

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:12-cv-03391-LAK-GWG**

Berg et al v. Kelly et al
Assigned to: Judge Lewis A. Kaplan
Referred to: Magistrate Judge Gabriel W. Gorenstein
Cause: 42:1983 Civil Rights Act

Date Filed: 04/30/2012
Date Terminated: 04/22/2019
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Phoebe Berg
*individually and on behalf of a class of all
others similarly situated*

represented by **David Bruce Rankin**
Beldock Levine & Hoffman LLP
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Jennifer Rolnick Borchetta
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TERMINATED: 12/20/2013

Jonathan C Moore
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ATTORNEY TO BE NOTICED

Joshua Samuel Moskovitz
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ATTORNEY TO BE NOTICED

Plaintiff

Toshiro Kida
*individually and on behalf of a class of all
others similarly situated*

represented by **David Bruce Rankin**
(See above for address)
ATTORNEY TO BE NOTICED

Jennifer Rolnick Borchetta
(See above for address)
TERMINATED: 12/20/2013

Jonathan C Moore
(See above for address)
ATTORNEY TO BE NOTICED

Joshua Samuel Moskovitz
(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

John Rivera

individually and on behalf of a class of all others similarly situated

represented by **David Bruce Rankin**
(See above for address)
ATTORNEY TO BE NOTICED

Jennifer Rolnick Borchetta
(See above for address)
TERMINATED: 12/20/2013

Jonathan C Moore
(See above for address)
ATTORNEY TO BE NOTICED

Joshua Samuel Moskovitz
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Dayna Rozental

individually and on behalf of a class of all others similarly situated

represented by **David Bruce Rankin**
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ATTORNEY TO BE NOTICED

Jennifer Rolnick Borchetta
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TERMINATED: 12/20/2013

Jonathan C Moore
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Joshua Samuel Moskovitz
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Plaintiff

Jonathan Jetter

individually and on behalf of a class of all others similarly situated

represented by **David Bruce Rankin**
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Jennifer Rolnick Borchetta
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TERMINATED: 12/20/2013

Jonathan C Moore
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Joshua Samuel Moskovitz
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V.

Defendant

NYCP Commissioner Raymond Kelly

represented by **Amy Robinson**
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TERMINATED: 05/23/2018

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TERMINATED: 05/30/2017
ATTORNEY TO BE NOTICED

Defendant

Chief of NYC P.D. Joseph Esposito

represented by **Amy Robinson**
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Brachah Goykadosh
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Andrew Joseph Lucas
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
ATTORNEY TO BE NOTICED

Defendant

NYC PD Officer Sgt. Yesenia Ayala
Sh. No. 13587
TERMINATED: 12/09/2015

represented by **Amy Robinson**
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Brachah Goykadosh

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Andrew Joseph Lucas
(See above for address)
TERMINATED: 05/23/2018

Joy Tolulope Anakhu
(See above for address)
TERMINATED: 05/30/2017

Defendant

NYC PD Officer Sgt. Brenda Batcher
Sh. No. 18825
TERMINATED: 12/09/2015

represented by **Amy Robinson**
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Andrew Joseph Lucas
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
(See above for address)
TERMINATED: 05/30/2017
ATTORNEY TO BE NOTICED

Defendant

NYC PD Officer Sgt. Mathew Betting
Sh. No. 12343
TERMINATED: 12/09/2015

represented by **Amy Robinson**
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt. Cynthia Boyle
Shield No. 6663
TERMINATED: 12/09/2015

represented by **Amy Robinson**
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Brachah Goykadosh
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
ATTORNEY TO BE NOTICED

Defendant

NYC PD Officer Sgt. Stephen Carolan
6693
TERMINATED: 12/09/2015

represented by **Amy Robinson**
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Brachah Goykadosh
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Andrew Joseph Lucas
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
(See above for address)
TERMINATED: 05/30/2017
ATTORNEY TO BE NOTICED

Defendant

NYC PD Officer Sgt Michael Casale
Sh. No. 30092
TERMINATED: 12/09/2015

represented by **Amy Robinson**
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Brachah Goykadosh
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt Christopher Clark
Sh. No. 30815
TERMINATED: 12/09/2015

represented by **Amy Robinson**
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Brachah Goykadosh
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt Nathan Collins
Sh. No. 11773
TERMINATED: 12/09/2015

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Brachah Goykadosh
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
ATTORNEY TO BE NOTICED

Defendant

NYC PD Officer Sgt. Francisco Costa
Sh. No. 20660
TERMINATED: 12/09/2015

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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt Jesse Cotton
Sh. No. 1178
TERMINATED: 12/09/2015

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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt. Chris Defeo
Sh. No. 19936
TERMINATED: 12/09/2015

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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt. Joseph Diaz
Sh. No. 4744
TERMINATED: 12/09/2015

represented by **Amy Robinson**
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Brachah Goykadosh
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Andrew Joseph Lucas
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
ATTORNEY TO BE NOTICED

