

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:00-cv-07279-RJS**

Pugh, et al v. Goord, et al
Assigned to: Judge Richard J. Sullivan
Demand: \$0
Case in other court: 02-00030.
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/27/2000
Date Terminated: 01/29/2009
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff

Thomas Pugh, Jr.

represented by **Aaron Olshina Lavine**
Sullivan & Cromwell, LLP (NYC)
125 Broad Street
New York, NY 10004
(212) 558-4851
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LEAD ATTORNEY

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ATTORNEY TO BE NOTICED

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TERMINATED: 06/20/2007
LEAD ATTORNEY
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James Andrew Kent
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(212) 558-7921
TERMINATED: 03/07/2005
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Thomas Pugh , Jr.
P.O. Box 1245
(95-B-2496)
Beacon, NY 12508-0901
LEAD ATTORNEY

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Plaintiff

Errol Ennis

TERMINATED: 01/20/2004

represented by **Errol Ennis**
PRO SE

Errol Ennis

Buffalo Federal Detention Facility
4250 Federal Drive
24-507499
Batavia, NY 14020
LEAD ATTORNEY

Plaintiff

Edward Hamil

represented by **Aaron Olshina Lavine**
(See above for address)
LEAD ATTORNEY

Edward Hamil

P.O. Box 1245
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James Andrew Kent

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ATTORNEY TO BE NOTICED

Plaintiff

Clay Chatin

All Others in the same situation

represented by **Aaron Olshina Lavine**
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Caroline M. Flintoft

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Clay Chatin

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Beacon, NY 12508-0901
LEAD ATTORNEY

James Andrew Kent
(See above for address)
TERMINATED: 03/07/2005
LEAD ATTORNEY

Amy Elizabeth Howlett
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ATTORNEY TO BE NOTICED

V.

Defendant

Commissioner Glen Goord
of D.O.C.S.

represented by **Leonard Arthur Cohen**
Attorney General of the State of New York
120 Broadway
24th Floor
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William Mazzuca
Supt. F.C.F.

represented by **Leonard Arthur Cohen**
(See above for address)
LEAD ATTORNEY

Michael J. Keane
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Ada Perez
Dupt. of Program F.C.F.

represented by **Leonard Arthur Cohen**
(See above for address)
LEAD ATTORNEY

Michael J. Keane
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lewis Goidel
Grievance Supervisor
TERMINATED: 01/20/2004

represented by **Leonard Arthur Cohen**
(See above for address)
LEAD ATTORNEY

Defendant

represented by

T. Eagen
Grievance Director
TERMINATED: 01/20/2004

Leonard Arthur Cohen
(See above for address)
LEAD ATTORNEY

Defendant

Warith Deen Umar
Administrative Chaplin

represented by **Leonard Arthur Cohen**
(See above for address)
LEAD ATTORNEY

Defendant

Jimmie Harris
*Deputy Superintendent for Program
Services at Fishkill Correctional Facility
and former Director of Ministerial and
Family Services*

represented by **Michael J. Keane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Nuttall
*Deputy Commissioner for Program
Services and former Assistant
Commissioner for Program Services*

represented by **Michael J. Keane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Frank Headley
*former Deputy Commissioner for
Program Services*

represented by **Michael J. Keane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John R. LoConte
*former Director of Ministerial and
Family Services*

represented by **Mark T. Walsh**
Gleason, Dunn, Walsh & O'Shea
40 Beaver Street
Albany, NY 12207
(518) 432-7511
LEAD ATTORNEY

Defendant

Mark Lenard
*Director of Ministerial and Family
Services*

represented by **Michael J. Keane**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Muhammad Salih Ahmed
*former acting Ministerial Program
Coordinator for Islamic Affairs*

represented by **Michael J. Keane**
(See above for address)
LEAD ATTORNEY

Defendant

Ismail Abdur Rahim
*Ministerial Program Coordinator for
Islamic Affairs*

represented by **Michael J. Keane**
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
09/27/2000	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS by Thomas Pugh Jr., Errol Ennis, Edward Hamil, Clay Chatin (bm) (Entered: 09/29/2000)

09/27/2000	2	COMPLAINT filed. (bm) (Entered: 09/29/2000)
09/27/2000		Magistrate Judge Ronald L. Ellis is so Designated. (bm) (Entered: 09/29/2000)
09/27/2000	3	60 DAYS ORDER...The plaintiffs are hereby directed to file an amended complaint containing the information specified above. Should plaintiff decide to file an amended complaint, it must be submitted to this Court's Pro Se Office within 60 days of the date of this order, be captioned as an "Amended Complaint" and bear the same docket number as this order. A copy of this Order must be attached to the amended complaint. Plaintiffs are advised that their amended complaint will completely replace their original complaint. No summons shall be issued at this time and all further proceedings shall be stayed for sixty days or until plaintiff has complied with this order. If plaintiff fails to comply with this order within the time allowed, the complaint will be dismissed. Once submitted, the amended complaint shall be reviewed for compliance with this order and substantive sufficiency and then, if proper, the case shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. If this case is reassigned, a copy of this Order shall be served with the summons and amended complaint. I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (signed by Chief Judge Michael B. Mukasey) Copies mailed. (bm) (Entered: 09/29/2000)
11/17/2000	4	AMENDED COMPLAINT by Thomas Pugh Jr., Errol Ennis, Edward Hamil, Clay Chatin: amending [2-1] complaint (cd) (Entered: 11/21/2000)
11/29/2000	5	Notice of reassignment to Judge Gerard E. Lynch . Copy of notice and judge's rules mailed to Attorney(s) of record: Clay Chatin, Edward Hamil, Errol Ennis, Thomas Pugh Jr.. (bm) (Entered: 11/30/2000)
12/28/2000		A summons was issued on 12/19/00. (kw) (Entered: 01/02/2001)
03/07/2001	6	ACKNOWLEDGEMENT OF SERVICE of S&C as to Ada Perez by self on 2/21/01. Answer due on 3/13/01 for Ada Perez. (lf) (Entered: 03/08/2001)
03/09/2001	7	ACKNOWLEDGEMENT OF SERVICE of Summons and Complaint as to Glen Goord by William Gonzalez on 2/21/01. Answer due on 3/13/01 for Glen Goord. (cd) (Entered: 03/12/2001)
03/09/2001	8	ACKNOWLEDGEMENT OF SERVICE of Summons and Complaint as to T. Eagen by personal svc on 2/20/01. Answer due on 3/12/01 for T. Eagen. (cd) (Entered: 03/12/2001)
03/09/2001	9	ACKNOWLEDGEMENT OF SERVICE of summons and complaint as to William Mazzuca by personal svc on 2/28/01. Answer due on 3/20/01 for William Mazzuca. (cd) (Entered: 03/12/2001)
03/09/2001	10	ACKNOWLEDGEMENT OF SERVICE of Summons and Complaint as to Lewis Goidel by personal svc on 2/20/01. Answer due on 3/12/01 for Lewis Goidel. (cd) (Entered: 03/12/2001)
03/15/2001	11	Memo-Endorsement on letter addressed to Judge Lynch from Leonard A. Cohen, dated 3/9/01; reset answer due for 5/9/01 for Warith Deen Umar, for T. Eagen, for Lewis Goidel, for Ada Perez, for William Mazzuca, for Glen Goord . (signed by Judge Gerard E. Lynch); Copies mailed. (sn) (Entered: 03/19/2001)
04/25/2001	12	RETURN OF SERVICE of summons and complaint executed as to Warith Deen Umar by personal service on 4/2/01. Answer due on 4/23/01 for Warith Deen Umar. (kw) (Entered: 04/26/2001)
05/10/2001	13	ANSWER TO THE AMENDED COMPLAINT by Glen Goord, William Mazzuca, Ada Perez, Lewis Goidel, T. Eagen, and Warith Deen Umar (Attorney Leonard Arthur Cohen from the Attorney General of the State of New York); jury demand. (kw) (Entered: 05/14/2001)
06/12/2001	14	ORDER, reset all discovery due for 9/30/01 ; the next conference before the Court is scheduled for 10/5/01 at 2:45 pm, at which time, if the case has not by then been settled, the parties should be prepared to discuss both a timetable for motion practice and the status of the state court remedial process (signed by Judge Gerard E. Lynch); Copies mailed. (cd) (Entered: 06/12/2001)

