

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Rochester)
CIVIL DOCKET FOR CASE #: 6:05-cv-06504-CJS-MJP

Shariff et al v. Allah et al
Assigned to: Hon. Charles J. Siragusa
Referred to: Hon. Mark W. Pedersen
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/07/2005
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Abdul Shariff

represented by **David L. Cook**
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TERMINATED: 01/07/2011

Plaintiff

Jose Torres

TERMINATED: 04/13/2007

represented by **David L. Cook**
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Plaintiff

Divine Allah

represented by **David L. Cook**
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Terence Lee Robinson , Jr.
(See above for address)
TERMINATED: 01/07/2011

Plaintiff

James West

*Individually And On Behalf Of All
Other Persons Similarly, Situated*

represented by **David L. Cook**
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LEAD ATTORNEY
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TERMINATED: 01/07/2011

V.

Defendant

Glenn S. Goord

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TERMINATED: 10/14/2008

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TERMINATED: 06/21/2006

Donald Nosve
Eliot Apitzer, Atty. General of the

State of NY
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TERMINATED: 09/07/2005

Defendant

William Phillips

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Matthew D. Brown
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Benjamin A. Bruce
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TERMINATED: 10/14/2008

Charles D. Steinman
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TERMINATED: 06/21/2006

Donald Nosve
(See above for address)
TERMINATED: 09/07/2005

Defendant

Carl J. Koeningsmann
M.D.
TERMINATED: 04/13/2007

represented by **Benjamin A. Bruce**
(See above for address)
TERMINATED: 10/14/2008

Charles D. Steinman
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TERMINATED: 06/21/2006

Donald Nosve
(See above for address)
TERMINATED: 09/07/2005

Defendant

Doctor Robert Macomber
Physician Assistant at Five Points

represented by **Benjamin A. Bruce**
(See above for address)

CF
TERMINATED: 04/13/2007

TERMINATED: 10/14/2008

Charles D. Steinman
(See above for address)
TERMINATED: 06/21/2006

Donald Nosve
(See above for address)
TERMINATED: 09/07/2005

Defendant

RN David . Goodwin
*Assistant Nurse Administrator at
Five Points CF*
TERMINATED: 04/13/2007

represented by **Benjamin A. Bruce**
(See above for address)
TERMINATED: 10/14/2008

Charles D. Steinman
(See above for address)
TERMINATED: 06/21/2006

Donald Nosve
(See above for address)
TERMINATED: 09/07/2005

Defendant

RN Nancy Conner
*Nurse Administrator at Five Points
CF*
TERMINATED: 04/13/2007

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TERMINATED: 10/14/2008

Charles D. Steinman
(See above for address)
TERMINATED: 06/21/2006

Donald Nosve
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TERMINATED: 09/07/2005

Defendant

M.D. Samuel Stornelli
Physician at Five Points CF
TERMINATED: 04/13/2007

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TERMINATED: 10/14/2008

Charles D. Steinman
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TERMINATED: 06/21/2006

Donald Nosve
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TERMINATED: 09/07/2005

Defendant

M.D. Dobies
*former Medical Director at Five
Points CF*
TERMINATED: 04/13/2007

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TERMINATED: 10/14/2008

Charles D. Steinman
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Defendant

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TERMINATED: 10/14/2008

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TERMINATED: 09/07/2005

Defendant

William Mazzuca
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TERMINATED: 10/14/2008

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Donald Nosve
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Defendant

Donna Masterson
Americans with Disabilities Act
Coordinator, for the Department of
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TERMINATED: 04/13/2007

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TERMINATED: 10/14/2008

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Defendant

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TERMINATED: 10/14/2008

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Defendant

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TERMINATED: 10/14/2008

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Defendant

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Defendant

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TERMINATED: 10/14/2008

Defendant

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TERMINATED: 10/14/2008

Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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TERMINATED: 10/14/2008

Defendant

Menally

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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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TERMINATED: 10/14/2008

Defendant

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Defendant

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Defendant

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Defendant

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TERMINATED: 10/14/2008

Defendant

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Defendant

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Defendant

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Defendant

Kaiser

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Defendant

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Matthew D. Brown
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Benjamin A. Bruce
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TERMINATED: 10/14/2008

Defendant

Maria B. Tirone

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Benjamin A. Bruce
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TERMINATED: 10/14/2008

Defendant

Evelyn Weissman

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Matthew D. Brown
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Benjamin A. Bruce
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TERMINATED: 10/14/2008

Defendant

**the New York State Department
of Correctional Services**

represented by **Gary M. Levine**
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Matthew D. Brown
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Benjamin A. Bruce
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TERMINATED: 10/14/2008

Defendant

Charles Devane

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Matthew D. Brown
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LEAD ATTORNEY
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Benjamin A. Bruce
(See above for address)
TERMINATED: 10/14/2008

Defendant

Pippen, R.N.

represented by **Gary M. Levine**
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Matthew D. Brown
(See above for address)
LEAD ATTORNEY
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Benjamin A. Bruce
(See above for address)
TERMINATED: 10/14/2008

Defendant

Mohrning

represented by **Gary M. Levine**
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Matthew D. Brown
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LEAD ATTORNEY
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Benjamin A. Bruce
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TERMINATED: 10/14/2008

Date Filed	#	Docket Text
09/07/2005	44	Case transferred in from Southern District of New York; Case Number 03-CV-7664. Original file received (with the excpetion of items #3, 27, 28, 42 which were reported to Southern District as missing from the file), a certified copy of transfer order and docket sheet. (Attachments: # 1 transfer order)(DZ,) (Entered: 09/07/2005)
09/07/2005	45	CONTINUATION OF EXHIBITS to 44 Case Transferred In - District Transfer, . (Attachments: # 1 Application to Appoint Counsel# 2 Order# 3 Order of Reference# 4 Amended Complaint# 5 amended summons issued# 6 items #8 and #10 retruns of service# 7 return of service# 8 return of service# 9 return of service# 10 return of service# 11 return of service# 12 return of service# 13 return of service# 14 return of service# 15 return of service# 16 return of service# 17 item #20-23 retruns of service)(DZ,) (Entered: 09/13/2005)

09/07/2005	<u>46</u>	CONTINUATION OF EXHIBITS to <u>44</u> Case Transferred In - District Transfer, . (Attachments: # <u>1</u> item #25 Memorandum and Order# <u>2</u> #26 endorsed letter# <u>3</u> # 29 Memorandum and Order# <u>4</u> item #30 endorsed letter# <u>5</u> item #31 endorsed letter# <u>6</u> item #32 endorsed letter# <u>7</u> item #33 endorsed letter)(DZ,) (Entered: 09/13/2005)
09/07/2005	<u>47</u>	CONTINUATION OF EXHIBITS to <u>44</u> Case Transferred In - District Transfer, . motion to dismiss and (Attachments: # <u>1</u> exhibits to motion# <u>2</u> exhibits to moiton)(DZ,) (Entered: 09/13/2005)
09/07/2005	<u>48</u>	CONTINUATION OF EXHIBITS to <u>44</u> Case Transferred In - District Transfer, . (Attachments: # <u>1</u> Order #36# <u>2</u> item #37 endorsed letter# <u>3</u> item #38 memorandum# <u>4</u> item #39 endorsed letter# <u>5</u> item #40 reply memorandum# <u>6</u> item #41 order)(DZ,) (Entered: 09/13/2005)
09/22/2005	<u>49</u>	NOTICE of Appearance by David L. Cook on behalf of all plaintiffs (Cook, David) (Entered: 09/22/2005)
09/26/2005	<u>50</u>	ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT ORDER Court Clerk is directed to transfer this action to Rochester and reassign the case to a Rochester judge. Defendants are to file copies of S.D.N.Y. Case No. 03-CV-7664, Docket Nos. 27, 28, and 42, items missing from the docket when this action was transferred from the S.D.N.Y. So Ordered. Signed by Hon. Hugh B. Scott on 9/26/2005. (DRH) (Entered: 09/26/2005)
09/26/2005		Case Reassigned to Judge Charles J. Siragusa. Judge Hugh B. Scott no longer assigned to the case. (DZ,) (Entered: 09/27/2005)
09/27/2005		Remark - All future submissions in this action should reflect, and be filed in, the new case number 6:05-CV-6504. (DZ,) (Entered: 09/27/2005)
10/12/2005	<u>51</u>	ORDER REFERRING CASE to Magistrate Judge Jonathan W. Feldman. Signed by Hon. Charles J. Siragusa on 10/11/05. (JHF) (Entered: 10/12/2005)
10/14/2005	<u>52</u>	ORDER Scheduling Conference set for 12/2/2005 at 10:00 AM before Hon. Jonathan W. Feldman. Signed by Hon. Jonathan W. Feldman on 10/14/2005. (RO) (Entered: 10/14/2005)