Defendant

NYC PD Officer Sgt. Thanya Duhaney
Shield No. 5584
TERMINATED: 12/09/2015

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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt Jeanette Fiuerou
Sh. No. 6040
TERMINATED: 12/09/2015

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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt Deborah Garbutt
Sh. No. 29583
TERMINATED: 12/09/2015

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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt. James Gatto
Sh. No. 27905
TERMINATED: 12/09/2015

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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

represented by

**NYC PD Officer Sgt. Matthew
Gresswell**
SH. NO. 10994
TERMINATED: 12/09/2015

Amy Robinson
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt. Stephen Mazzard
Sh. No. 31071
TERMINATED: 12/09/2015

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Andrew Joseph Lucas
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TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt Michael Roder
Sh. No. 25253
TERMINATED: 12/09/2015

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Brachah Goykadosh
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Andrew Joseph Lucas
(See above for address)
TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
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Defendant

NYC PD Officer Sgt Douglas Sheehan
Sh. No. 26759
TERMINATED: 12/09/2015

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Brachah Goykadosh
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Andrew Joseph Lucas
(See above for address)
TERMINATED: 05/23/2018

Joy Tolulope Anakhu
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TERMINATED: 05/30/2017
ATTORNEY TO BE NOTICED

Defendant

NYC PD Officer Sgt. Dixon Su
Sh. NO. 7680
TERMINATED: 12/09/2015

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Brachah Goykadosh
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Andrew Joseph Lucas
(See above for address)
TERMINATED: 05/23/2018

Joy Tolulope Anakhu
(See above for address)
TERMINATED: 05/30/2017
ATTORNEY TO BE NOTICED

Defendant

NYC PD Officer Sgt Peter Volaire
Sh. No. 27518
TERMINATED: 12/09/2015

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Brachah Goykadosh
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LEAD ATTORNEY
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Andrew Joseph Lucas
(See above for address)
TERMINATED: 05/23/2018

Joy Tolulope Anakhu
(See above for address)
TERMINATED: 05/30/2017
ATTORNEY TO BE NOTICED

Defendant

NYC PD Officer Sgt John Does 1-10
Individually, (whose identities are
currently unknown but who are known to
be police officers and/or supervisory
personnel of the New York City Police
Department)

TERMINATED: 12/21/2015

Defendant

NYC PD Officer Sgt John Does 1–10

In official capacity, (whose identities are currently unknown but who are known to be police officers and/or supervisory personnel of the New York City Police Department)

TERMINATED: 12/21/2015

Defendant

James McNamara

Deputy Chief, in their individual and official capacities

represented by **Amy Robinson**
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Brachah Goykadosh
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew Joseph Lucas
(See above for address)
TERMINATED: 05/23/2018

Defendant

Peter Loehle

Inspector, in their individual and official capacities

represented by **Amy Robinson**
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Brachah Goykadosh
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew Joseph Lucas
(See above for address)
TERMINATED: 05/23/2018

Defendant

Stephen Latalardo

Lieutenant, in their individual and official capacities

represented by **Amy Robinson**
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Brachah Goykadosh
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew Joseph Lucas
(See above for address)
TERMINATED: 05/23/2018

Defendant

John Doe

New York City Police Department, (whose identity is not currently known but who are known to be police officers and/or supervisory personnel of the New

represented by **Amy Robinson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

York City Police Department); in their individual and official capacities

Date Filed	#	Docket Text
04/30/2012	<u>1</u>	COMPLAINT against Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, John Does 1-10(Individually, (whose identities are currently unknown but who are known to be police officers and/or supervisory personnel of the New York City Police Department)), John Does 1-10(In official capacity, (whose identities are currently unknown but who are known to be police officers and/or supervisory personnel of the New York City Police Department)), Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire. (Filing Fee \$ 350.00, Receipt Number 465401036730)Document filed by Dayna Rozental, Phoebe Berg, Toshiro Kida, Jonathan Jetter, John Rivera.(rdz) (Entered: 05/02/2012)
04/30/2012		SUMMONS ISSUED as to All Defendants. (rdz) (Entered: 05/02/2012)
04/30/2012		Magistrate Judge Gabriel W. Gorenstein is so designated. (rdz) (Entered: 05/02/2012)
04/30/2012		Case Designated ECF. (rdz) (Entered: 05/02/2012)
05/08/2012	<u>2</u>	AFFIDAVIT OF SERVICE. Raymond Kelly served on 4/30/2012, answer due 5/21/2012. Service was accepted by Lesa Moore, NYPD Legal Bureau. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>3</u>	AFFIDAVIT OF SERVICE. Joseph Esposito served on 4/30/2012, answer due 5/21/2012. Service was accepted by Lesa Moore, NYPD Legal Bureau. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>4</u>	AFFIDAVIT OF SERVICE. Yesenia Ayala served on 5/8/2012, answer due 5/29/2012. Service was accepted by Susan Reminy, SPAA 68th Precinct NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>5</u>	AFFIDAVIT OF SERVICE. Cynthia Boyle served on 5/7/2012, answer due 5/29/2012. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>6</u>	AFFIDAVIT OF SERVICE. Stephen Carolan served on 5/7/2012, answer due 5/29/2012. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>7</u>	AFFIDAVIT OF SERVICE. Michael Casale served on 5/7/2012, answer due 5/29/2012. Service was accepted by Nathernene Bolden, Midtown South Precinct, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>8</u>	AFFIDAVIT OF SERVICE. Francisco Costa served on 5/7/2012, answer due 5/29/2012. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>9</u>	AFFIDAVIT OF SERVICE. Jesse Cotton served on 5/8/2012, answer due 5/29/2012. Service was accepted by Susan Reminy, SPAA 68th Precinct NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>10</u>	AFFIDAVIT OF SERVICE. Joseph Diaz served on 5/7/2012, answer due 5/29/2012. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark)

