/29/2005	<u>93</u>	DECLARATION of Diane M. Saunders in Support re: <u>57</u> MOTION for Summary Judgment.. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7# <u>8</u> Exhibit 8# <u>9</u> Exhibit 9# <u>10</u> Exhibit 10# <u>11</u> Exhibit 11# <u>12</u> Exhibit 12# <u>13</u> Exhibit 13# <u>14</u> Exhibit 14# <u>15</u> Exhibit 15)(Raisty, Laura) (Entered: 08/29/2005)
08/29/2005	<u>94</u>	DECLARATION of Rose Ashmore in Support re: <u>57</u> MOTION for Summary Judgment.. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5)(Raisty, Laura) (Entered: 08/29/2005)
08/29/2005	<u>95</u>	REPLY MEMORANDUM OF LAW in Support re: <u>57</u> MOTION for Summary Judgment.. Document filed by Chris De Santis, Federated Logistics, Federated Department Stores, Inc., Macy's East. (Raisty, Laura) (Entered: 08/29/2005)
09/09/2005	<u>98</u>	ENDORSED LETTER addressed to Judge Jones from Laura Raisty dated 8/30/05: grantng permission for defts to file a papers copy (in lieu of an electronic copy) Exhibit 2 to the Reply Declaration of Rose Ashmore in further support of the Macy's defts Motion for Summary Judgment. (Signed by Judge Barbara S. Jones on 9/9/05) (cd,) (Entered: 09/12/2005)

09/26/2005	<u>100</u>	OPINION and ORDER re: defendant's motion to sever is denied; and denying <u>42</u> SECOND MOTION to Amend/Correct <u>1</u> Complaint..FIRST MOTION to Certify Class.FIRST MOTION to Certify Class. filed by Harold Baergas., <u>23</u> FIRST MOTION to Amend/Correct <u>1</u> Complaint, <i>Cross Motion and Opposition to Defendants' Motion to Sever</i> . filed by Harold Baergas., (Signed by Judge Henry B. Pitman on 8/25/05) (dj,) (Entered: 09/27/2005)
10/25/2005	<u>101</u>	NOTICE of Appearance by Seth D. Eichenholtz on behalf of City of New York, New York City Police Department (Eichenholtz, Seth) (Entered: 10/25/2005)
02/17/2006	<u>102</u>	NOTICE OF APPEARANCE by Elizabeth M. Daitz on behalf of City of New York, New York City Police Department (Daitz, Elizabeth) (Entered: 02/17/2006)
03/15/2006	<u>103</u>	ORDER: For the foregoing reasons, plaintiff's motion to amend is DENIED. The City defendants' motion for summary judgment is GRANTED. The Macy's defendants' motion for summary judgment is GRANTED. Individual defendant Scott Chester's motion for summary judgment is GRANTED. The individual defendants Chris DeSantis and Michael Green are also entitled to summary judgment. Plaintiff's motion for class certification is DENIED as moot. The Clerk of the Court is directed to close this case. (Signed by Judge Barbara S. Jones on 3/13/2006) (lb,) (Entered: 03/15/2006)
04/13/2006	<u>104</u>	NOTICE OF APPEAL from <u>103</u> Order on Motion to Certify Class, Order on Motion for Summary Judgment. Document filed by Harold Baergas. Filing fee \$ 455.00, receipt number E 576083. (nd,) (Entered: 04/14/2006)
04/14/2006		Transmission of Notice of Appeal to the District Judge re: <u>104</u> Notice of Appeal. (nd,) (Entered: 04/14/2006)
04/14/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>104</u> Notice of Appeal. (nd,) (Entered: 04/14/2006)
04/14/2006		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>24</u> Reply to Response to Motion filed by Federated Department Stores, Inc., Macy's East, Federated Logistics,, Chris De Santis,, <u>2</u> Order Referring Case to Magistrate Judge,, <u>64</u> Declaration in Support of Motion filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, <u>82</u> Endorsed Letter,, <u>79</u> Declaration in Opposition to Motion filed by Harold Baergas,, <u>1</u> Complaint, filed by Harold Baergas,, <u>14</u> Answer to Complaint filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, <u>53</u> Endorsed Letter,, <u>25</u> Reply to Response to Motion, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, <u>100</u> Memorandum & Opinion,, <u>3</u> FIRST MOTION for Extension of Time to File <i>Answer or respond to the complaint</i> . filed by City of New York,, <u>77</u> Affirmation in Opposition to Motion, filed by Harold Baergas,, <u>61</u> Memorandum of Law in Support of Motion filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, <u>40</u> Affidavit of Service Other filed by Federated Department Stores, Inc., <u>12</u> Rule 7.1 Disclosure Statement filed by Federated Department Stores, Inc., <u>50</u> FIRST MOTION for Extension of Time to <i>File Summary Judgment Papers</i> . filed by New York City Police Department,, City of New York,, <u>66</u> Memorandum of Law in Support of Motion filed by Scott Chester,, <u>19</u> Answer to Complaint filed by Scott Chester,, <u>26</u> Affidavit of Service Complaints filed by Harold Baergas,, <u>7</u> Endorsed Letter,, <u>46</u> Endorsed Letter,, <u>13</u> Rule 7.1 Disclosure Statement filed by Macy's East,, <u>44</u> Affirmation in Support of Motion filed by Harold Baergas,, <u>39</u> Order,, <u>62</u> Declaration in Support of Motion, filed by Scott Chester,, <u>20</u> MOTION to Sever. filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, <u>28</u> Order,, <u>23</u> FIRST MOTION to Amend/Correct <u>1</u> Complaint, <i>Cross Motion and Opposition to Defendants' Motion to Sever</i> . filed by Harold Baergas,, <u>78</u> Rule 56.1 Statement filed by Harold Baergas,, <u>101</u> Notice of Appearance filed by New York City Police Department,, City of New York,, <u>32</u> Endorsed Letter,, <u>90</u> Reply Memorandum of Law in Support of Motion filed by New York City Police Department,, City of New York,, <u>74</u> Endorsed Letter, Set Motion and RRDeadlines/Hearings,, <u>43</u> FIRST MOTION to Amend/Correct <u>42</u> SECOND MOTION to Amend/Correct <u>1</u> Complaint..FIRST MOTION to Certify Class.FIRST MOTION to Certify Class.. MOTION to Certify Class <i>Supplemental Affidavit in Support of Motions</i> .FIRST MOTION to Amend/Correct <u>42</u> SECOND