10/20/2005	53	MEMORANDUM IN SUPPORT re 50 Order, <i>This was Docket # 27 in S.D.N.Y. Case # 03cv7664</i> by Abdul Shariff, Jose Torres, Divine Allah, James West. (Steinman, Charles) (Entered: 10/20/2005)
10/20/2005	54	MOTION for Preliminary Injunction <i>this was Docket #28 in S.D.N.Y Case #03cv7664 (Refer to Order Docket # 50)</i> by Abdul Shariff, Jose Torres, Divine Allah, James West.(Steinman, Charles) (Entered: 10/20/2005)
10/20/2005	55	REPLY to Response to Motion re 54 MOTION for Preliminary Injunction <i>this was Docket #42 in S.D.N.Y. Case #03cv7664 (Refer to Order Docket #50</i> filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Steinman, Charles) Modified on 10/21/2005 (JHF) (Entered: 10/20/2005)
10/21/2005		E-Filing Error Corrected: per attorney, Clerk corrected docket text for 55 REPLY. (JHF) (Entered: 10/21/2005)
11/21/2005	56	Minute Entry for proceedings held before Judge Charles J. Siragusa : In Chambers Conference held on 11/21/2005. (Court Reporter Frank Leogrande.) (MSH,) (Entered: 11/22/2005)
12/02/2005	57	Minute Entry for proceedings held before Judge Jonathan W. Feldman : Status Conference held on 12/2/2005. (RO) (Entered: 12/02/2005)
12/09/2005	58	Minute Entry for proceedings held before Judge Charles J. Siragusa : Preliminary Injunction hearing held. Court issues a temporary restraining order and hearing will continue 12-16-05 at 10:00 am.(Court Reporter Frank Leogrande.) (MSH,) (Entered: 12/09/2005)
12/12/2005		Set/Reset Deadlines as to 54 MOTION for Preliminary Injunction <i>this was Docket #28 in S.D.N.Y Case #03cv7664 (Refer to Order Docket # 50)</i> . Motion Hearing continued for 12/16/2005 10:00 AM before Hon. Charles J. Siragusa. (TO,) (Entered: 12/12/2005)
12/14/2005	59	TEMPORARY RESTRAINING ORDER that until further Order of the Court, defendants are directed to supply plaintiffs Abdul Shariff, James west, and Divine Allah, with six (6) new single-use catheters per day. Signed by Hon. Charles J. Siragusa on 12/14/05. (JHF) (Entered: 12/14/2005)
12/15/2005	60	DECLARATION signed by Gabriel Haas, M.D. re 54 MOTION for Preliminary Injunction <i>this was Docket #28 in S.D.N.Y Case</i>

		#03cv7664 (Refer to Order Docket # 50) filed by Carl J. Koeningsmann, Robert Macomber, David. Goodwin, Nancy Conner, Samuel Stornelli, Dobies, Peter Gregoire, William Mazzuca, Donna Masterson, Stephen Bernardi, Lester N. Wright, Glenn S. Goord, William E. Phillips, Carl J. Koeningsmann, Robert Macomber, David. Goodwin, Nancy Conner, Samuel Stornelli, Dobies, Peter Gregoire, William Mazzuca, Donna Masterson, Stephen Bernardi, Lester N. Wright, Glenn S. Goord, William E. Phillips <i>In Opposition to Plaintiffs' Motion for Preliminary Injunction</i> filed by Carl J. Koeningsmann, Robert Macomber, David. Goodwin, Nancy Conner, Samuel Stornelli, Dobies, Peter Gregoire, William Mazzuca, Donna Masterson, Stephen Bernardi, Lester N. Wright, Glenn S. Goord, William E. Phillips, Carl J. Koeningsmann, Robert Macomber, David. Goodwin, Nancy Conner, Samuel Stornelli, Dobies, Peter Gregoire, William Mazzuca, Donna Masterson, Stephen Bernardi, Lester N. Wright, Glenn S. Goord, William E. Phillips. (Bruce, Benjamin) (Entered: 12/15/2005)
12/16/2005	61	Minute Entry for proceedings held before Judge Charles J. Siragusa : Preliminary Injunction Hearing held on 12/16/2005. Temporary restraining order lifted and request for a preliminary injunction is denied. (Court Reporter Christi Macri.) (MSH,) (Entered: 12/16/2005)
06/23/2006	62	ORDER Scheduling Conference set for 8/2/2006 at 02:30 PM before Hon. Jonathan W. Feldman. Signed by Hon. Jonathan W. Feldman on 6/23/2006. (RO) (Entered: 06/23/2006)
07/31/2006		NOTICE: Scheduling Conference set for 8/2/2006 is RESET for 9/11/2006 at 02:00 PM before Hon. Jonathan W. Feldman. (RO) (Entered: 07/31/2006)
09/11/2006	63	SCHEDULING ORDER: Mandatory Disclosure due by 9/29/2006. Defendant Expert Witness ID due by 3/2/2007. Plaintiff Expert Witness ID due by 2/2/2007. Discovery due by 4/2/2007. Join Parties/Amend Pleadings due by 11/15/2006. Motions due by 7/2/2007. Signed by Hon. Jonathan W. Feldman on 9/11/2006. (RO) (Entered: 09/11/2006)
09/11/2006	64	Minute Entry for proceedings held before Judge Jonathan W. Feldman : Scheduling Conference held on 9/11/2006. Order issued. (RO) (Entered: 09/11/2006)
09/15/2006	65	ORDER denying 54 Motion for Preliminary Injunction; the Temporary Restraining Order issued on 12/9/05 is Lifted; and, the defendants are to provide plaintiffs with soap and water sufficient