		(Entered: 05/08/2012)
05/08/2012	<u>11</u>	AFFIDAVIT OF SERVICE. Jeanette Fiuerou served on 5/8/2012, answer due 5/29/2012. Service was accepted by Susan Reminy, SPAA 68th Precinct NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>12</u>	AFFIDAVIT OF SERVICE. Deborah Garbutt served on 5/7/2012, answer due 5/29/2012. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>13</u>	AFFIDAVIT OF SERVICE. Michael Roder served on 5/8/2012, answer due 5/29/2012. Service was accepted by Susan Reminy, SPAA 68th Precinct NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>14</u>	AFFIDAVIT OF SERVICE. Dixon Su served on 5/7/2012, answer due 5/29/2012. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>15</u>	AFFIDAVIT OF SERVICE. Peter Volaire served on 5/7/2012, answer due 5/29/2012. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>16</u>	AFFIDAVIT OF SERVICE. Christopher Clark served on 5/7/2012, answer due 5/29/2012. Service was accepted by Christopher Clark, Scooter Task Force, New York City Police Department. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>17</u>	AFFIDAVIT OF SERVICE. Nathan Collins served on 5/7/2012, answer due 5/29/2012. Service was accepted by Patricia Herman, 13th Precinct, New York City Police Department. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>18</u>	AFFIDAVIT OF SERVICE. James Gatto served on 5/7/2012, answer due 5/29/2012. Service was accepted by Nathernene Bolden, Midtown South Precinct, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/08/2012	<u>19</u>	AFFIDAVIT OF SERVICE. Douglas Sheehan served on 5/7/2012, answer due 5/29/2012. Service was accepted by Christopher Clark, Scooter Task Force, New York City Police Department. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 05/08/2012)
05/25/2012	<u>20</u>	ENDORSED LETTER addressed to Judge Thomas P. Griesa from Andrew Lucas dated 5/24/2012 re: Defendant respectfully requests an extension of his time to answer or otherwise respond to the complaint from May 29, 2012 until July 30, 2012. ENDORSEMENT: Approved., Raymond Kelly answer due 7/30/2012. (Signed by Judge Thomas P. Griesa on 5/25/2012) (lmb) (Entered: 05/25/2012)
05/30/2012	<u>21</u>	NOTICE OF APPEARANCE by Andrew Joseph Lucas on behalf of Raymond Kelly (Lucas, Andrew) (Entered: 05/30/2012)
05/30/2012	<u>22</u>	NOTICE OF APPEARANCE by Dara Lynn Weiss on behalf of Raymond Kelly (Weiss, Dara) (Entered: 05/30/2012)
06/01/2012	<u>23</u>	AFFIDAVIT OF SERVICE. Service was accepted by Susan Reminy, SPAA 68th Precinct NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>24</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Nathernene Bolden, Midtown South Precinct, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>25</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)

06/01/2012	<u>26</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Susan Reminy, SPAA 68th Precinct NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>27</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Susan Reminy, SPAA 68th Precinct NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>28</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Susan Reminy, SPAA 68th Precinct NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>29</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>30</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>31</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>32</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>33</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>34</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Dixon Su, Manhattan South Task Force Officer, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>35</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Christopher Clark, Scooter Task Force, New York City Police Department. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>36</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Christopher Clark, Scooter Task Force, New York City Police Department. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>37</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Patricia Herman, 13th Precinct, New York City Police Department. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>38</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Nathernene Bolden, Midtown South Precinct, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>39</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Lesa Moore, NYPD Legal Bureau. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/01/2012	<u>40</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Lesa Moore, NYPD Legal Bureau. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/01/2012)
06/05/2012	<u>41</u>	SUMMONS RETURNED EXECUTED. Mathew Betting served on 6/1/2012, answer due 6/22/2012. Service was accepted by New York City Police Officer Grullon. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/05/2012)
06/05/2012	<u>42</u>	SUMMONS RETURNED EXECUTED. Matthew Gresswell served on 6/5/2012, answer due 6/26/2012. Service was accepted by New York City Police Officer Frizziola. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/05/2012)