07/18/2001	15	NOTICE of change of address by Errol Ennis. (kkc) (Entered: 07/20/2001)
08/03/2001		Memo from the Pro Se Office regarding the change of address of Errol Ennis. (kw) (Entered: 08/06/2001)
08/03/2001	16	Memo-Endorsement on letter addressed to Judge Lynch from Leonard A. Cohen, dated 7/30/01. Re: extending plttf's time to respond to interrogatories ; resetresponse to interrogatories due for 9/24/01 ; The request for the appointment of counsel is denied without prejudice to renewal at a later stage of the litigation . (signed by Judge Gerard E. Lynch); Copies mailed. (kg) (Entered: 08/07/2001)
08/21/2001	17	ORDER, all parties should be prepared, at the 10/5 conference, to address whether the new protocol moots this action. In particular, if the plntfs believe that the policies adopted in the protocol violate their constitutional rights, they should be prepared to explain what aspects of the new policy they maintain are unconstitutional ; the Clerk is respectfully directed to docket and file in the record of this case the letters referred to in this Order (signed by Judge Gerard E. Lynch); Copies mailed. (cd) (Entered: 08/22/2001)
08/27/2001	18	NOTICE OF MOTION by Thomas Pugh Jr., for preliminary injunction pursuant to Rule 65 of the FRCP . Affidavit of Thomas Pugh Jr. in support is attached. Return date 10/5/01. (kw) (Entered: 08/31/2001)
09/19/2001	19	Memo-Endorsement on letter addressed to Judge Lynch from Leonard A. Cohen, dated 9/5/01; deft's response to motion reset to 9/14/01 for [18-1] motion for preliminary injunction pursuant to Rule 65 of the FRCP . (signed by Judge Gerard E. Lynch); Copies mailed. (sn) (Entered: 09/21/2001)
09/21/2001	20	ORDER PURS TO RULE 30: PLAINTIFF EDWARD HAMIL; an Assistant Attorney General may take the deposition of plaintiff Edward Hamil before a notary public, or some other officer authorized to administer oaths by the laws of the United States or of the State of NY, at any New York State Correctional Facility, upon notice to the plaintiff and Superintendent of the correctional facility ; Plaintiff is further advised that if he fails to attend and complete his own deposition, the Court may impose sanctions purs to FRCP 37(d), which may include an order dismissing the complaint in this action ; (signed by Judge Gerard E. Lynch); Copies mailed. (djc) (Entered: 09/24/2001)
09/21/2001	21	ORDER PURSUANT TO RULE 30: PLAINTIFF CLAY CHATIN; an Assistant Atty General may take the deposition of plaintiff Clay Chatin before an otary public, or some other officer authorized to administer oaths by the laws of the United States of the State of NY, at any New York State Correctional Facility, upon notice to the plaintiff and Superintendent of the correctional facility ; Plaintiff is further advised that if he fails to attend and complete his own deposition the Court may impose sanctions purs to FRCP 37(d), which may include an order dismissing the complaint in this action ; (signed by Judge Gerard E. Lynch); Copies mailed. (djc) (Entered: 09/24/2001)
09/21/2001	22	ORDER PURSUANT TO RULE 30: PLAINTIFF THOMAS PUGH, JR.; An Assistant Attorney General may take the deposition of Plaintiff Thomas Pugh, Jr. before a notary public, or some other officer authorized to administer oaths by the laws of the United States or of the State of NY, at any New York State Correctional Facility, upon notice to the plaintiff and Superintendent of the correctinal facility ; Plaintiff is further advised that if he fails to attend and complete his own deposition, the Court may impose sanctions purs to FRCP 37(d), which may include an order dismissing the complaint in this action ; (signed by Judge Gerard E. Lynch); Copies mailed. (djc) (Entered: 09/24/2001)
09/21/2001	23	Memo-Endorsement on letter addressed to Judge Lynch from Leonard A. Cohen, dated 9/5/01, Defts' Response to motion reset to 10/5/01 for [18-1] motion for preliminary injunction pursuant to Rule 65 of the FRCP ; assuming the conference will be able to proceed is scheduled on that date, defts may make an oral submission on that date, supplemented by any written filing. Plntfs will have an appropriate opportunity to reply after the conference, if necessary (signed by Judge Gerard E. Lynch); Copies mailed. (cd) (Entered: 09/24/2001)

10/03/2001	24	Memo-Endorsement on letter addressed to Judge Lynch from Leonard A. Cohen, dated 9/10/01, granting defts request for leave of the Court to take Mr. Ennis' deposition at any time prior to the date of the trial of this matter in the event he returns to the US (signed by Judge Gerard E. Lynch); Copies mailed. (cd) (Entered: 10/04/2001)
10/29/2001	25	AFFIDAVIT of Leonard A. Cohen by defendants in opposition to [18-1] motion for preliminary injunction pursuant to Rule 65 of the FRCP. (kw) Modified on 10/30/2001 (Entered: 10/30/2001)
10/29/2001	26	MEMORANDUM OF LAW by defendants in opposition to [18-1] motion for preliminary injunction pursuant to Rule 65 of the FRCP. (kw) (Entered: 10/30/2001)
11/07/2001	27	AFFIDAVIT of John Loconte in opposition to [18-1] motion for preliminary injunction pursuant to Rule 65 of the FRCP. (tp) (Entered: 11/08/2001)
11/13/2001	28	AFFIDAVIT of Thomas Pugh Jr. in opposition to [27-1] affidavit. (kw) (Entered: 11/16/2001)
12/06/2001	29	Transcript of record of proceedings before Judge Gerard E. Lynch on 10/5/01. (kw) (Entered: 12/06/2001)
01/03/2002	30	OPINION and ORDER #86413, that for the reasons set forth, the Court is denying [18-1] motion for preliminary injunction pursuant to Rule 65 of the FRCP, and plaintiffs' claims are dismissed in their entirety. (signed by Judge Gerard E. Lynch); Copies mailed. (tp) (Entered: 01/03/2002)
01/03/2002		Case closed. (tp) (Entered: 01/03/2002)
01/15/2002	31	NOTICE OF APPEAL by Thomas Pugh Jr.; from [30-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: Attorney Generals Office for the State of New York. *(I.F.P. REVOKED 9/27/00)* *(\$105.00 APPEAL FILING FEE DUE)*. (dt) (Entered: 01/31/2002)
01/31/2002		Notice of appeal and certified copy of docket to USCA: [31-1] appeal by Thomas Pugh Jr. ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 01/31/2002)
01/31/2002	32	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [31-1] appeal by Thomas Pugh Jr. (dt) (Entered: 01/31/2002)
01/31/2002		by Thomas Pugh Jr., Indexed record on appeal files sent to the U.S.C.A.. (dt) (Entered: 01/31/2002)
03/18/2002	33	MEMORANDUM OF LAW by Thomas Pugh Jr., Edward Hamil, Clay Chatin in support of Rule 60 motion vacating the January 3, 2002 Opinion and Order. (yv) (Entered: 03/20/2002)
03/18/2002	34	NOTICE OF MOTION by Thomas Pugh Jr., Edward Hamil, Clay Chatin pursuant to FRCP 60(b) for an Order indicating that the Court is likely to grant plaintiff's Rule 60(b) motion, allowing plaintiffs to move the Court of Appeals for the Second Circuit for a remand, returning jurisdiction to the District Court , an Order setting aside the factual findings and conclusions of law contained in the Court's January 3, 2002 Opinion and Order which denied plaintiffs' motion for a preliminary injunction and dismissed this action . Return date not indicated. (yv) (Entered: 03/20/2002)
03/18/2002	35	DECLARATION of J. Andrew Kent by Thomas Pugh Jr., Edward Hamil, Clay Chatin in support Re: Rule 60 motion of Thomas Pugh, Edward Hamil and Clay Chatin. (yv) (Entered: 03/20/2002)
03/29/2002	36	Memo-Endorsement on letter addressed to Judge Lynch from Leonard A. Cohen, dated 3/26/02; granting counsel for defts' request for an extension to respond until 4/9/02 to [34-1] motion pursuant to FRCP 60(b) for an Order indicating that the Court is likely to grant plaintiff's Rule 60(b) motion, allowing plaintiffs to move the Court of Appeals for the Second Circuit for a remand, returning jurisdiction to the District Court; reset to 4/9/02 for [34-2] motion an Order setting aside the factual findings and conclusions of law contained in the Court's January 3, 2002 Opinion and Order which denied plaintiffs' motion for a preliminary injunction and dismissed this action . (signed by Judge Gerard E. Lynch); Copies mailed. (sn) (Entered: 04/04/2002)