		for cleaning catheters afetr reuse. Signed by Judge Charles J. Siragusa on 9/14/06. (JHF) (Entered: 09/19/2006)
10/30/2006	<u>66</u>	ANSWER to Interrogatories from Defendant Donna (Masterson) D'Aloia by Donna Masterson.(Bruce, Benjamin) (Entered: 10/30/2006)
11/02/2006	<u>67</u>	ANSWER to Interrogatories from Defendant Robert MaComber's Response to Plaintiff's First Set of Interrogatories mailed on October 2, 2006 by Robert Macomber.(Bruce, Benjamin) (Entered: 11/02/2006)
11/02/2006	<u>68</u>	ANSWER to Interrogatories from Defendant William Mazzuca in Response to Plaintiff's 1st Set of Interrogatories mailed on 10-2-06 by William Mazzuca.(Bruce, Benjamin) (Entered: 11/02/2006)
11/03/2006	<u>69</u>	ANSWER to Interrogatories from Defendant Nancy O'Connor-Ryerson's Response to Plaintiff's Interrogatories mailed on 10-2-06 by Nancy Conner.(Bruce, Benjamin) (Entered: 11/03/2006)
11/08/2006	<u>70</u>	ANSWER to Interrogatories from Defendant David Goodwin Responses to Plaintiff's First Set of Interrogatories mailed on 10-2-06 by David. Goodwin.(Bruce, Benjamin) (Entered: 11/08/2006)
11/09/2006	<u>71</u>	ANSWER to Interrogatories from Defendant Lester Wright Response to Plaintiff's 1st Set of Interrogatories mailed on 10-2-2006 by Lester N. Wright.(Bruce, Benjamin) (Entered: 11/09/2006)
11/09/2006	<u>72</u>	RESPONSE to Discovery Request from Defendant Lester Wright Response with Exhibit A to Plaintiff's 1st Request for Production of Documents dated 10-2-2006 by Lester N. Wright.(Bruce, Benjamin) (Entered: 11/09/2006)
11/09/2006	<u>73</u>	ANSWER to Interrogatories from Defendant Stephen Bernardi Response to Plaintiff's 1st Set of Interrogatories mailed on 10-2-2006 by Stephen Bernardi.(Bruce, Benjamin) (Entered: 11/09/2006)
11/16/2006	<u>74</u>	SCHEDULING ORDER: Defendant Expert Witness ID due by 5/2/2007. Plaintiff Expert Witness ID due by 4/2/2007. All parties shall complete expert discovery by 6/4/2007. Factual Discovery due by 6/4/2007. Join Parties/Amend Pleadings due by 1/16/2007. Motions due by 9/4/2007. Signed by Hon. Jonathan W. Feldman on 11/16/2006. (LMD,) (Entered: 11/16/2006)

12/07/2006	<u>75</u>	ANSWER to Interrogatories from Defendant Glenn Goord Response to Plaintiffs 1st Set of Interrogatories mailed on 10-02-2006 by Glenn S. Goord.(Bruce, Benjamin) (Entered: 12/07/2006)
12/13/2006	<u>76</u>	ANSWER to Interrogatories from Defendant William Phillips to Plaintiff's 1st Set of Interrogatories mailed on 10-02-2006 by William E. Phillips.(Bruce, Benjamin) (Entered: 12/13/2006)
01/02/2007	<u>77</u>	ANSWER to Interrogatories from Defendant J. Peter Gregoire, MD to Plaintiff's 1st set of Interrogatories mailed on October 2, 2006 by Peter Gregoire.(Bruce, Benjamin) (Entered: 01/02/2007)
01/12/2007	<u>78</u>	SECOND AMENDED SCHEDULING ORDER: Defendant Expert Witness ID due by 6/1/2007. Plaintiff Expert Witness ID due by 5/2/2007. Discovery due by 7/5/2007. Join Parties/Amend Pleadings due by 2/16/2007. Motions due by 10/4/2007. Signed by Hon. Jonathan W. Feldman on 1/12/2007. (RO) (Entered: 01/16/2007)
02/15/2007	<u>79</u>	THIRD AMENDED SCHEDULING ORDER: Defendant Expert Witness ID due by 7/5/2007. Plaintiff Expert Witness ID due by 6/4/2007. Discovery due by 8/6/2007. Join Parties/Amend Pleadings due by 3/16/2007. Motions due by 11/5/2007. Signed by Hon. Jonathan W. Feldman on 2/15/2007. (RO) (Entered: 02/15/2007)
03/16/2007	<u>80</u>	SECOND AMENDED COMPLAINT against all defendants, filed by Abdul Shariff, Divine Allah, James West.(Cook, David) Docket Text Modified on 3/19/2007 (JHF). Docket Text Modified on 4/13/2007 (JHF). (Entered: 03/16/2007)
03/16/2007	<u>81</u>	CERTIFICATE OF SERVICE by Abdul Shariff, Divine Allah, James West re <u>80</u> Amended Complaint <i>Second Amended Complaint</i> (Cook, David) (Entered: 03/16/2007)
04/13/2007	<u>82</u>	ORDER that <u>80</u> Proposed Amended Complaint is now the operative pleading. Clerk directed to revise the docket sheet accordingly. Defense counsel will accept service of the new complaint on previously named defendants Goord, Wright, Bernardi, Poole, Gregoire and Phillips. Plaintiff's counsel will need to arrange service of the new complaint on the remaining and newly named defendants. Defendants will have 60 days from the date of service to answer the new complaint. Signed by Hon. Jonathan W. Feldman on 4/12/07. (JHF) (Entered: 04/13/2007)
04/13/2007		E-Filing Notification: per <u>82</u> order, revised docket text of <u>80</u> to SECOND AMENDED COMPLAINT (now is the operative

		pleading) from PROPOSED AMENDED COMPLAINT. Revised caption to show termination of some defendants and of plaintiff Torres, addition of new defendants, and revision of existing defendants' names and party text. (JHF) (Entered: 04/13/2007)
04/13/2007	83	LETTER ORDER granting defendants Goord, Wright, Bernardi, Poole, Gregoire and Phillips request for 60 days to answer 80 Amended Complaint. Signed by Hon. Jonathan W. Feldman on 4/13/07. (JHF) (Entered: 04/13/2007)
05/29/2007	84	AMENDED COMPLAINT (<i>Third Amended Complaint</i>) against all defendants, filed by Abdul Shariff. (Attachments: # 1)(Cook, David) (Entered: 05/29/2007)
08/17/2007	85	LETTER ORDER granting defendants Goord, Wright, Bernardi, Poole, Gregoire and Phillips request for an extension of 30 days to answer 84 Amended Complaint and Attorney Benjamin Bruce accepts service on behalf of these defendants. Signed by Hon. Jonathan W. Feldman on 8/17/07. (JHF) (Entered: 08/21/2007)
09/18/2007	86	ANSWER to Amended Complaint <i>Third Amended Complaint</i> by Thomas M. Poole, the New York State Department of Correctional Services, J. Peter Gregoire, MD, Stephen Bernardi, Lester N. Wright, MPH, Glenn S. Goord, William Phillips.(Bruce, Benjamin) (Entered: 09/18/2007)
09/26/2007	87	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Robert Ercole, Superintendent of Green Haven on 09/18/07, filed by Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 09/26/2007)
09/26/2007	88	AFFIDAVIT of Service for Affidavit of Service served on Sheryl Zenzen, Deputy Superintendent of Programs at Five Points on 9/17/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 09/26/2007)
09/26/2007	89	AFFIDAVIT of Service for Affidavit of Service served on Daniel Weinstock, Health Services Director on 9/18/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 09/26/2007)
09/26/2007	90	AFFIDAVIT of Service for Affidavit of Service served on Sandra Dolce, Deputy Superintendent of Programs at Attica on 9/20/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 09/26/2007)