06/05/2012	<u>43</u>	SUMMONS RETURNED EXECUTED. Service was accepted by Nathernene Bolden, Midtown South Precinct, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/05/2012)
06/15/2012	<u>44</u>	SUMMONS RETURNED EXECUTED. Brenda Batchter served on 6/1/2012, answer due 6/22/2012. Service was accepted by Lan Bang, NYPD employee, 106th Precinct. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/15/2012)
06/15/2012	<u>45</u>	SUMMONS RETURNED EXECUTED. Thanya Duhaney served on 6/1/2012, answer due 6/22/2012. Service was accepted by Officer Washington, 113th Precinct, NYPD. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/15/2012)
06/27/2012	<u>46</u>	SUMMONS RETURNED EXECUTED. Chris Defeo served on 6/13/2012, answer due 7/5/2012. Service was accepted by Christina M. Bylon, NYPD Detective, 1 Police Plaza, RM 1310. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/27/2012)
06/27/2012	<u>47</u>	SUMMONS RETURNED EXECUTED. Stephen Mazzard served on 6/13/2012, answer due 7/5/2012. Service was accepted by Officer Ranieri, NYPD 120th Precinct. Service was made by MAIL. Document filed by Phoebe Berg. (Taylor, Mark) (Entered: 06/27/2012)
07/27/2012	<u>48</u>	ANSWER to <u>1</u> Complaint,,, with JURY DEMAND. Document filed by Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire.(Lucas, Andrew) (Entered: 07/27/2012)
07/31/2012	<u>49</u>	ANSWER to <u>1</u> Complaint,,, with JURY DEMAND. Document filed by Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire.(Lucas, Andrew) (Entered: 07/31/2012)
08/02/2012	<u>50</u>	NOTICE OF APPEARANCE by Jennifer Rolnick Borchetta on behalf of Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental (Borchetta, Jennifer) (Entered: 08/02/2012)
08/03/2012	<u>51</u>	NOTICE OF APPEARANCE by Jonathan C Moore on behalf of Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental (Moore, Jonathan) (Entered: 08/03/2012)
12/17/2012		Minute Entry for proceedings held before Judge Thomas P. Griesa: Initial Pretrial Conference held on 12/17/2012. (tro) (Entered: 12/28/2012)
12/31/2012	<u>52</u>	NOTICE OF CHANGE OF ADDRESS by David Bruce Rankin on behalf of All Plaintiffs. New Address: Rankin & Taylor, PLLC, 11 Park Place, Suite 914, New York, NY, USA 10007, 212-226-4507. (Rankin, David) (Entered: 12/31/2012)
01/16/2013	<u>53</u>	CASE MANAGEMENT PLAN: This Civil Case Management Plan (the "Plan") is submitted by the parties in accordance with Rule 26(f)(3), Fed. R. Civ. P. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. 5636(c). The parties are free to withhold consent without adverse substantive consequences. This case is to be tried to a jury. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by February 25, 2013. All fact discovery shall be completed no later than September 17, 2013. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 5 above: Initial requests for production of documents to be served by February 8, 2013; Interrogatories to be served by February 8, 2013; Non-expert depositions to be completed by the close of fact discovery; and Requests

		to Admit to be served no later than August 16, 2013. All Expert discovery shall be completed no later than November 1, 2013. All motions and applications shall be governed by the Court's Individual Practices, including promotion conference requirements, except that motions in limine may be made without a promotion conference. Pursuant to the authority of Rule 16(c)(2), Fed. R. Civ. P., any motion for summary judgment will be deemed untimely unless a request for a pre-motion conference relating thereto is made in writing within 14 days of the date in paragraph 5 and the close of fact discovery or by October 1, 2013. Counsel for the parties have conferred and their present best estimate of the length of trial is three weeks. Amended Pleadings due by 2/25/2013. Motions due by 10/1/2013. Deposition due by 8/16/2013. Fact Discovery due by 9/17/2013. Expert Discovery due by 11/1/2013. (Signed by Judge Thomas P. Griesa on 1/16/2013) (ago) (Entered: 01/16/2013)
02/28/2013	<u>54</u>	ENDORSED LETTER addressed to Judge Thomas P. Griesa from David B. Rankin dated 2/25/2013 re: Plaintiffs write to seek a three week extension of our time to amend our complaint. The time in our case management plan set this deadline for today, February 25, 2013. An extension would set the new date for amending our complaint at March 18, 2013. Defendants consent to this request. ENDORSEMENT: Approved., (Amended Pleadings due by 3/18/2013.) (Signed by Judge Thomas P. Griesa on 2/28/2013) (ama) (Entered: 02/28/2013)
03/06/2013	<u>55</u>	FIRST MOTION to Dismiss. Document filed by Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire.(Lucas, Andrew) (Entered: 03/06/2013)
03/06/2013	<u>56</u>	DECLARATION of Andrew Lucas in Support re: <u>55</u> FIRST MOTION to Dismiss.. Document filed by Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, John Does 1-10(Individually, (whose identities are currently unknown but who are known to be police officers and/or supervisory personnel of the New York City Police Department)), John Does 1-10(In official capacity, (whose identities are currently unknown but who are known to be police officers and/or supervisory personnel of the New York City Police Department)), Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire. (Attachments: # <u>1</u> Exhibit A - Summons and Complaint, # <u>2</u> Exhibit B - Statements via Twitter)(Lucas, Andrew) (Entered: 03/06/2013)
03/06/2013	<u>57</u>	FIRST MEMORANDUM OF LAW in Support re: <u>55</u> FIRST MOTION to Dismiss.. Document filed by Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire. (Lucas, Andrew) (Entered: 03/06/2013)
04/17/2013	<u>58</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - REPLY MEMORANDUM OF LAW in Opposition re: <u>55</u> FIRST MOTION to Dismiss.. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Rankin, David) Modified on 4/18/2013 (ldi). (Entered: 04/17/2013)
04/17/2013	<u>59</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Opposition re: <u>55</u> FIRST MOTION to Dismiss.. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, Dayna Rozental. (Rankin, David) Modified on 4/18/2013 (ldi). (Entered: 04/17/2013)
04/18/2013	<u>60</u>	MEMORANDUM OF LAW in Opposition re: <u>55</u> FIRST MOTION to Dismiss.. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Rankin, David) (Entered: 04/18/2013)
04/25/2013	<u>61</u>	REPLY MEMORANDUM OF LAW in Support re: <u>55</u> FIRST MOTION to Dismiss.. Document filed by Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa,

		Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire. (Lucas, Andrew) (Entered: 04/25/2013)
11/21/2013	<u>62</u>	OPINION re: #103777 <u>55</u> FIRST MOTION to Dismiss. filed by Peter Volaire, Joseph Diaz, Douglas Sheehan, Nathan Collins, Michael Casale, Thanya Duhaney, Chris Defeo, Raymond Kelly, Matthew Gresswell, Brenda Batchter, Francisco Costa, Mathew Betting, Michael Roder, Stephen Mazzard, Christopher Clark, Cynthia Boyle, James Gatto, Jesse Cotton, Dixon Su, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, Stephen Carolan, Yesenia Ayala. The motion to dismiss is denied. (Signed by Judge Thomas P. Griesa on 11/21/2013) (dj) Modified on 11/22/2013 (dj). Modified on 11/25/2013 (dj). Modified on 11/26/2013 (ca). (Entered: 11/22/2013)
12/18/2013	<u>63</u>	MOTION for Jenn Rolnick Borchetta to Withdraw as Attorney. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Borchetta, Jennifer) (Entered: 12/18/2013)
12/20/2013	<u>64</u>	ORDER granting <u>63</u> Motion to Withdraw as Attorney.. On motion of Jenn Rolnick Borchetta to withdraw her appearance as counsel for the plaintiffs in the above referenced action IT IS ORDERED that the motion is GRANTED. Attorney Jennifer Rolnick Borchetta terminated(Signed by Judge Thomas P. Griesa on 12/19/2013) (ama) (Entered: 12/20/2013)
01/23/2014	<u>65</u>	NOTICE OF APPEARANCE by Joshua Samuel Moskovitz on behalf of Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Moskovitz, Joshua) (Entered: 01/23/2014)
02/13/2014	<u>66</u>	LETTER MOTION for Local Rule 37.2 Conference addressed to Judge Thomas P. Griesa from Joshua S. Moskovitz dated February 13, 2014. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Attachments: # <u>1</u> Exhibit 1)(Moskovitz, Joshua) (Entered: 02/13/2014)
02/19/2014	<u>67</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Thomas P. Griesa from Andrew Lucas dated 02/19/2014 re: <u>66</u> LETTER MOTION for Local Rule 37.2 Conference addressed to Judge Thomas P. Griesa from Joshua S. Moskovitz dated February 13, 2014.. Document filed by Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire. (Lucas, Andrew) (Entered: 02/19/2014)
03/14/2014		Minute Entry for proceedings held before Judge Thomas P. Griesa: Plaintiff by David Rankin and Josh Moskovitz, defendant by Andrew Lucas & Dara Weiss.Scheduling Conference held on 3/12/2014. (Beale, Jon) (Entered: 03/14/2014)
07/02/2014	<u>68</u>	NOTICE OF APPEARANCE by Joy Tolulope Anakhu on behalf of Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire. (Anakhu, Joy) (Entered: 07/02/2014)
09/03/2014	<u>69</u>	JOINT LETTER MOTION for Extension of Time to Complete Discovery addressed to Judge Thomas P. Griesa from Joy T. Anakhu dated September 3, 2014. Document filed by Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire.(Anakhu, Joy) (Entered: 09/03/2014)
10/08/2014	<u>70</u>	MEMO ENDORSED ORDER granting <u>69</u> Letter Motion for Extension of Time to Complete Discovery. ENDORSEMENT: Approved. Deposition due by 12/3/2014. Motions due by 12/17/2014. (Signed by Judge Thomas P. Griesa on 10/8/2014) (ajs) (Entered: 10/08/2014)