MOTION to Amend/Correct 1 Complaint, FIRST MOTION to Certify Class, FIRST MOTION to Certify Class, MOTION to Certify Class *Supplemental Affidavit in Support of Motions*, filed by Harold Baergas,, 84 Endorsed Letter,, 104 Notice of Appeal filed by Harold Baergas,, 92 Endorsed Letter,, 58 MOTION for Summary Judgment, filed by Scott Chester,, 70 Endorsed Letter,, 21 Memorandum of Law in Support of Motion filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 48 Declaration in Opposition to Motion,, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Scott Chester,, Chris De Santis,, 9 FIRST MOTION to Compel *the Criminal Records Release*, filed by City of New York,, 42 SECOND MOTION to Amend/Correct 1 Complaint, FIRST MOTION to Certify Class, SECOND MOTION to Amend/Correct 1 Complaint, FIRST MOTION to Certify Class, filed by Harold Baergas,, 75 Endorsed Letter,, 6 Endorsed Letter,, 29 Reply Memorandum of Law in Support of Motion filed by Harold Baergas,, 17 Endorsed Letter,, 76 Endorsed Letter,, 11 Rule 7.1 Disclosure Statement filed by Macy's East,, 49 Declaration in Opposition to Motion, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Scott Chester,, Chris De Santis,, 54 MOTION for Summary Judgment, filed by New York City Police Department,, City of New York,, 65 Declaration in Support of Motion, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 93 Declaration in Support of Motion, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 69 Declaration in Support of Motion, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 33 Order,, 67 Rule 56.1 Statement filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Scott Chester,, Chris De Santis,, 83 Endorsed Letter,, 98 Endorsed Letter,, 30 Reply Affidavit in Opposition to Motion filed by Harold Baergas,, 34 Stipulation and Order, 59 Declaration in Support of Motion filed by Scott Chester,, 85 Endorsed Letter, 55 Memorandum of Law in Support of Motion filed by New York City Police Department,, City of New York,, 47 Response to Motion, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Scott Chester,, Chris De Santis,, 71 Notice of Appearance filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 31 Declaration in Support of Motion filed by Macy's East,, 18 Endorsed Letter,, 94 Declaration in Support of Motion, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 68 MOTION for Summary Judgment *supplemental declaration*, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 80 Affidavit in Opposition to Motion filed by Harold Baergas,, 16 Scheduling Order,, 103 Order on Motion to Certify Class, Order on Motion for Summary Judgment,, 37 Response to Motion, filed by Harold Baergas,, 8 Endorsed Letter,, 35 Declaration in Support of Motion filed by Scott Chester,, 63 Declaration in Support of Motion filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 81 Memorandum of Law in Opposition to Motion, filed by Harold Baergas,, 5 Endorsed Letter,, 38 Order, Set Scheduling Order Deadlines,, 57 MOTION for Summary Judgment, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 86 Endorsed Letter, 95 Reply Memorandum of Law in Support of Motion filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 89 Endorsed Letter, Set Motion and RRDeadlines/Hearings,, 52 Endorsed Letter,, 91 Declaration in Support of Motion, filed by Scott Chester,, 102 Notice of Appearance filed by New York City Police Department,, City of New York,, 73 Reply Memorandum of Law in Support of Motion filed by Harold Baergas,, 22 Answer to Complaint filed by New York City Police Department,, City of New York,, 45 Endorsed Letter,, 88 Affirmation in Opposition to Motion filed by Harold Baergas,, 10 Rule 7.1 Disclosure Statement filed by Federated Department Stores, Inc., 41 Endorsed Letter,, 15 Endorsed Letter,, 56 Rule 56.1 Statement filed by New York City Police Department,, City of New York,, 60 Declaration in Support of Motion,, filed by Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis,, 72 Reply Affirmation in Support of Motion, filed by Harold Baergas,, 87 Endorsed Letter,, 36 Notice of Change of Address, filed by Frick Company,, Federated Department Stores, Inc., Macy's East,, Federated Logistics,, Chris De Santis, were transmitted to the U.S. Court of Appeals. (nd,) (Entered: 04/14/2006)

01/16/2007	<u>105</u>	MANDATE of USCA WITHDRAWING APPEAL (Certified Copy) as to <u>104</u> Notice of Appeal filed by Harold Baergas USCA Case Number 06-1811-cv....that the appeal is hereby WITHDRAWN pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. Thomas Asreen, Acting Clerk USCA. Certified: 1/12/2007. (nd) (Entered: 01/22/2007)
01/22/2007		Transmission of USCA Mandate/Order to the District Judge re: <u>105</u> USCA Mandate Withdrawing Appeal,. (nd) (Entered: 01/22/2007)
11/05/2008	<u>106</u>	ORDER that the Clerk of the Court is directed to close this case. (Signed by Judge Barbara S. Jones on 11/4/08) (cd) (Entered: 11/05/2008)