09/26/2007	<u>91</u>	AFFIDAVIT of Service for Affidavit of Service of Summons and Third Amended Complaint served on James Conway, Superintendent at Attica on 9/20/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 09/26/2007)
09/26/2007	<u>92</u>	AFFIDAVIT of Service for Affidavit of Service of Summons and Third Amended Complaint served on Jim Lindsay, Deputy Superintendant of Programs at Orleans on 9/17/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 09/26/2007)
09/26/2007	<u>93</u>	AFFIDAVIT of Service for Affidavit of Service of Summons and Third Amended Complaint served on Sherry Montanari, Nurse Administrator at Orleans on 9/17/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 09/26/2007)
09/26/2007	<u>94</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Dave Unger, Superintendant at Orleans on 9/17/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 09/26/2007)
09/26/2007	<u>95</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Nurse Robinson on 9/17/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 09/26/2007)
10/02/2007	<u>96</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Michael Giambruno, Superintendent at Wyoming on 9/20/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/02/2007	<u>97</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Habib Skieky, M.D., Health Services Director at Wyoming on 9/20/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/02/2007	<u>98</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Gerald Elmore, Deputy Superintendent at Wyoming on 9/20/07, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/02/2007	<u>99</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Mohrning, Medical Director on 9/20/07, filed

		by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/02/2007	<u>100</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Pippen, R.N., Nurse on 9/21/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/02/2007	<u>101</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on John R. Demars, Deputy Superintendent at Franklin on 9/20/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/02/2007	<u>102</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Glen Champagne, M.D., Medical Director at Franklin on 9/20/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/02/2007	<u>103</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Charles M. Devane, Former Deputy Commissioner of Administrataive Services on 9/21/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/02/2007	<u>104</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Evelyn Weissman, Facility Health Services Director at Upstate on 9/20/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/02/2007	<u>105</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Maria B. Tirone, Deputy Superintendent at Upstate on 9/20/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/02/2007	<u>106</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Robert K. Woods, Superintendent at Upstate on 9/20/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/02/2007)
10/11/2007	<u>107</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Brian S. Fischer, Acting Commissioner of DOCS on 9/19/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) Modified on 10/11/2007 (O, T). (Entered: 10/11/2007)
10/11/2007	<u>108</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Robert Raymond, ADA Coordinator for

		DOCS on 9/28/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/11/2007)
10/11/2007	<u>109</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on John H. Nuttall, Deputy Commissioner of Program Services on 9/19/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/11/2007)
10/18/2007	<u>110</u>	<i>Defendant Devane's</i> ANSWER to Amended Complaint by Charles Devane.(Bruce, Benjamin) (Entered: 10/18/2007)
10/18/2007	<u>111</u>	<i>Defendant NYS DOCS'</i> ANSWER to Amended Complaint by the New York State Department of Correctional Services.(Bruce, Benjamin) (Entered: 10/18/2007)
10/18/2007	<u>112</u>	<i>Defendant Fischer's</i> ANSWER to Amended Complaint by Brian S. Fischer.(Bruce, Benjamin) (Entered: 10/18/2007)
10/18/2007	<u>113</u>	<i>Defendant Nuttall's</i> ANSWER to Amended Complaint by John H. Nuttall.(Bruce, Benjamin) (Entered: 10/18/2007)
10/18/2007	<u>114</u>	AMENDED ANSWER to <i>Third Amended Complaint</i> <u>84</u> Amended Complaint by <i>Defendant Goord</i> by Glenn S. Goord. (Bruce, Benjamin) (Entered: 10/18/2007)
10/18/2007	<u>115</u>	AMENDED ANSWER to <i>Third Amended Complaint</i> <u>84</u> Amended Complaint By <i>Defendant Wright</i> by Lester N. Wright, MPH. (Bruce, Benjamin) (Entered: 10/18/2007)
10/19/2007	<u>116</u>	ANSWER to Amended Complaint <i>Third Amended Complaint</i> by John R. Demars.(Bruce, Benjamin) (Entered: 10/19/2007)
10/19/2007	<u>117</u>	ANSWER to Amended Complaint <i>Third Amended Complaint</i> by Phippen, RN.(Bruce, Benjamin) (Entered: 10/19/2007)
10/22/2007	<u>118</u>	<i>Defendant Dr. Shiekh</i> ANSWER to Amended Complaint by Habib Shieky, MD.(Bruce, Benjamin) (Entered: 10/22/2007)
10/22/2007	<u>119</u>	<i>Defendant Giambruno</i> ANSWER to Amended Complaint by Michael Giambruno.(Bruce, Benjamin) (Entered: 10/22/2007)
10/22/2007	<u>120</u>	<i>Defendant Mohring</i> ANSWER to Amended Complaint by Mohrning.(Bruce, Benjamin) (Entered: 10/22/2007)
10/22/2007	<u>121</u>	<i>Defendant Elmore</i> ANSWER to Amended Complaint by Gerald Elmore.(Bruce, Benjamin) (Entered: 10/22/2007)

10/22/2007	<u>122</u>	<i>Defendant Dolce</i> ANSWER to Amended Complaint by Sandra Dolce.(Bruce, Benjamin) (Entered: 10/22/2007)
10/22/2007	<u>123</u>	<i>Defendant Champagne</i> ANSWER to Amended Complaint by Glen Champagne, MD.(Bruce, Benjamin) (Entered: 10/22/2007)
10/22/2007	<u>124</u>	<i>Defendant Conway</i> ANSWER to Amended Complaint by James Conway.(Bruce, Benjamin) (Entered: 10/22/2007)
10/22/2007	<u>125</u>	AMENDED ANSWER to <u>84</u> Amended Complaint <i>on behalf of Defendant Bernardi</i> by Stephen Bernardi. (Bruce, Benjamin) (Entered: 10/22/2007)
10/23/2007	<u>126</u>	<i>Defendant Montanari</i> ANSWER to Amended Complaint by Sherry Montanari.(Bruce, Benjamin) (Entered: 10/23/2007)
10/23/2007	<u>127</u>	<i>Defendant Robinson</i> ANSWER to Amended Complaint by Robinson, RN.(Bruce, Benjamin) (Entered: 10/23/2007)
10/23/2007	<u>128</u>	<i>Defendant Lindsay</i> ANSWER to Amended Complaint by Jim Lindsay.(Bruce, Benjamin) (Entered: 10/23/2007)
10/23/2007	<u>129</u>	<i>Defendant Unger</i> ANSWER to Amended Complaint by Dave Unger.(Bruce, Benjamin) (Entered: 10/23/2007)
10/23/2007	<u>130</u>	<i>Defendant Ercole</i> ANSWER to Amended Complaint by Robert Ercole.(Bruce, Benjamin) (Entered: 10/23/2007)
10/23/2007	<u>131</u>	AMENDED ANSWER to <u>84</u> Amended Complaint <i>Defendant Phillips</i> by William Phillips. (Bruce, Benjamin) (Entered: 10/23/2007)
10/24/2007	<u>132</u>	<i>Defendant Weinstock</i> ANSWER to Amended Complaint by Daniel Weinstock.(Bruce, Benjamin) (Entered: 10/24/2007)
10/24/2007	<u>133</u>	<i>Defendant ZenZen</i> ANSWER to Amended Complaint by Sheryl Zenzen.(Bruce, Benjamin) (Entered: 10/24/2007)
10/24/2007	<u>134</u>	AMENDED ANSWER to <u>84</u> Amended Complaint <i>Defenatn Gregoire</i> by J. Peter Gregoire, MD. (Bruce, Benjamin) (Entered: 10/24/2007)
10/25/2007	<u>135</u>	<i>Defendant Woods</i> ANSWER to Amended Complaint by Robert K. Woods.(Bruce, Benjamin) (Entered: 10/25/2007)
10/25/2007	<u>136</u>	<i>Defendant Tirone</i> ANSWER to Amended Complaint by Maria B. Tirone.(Bruce, Benjamin) (Entered: 10/25/2007)