12/17/2014	<u>71</u>	LETTER MOTION for Extension of Time to <i>Complete Discovery and for Defendants to file their SJM</i> addressed to Judge Thomas P. Griesa from Joy T. Anakhu dated December 17, 2014. Document filed by Yesenia Ayala, Brenda Batcher, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire. (Attachments: # <u>1</u> Exhibit A)(Anakhu, Joy) (Entered: 12/17/2014)
12/17/2014	<u>72</u>	ORDER granting <u>71</u> Letter Motion for Extension of Time to Complete Discovery and for Defendants to file their SJM. Approved. (Signed by Judge Thomas P. Griesa on 12/17/2014) (ajs) (Entered: 12/17/2014)
03/17/2015	<u>73</u>	JOINT LETTER MOTION for Extension of Time to Complete Discovery <i>by May 15, 2015</i> , addressed to Judge Thomas P. Griesa from Andrew Lucas dated 3/17/15. Document filed by Yesenia Ayala, Brenda Batcher, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire.(Lucas, Andrew) (Entered: 03/17/2015)
03/23/2015	<u>74</u>	ORDER granting <u>73</u> Letter Motion for Extension of Time to Complete Discovery. The parties request a two month extension in discovery to May 15, 2015, and until June 19, 2015, to file any Summary Judgment motions. Approved. Discovery due by 5/15/2015. Motions due by 6/19/2015. (Signed by Judge Thomas P. Griesa on 3/23/2015) (ama) (Entered: 03/24/2015)
05/12/2015	<u>75</u>	JOINT LETTER MOTION for Extension of Time to Complete Discovery <i>by July 17, 2015</i> addressed to Judge Thomas P. Griesa from Andrew Lucas dated 5/12/15. Document filed by Yesenia Ayala, Brenda Batcher, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire.(Lucas, Andrew) (Entered: 05/12/2015)
05/14/2015	<u>76</u>	ORDER granting <u>75</u> Letter Motion for Extension of Time to Complete Discovery. Approved. (Discovery due by 8/17/2015) (Signed by Judge Thomas P. Griesa on 5/14/2015) (kl) (Entered: 05/14/2015)
07/13/2015	<u>77</u>	JOINT LETTER MOTION for Extension of Time to Complete Discovery addressed to Judge Thomas P. Griesa from Andrew Lucas dated 7/13/15. Document filed by Yesenia Ayala, Brenda Batcher, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire.(Lucas, Andrew) (Entered: 07/13/2015)
07/13/2015	<u>78</u>	ORDER granting <u>77</u> Letter Motion for Extension of Time to Complete Discovery. So ordered. (Signed by Judge Thomas P. Griesa on 7/13/2015) (kl) (Entered: 07/13/2015)
07/13/2015		Set/Reset Deadlines: Fact Discovery due by 9/15/2015. Motions due by 10/15/2015. Responses due by 11/6/2015. Replies due by 11/13/2015. (kl) (Entered: 07/13/2015)
08/31/2015	<u>79</u>	LETTER MOTION for Local Rule 37.2 Conference – <i>for an in camera inspection</i> addressed to Judge Thomas P. Griesa from David B. Rankin dated August 31, 2015. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) (Entered: 08/31/2015)
09/03/2015	<u>80</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Thomas P. Griesa from Andrew Lucas dated September 3, 2015 re: <u>79</u> LETTER MOTION for Local Rule 37.2 Conference – <i>for an in camera inspection</i> addressed to Judge Thomas P. Griesa from David B. Rankin dated August 31, 2015. & <i>Cross-Motion</i> . Document filed by Yesenia Ayala, Brenda Batcher, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette

		Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Anakhu, Joy) (Entered: 09/03/2015)
09/04/2015		Set/Reset Scheduling Order Deadlines: Pre-Motion Conference set for 9/28/2015 at 03:30 PM in Courtroom 26B, 500 Pearl Street, New York, NY 10007 before Judge Thomas P. Griesa. (Zaepfel, Kenneth) (Entered: 09/04/2015)
09/28/2015		Minute Entry for proceedings held before Judge Thomas P. Griesa: Status Conference held on 9/28/2015. Attorney David Bruce Rankin, representing all plaintiffs. Attorney Andrew Lucas, representing all defendants. The Court directs counsel to complete the remaining additional depositions, on notice. (This resolves doc. No. 79.) The Court further establishes a briefing schedule, as follows: all defendants are to file a summary judgment motion not later than November 13, 2015; all plaintiffs are to file opposition briefs not later than December 15, 2015, and all defendants are to file reply briefs not later than January 15, 2016. (No transcript taken.) (Zaepfel, Kenneth) (Entered: 09/28/2015)
11/10/2015	<u>81</u>	JOINT LETTER MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> addressed to Judge Thomas P. Griesa from Andrew Lucas dated 11/10/15. Document filed by Yesenia Ayala, Brenda Batchter, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Mazzard, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire.(Lucas, Andrew) (Entered: 11/10/2015)
11/10/2015	<u>82</u>	ORDER granting <u>81</u> Letter Motion for Extension of Time to File. APPROVED. SO ORDERED. (Signed by Judge Thomas P. Griesa on 11/10/2015) (kl) (Entered: 11/12/2015)
11/10/2015		Set/Reset Deadlines: Motions due by 12/11/2015. Responses due by 1/8/2016. Replies due by 1/29/2016. (kl) (Entered: 11/12/2015)
12/09/2015	<u>83</u>	FIRST LETTER MOTION for Leave to File Amended Complaint addressed to Judge Thomas P. Griesa from David B. Rankin dated December 9, 2015., JOINT LETTER MOTION for Extension of Time to File addressed to Judge Thomas P. Griesa from David B. Rankin dated December 9, 2015. Document filed by Yesenia Ayala, Brenda Batchter, Phoebe Berg, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Jonathan Jetter, John Does 1-10(Individually, (whose identities are currently unknown but who are known to be police officers and/or supervisory personnel of the New York City Police Department)), John Does 1-10(In official capacity, (whose identities are currently unknown but who are known to be police officers and/or supervisory personnel of the New York City Police Department)), Raymond Kelly, Toshiro Kida, Stephen Mazzard, John Rivera, Michael Roder, Dayna Rozental, Douglas Sheehan, Dixon Su. (Attachments: # <u>1</u> Proposed Amnd Complaint, # <u>2</u> Stipulation, # <u>3</u> Text of Proposed Order)(Rankin, David) (Entered: 12/09/2015)
12/09/2015	<u>84</u>	ORDER granting <u>83</u> Letter Motion for Leave to File Document; granting <u>83</u> Letter Motion for Extension of Time to File. 1. Plaintiff may file the amended complaint as a separate filing, on notice. 2. Defendants' Fed R. Civ. P. 56 Summary Judgment motion be filed four weeks after the amended complaint is filed, plaintiffs' opposition be filed four weeks later; and defendants' reply be filed two weeks after that. This second request for this relief is joined by the defendants. (Signed by Judge Thomas P. Griesa on 12/9/2015) (mro) (Entered: 12/10/2015)
12/09/2015	<u>85</u>	STIPULATION AND ORDER OF PARTIAL DISMISSAL WITH PREJUDICE AND REGARDING PLAINTIFFS' PROPOSED AMENDMENT: The parties to this action hereby Stipulate and Agree, and request that the Court "So Order," the following: Plaintiff seeks to file an amended complaint in this action. Defendants do not oppose this application. The parties stipulate and agree to the voluntary dismissal by plaintiff, with prejudice, of any and all claims against defendants OFFICERS/SERGEANTS YESENIA AYALA, Sh. No. 13587; BRENDA BATCHER, Sh. No. 18825; MATHEW BETTING, Sh. No. 12343; CYNTHIA BOYLE, Sh. No. 6663; STEPHEN