04/12/2002	37	MEMORANDUM OF LAW by Glen Goord, William Mazzuca, Ada Perez, Lewis Goidel, T. Eagen, Warith Deen Umar in opposition to [34-1] motion pursuant to FRCP 60(b) for an Order indicating that the Court is likely to grant plaintiff's Rule 60(b) motion, allowing plaintiffs to move the Court of Appeals for the Second Circuit for a remand, returning jurisdiction to the District Court, [34-2] motion an Order setting aside the factual findings and conclusions of law contained in the Court's January 3, 2002 Opinion and Order which denied plaintiffs' motion for a preliminary injunction and dismissed this action . (cd) (Entered: 04/17/2002)
04/12/2002	38	AFFIDAVIT of Leonard Cohen by Glen Goord, William Mazzuca, Ada Perez, Lewis Goidel, T. Eagen, Warith Deen Umar in opposition to [34-1] motion pursuant to FRCP 60(b) for an Order indicating that the Court is likely to grant plaintiff's Rule 60(b) motion, allowing plaintiffs to move the Court of Appeals for the Second Circuit for a remand, returning jurisdiction to the District Court, [34-2] motion an Order setting aside the factual findings and conclusions of law contained in the Court's January 3, 2002 Opinion and Order which denied plaintiffs' motion for a preliminary injunction and dismissed this action . (cd) (Entered: 04/17/2002)
04/22/2002	39	NOTICE of attorney appearance for Thomas Pugh Jr., Edward Hamil, Clay Chatin by James Andrew Kent. (dj) (Entered: 04/30/2002)
04/30/2002	40	REPLY MEMORANDUM by Thomas Pugh Jr., Errol Ennis, Edward Hamil, Clay Chatin in support of re: [34-2] motion an Order setting aside the factual findings and conclusions of law contained in the Court's January 3, 2002 Opinion and Order which denied plaintiffs' motion for a preliminary injunction and dismissed this action (ae) (Entered: 05/02/2002)
05/01/2002	41	MEMORANDUM OF LAW by Glen Goord, William Mazzuca, Ada Perez, Lewis Goidel, T. Eagen, Warith Deen Umar in opposition to [34-1] motion pursuant to FRCP 60(b) for an Order indicating that the Court is likely to grant plaintiff's Rule 60(b) motion, allowing plaintiffs to move the Court of Appeals for the Second Circuit for a remand, returning jurisdiction to the District Court, [34-2] motion an Order setting aside the factual findings and conclusions of law contained in the Court's January 3, 2002 Opinion and Order which denied plaintiffs' motion for a preliminary injunction and dismissed this action . (pl) (Entered: 05/03/2002)
05/01/2002	42	REPLY MEMORANDUM by Thomas Pugh Jr., Errol Ennis, Edward Hamil, Clay Chatin in further support of re: [34-1] motion pursuant to FRCP 60(b) for an Order indicating that the Court is likely to grant plaintiff's Rule 60(b) motion, allowing plaintiffs to move the Court of Appeals for the Second Circuit for a remand, returning jurisdiction to the District Court, [34-2] motion an Order setting aside the factual findings and conclusions of law contained in the Court's January 3, 2002 Opinion and Order which denied plaintiffs' motion for a preliminary injunction and dismissed this action (pl) (Entered: 05/03/2002)
05/01/2002	43	DECLARATION of J.Andrew Kent by Thomas Pugh Jr., Errol Ennis, Edward Hamil, Clay Chatin in support of Re: [34-1] motion pursuant to FRCP 60(b) for an Order indicating that the Court is likely to grant plaintiff's Rule 60(b) motion, allowing plaintiffs to move the Court of Appeals for the Second Circuit for a remand, returning jurisdiction to the District Court, [34-2] motion an Order setting aside the factual findings and conclusions of law contained in the Court's January 3, 2002 Opinion and Order which denied plaintiffs' motion for a preliminary injunction and dismissed this action . (pl) (Entered: 05/03/2002)
06/28/2002		USCA appeal fees received \$105.00 6/20/02 on receipt # E 0442608. U.S.C.A. # 02-30. (dt) (Entered: 06/28/2002)
10/10/2002	45	MEMORANDUM OPINION # 87556, denying [34-1] motion pursuant to FRCP 60(b) for an Order indicating that the Court is likely to grant plaintiff's Rule 60(b) motion, allowing plaintiffs to move the Court of Appeals for the Second Circuit for a remand, returning jurisdiction to the District Court, denying [34-2] motion an Order setting aside the factual findings and conclusions of law contained in the Court's January 3, 2002 Opinion and Order which denied plaintiffs' motion for a preliminary injunction and dismissed this action . (signed by Judge Gerard E. Lynch); (yv) (Entered: 10/17/2002)

10/16/2002	44	AMENDED NOTICE OF APPEAL by Thomas Pugh Jr., Clay Chatin, Edward Hamil ; from ; the Decision of October 3, 2002 not entered in this action as of yet, amending [31-1] appeal from . Copies of notice of appeal mailed to Attorney(s) of Record: Leonard Arthur Cohen, Esq. (dt) (Entered: 10/16/2002)
10/16/2002		Notice of appeal and certified copy of docket to USCA: [44-1] appeal by Edward Hamil, Clay Chatin, Thomas Pugh Jr. ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 10/16/2002)
11/26/2002		USCA Case Number Re: [31-1] appeal by Thomas Pugh Jr., [44-1] appeal by Edward Hamil, Clay Chatin, Thomas Pugh Jr. USCA NUMBER: 02-30. (dt) (Entered: 11/26/2002)
12/16/2002		USCA appeal fees received \$105.00 12/16/02 on receipt # E 0459520. (dt) (Entered: 12/16/2002)
01/14/2003	46	Filed notice of 1st. suppl. transmittal of R.O.A. [31-1] appeal by Thomas Pugh Jr., [44-1] appeal by Edward Hamil, Clay Chatin, Thomas Pugh Jr. (pr) (Entered: 01/14/2003)
01/16/2003		by Thomas Pugh Jr., Edward Hamil and Clay Chatin, 1st Supplemental indexed record on appeal files (02-0030) sent to the U.S.C.A. to Frank Perez. (dt) (Entered: 01/16/2003)
04/28/2003	47	NOTICE of Finling of Amended Notices of Appeal by Edward Hamil, Clay Chatin . (cd) (Entered: 04/29/2003)
11/17/2003		Record on appeal file (02-0030) returned from U.S. Court of Appeals: [31-1] appeal by Thomas Pugh Jr. (pr) (Entered: 11/17/2003)
11/19/2003	48	MANDATE OF USCA (certified copy) Re: [31-1] appeal by Thomas Pugh Jr., [44-1] appeal by Edward Hamil, Clay Chatin, Thomas Pugh Jr. ORDERED ADJUDGED AND DECREED that the judgment of the district court is VACATED AND REMANDED in accordance with the opinion of this court. ISSUED AS MANDATE 11/6/03, 02-0030. MACKECHNIE, CLERK, USCA. (pr) (Entered: 11/21/2003)
12/08/2003	49	CASE MANAGEMENT PLAN: The case is to be tried by a jury; Joinder of additional parties must be accomplished by 1/5/04; amended complaint may be filed until 1/5/04; all fact discovery is to be completed by 5/14/04; first request for production of documents, if any, are to be served by 1/5/04; interrogatories pursuant to Local Rule 33.3(a) of the Civil Rules of the Southern District of New York to be served by 3/1/04; depositions are to be completed by 4/19/04; experts, if any, are to be designated by 4/5/04, and experts' reports exchanged no later than 4/5/04; requests to admit, if any, are to be served no later than 4/23/04; next case management conference scheduled for 5/21/04 at 10:30 A.M. (Signed by Judge Gerard E. Lynch on 12/2/03) (sac,) (Entered: 12/23/2003)
01/20/2004	50	SECOND AMENDED COMPLAINT amending 4 30/60 Days Amended Complaint against Jimmie Harris, John Nuttal, Frank Headley, John R. LoConte, Mark Lenard, Muhammad Salih Ahmed, Ismail Abdur Rahim, Glen Goord, William Mazzuca, Ada Perez, Warith Deen Umar.Document filed by Clay Chatin, Edward Hamil, Thomas Pugh Jr. Related document: 4 30/60 Days Amended Complaint filed by Errol Ennis, Clay Chatin, Edward Hamil, Thomas Pugh.(sac,) (Entered: 01/26/2004)
01/20/2004		Set Answer Due Date re: 50 Amended Complaint, as to Muhammad Salih Ahmed answer due on 1/30/2004; Glen Goord answer due on 1/30/2004; Jimmie Harris answer due on 1/30/2004; Frank Headley answer due on 1/30/2004; Mark Lenard answer due on 1/30/2004; John R. LoConte answer due on 1/30/2004; William Mazzuca answer due on 1/30/2004; John Nuttal answer due on 1/30/2004; Ada Perez answer due on 1/30/2004; Ismail Abdur Rahim answer due on 1/30/2004; Warith Deen Umar answer due on 1/30/2004. (sac,) (Entered: 01/26/2004)
03/26/2004		1st Supplemental ROA Returned. 1st Supplemental Indexed record on Appeal Files for 31 Notice of Appeal filed by Thomas Pugh, 44 Amended Notice of Appeal, filed by Clay Chatin, Edward Hamil, Thomas Pugh USCA Case Number 02-0030, returned from the U.S. Court of Appeals. (dt,) (Entered: 03/29/2004)