10/25/2007	<u>137</u>	<i>Defendant Weissman</i> ANSWER to Amended Complaint by Evelyn Weissman.(Bruce, Benjamin) (Entered: 10/25/2007)
10/25/2007	<u>138</u>	<i>Defendant Raymond</i> ANSWER to Amended Complaint by Robert Raymond.(Bruce, Benjamin) (Entered: 10/25/2007)
10/25/2007	<u>139</u>	AMENDED ANSWER to <u>84</u> Amended Complaint <i>Defendant Poole</i> by Thomas M. Poole. (Bruce, Benjamin) (Entered: 10/25/2007)
10/31/2007	<u>140</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Charles M. Devane, Former Deputy Commissioner of Administrative Services on 09/21/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/31/2007)
10/31/2007	<u>141</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Thomas G. Eagen, former Director of the Inmate Grievance Program on 10/20/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 10/31/2007)
12/26/2007	<u>142</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Richard Apps on 11/30/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 12/26/2007)
12/26/2007	<u>143</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Lori Mantroy on 12/7/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 12/26/2007)
12/26/2007	<u>144</u>	AFFIDAVIT of Service for Summons and Third Amended Complaint served on Lawrence Sears on 12/7/07, filed by Abdul Shariff, Divine Allah, James West. (Cook, David) (Entered: 12/26/2007)
01/04/2008	<u>145</u>	<i>Defendant Richard Apps'</i> ANSWER to Amended Complaint by Richard Apps.(Bruce, Benjamin) (Entered: 01/04/2008)
01/04/2008	<u>146</u>	<i>Defendant Thomas Eagen's</i> ANSWER to Amended Complaint by Thomas G. Eagen.(Bruce, Benjamin) (Entered: 01/04/2008)
01/07/2008	<u>147</u>	NOTICE of Appearance by Terence Lee Robinson, Jr on behalf of Abdul Shariff, Divine Allah, James West (Robinson, Terence) (Entered: 01/07/2008)

01/16/2008	<u>148</u>	ANSWER to Amended Complaint by Lawrence Sears.(Bruce, Benjamin) (Entered: 01/16/2008)
01/16/2008	<u>149</u>	ANSWER to Amended Complaint by Lori Mantory.(Bruce, Benjamin) (Entered: 01/16/2008)
04/30/2008		NOTICE: Status Conference set for 5/23/2008 at 02:00 PM before Hon. Jonathan W. Feldman. (RJO) (Entered: 04/30/2008)
05/23/2008	150	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Status Conference held on 5/23/2008. (RJO) (Entered: 05/23/2008)
08/07/2008	<u>151</u>	ANSWER to <u>84</u> Amended Complaint <i>Third Amended Complaint</i> by Frederick Bernstein.(Levine, Gary) (Entered: 08/07/2008)
08/07/2008	<u>152</u>	ANSWER to <u>84</u> Amended Complaint <i>Third Amended Complaint David Napoli</i> by Napoli.(Levine, Gary) (Entered: 08/07/2008)
08/22/2008	<u>153</u>	AFFIDAVIT of Service for Third Amended Complaint served on Frederick Bernstein, Medical Director on 07/16/2008, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 08/22/2008)
08/22/2008	<u>154</u>	AFFIDAVIT of Service for Third Amended Complaint served on Jaymi Louise Carter-Ritchie, RN on 07/25/2008, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 08/22/2008)
08/22/2008	<u>155</u>	AFFIDAVIT of Service for This Amended Complaint <i>Third</i> served on Robert Cunningham, Deputy Superintendent of Programs on 07/16/2008, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 08/22/2008)
08/22/2008	<u>156</u>	AFFIDAVIT of Service for Third Amended Complaint served on William Kaiser, Lt. on 08/06/2008, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 08/22/2008)
08/22/2008	<u>157</u>	AFFIDAVIT of Service for Third Amended Complaint served on David Napoli, Deputy Superintendent of Security on 0715/2008, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 08/22/2008)

08/22/2008	<u>158</u>	AFFIDAVIT of Service for Third Amended Complaint served on Delores Thornton on 07/24/2008, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 08/22/2008)
08/22/2008	<u>159</u>	AFFIDAVIT of Service for Third Amended Complaint served on William Totten on 07/11/2008, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 08/22/2008)
08/22/2008	<u>160</u>	AFFIDAVIT of Service for Third Amended Complaint served on Lawrence Weingartner on 07/24/2008, filed by Abdul Shariff, Jose Torres, Divine Allah, James West. (Cook, David) (Entered: 08/22/2008)
08/26/2008	<u>161</u>	ANSWER to <u>84</u> Amended Complaint (<i>Third Amended Complaint</i>) by Lawrence Weingartner.(Levine, Gary) (Entered: 08/26/2008)
09/11/2008	<u>162</u>	ANSWER to <u>84</u> Amended Complaint (<i>Defendant Jaymi Carter-Ritchie Answer to Third Amended Complaint</i>) by Ritchie-Carter.(Levine, Gary) (Entered: 09/11/2008)
09/11/2008	<u>163</u>	ANSWER to <u>84</u> Amended Complaint <i>Defendant Delores Thornton Answer to Third Amended Complaint</i>) by Delores Thornton.(Levine, Gary) (Entered: 09/11/2008)
09/11/2008	<u>164</u>	ANSWER to <u>84</u> Amended Complaint <i>Defendant William Totten Answer to Third Amended Complaint</i>) by Totten.(Levine, Gary) (Entered: 09/11/2008)
09/12/2008	<u>165</u>	ORDER Scheduling Conference set for 10/8/2008 at 02:30 PM before Hon. Jonathan W. Feldman. Signed by Hon. Jonathan W. Feldman on 9/12/2008. (RJO) (Entered: 09/12/2008)
10/07/2008	<u>166</u>	ANSWER to <u>84</u> Amended Complaint (<i>Third Amended Complaint</i>) by Robert Cunningham.(Levine, Gary) (Entered: 10/07/2008)
10/07/2008	<u>167</u>	ANSWER to <u>84</u> Amended Complaint (<i>Third Amended Complaint</i>) by Kaiser.(Levine, Gary) (Entered: 10/07/2008)
10/08/2008	<u>168</u>	FOURTH AMENDED SCHEDULING ORDER: All class certification discovery including depositions due by 1/30/2009. Motions to certify this matter as a class action due by 2/27/2009. Any papers opposing motion due by 3/20/2009. Reply papers due by 3/27/2009. Plaintiff Expert Witness ID due by 5/29/2009.

		Defendant Expert Witness ID due by 6/30/2009. Factual Discovery completed by 7/31/2009. Motions due by 10/30/2009. Signed by Hon. Jonathan W. Feldman on 10/8/2008. (RJO) (Entered: 10/08/2008)
10/08/2008	169	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Scheduling Conference held on 10/8/2008. Order issued. (RJO) (Entered: 10/08/2008)
01/02/2009	170	ANSWER to Interrogatories from Herman Reinhold by Brian S. Fischer, Robert Raymond, John H. Nuttall, Thomas G. Eagen, Thomas M. Poole, Lawrence Weingartner, Sheryl Zenzen, Daniel Weinstock, Menally, Winegardner, Napoli, Ritchie-Carter, Lawrence Sears, John R. Demars, Glen Champagne, MD, Lori Mantory, Michael Giambruno, Gerald Elmore, Habib Shieky, MD, Dave Unger, Jim Lindsay, Sherry Montanari, Robinson, RN, James Conway, Sandra Dolce, Richard Apps, Robert Ercole, Robert Cunningham, Delores Thornton, Frederick Bernstein, Totten, Kaiser, Robert K. Woods, Maria B. Tirone, Evelyn Weissman, the New York State Department of Correctional Services, Charles Devane, Phippen, RN, Mohrning, J. Peter Gregoire, MD, Stephen Bernardi, Lester N. Wright, MPH, Glenn S. Goord, William Phillips.(Levine, Gary) (Entered: 01/02/2009)
01/30/2009	171	ORDER extending all deadlines contained in 168 FOURTH AMENDED SCHEDULING ORDER by 30 days. Plaintiff Expert Witness ID due by 6/28/2009. Defendant Expert Witness ID due by 7/30/2009. Discovery completed by 8/30/2009. Motions due by 11/29/2009. Signed by Hon. Jonathan W. Feldman on 1/30/09. (JHF) (Entered: 02/03/2009)
03/30/2009	172	MOTION to Certify Class by Abdul Shariff, Divine Allah, James West. (Attachments: # 1 Affidavit Affirmation of David L. Cook, # 2 Exhibit 1 to Cook Affirmation, # 3 Exhibit 2 to Cook Affirmation, # 4 Memorandum in Support)(Cook, David) (Entered: 03/30/2009)
06/09/2009	173	MOTION SCHEDULING ORDER re 172 MOTION to Certify Class filed by Abdul Shariff, Divine Allah, James West.(Responses due by 7/17/2009, Replies due by 8/21/2009. Oral Argument set for 10/15/2009 03:00 PM before Hon. Charles J. Siragusa.). Signed by Hon. Charles J. Siragusa on 6/8/09. (KAP) (Entered: 06/09/2009)
08/06/2009	174	LETTER ORDER re 172 MOTION to Certify Class filed by Abdul Shariff, Divine Allah, James West granting defendants' request for extension on motion schedule. (Responses due by

		8/28/2009. Replies due by 10/2/2009. Oral argument remains as previously scheduled.). Signed by Hon. Charles J. Siragusa on 8/5/09. (KAP) (Entered: 08/06/2009)
10/14/2009	175	AMENDED MOTION SCHEDULING ORDER. Oral argument of the motion for class certification is adjourned until further notice; (Status Conference set for 10/29/2009 02:15 PM before Hon. Charles J. Siragusa to discuss issues raised by Defendants counsel in his letter to the Court dated August 24, 2009..). Signed by Hon. Charles J. Siragusa on 10/14/09. (KAP) (Entered: 10/14/2009)
10/29/2009	177	Minute Entry for proceedings held before Hon. Charles J. Siragusa: Terence Lee Robinson, Jr. appearing on behalf of plaintiffs. Gary Levine appearing on behalf of defendants.Status Conference held on 10/29/2009. Court to issue amended motion scheduling order. (Court Reporter Karen Bush.) (KJA) (Entered: 11/02/2009)
11/02/2009	176	FIRST AMENDED SCHEDULING ORDER. Responses due by 11/30/2009. Replies due by 12/30/2009. Oral Argument set for 2/25/2010 03:00 PM before Hon. Charles J. Siragusa.Signed by Hon. Charles J. Siragusa on 10/29/09. (KJA) (Entered: 11/02/2009)
11/30/2009	178	MEMORANDUM IN OPPOSITION re 172 MOTION to Certify Class by Brian S. Fischer, Robert Raymond, John H. Nuttall, Thomas G. Eagen, Thomas M. Poole, Lawrence Weingartner, Sheryl Zenzen, Daniel Weinstock, Menally, Winegardner, Napoli, Ritchie-Carter, Lawrence Sears, John R. Demars, Glen Champagne, MD, Lori Mantory, Michael Giambruno, Gerald Elmore, Habib Shieky, MD, Dave Unger, Jim Lindsay, Sherry Montanari, Robinson, RN, James Conway, Sandra Dolce, Richard Apps, Robert Ercole, Robert Cunningham, Delores Thornton, Frederick Bernstein, Totten, Kaiser, Robert K. Woods, Maria B. Tirone, Evelyn Weissman, the New York State Department of Correctional Services, Charles Devane, Pippen, RN, Mohrning, J. Peter Gregoire, MD, Stephen Bernardi, Lester N. Wright, MPH, Glenn S. Goord, William Phillips. (Levine, Gary) (Entered: 11/30/2009)
12/30/2009	179	REPLY to Response to Motion re 172 MOTION to Certify Class (<i>Reply Memorandum</i>) filed by Abdul Shariff, Divine Allah, James West. (Attachments: # 1 Certificate of Service)(Cook, David) (Entered: 12/30/2009)

02/25/2010	180	Minute Entry for proceedings held before Hon. Charles J. Siragusa: Terence Lee Robinson, Jr. appearing on behalf of plaintiffs. Gary Levine appearing on behalf of defendants. Motion Hearing held on 2/25/2010 re 172 MOTION to Certify Class filed by Abdul Shariff, Divine Allah, James West. Court reserves decision and directs defense counsel to send status report to court by 4/30/10. Court will issue written decision thereafter if resolution is not reached between parties. (Court Reporter Karen Bush.) (KJA) (Entered: 02/25/2010)
06/09/2010	181	ORDER re 172 MOTION to Certify Class filed by Abdul Shariff, Divine Allah, James West. ORDERED, that Plaintiffs Motion for Class Certification [#172] will remain in abeyance; and it is further ORDERED, that counsel shall provide the Court with a written status report within sixty days of the date of this Order.. Signed by Hon. Charles J. Siragusa on 6/8/10. (KAP) (Entered: 06/09/2010)
09/09/2010	182	LETTER ORDER granting parties' joint request for additional 90 days to finalize retainer of expert to review plaintiff's claims.. Signed by Hon. Charles J. Siragusa on 9/8/10. (KAP) (Entered: 09/09/2010)
12/13/2010	183	LETTER ORDER granting defendants' request to report back to Court regarding joint expert by end of January, 2011.. Signed by Hon. Charles J. Siragusa on 12/13/10. (KAP) (Entered: 12/13/2010)
01/07/2011	184	STIPULATION AND ORDER of Withdrawal of Counsel as to Terence Lee Robinson, Jr. Plaintiffs shall continue to be represented by David L. Cook. Signed by Hon. Charles J. Siragusa on 1/4/11. (JHF) (Entered: 01/07/2011)
03/01/2011	185	ORDER re 172 MOTION to Certify Class filed by Abdul Shariff, Divine Allah, James West. ORDERED, that Plaintiffs Motion for Class Certification [#172] will remain in abeyance; and it is further ORDERED, that counsel shall provide the Court with a written status report within thirty (30) days of the date of this Order. Signed by Hon. Charles J. Siragusa on 2/28/11. (KAP) (Entered: 03/01/2011)
04/07/2011	186	ORDER holding in abeyance 172 MOTION to Certify Class filed by Abdul Shariff, Divine Allah, James West. ORDERED, that counsel shall provide the Court with a written status report within thirty (30) days of the date of this Order. Signed by Hon. Charles J. Siragusa on 4/6/11. (KAP) (Entered: 04/07/2011)

06/01/2011	<u>187</u>	ORDER re <u>172</u> MOTION to Certify Class filed by Abdul Shariff, Divine Allah, James West. ORDERED, that Plaintiffs Motion for Class Certification [#172] will remain in abeyance; and it is furtherORDERED, that counsel shall provide the Court with a written status report within sixty (60) days of the date of this Order. Signed by Hon. Charles J. Siragusa on 5/31/11. (KAP) (Entered: 06/01/2011)
08/28/2012	<u>188</u>	ORDER. Within ten days of the date of this Order, Defendants counsel shall inform the Court in writing whether Paravagna is an acceptable expert, and if not, why not, if he was previously acceptable to Defendants. Signed by Hon. Charles J. Siragusa on 8/28/12. (KAP) (Entered: 08/28/2012)
09/24/2012		NOTICE of Hearing: Status Conference set for 10/11/2012 01:45 PM before Hon. Charles J. Siragusa. (KAP) (Entered: 09/24/2012)
10/11/2012	189	Minute Entry for proceedings held before Hon. Charles J. Siragusa: David Cook appearing on behalf of plaintiff. Gary Levine appearing on behalf of defendants. Status Conference held on 10/11/2012. Further Status Conference set for 4/12/2013 02:30 PM before Hon. Charles J. Siragusa. (Court Reporter Karne Bush.) (KJA) (Entered: 10/12/2012)
01/03/2013		NOTICE of Hearing: Status Conference reset for 4/12/2013 04:00 PM before Hon. Charles J. Siragusa. PLEASE NOTE CHANGE IN TIME. DATE REMAINS THE SAME. (KJA) (Entered: 01/03/2013)
04/09/2013		NOTICE of Hearing: Status Conference set for 4/12/2013 10:00 AM before Hon. Charles J. Siragusa. PLEASE NOTE CHANGE IN TIME. (KAP) (Entered: 04/09/2013)
04/12/2013	190	Minute Entry for proceedings held before Hon. Charles J. Siragusa: David Cook appearing on behalf of plaintiffs. Gary Levine appearing on behalf of defendants. Status Conference held on 4/12/2013. Court directs that counsel meet by the end of May to specifically outline what issues are to be addressed. Counsel to prepare joint status letter advising the Court exactly what issues will be addressed. Court further directs that Mr. Levine prepare and submit a Consent Order to the Court for signature specifying the date the meeting will occur, date the audit will be completed, and the date a report will be issued. (Court Reporter FTR Gold.) (KJA) (Entered: 04/16/2013)
05/31/2013	<u>191</u>	STIPULATION AND ORDER regarding expert review. Expert Mark Kukuvka will complete his visits of correctional facilities no