04/14/2004	51	Civil Case Management Paln Amended Answer due by 4/16/2004. Deposition due by 7/16/2004. Discovery due by 8/16/2004. Case Management Conference set for 8/16/2004 04:30 PM before Judge Gerard E. Lynch. (Signed by Judge Gerard E. Lynch on 4/1/2004) (jsa,) (Entered: 04/16/2004)
04/14/2004		Set Answer Due Date re: 50 Amended Complaint, as to Muhammad Salih Ahmed answer due on 4/26/2004; T. Eagen answer due on 4/26/2004; Lewis Goidel answer due on 4/16/2004; Glen Goord answer due on 4/16/2004; Jimmie Harris answer due on 4/16/2004; Frank Headley answer due on 4/16/2004; Mark Lenard answer due on 4/16/2004; John R. LoConte answer due on 4/16/2004; William Mazzuca answer due on 4/16/2004; John Nuttal answer due on 4/16/2004; Ada Perez answer due on 4/16/2004; Ismail Abdur Rahim answer due on 4/16/2004; Warith Deen Umar answer due on 4/16/2004. (jsa,) (Entered: 04/16/2004)
04/19/2004	52	AFFIDAVIT OF SERVICE of Summons and Amended Complaint as to the New York State Department of Correctional Services. Service was accepted by William M. Gonzalez. Document filed by Clay Chatin, Edward Hamil, Thomas Pugh Jr. (db,) (Entered: 04/20/2004)
04/19/2004	53	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. John Nuttal served on 3/19/2004, answer due 4/8/2004. Service was accepted by Maryann Richards. Document filed by Clay Chatin ; Errol Ennis ; Edward Hamil ; Thomas Pugh Jr. (yv,) (Entered: 04/20/2004)
04/19/2004	54	AFFIDAVIT OF SERVICE. Muhammad Salih Ahmed served on 3/5/2004, answer due 3/25/2004. Service was accepted by Helen Denno, Records Mgr.. Document filed by Clay Chatin ; Edward Hamil ; Thomas Pugh Jr.. (dle,) (Entered: 04/20/2004)
04/19/2004	55	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. Jimmie Harris served on 3/30/2004, answer due 4/19/2004. Service was accepted by Stephen Johnson. Document filed by Clay Chatin ; Edward Hamil ; Thomas Pugh Jr.. (dle,) (Entered: 04/20/2004)
04/19/2004	56	AFFIDAVIT OF SERVICE of Summons and Amended Complaint. Mark Lenard served on 3/19/2004, answer due 4/8/2004. Service was accepted by Joanne Jergens. Document filed by Clay Chatin ; Edward Hamil ; Thomas Pugh Jr. (kw,) (Entered: 04/20/2004)
04/19/2004	57	AFFIDAVIT OF SERVICE of Summons and Amended Complaint. John R. LoConte served on 2/24/2004, answer due 3/15/2004. Service was accepted by William M. Gonzalez. Document filed by Clay Chatin ; Edward Hamil ; Thomas Pugh Jr. (jco,) (Entered: 04/20/2004)
04/19/2004	58	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. Ismail Abdur Rahim served on 3/19/2004, answer due 4/8/2004. Service was accepted by Joanne Jergens. Document filed by Clay Chatin ; Errol Ennis ; Edward Hamil ; Thomas Pugh Jr.. (pl,) (Entered: 04/21/2004)
07/27/2004	59	NOTICE of Appearance by Caroline M. Flintoft on behalf of Clay Chatin, Thomas Pugh Jr. (sac,) (Entered: 07/28/2004)
08/10/2004	60	ENDORSED LETTER addressed to Judge Lynch from Michael Keane dated 7/28/04: granting an extension of time until 9/16/04 to conclude all discovery. The 8/16 conference is adjourned until 9/17/04 at 3:30 pm. (Signed by Judge Gerard E. Lynch on 8/3/04) (cd,) (Entered: 08/12/2004)
08/30/2004	61	ANSWER to Second Amended Complaint. Document filed by Glen Goord, Jimmie Harris, Frank Headley, Mark Lenard, William Mazzuca, John Nuttal, Ada Perez. Related document: 50 Amended Complaint, filed by Clay Chatin, Edward Hamil, Thomas Pugh.(sac,) (Entered: 09/01/2004)
09/03/2004	62	NOTICE OF CASE REASSIGNMENT to Judge Kenneth M. Karas. Judge Gerard E. Lynch no longer assigned to the case. (laq,) (Entered: 09/15/2004)
09/15/2004		Mailed notice to the attorney(s) of record. (laq,) (Entered: 09/15/2004)
09/27/2004	63	SCHEDULING ORDER: Status Conference set for 11/5/2004 10:00 AM before Judge Kenneth M. Karas. (Signed by Judge Kenneth M. Karas on 9/20/04) Copies mailed by chambers.(pl,) (Entered: 09/30/2004)

10/13/2004	64	ORDER, that the NYS Office of the Attorney General is relieved as counsel for deft Umar and that all papers shall be served on deft at 520 Feura Bush Road Glenmont, NY 12077 (518) 475-0437. It is further ordreed tha the Office of the State Atty Genl provide a copy of this order to Mr. Umar at the above address. (Signed by Judge Kenneth M. Karas on 10/5/04) copies sent by chambers.(cd,) (Entered: 10/15/2004)
10/13/2004	65	STATE DEFTS' ORDER TO DEPOSE INMATES, Thomas Pugh and Clay Chatin, as further set forth in this document. (Signed by Judge Kenneth M. Karas on 10/5/04) (cd,) (Entered: 10/15/2004)
10/27/2004	66	NOTICE of Appearance by Claire E. Coleman on behalf of Clay Chatin, Thomas Pugh Jr. (jmi,) (Entered: 10/28/2004)
11/01/2004	67	SCHEDULING ORDER (DUPLICATE ORIGINAL): that state defendants shall complete production of documents by 9/24/04; Status Conference set for 11/5/2004 10:00 AM before Judge Kenneth M. Karas. Additional deadlines are as set forth in this Order. (Signed by Judge Kenneth M. Karas on 9/20/04) (pl,) (Entered: 11/03/2004)
11/05/2004		MEMORANDUM TO THE DOCKET CLERK: Discovery conference held. Mr. Walsh will be filing a notice of appearance for defendant Loconte. Further conference set for 12/10/04 at 3:30 pm (yv,) (Entered: 11/12/2004)
11/10/2004	68	ORDER: Status Conference set for 12/10/2004 at 3:30 PM before Judge Kenneth M. Karas. (Signed by Judge Kenneth M. Karas on 11/10/04) (sac,) (Entered: 11/12/2004)
11/15/2004	69	NOTICE of Appearance by Mark T. Walsh on behalf of John R. LoConte (jco,) (Entered: 11/18/2004)
12/09/2004	70	ORDER; Plaintiffs shall submit a response, in the form of a letter brief of no more than 3 pages, by the close of business on 12/8/04. (Signed by Judge Kenneth M. Karas on 12/2/04) (sac,) (Entered: 12/10/2004)
12/17/2004	71	ORDER Plaintiffs shall submit for in camera review documentation regarding the basis for Plaintiff Pugh's assertion, in his deposition, of the Fifth Amendment privilege against self incrimination by 12/17/04. Defendants shall submit for in camera review the requested "personal files" and "personal files" by 12/17/04. Plaintiffs shall submit a letter outlining why each question raised in their rebuttal expert report is in response to the amended expert report or deposition of Defendants' expert Neguin Yavari by 12/17/04. Defendant shall respond by 12/27/04. A conference is scheduled for 1/19/05 at 2:30PM. Responses due by 12/27/2004 (Signed by Judge Kenneth M. Karas on 12/15/04) (dfe,) (Entered: 12/21/2004)
12/17/2004	72	AFFIDAVIT of Caroline M. Flintoft. Document filed by Errol Ennis, Edward Hamil, Thomas Pugh Jr.. (jmi,) (Entered: 12/23/2004)
12/23/2004	73	ORDER; defts request to compel plttf Pugh to respond to all questions is denied. (Signed by Judge Kenneth M. Karas on 12/21/2004) (jp,) (Entered: 12/27/2004)
12/23/2004	74	ENDORSED LETTER addressed to Judge Karas from Caroline Flintoft dated 12/17/2004 re: counsel requests permission to withdraw as counsel for plttf. The application will be held in abeyance to permit counsel to provide greater detail to the specific efforts to contact Mr. Hamil. (Signed by Judge Kenneth M. Karas on 12/21/2004) (jp,) (Entered: 12/27/2004)
01/03/2005	75	ANSWER to Second Amended Complaint. Document filed by John R. LoConte. Related document: 50 Amended Complaint, filed by Clay Chatin, Edward Hamil, Thomas Pugh, Jr.(db,) (Entered: 01/06/2005)
01/04/2005	77	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Claire E. Coleman dated 12/29/04 re: Counsel for plaintiff writes to request an opportunity to reply in writing. Alternatively, plaintiffs request the opportunity to address defendants' assertions and arguments at the January 19 conference. Plaintiffs are given until 1/7/05 to file any reply to defendants' 12/23 and 27 letters regarding plaintiffs' expert rebuttal report. So Ordered. (Signed by Judge Kenneth M. Karas on 12/30/04) (jco,) (Entered: 01/07/2005)
01/04/2005	78	NOTICE of Constitutional Challenge; pursuant to Rule 24(c) of the FRCP, dft LoConte notifies the court of his constitutional challenge to the Religious Land Use and Institutional Persons Act of 2000. Document filed by John R. LoConte. (dle,)