		later than 6/28/13. Expert Mark Kukuvka will provide a report of his findings no later than 8/16/13. Expert Mark Kukuvka will diligently attempt to complete his investigation by 8/16/13 and will report back to counsel if more time is needed. Signed by Hon. Charles J. Siragusa on 5/30/13. (KAP) (Entered: 05/31/2013)
06/21/2013	192	NOTICE of Appearance by Jared Kimball Cook on behalf of Divine Allah, Abdul Shariff, James West (Cook, Jared) (Entered: 06/21/2013)
04/23/2014	193	ORDER. ORDERED, within ten days of the date of this Order, counsel shall provide a joint status letter to the Court. (Status Report due by 5/2/2014.). Signed by Hon. Charles J. Siragusa on 4/22/14. (KAP) (Entered: 04/23/2014)
05/09/2014		NOTICE of Hearing: Status Conference set for 6/3/2014 10:00 AM before Hon. Charles J. Siragusa. (KAP) (Entered: 05/09/2014)
05/19/2014		AMENDED NOTICE of Hearing: Status Conference set for 6/3/2014 02:30 PM before Hon. Charles J. Siragusa. PLEASE NOTE CHANGE IN TIME. DATE REMAINS THE SAME.(KAP) (Entered: 05/19/2014)
06/03/2014	194	LETTER ORDER granting defendants' request for adjournment of status conference. (Status Conference set for 6/5/2014 11:45 AM before Hon. Charles J. Siragusa.). Signed by Hon. Charles J. Siragusa on 6/3/14. (KAP) (Entered: 06/03/2014)
06/05/2014	195	Minute Entry for proceedings held before Hon. Charles J. Siragusa: Jared Cook, Esq. appearing on behalf of plaintiffs. Gary Levine, AAG appearing on behalf of defendants. Status Conference held on 6/5/2014. Defense counsel requests 30 to 60 day adjournment to allow expert to update and correct report - granted. Status Conference set for 8/5/2014 10:30 AM before Hon. Charles J. Siragusa. (Court Reporter Colleen Lounsbury/Computer Reporting Service.) (KJA) (Entered: 06/06/2014)
08/05/2014	196	LETTER ORDER granting defendant's request for adjournment. (Status Conference set for 8/25/2014 10:00 AM before Hon. Charles J. Siragusa.). Signed by Hon. Charles J. Siragusa on 8/5/14. (KAP) (Entered: 08/05/2014)
08/25/2014		NOTICE of Hearing: Status Conference reset for 9/9/2014 11:15 AM before Hon. Charles J. Siragusa. (KJA) (Entered: 08/25/2014)
09/09/2014	197	Minute Entry for proceedings held before Hon. Charles J. Siragusa: Jared Cook appearing on behalf of plaintiffs. Gary

		Levine appearing on behalf of defendants. Nancy Heywood, counsel for New York State Department of Corrections appearing via telephone. Status Conference held on 9/9/2014. Court has received expert's report. Court directs Mr. Levine to send a letter to Mr. Cook by 10/3/2014 indicating what is agreed to, what is not agreed to, and what might be agreed to. Counsel are directed to meet at Mr. Cook's office on 10/16/2014 at 9:00 a.m. with Ms. Heywood by telephone to discuss. Mr. Levine is thereafter directed to prepare a joint status letter and submit it to the Court by 11/28/2014. Further Status Conference set for 12/12/2014 11:30 AM before Hon. Charles J. Siragusa. (Court Reporter Karen Bush.) (KJA) (Entered: 09/11/2014)
11/24/2014	198	TEXT ORDER granting defense counsel's request to adjourn due date of joint status letter. Joint status letter is due to the Court by 1/30/2015. Status Conference reset for 2/6/2015 02:15 PM before Hon. Charles J. Siragusa. Signed by Hon. Charles J. Siragusa on 11/24/14. (KJA) (Entered: 11/24/2014)
02/03/2015	199	TEXT ORDER granting parties' request for adjournment. Status Conference reset for 3/24/2015 11:00 AM before Hon. Charles J. Siragusa. Signed by Hon. Charles J. Siragusa on 2/3/15. (KJA) (Entered: 02/03/2015)
03/25/2015	<u>200</u>	LETTER ORDER granting parties' joint request for adjournment of status conference. (Status Report due by 6/17/2015.). Signed by Hon. Charles J. Siragusa on 3/24/15. (KAP) (Entered: 03/25/2015)
11/06/2015	<u>201</u>	ORDER, (Status Report due by 11/27/2015.). Signed by Hon. Charles J. Siragusa on 11/6/15. (KAP) (Entered: 11/06/2015)
11/30/2015	<u>202</u>	LETTER ORDER, (Status Report due by 12/11/2015.). Signed by Hon. Charles J. Siragusa on 11/30/14. (KAP) (Entered: 11/30/2015)
11/08/2016	<u>203</u>	NOTICE of Change of Address by Jared Kimball Cook (Cook, Jared) (Entered: 11/08/2016)
10/10/2017	<u>204</u>	ORDER TO SHOW CAUSE Show Cause Response due by 11/9/2017.. Signed by Hon. Charles J. Siragusa on 10/10/17. (KAP) (Entered: 10/10/2017)
11/07/2017	<u>205</u>	REPLY/RESPONSE to re <u>204</u> Order to Show Cause filed by Abdul Shariff. (Cook, Jared) (Entered: 11/07/2017)