		(Entered: 01/10/2005)
01/06/2005	76	TRANSCRIPT of proceedings held on 12/13/04 (jog,) (Entered: 01/06/2005)
02/02/2005	79	ANSWER to Amended Complaint. Document filed by Muhammad Salih Ahmed, Ismail Abdur Rahim. Related document: 50 Amended Complaint, filed by Clay Chatin,, Edward Hamil,, Thomas Pugh, Jr.(kw,) (Entered: 02/07/2005)
02/09/2005	80	ORDER; the application to preclude the expert report of Sheikh Mohammad is denied. (Signed by Judge Kenneth M. Karas on 2/3/05) (sac,) (Entered: 02/11/2005)
02/18/2005	81	ANSWER to Amended Complaint. Document filed by Warith Deen Umar. Related document: 50 Amended Complaint, filed by Clay Chatin,, Edward Hamil,, Thomas Pugh, Jr..(dle,) (Entered: 02/24/2005)
03/01/2005	82	NOTICE of Appearance by Claire Elise Coleman on behalf of Thomas Pugh, Jr, Edward Hamil, Clay Chatin. (db,) (Entered: 03/07/2005)
03/01/2005	83	NOTICE of Appearance by Caroline Marie Flintoft on behalf of Thomas Pugh, Jr, Edward Hamil, Clay Chatin. (db,) (Entered: 03/07/2005)
03/07/2005	84	ORDER: pursuant to Local Rule 1.4, Claire Coleman and Caroline M. Flintoft are substituted as counsel of record for plaintiffs in place of James Andrew Kent. (Signed by Judge Kenneth M. Karas on 3/2/05) (db,) (Entered: 03/09/2005)
03/07/2005	85	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Michael Keene dated 3/1/05 re: defendants application but not made on behalf of defendant Imam Umar or Lo Cante, is GRANTED. Those defendants have until 3/9/05 to submit the date-stamped documents, and any briefing and plaintiffs' response is due 3/21/05. (Signed by Judge Kenneth M. Karas on 3/2/05) (db,) (Entered: 03/10/2005)
03/07/2005	86	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Caroline M. Flintoft dated 3/1/05 re: Caroline M. Flintoft and Ms. Coleman request that the Court withdraw their motion to withdraw as counsel for plaintiff Edward Hamil. Application GRANTED. (Signed by Judge Kenneth M. Karas on 3/2/05) (db,) (Entered: 03/10/2005)
03/21/2005	87	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Mark Walsh dated 3/11/05 re: counsel for dfts requests to serve their sur rebuttal report by 4/29/05. Dfts are given until 4/29/05 to serve their sur rebuttal report. Plaintiff will have until 5/27/05 to depose this expert. (Signed by Judge Kenneth M. Karas on 3/16/05) (dle,) (Entered: 03/23/2005)
04/22/2005	88	ORDER; that the application to modify the protective order governing the disclosure of certain documents in this case is granted in part and denied in part. (Signed by Judge Kenneth M. Karas on 4/15/05) (pl,) (Entered: 04/28/2005)
05/04/2005	89	TRANSCRIPT of proceedings held on 4/19/05 before Judge Kenneth M. Karas. (lma,) (Entered: 05/04/2005)
06/01/2005	90	ENDORSED LETTER addressed to Judge Karas from Claire Coleman dated 5/26/05: plntf application to depose defts' sur-rebuttal expert Ms. Yavari on 6/1/05 is granted. (Signed by Judge Kenneth M. Karas on 5/27/05) (cd,) (Entered: 06/06/2005)
07/01/2005	91	ORDER; counsel who will try the case shall appear for a status conference on August 16, 2005 at 11:30 a.m. in the United States Federal Courthouse, 500 Pearl Street, NY, NY, Courtroom 21D.... Counsel for plaintiff shall notify all parties of this conference. (Signed by Judge Kenneth M. Karas on 6/30/05) (dj,) (Entered: 07/05/2005)
07/01/2005		Set Deadlines/Hearings: Status Conference set for 8/16/2005 11:30 AM before Judge Kenneth M. Karas. (dj,) (Entered: 07/05/2005)
08/01/2005	92	ORDER; the Court impose a final discovery deadline in this action of 8/15/05 is denied. The parties should be prepared to discuss these issues at the 8/16/05 conference. In addition, the parties should continue to diligently pursue the remaining discovery, as the Court intends to set an expeditious deadline. (Signed by Judge Kenneth M. Karas on 7/29/05) (sac,) (Entered: 08/02/2005)

08/11/2005	93	ENDORSED LETTER addressed to Judge Karas from Claire E. Coleman dated 07/13/05 re: counsel request that the Court impose a final discovery deadline in this action of August 15, 2005...; Defendants are instructed to respond to this letter by July 26, 2005. (Signed by Judge Kenneth M. Karas on 7/20/05) (dj,) (Entered: 08/15/2005)
08/30/2005	95	ORDER; of all the documents submitted for in camera review, the Court concludes that the following documents are discoverable B1, B2, and B5. The remaining documents need to be turned over for the reasons stated on the record. The parties shall update the Court by 8/30/05, regarding the subpoenas. Discovery shall close by 9/30/05. Pre-motion letters are due 9/30/05, responses are due 10/7/05. A conference is scheduled for 10/13/05 at 12:00pm. (Signed by Judge Kenneth M. Karas on 8/16/05) (kco,) (Entered: 08/31/2005)
09/19/2005	96	ENDORSED LETTER addressed to Judge Karas from Sarah E. Light dated 9/9/05 re: conference is rescheduled to October 19, 2005 at 4:30 p.m.. (Signed by Judge Kenneth M. Karas on 9/19/05) (dj,) (Entered: 09/21/2005)
09/22/2005	97	ORDER as discussed in the conference call on 9/15/05, Defendant's application for production of the document used to refresh Mr. Hamil's recollection is denied without prejudice. Defendant may seek the production of this document by letter submitted on or before 9/19/05. Plaintiff shall respond on or before 9/22/05. Parties are granted permission to submit their letters by fax. So Ordered. (Signed by Judge Kenneth M. Karas on 9/16/05) (jco,) (Entered: 09/23/2005)
09/30/2005	98	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Claire E. Coleman dated 9/20/2005 re: plaintiffs write to respectfully request an extension of the page limit of plaintiffs' response to defendants' 9/9/2005 letters from 3 pages to 5 pages. ENDORSEMENT: Plaintiff's request to submit a 5 page letter in response to defendants' 9/19 letters is granted. Plaintiffs may also submit the writing at issue to the Court for in camera reviews. So Ordered. (Signed by Judge Kenneth M. Karas on 9/30/2005) (lb,) (Entered: 10/03/2005)
10/13/2005	99	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Claire E. Coleman dated 10/10/2005 re: to request that, if the Court approves the proposed redactions, the Court so endorse this letter.ENDORSEMENT: The redacted version of the document to be produce is acceptable. An unredacted copy was submitted to the Court as part of plaintiffs' motion papers and will be filed under seal. (Signed by Judge Kenneth M. Karas on 10/11/2005) (jmi,) (Entered: 10/14/2005)
10/18/2005	100	ENDORSED LETTER: addressed to Judge Kenneth M. Karas from Michael Keane dated 9/29/05 re: request that the Court permit the deposition of the Al-Khoei Islamic Center to take place on 10/11/05. ENDORSEMENT: So Ordered. (Signed by Judge Kenneth M. Karas on 10/18/05) (js,) (Entered: 10/18/2005)
10/18/2005	101	ORDER: Plaintiff's counsel is directed to turn the document over to defendants' counsel. Even if Hamil's review of the document was before testifying, the Court finds that the letter is related to both Hamil's credibility and important matters in the case. Therefore, the Court would exercise its discretion under Fed. R. Evid 612 (2) to order the letter turned over in the interests of justice. To accommodate Plaintiff's concern regarding mental impressions, conclusions, opinions, or legal theories, Plaintiff's counsel has until 10/12/05 to submit a proposed redacted version of the document to the Court. Defendants' request for other documents not reviewed by plaintiff Hamil during the break in his deposition is DENIED, as there is no support in Fed. R. 612 for their production. (Signed by Judge Kenneth M. Karas on 10/4/05) (js,) (Entered: 10/18/2005)
10/19/2005		MEMORANDUM TO THE DOCKET CLERK: pre-motion conference held before Judge Kenneth M. Karas on 10/19/05. (db,) (Entered: 10/24/2005)
11/03/2005	102	NOTICE of Appearance by Aaron Olshina Lavine on behalf of Thomas Pugh, Jr, Edward Hamil, Clay Chatin (db,) (Entered: 11/04/2005)
12/20/2005	103	ENDORSED LETTER: : addressed to Judge Kenneth M. Karas from Mark T. Walsh dated 12/19/2005. ENDORSEMENT: Defendant LoConte may submit a memo of law no longer than 50 pages. (Signed by Judge Kenneth M. Karas on 12/19/2005) (lb,) (Entered: 12/21/2005)

01/09/2006	104	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Michael J. Keane dated 12/20/05. ENDORSEMENT: The DOCS defendants represented by the State Attorney General's office are given until 1/4/06 to file their motion for summary judgment. Plaintiffs are given until 3/6/06 to respond. Defendants will be given until 4/6/06 to reply. (Signed by Judge Kenneth M. Karas on 12/21/05) (js,) (Entered: 01/10/2006)
01/09/2006	105	ENDORSED LETTER: addressed to Judge Kenneth M. Karas from Mark T. Walsh dated 12/22/2005 re: we respectfully request that the Court consider this letter a request for similar extension with the same response and reply time set forth in the Your Honor's 12/21/2005 Order. ENDORSEMENT: Denied. (Signed by Judge Kenneth M. Karas on 12/22/2005) (lb,) (Entered: 01/10/2006)
01/11/2006	106	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Aaron O. Lavine dated 12/23/05. ENDORSEMENT: Plaintiff may respond to the summary judgment motion with one brief. SO ORDERED. (Signed by Judge Kenneth M. Karas on 1/9/06) (kco,) (Entered: 01/11/2006)
01/19/2006	107	MOTION for an order permitting the United States of America to Intervene in this action.. (jp,) (Entered: 01/20/2006)
01/19/2006	108	MEMORANDUM OF LAW in Support re: 107 MOTION to Intervene. (jp,) (Entered: 01/20/2006)
01/19/2006	109	Intervenor The United States of America's Memorandum of law in defense of the constitutionality of the religious land use and institutionalized persons act of 2000. (jp,) (Entered: 01/20/2006)
01/19/2006	110	Intervenor the United States of America's Appendix of unpublished opinions and legislative history cited in its Memorandum of law in defense of the constitutionality of the religious land use and institutionalized persons act of 2000. (jp,) (Entered: 01/20/2006)
01/24/2006	111	ENDORSED LETTER addressed to Judge Karas from Michael J. Garcia dated 1/17/06 re: The Government's request to file a 32-page brief in response to Defendants' summary judgment motions is Granted.. (Signed by Judge Kenneth M. Karas on 1/19/06) (dj,) (Entered: 01/25/2006)
02/27/2006	112	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Aaron Lavine dated 2/23/06 re: counsel for plaintiffs requests 90 pages for their memorandum of law. Plaintiffs are given 90 pages for their response to dfts' motions. Next time, however, counsel should either mail such a request or obtain permission prior to sending the letter via fax. (Signed by Judge Kenneth M. Karas on 2/23/06) (dle,) (Entered: 02/28/2006)
04/06/2006	113	MOTION for an order purs. to FRCP Rule 56 granting him summary judgment dismissing the complaint in its entirety and for an order declaring that the Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc is unconstitutional as applied under the Spending Clause of the United State Constitution and on its face under the Spending Clause, the Commerce Clause and the Tenth Amendment of the United States Constitution. Document filed by John R. LoConte. (dle,) (Entered: 04/07/2006)
04/06/2006	114	AFFIDAVIT of John R. LoConte in Support re: 113 MOTION for Summary Judgment.. Document filed by John R. LoConte. (dle,) (Entered: 04/07/2006)
04/06/2006	115	MEMORANDUM OF LAW in Support re: 113 MOTION for Summary Judgment. Document filed by John R. LoConte. (dle,) (Entered: 04/07/2006)
04/06/2006	116	REPLY AFFIDAVIT of Mark T. Walsh in Support re: 113 MOTION for Summary Judgment.. Document filed by John R. LoConte. (dle,) (Entered: 04/07/2006)
04/06/2006	117	REPLY MEMORANDUM OF LAW in Support re: 113 MOTION for Summary Judgment.. Document filed by John R. LoConte. (dle,) (Entered: 04/07/2006)
04/06/2006	118	APPENDIX of Unreported Cases Cited in dft LoConte's memorandum of law and reply memorandum of law in support of his motion for summary judgment. Document filed by John R. LoConte.(dle,) (Entered: 04/07/2006)