11/08/2017	206	ORDER re 204 Order to Show Cause, (Status Report due by 1/12/2018.). Signed by Hon. Charles J. Siragusa on 11/8/17. (KAP) (Entered: 11/08/2017)
01/24/2018	207	LETTER ORDER with regard to status of mediation.. Signed by Hon. Charles J. Siragusa on 1/24/18. (KAP) (Entered: 01/24/2018)
03/02/2018	208	Mediation Certification by Barry L. Radlin(AGB) (Entered: 03/02/2018)
03/14/2018	209	ORDER, (Status Report due by 5/11/2018.). Signed by Hon. Charles J. Siragusa on 3/13/18. (KAP) (Entered: 03/14/2018)
06/04/2018	210	ORDER, (Status Report due by 7/13/2018.). Signed by Hon. Charles J. Siragusa on 6/1/18. (KAP) (Entered: 06/04/2018)
06/26/2018	211	Mediation Certification by Barry L. Radlin(AGW) (Entered: 06/26/2018)
12/18/2018		NOTICE of Hearing: Status Conference set for 1/24/2019 09:00 AM before Hon. Charles J. Siragusa. (KAP) (Entered: 12/18/2018)
01/24/2019	212	Minute Entry for proceedings held before Hon. Charles J. Siragusa: David Cook, Esq. appearing on behalf of plaintiffs. Gary Levine, Esq. appearing on behalf of defendants. Status Conference held on 1/24/2019. Case does not settle after mediation is completed. Court will issue a written decision re 172 MOTION to Certify Class by Abdul Shariff, Divine Allah, James West, and thereafter schedule a further status conference to set a scheduling order in this matter. (Court Reporter Karen Bush.) (KJA) (Entered: 01/28/2019)
10/04/2019	213	DECISION AND ORDER granting 172 Motion to Certify Class. After reviewing the third amended complaint and the memoranda of law, the Court concludes that Plaintiffs have met the criteria for class certification under Rule 23. Further, the Court is not persuaded that the limitations expressed by Defendants, with the exception of limiting the class to declaratory and injunctive relief, are necessary. Therefore, the Court certifies the following class: "Plaintiffs and all prisoners in the custody of the New York State Department of Correctional and Community Supervision who suffer from a mobility disability limiting one or more of the prisoners major life activities and that requires the use of a wheelchair." The Court finds no basis at this juncture to limit the class to only the facilities alleged in the complaint. Accordingly, the Court grants Plaintiffs' motion to certify, ECF No. 172. Signed

		by Hon. Charles J. Siragusa on 10/4/19. (KAP) (Entered: 10/04/2019)
11/14/2019	214	TEXT ORDER REFERRING CASE to Hon. Mark W. Pedersen, United States Magistrate Judge for all pretrial matters excluding dispositive motions. Hon. Jonathan W. Feldman no longer assigned to case. Signed by Mary C. Loewenguth, Clerk of Court, on 11/14/19. Copy mailed to pro se plaintiff. (JHF) (Entered: 11/14/2019)
11/15/2019	215	ORDER. ORDERED, that within thirty (30) days of the date of this Decision and Order, Plaintiffs counsel is directed to file and serve a status letter. In that regard, Plaintiffs counsel is directed to confer with Defendants counsel, and to then file and serve the aforementioned status letter, indicating whether or not this action is ready for trial. If the action is not ready for trial, the status letter shall indicate what pretrial matters remain to be completed, and shall propose a timetable for their completion. Signed by Hon. Charles J. Siragusa on 11/14/19. (KAP) (Entered: 11/15/2019)
08/06/2020	216	ORDER TO SHOW CAUSE Show Cause Response due by 9/14/2020.. Signed by Hon. Charles J. Siragusa on 8/6/20. (KAP) (Entered: 08/06/2020)
10/21/2020	217	NOTICE of Appearance by Matthew D. Brown on behalf of All Defendants (Brown, Matthew) (Entered: 10/21/2020)
10/28/2020	218	Letter Request filed by Divine Allah, Abdul Shariff, Jose Torres, James West as to Sandra Dolce, Robert Ercole, Habib Shieky, MD, Donna Masterson, Charles Devane, Menally, John R. Demars, Jim Lindsay, Brian S. Fischer, Samuel Stornelli, Lester N. Wright, MPH, Sheryl Zenzen, Nancy Conner, Napoli, Stephen Bernardi, John H. Nuttall, Pippen, RN, Glen Champagne, MD, Lawrence Sears, Robinson, RN, Dobies, David. Goodwin, Thomas M. Poole, the New York State Department of Correctional Services, Ritchie-Carter, Sherry Montanari, William Mazzuca, Carl J. Koeningsmann, Daniel Weinstock, Winegardner, Robert Raymond, Robert Cunningham, Delores Thornton, J. Peter Gregoire, MD, Richard Apps, Robert K. Woods, Evelyn Weissman, Glenn S. Goord, Gerald Elmore, James Conway, Totten, Lawrence Weingartner, Maria B. Tirone, Thomas G. Eagen, Dave Unger, Robert Macomber, Kaiser, William Phillips, Frederick Bernstein, Mohrning, Michael Giambruno, Lori Mantory . (Cook, David) Modified on 10/29/2020 (LMD). (Entered: 10/28/2020)

10/30/2020	219	TEXT ORDER. Based on Plaintiffs' response to the Order to Show Cause, counsel are directed to contact Magistrate Judge Pedersen and request a scheduling conference.. Signed by Hon. Charles J. Siragusa on 10/30/20. (KAP) (Entered: 10/30/2020)
01/13/2021	220	Letter Request filed by Divine Allah, Barry L. Radlin, Abdul Shariff, Jose Torres, James West as to Sandra Dolce, Robert Ercole, Habib Shieky, MD, Donna Masterson, Charles Devane, Menally, John R. Demars, Jim Lindsay, Brian S. Fischer, Samuel Stornelli, Lester N. Wright, MPH, Sheryl Zenzen, Nancy Conner, Napoli, Stephen Bernardi, John H. Nuttall, Pippen, RN, Glen Champagne, MD, Lawrence Sears, Robinson, RN, Dobies, David. Goodwin, Thomas M. Poole, the New York State Department of Correctional Services, Ritchie-Carter, Sherry Montanari, William Mazzuca, Carl J. Koeningsmann, Daniel Weinstock, Winegardner, Robert Raymond, Robert Cunningham, Delores Thornton, J. Peter Gregoire, MD, Richard Apps, Robert K. Woods, Evelyn Weissman, Glenn S. Goord, Gerald Elmore, James Conway, Totten, Lawrence Weingartner, Maria B. Tirone, Thomas G. Eagen, Dave Unger, Robert Macomber, Kaiser, William Phillips, Frederick Bernstein, Mohrning, Michael Giambruno, Lori Mantory . (Cook, David) Modified on 1/14/2021 (LMD). (Entered: 01/13/2021)
01/15/2021		CALENDAR EVENT: Telephone Conference re ECF 220 set for 2/3/2021 at 11:00 AM before Hon. Mark W. Pedersen. Parties are directed to call 877-402-9753, and enter access code 7137484 at the scheduled date and time. (JB) (Entered: 01/15/2021)
01/29/2021	221	DISCOVERY PLAN by Richard Apps, Stephen Bernardi, Frederick Bernstein, Glen Champagne, MD, James Conway, Robert Cunningham, John R. Demars, Charles Devane, Sandra Dolce, Thomas G. Eagen, Gerald Elmore, Robert Ercole, Brian S. Fischer, Michael Giambruno, Glenn S. Goord, J. Peter Gregoire, MD, Kaiser, Jim Lindsay, Lori Mantory, Menally, Mohrning, Sherry Montanari, Napoli, John H. Nuttall, William Phillips, Pippen, RN, Thomas M. Poole, Robert Raymond, Ritchie-Carter, Robinson, RN, Lawrence Sears, Habib Shieky, MD, Delores Thornton, Maria B. Tirone, Totten, Dave Unger, Lawrence Weingartner, Daniel Weinstock, Evelyn Weissman, Winegardner, Robert K. Woods, Lester N. Wright, MPH, Sheryl Zenzen, the New York State Department of Correctional Services.(Brown, Matthew) (Entered: 01/29/2021)
02/03/2021	222	SCHEDULING/CASE MANAGEMENT ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached

		Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Mandatory Disclosures due by 4/2/2021. Motions to Join Parties/Amend Pleadings due by 6/4/2021. Motions to Compel Discovery due by 6/24/2022. Discovery completed by 7/29/2022. Plaintiff Expert Witness ID due by 9/2/2022. Defendant Expert Witness ID due by 10/7/2022. Dispositive Motions due by 3/3/2023.. Signed by Hon. Mark W. Pedersen on 2/3/21. (KAP) (Entered: 02/03/2021)
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