04/06/2006	119	RULE 56.1 STATEMENT. Document filed by John R. LoConte. (dle,) (Entered: 04/07/2006)
04/06/2006	120	AFFIDAVIT of Mark T. Walsh in Support re: 113 MOTION for Summary Judgment. Document filed by John R. LoConte. (dle,) (Entered: 04/07/2006)
04/06/2006	123	MEMORANDUM OF LAW in Support re: 122 MOTION for Summary Judgment.. Document filed by Glen Goord, Jimmie Harris, John Nuttal, Frank Headley, Mark Lenard, Muhammad Salih Ahmed, William Mazzuca, Ada Perez. (dle,) (Entered: 04/12/2006)
04/06/2006	124	RULE 56.1 STATEMENT. Document filed by , Glen Goord, Jimmie Harris, John Nuttal, Frank Headley, , , Muhammad Salih Ahmed, , William Mazzuca, Ada Perez. (dle,) Modified on 4/12/2006 (dle,). (Entered: 04/12/2006)
04/06/2006	125	MEMORANDUM OF LAW in Opposition re: 122 MOTION for Summary Judgment.. Document filed by Thomas Pugh, Jr, Edward Hamil, Clay Chatin. (dle,) (Entered: 04/12/2006)
04/06/2006	126	Response TO 124 Rule 56.1 Statement. Document filed by Thomas Pugh, Jr, Edward Hamil, Clay Chatin. (dle,) (Entered: 04/12/2006)
04/06/2006	127	DECLARATION of Clay Chatin in Opposition re: 113 MOTION for Summary Judgment., 122 MOTION for Summary Judgment.. Document filed by Clay Chatin. (dj,) (Entered: 04/12/2006)
04/06/2006	128	DECLARATION of Thomas Pugh, Jr. in Opposition re: 113 MOTION for Summary Judgment., 122 MOTION for Summary Judgment.. Document filed by Thomas Pugh, Jr. (dj,) (Entered: 04/12/2006)
04/06/2006	129	DECLARATION of Claire E. Coleman in Opposition re: 113 MOTION for Summary Judgment 122 MOTION for Summary Judgment; (volume one of Four: Exhibits 1-11) (dj,) (Entered: 04/12/2006)
04/07/2006	121	REPLY MEMORANDUM OF LAW in Support of State Dft's motion for summary judgment. Document filed by Glen Goord. (dle,) (Entered: 04/10/2006)
04/11/2006	122	MOTION for an order purs. to Rule 56 of the FRCP granting dfts summary judgment against plaintiffs on the grounds that no genuine issue of material fact remains for trial and dfts are entitled to judgment as a matter of law on each of plaintiffs' claims. Document filed by Glen Goord, Jimmie Harris, John Nuttal, Frank Headley, Mark Lenard, Muhammad Salih Ahmed, William Mazzuca, Ada Perez. (dle,) (Entered: 04/12/2006)
05/01/2006	130	ORDER that the United States of America's motion to intervene which is unopposed is granted. The clerk of the court is directed to terminate the motion (doc. no. 107). (Signed by Judge Kenneth M. Karas on 4/27/06) (dle,) (Entered: 05/02/2006)
06/20/2007	131	ORDER, pursuant to Local Rule 1.4, that Aaron O. Lavine is substituted as attorney of record and attorney to be noticed for plaintiffs Thomas Pugh and Clay Chatin, in place of Claire E. Coleman and Caroline M. Flintoft. SO ORDERED (Signed by Judge Kenneth M. Karas on 6/18/2007) (jmi) (Entered: 06/26/2007)
09/04/2007	132	NOTICE OF CASE REASSIGNMENT to Judge Richard J. Sullivan. Judge Kenneth M. Karas is no longer assigned to the case. (jeh) (Entered: 09/10/2007)
09/04/2007		Mailed notice to the attorney(s) of record. (jeh) (Entered: 09/10/2007)
10/01/2007		Received returned mail re: 132 Notice of Case Assignment/Reassignment. Mail was addressed to Errol Ennis of Buffalo Federal Detention Facility at 4250 Federal Drive, 24-507499, Batavia, NY 14020 and was returned for the following reason(s): attempted - not known. (tve) (Entered: 11/15/2007)
10/04/2007	133	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Aaron O. Lavine dated 10/1/07 re: Counsel for plaintiff writes to bring to the Court's attention the Second Circuit decision issued in Orafan, in which the Circuit vacated and remanded the district court's grant of summary judgment to defendants, finding that disputed issues of material fact preclude summary judgment on both plaintiff's RLUIPA claims and their Equal Protection claims. In light of the Circuit's decision, defendants'

		summary judgment motions in Pugh are no longer sustainable and should be withdrawn, or failing that, promptly denied. Defense counsel has been notified about the delivery of this letter to give them an opportunity voluntarily withdraw their motions. Counsel suggests that this case should be brought to a trial on the merits at the earliest available date. Plaintiff's request a status conference during the week of 10/1/07, to discuss the Pugh, if possible, to pick a trial date. ENDORSEMENT: Defendants are instructed to respond to Plaintiffs' letter or, in the alternative, to withdraw their motion for summary judgment by October 9, 2007. (Signed by Judge Richard J. Sullivan on 10/2/07) (tro) (Entered: 10/05/2007)
10/04/2007	134	NOTICE OF APPEARANCE by Amy E. Howlett on behalf of Thomas Pugh, Jr, Edward Hamil, Clay Chatin (djc) (Entered: 10/05/2007)
10/26/2007	135	ORDER: counsel who will try this case are to appear for a status conference on 10/29/2007 at 3:00 PM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Sullivan. Mr. Walsh and Mr. Umar will be permitted to appear by telephone. (Signed by Judge Richard J. Sullivan on 10/22/07) (kco) (Entered: 10/29/2007)
10/31/2007	136	ORDER: Defendants shall file and serve their supplemental materials no later than Friday, November 9, 2007. Any response from the plaintiffs and/or the United States shall be filed and served not later than Friday, November 16, 2007. Responses due by 11/16/2007. (Signed by Judge Richard J. Sullivan on 10/29/07) (tro) (Entered: 11/01/2007)
11/09/2007	137	Appendix of Unreported Cases Cited in Defendant LoConte's Supplemental Memorandum of Law in Support of his Motion for Summary Judgment. (djc) (Entered: 11/14/2007)
11/09/2007	138	MEMORANDUM OF LAW in Support of his Motion for Summary Judgment. Document filed by John R. LoConte. (djc) (Entered: 11/14/2007)
11/09/2007	139	AFFIDAVIT OF SERVICE of Supplemental Memorandum of alw on Behalf of Defendant John LoConte in Support of his Motion for summary Judgment and appendix of unreported Cases Cited in Defendant LoConte's Supplemental Memorandum of Law in Support of his Motion for Summary Judgment served on Aaron O. Lavie,Esq., Warren Deen Umar, Michael Keane, Ex. and Sarah Light, Esq. on 11/8/07. Service was made by Federal Express Overnight. (djc) (Entered: 11/15/2007)
11/13/2007	140	DECLARATION of Michael J. Keane. (djc) (Entered: 11/15/2007)
11/13/2007	141	SUPPLEMENTAL MEMORANDUM OF LAW in Further Support re: 122 MOTION for Summary Judgment. Document filed by Glen Goord, Jimmie Harris, John Nuttal, Frank Headley, Mark Lenard, Muhammad Salih Ahmed, William Mazzuca, Ada Perez. (djc) (Entered: 11/16/2007)
01/15/2008	<u>142</u>	ORDER that the oral argument on the outstanding motions in this case shall be held at on February 13, 2008 at 4:00pm in United States Courthouse for the Southern District of New York, Courtroom 21C, 500 Pearl Street, New York, New York. SO ORDERED (Oral Argument set for 2/13/2008 at 04:00 PM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Sullivan.) (Signed by Judge Richard J. Sullivan on 1/15/2008) (jmi) (Entered: 01/15/2008)
02/13/2008	<u>143</u>	ORDER: that the oral argument scheduled for today shall begin at 4:30 p.m., instead of the original time of 4:00 p.m. (Signed by Judge Richard J. Sullivan on 2/13/08) (tro) (Entered: 02/14/2008)
08/01/2008	<u>144</u>	MEMORANDUM AND ORDER granting in part and denying in part 113 Motion for Summary Judgment; granting in part and denying in part 122 Motion for Summary Judgment. For the reasons set forth in this Memorandum and Order, State Defendants' summary judgment motions are granted in part and denied in part. Defendants' motion to dismiss plaintiff Chatin's claims for injunctive relief as moot is granted. Summary judgment in favor of defendants is granted on plaintiffs' RLUIPA claim to the extent plaintiffs seek monetary damages. Defendants' motions are denied in all other respects. The Clerk of the Court is respectfully directed to terminate the motions located at document numbers 113 and 122. (Signed by Judge Richard J. Sullivan on 7/31/08)

		(tro) (Entered: 08/04/2008)
08/15/2008	<u>145</u>	NOTICE OF APPEAL from <u>144</u> Order on Motion for Summary Judgment. Document filed by John R. LoConte. Filing fee \$ 455.00, receipt number E 659945. Copies of Notice of Appeal mailed to attorney(s) of record: Amy E. Howlett, Esq.; Attorney General of State of New York; A.U.S.A.; and Warith Deen Umar, Pro Se. (nd) (Entered: 08/15/2008)
08/15/2008		Transmission of Notice of Appeal to the District Judge re: 145 Notice of Appeal,. (nd) (Entered: 08/15/2008)
08/15/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 145 Notice of Appeal,. (nd) (Entered: 08/15/2008)
08/26/2008	<u>146</u>	ORDER: A Status Conference is set for 9/11/2008 at 01:30 PM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Sullivan. (Signed by Judge Richard J. Sullivan on 8/25/08) (db) (Entered: 08/26/2008)
08/28/2008	<u>147</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Andrew Hodge Meier dated 8/26/08 re: Counsel submits that they have through September 3, 2008 to file said notice of appeal and that a pretrial conference at this time would be premature. ENDORSEMENT: The conference in this matter will proceed as scheduled on September 11, 2008 at 1:30 p.m. (Signed by Judge Richard J. Sullivan on 8/27/08) (mme) (Entered: 08/28/2008)
09/03/2008	<u>148</u>	NOTICE OF APPEAL from <u>144</u> Order on Motion for Summary Judgment. Document filed by Glen Goord, Jimmie Harris, John Nuttal, Frank Headley, Mark Lenard, Muhammad Salih Ahmed, William Mazzuca, Ada Perez. Filing fee \$ 455.00, receipt number E 662109. Copies of Notice of Appeal mailed to attorney(s) of record: Imam Umar; Walsh & O'Shea; Sullivan & Cromwell; and A.U.S.A. (nd) (Entered: 09/04/2008)
09/04/2008		Transmission of Notice of Appeal to the District Judge re: 148 Notice of Appeal,. (nd) (Entered: 09/04/2008)
09/04/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 148 Notice of Appeal,. (nd) (Entered: 09/04/2008)
09/10/2008	<u>149</u>	ORDER: All parties are required to participate in a telephone conference in this action on 9/16/2008 at 09:00 AM before Judge Richard J. Sullivan. (Signed by Judge Richard J. Sullivan on 9/10/08) (tro) (Entered: 09/11/2008)
09/11/2008	<u>150</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Sarah E. Light dated 9/11/08 re: Counsel for the U.S. request that they be excused from the Court appearance in this matter regarding the merits of this case. Counsel will, however, participate in the telephonic status conference with the Court currently scheduled for 9:00 a.m on 9/16/08. ENDORSEMENT: Request granted. (Signed by Judge Richard J. Sullivan on 9/11/08) (tro) (Entered: 09/11/2008)
10/01/2008	<u>151</u>	TRANSCRIPT of proceedings held on 8/13/08 before Judge Richard J. Sullivan. (ama) (Entered: 10/01/2008)
10/02/2008	<u>152</u>	ORDER, Status Conference set for 10/31/2008 at 12:30 PM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Sullivan. (Signed by Judge Richard J. Sullivan on 9/26/08) (mme) (Entered: 10/02/2008)
10/07/2008	<u>153</u>	TRANSCRIPT of proceedings held on 9/11/08 before Judge Richard J. Sullivan. (ama) (Entered: 10/07/2008)
10/31/2008	<u>154</u>	ORDER: IT IS HEREBY ORDERED that the status conference scheduled for October 31, 2008 at 12:30 p.m. is adjourned. Parties are further ordered to submit a joint status letter by Friday, November 7, 2008, informing the Court of the status of the settlement negotiations. So Ordered (Signed by Judge Richard J. Sullivan on 10/31/08) (js) (Entered: 11/03/2008)
11/10/2008	<u>155</u>	ORDER that the Parties submit a joint status letter by Friday, November 21, 2008, informing the Court of the status of the settlement negotiations. SO ORDERED. (Status Report due by 11/21/2008.) (Signed by Judge Richard J. Sullivan on 11/10/2008) (jmi) (Entered: 11/12/2008)

11/24/2008	<u>156</u>	ORDER: IT IS HEREBY ORDERED that the Parties submit a joint status letter by Friday, December 5, 2008. informing the Court of the status of the settlement negotiations. So Ordered (Signed by Judge Richard J. Sullivan on 11/24/08) (js) (Entered: 11/25/2008)
12/09/2008	<u>157</u>	ORDER: It is hereby ordered that the parties submit a joint status letter by January 9, 2009, informing the Court of the status of settlement negotiations. (Signed by Judge Richard J. Sullivan on 12/8/2008) (jpo) (Entered: 12/09/2008)
01/12/2009	<u>158</u>	ORDER that the parties submit their joint stipulation of dismissal no later than Friday, 1/23/09. (Signed by Judge Richard J. Sullivan on 1/12/09) (cd) (Entered: 01/12/2009)
01/23/2009	<u>159</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Michael J. Keane dated 1/23/09 re: State Defendants respectfully request that the parties be granted until Tuesday, January 27, 2009 to file the requisite papers so as to accommodate Mr. Walsh, and his client. ENDORSEMENT: Requests granted. (Signed by Judge Richard J. Sullivan on 1/23/09) (pl) (Entered: 01/26/2009)
01/29/2009	<u>160</u>	STIPULATION OF WITHDRAWAL AND JUDGMENT: Pursuant to F.R.C.P. 41(a)(1), plaintiffs Thomas Pugh, Jr. and Clay Chatin, by and through their counsel, hereby stipulation to the withdrawal and dismissal with prejudice of all claims against Defendants Glenn S. Goord, Mark Leonard, Frank Headley, John Nuttall, William Mazzucca, Ada Perez and Jimmie Harris ("State Defendants"), Defendant John LoConte and Defendant pro se Warith Deen Umar in this action. After due deliberation, the Court HEREBY ORDERS, DECREES AND ADJUDGES that judgment be entered as follows: All claims asserted against defendants in this case no. 00cv7279 (RJS) are dismissed in their entirety with prejudice, pursuant to the terms and conditions of a Private Settlement Agreement, dated January 2009. (Signed by Judge Richard J. Sullivan on 1/28/09) (tro) Modified on 1/29/2009 (ml). (Entered: 01/29/2009)
01/29/2009	<u>161</u>	STIPULATION OF SETTLEMENT: Private Settlement Agreement; IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for plaintiffs Thomas Pugh, Jr. and Clay Chatin and Defendants Glenn S. Goord, Mark Leonard, Frank Headley, John Nuttall, William Mazzucca, Ada Perez and Jimmie Harris ("State Defendants"), Defendant John LoConte and Defendant pro se Warith Deen Umar in this action. Plaintiffs discontinue this action with prejudice and discharge and release all State Defendants (Glenn S. Goord, Mark Leonard, Frank Headley, John Nuttall, William Mazzucca, Ada Perez and Jimmie Harris) Defendant John LoConte and Defendant pro se Warith Deen Umar in their individual and official capacities and their successors or assigns; the State of New York, and New York State Department of Correctional Services, including its agencies, subdivisions, employees, private contractors or assignees, of any and all claims, demands, or causes of actions, known or unknown, now existing or hereafter arising, whether presently asserted or not, which relate in any way to the subject matter of this action, and further agree to discontinue and/or not commence in any court, arbitration or administrative action, any litigation or claims against State Defendants (Glenn S. Goord, Mark Leonard, Frank Headley, John Nuttall, William Mazzucca, Ada Perez and Jimmie Harris) Defendant John LoConte and Defendant pro se Warith Deen Umar, the State of New York; and New York State Department of Correctional Services, pertaining to the underlying facts, circumstances or incidents that gave rise to the aforementioned action, or any results of the aforementioned facts, circumstances or incidents. Notwithstanding any other provision of this agreement, Plaintiffs refrain the right to enforce this private settlement agreement. The parties hereto agree that the above-captioned action shall be discontinued with prejudice pursuant to Rule 41(a) of the F.R.C.P. THE COURT APPROVES THIS PRIVATE SETTLEMENT AS TO FORM ONLY AND IT IS SO ORDERED. (Signed by Judge Richard J. Sullivan on 1/28/09) (tro) (Entered: 01/29/2009)
05/12/2009	<u>162</u>	MANDATE of USCA (Certified Copy) as to 145 Notice of Appeal, filed by John R. LoConte USCA Case Number 08-4040-pr. IT IS HEREBY ORDERED that the motion of the State defendants Glenn Goord et al. to withdraw the appeal with prejudice is GRANTED. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 4/15/2009. (nd) (Entered: 05/12/2009)

05/12/2009		Transmission of USCA Mandate/Order to the District Judge re: <u>162</u> USCA Mandate,. (nd) (Entered: 05/12/2009)
07/01/2009	<u>163</u>	MANDATE of USCA (Certified Copy) as to 148 Notice of Appeal, filed by Glen Goord, William Mazzuca, John Nuttal, Mark Lenard, Muhammad Salih Ahmed, Ada Perez, Frank Headley, Jimmie Harris USCA Case Number 08-4040-pr/08-4431-pr. IT IS HEREBY ORDERED that the motion to withdraw appeal be and it hereby is GRANTED. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 6/30/2009. (nd) (Entered: 07/01/2009)
07/01/2009		Transmission of USCA Mandate/Order to the District Judge re: <u>163</u> USCA Mandate,. (nd) (Entered: 07/01/2009)