		CAROLAN, Sh. No. 6693; MICHAEL CASALE, Sh. No. 30092; CHRISTOPHER CLARK, Sh. No. 30815; NATHAN COLLINS, Sh. No. 11773; FRANCISCO COSTA, Sh. No. 20660; JESSE COTTON, Sh. No. 1178; CHRIS DEFEO, Sh. No. 19936; JOSEPH DIAZ, Sh. No. 4744; THANYA DUHANEY, Shield No. 5584; JEANETTE FIUEROU, Sh. No. 6040; DEBORAH GARBUTT, Sh. No. 29583; JAMES GATTO, Sh. No. 27905; MATTHEW GRESSWELL, Sh. No. 10994; STEPHEN MAZZARD, Sh. No. 31071; MICHAEL RODER, Sh. No. 25253; DOUGLAS SHEEHAN, Sh. No. 26759; DIXON SU, Sh. No. 7680; and PETER VOLAIRE, Sh. No. 27518. The parties stipulate and agree to the removal of the following names from the caption of this case: OFFICERS/SERGEANTS YESENIA AYALA, Sh. No. 13587; BRENDA BATCHER, Sh. No. 18825; MATHEW BETTING, Sh. No. 12343; CYNTHIA BOYLE, Sh. No. 6663; STEPHEN CAROLAN, Sh. No. 6693; MICHAEL CASALE, Sh. No. 30092; CHRISTOPHER CLARK, Sh. No. 30815; NATHAN COLLINS, Sh. No. 11773; FRANCISCO COSTA, Sh. No. 20660; JESSE COTTON, Sh. No. 1178; CHRIS DEFEO, Sh. No. 19936; JOSEPH DIAZ, Sh. No. 4744; THANYA DUHANEY, Shield No. 5584; JEANETTE FIUEROU, Sh. No. 6040; DEBORAH GARBUTT, Sh. No. 29583; JAMES GATTO, Sh. No. 27905; MATTHEW GRES SWELL, Sh. No. 10994; STEPHEN MAZZARD, Sh. No. 31071; MICHAEL RODER, Sh. No. 25253; DOUGLAS SHEEHAN, Sh. No. 26759; DIXON SU, Sh. No. 7680; and PETER VOLAIRE, Sh. No. 27518. Plaintiffs seek to add the following defendants in the proposed amended complaint: DEPUTY CHIEF JAMES MCNAMARA, INSPECTOR PETER LOEHLE, and LIEU TEN ANT STEPHEN LAT ALARDO. Defendants do not oppose this application. (Signed by Judge Thomas P. Griesa on 12/9/2015) (mro) (Entered: 12/10/2015)
12/18/2015	<u>86</u>	AMENDED COMPLAINT amending <u>1</u> Complaint,,, against Joseph Esposito, Raymond Kelly, James McNamara, Peter Loehle, Stephen Latalardo, John Doe with JURY DEMAND.Document filed by Dayna Rozental, Phoebe Berg, Toshiro Kida, Jonathan Jetter, John Rivera. Related document: <u>1</u> Complaint,,, filed by John Rivera, Toshiro Kida, Dayna Rozental, Phoebe Berg, Jonathan Jetter. (Attachments: # <u>1</u> Exhibit Stipulation and Order)(Rankin, David) (Entered: 12/18/2015)
12/18/2015	<u>87</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Deputy Chief James McNamara, re: <u>86</u> Amended Complaint,. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Rankin, David) (Entered: 12/18/2015)
12/18/2015	<u>88</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Inspector Peter Loehle, re: <u>86</u> Amended Complaint,. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Rankin, David) (Entered: 12/18/2015)
12/18/2015	<u>89</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Lieutenant Stephen Latalardo, re: <u>86</u> Amended Complaint,. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Rankin, David) (Entered: 12/18/2015)
12/21/2015	<u>90</u>	ELECTRONIC SUMMONS ISSUED as to James McNamara. (moh) (Entered: 12/21/2015)
12/21/2015	<u>91</u>	ELECTRONIC SUMMONS ISSUED as to Peter Loehle. (moh) (Entered: 12/21/2015)
12/21/2015	<u>92</u>	ELECTRONIC SUMMONS ISSUED as to Stephen Latalardo. (moh) (Entered: 12/21/2015)
12/23/2015	<u>93</u>	SUMMONS RETURNED EXECUTED. James McNamara served on 12/23/2015, answer due 1/13/2016. Service was accepted by FNUK RAZA. Service was made by Mail. Document filed by Dayna Rozental; Phoebe Berg; Toshiro Kida; Jonathan Jetter; John Rivera. (Rankin, David) (Entered: 12/23/2015)
12/23/2015	<u>94</u>	SUMMONS RETURNED EXECUTED. Peter Loehle served on 12/23/2015, answer due 1/13/2016. Service was accepted by FNUK ACUNA. Service was made by Mail. Document filed by Dayna Rozental; Phoebe Berg; Toshiro Kida; Jonathan Jetter; John Rivera. (Rankin, David) (Entered: 12/23/2015)
12/30/2015	<u>95</u>	SUMMONS RETURNED EXECUTED. Stephen Latalardo served on 12/23/2015, answer due 1/13/2016. Service was made by MAIL. Document filed by Dayna Rozental; Phoebe Berg; Toshiro Kida; Jonathan Jetter; John Rivera. (Rankin, David) (Entered: 12/30/2015)

01/15/2016	<u>96</u>	ANSWER to <u>86</u> Amended Complaint, with JURY DEMAND. Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara.(Lucas, Andrew) (Entered: 01/15/2016)
01/19/2016	<u>97</u>	CONSENT LETTER MOTION for Extension of Time <i>until January 21, 2016, to file R. 56 motion</i> addressed to Judge Thomas P. Griesa from Andrew Lucas dated 1/19/2016. Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara.(Lucas, Andrew) (Entered: 01/19/2016)
01/20/2016	<u>98</u>	ORDER granting <u>97</u> Letter Motion for Extension of Time. APPROVED. SO ORDERED. Motions due by 1/21/2016. (Signed by Judge Thomas P. Griesa on 1/20/2016) (kl) (Entered: 01/20/2016)
01/21/2016	<u>99</u>	MOTION for Summary Judgment . Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara.(Lucas, Andrew) (Entered: 01/21/2016)
01/21/2016	<u>100</u>	DECLARATION of Andrew Lucas in Support re: <u>99</u> MOTION for Summary Judgment .. Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R)(Lucas, Andrew) (Entered: 01/21/2016)
01/21/2016	<u>101</u>	MEMORANDUM OF LAW in Support re: <u>99</u> MOTION for Summary Judgment . . Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara. (Lucas, Andrew) (Entered: 01/21/2016)
01/21/2016	<u>102</u>	RULE 56.1 STATEMENT. Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara. (Lucas, Andrew) (Entered: 01/21/2016)
02/18/2016	<u>103</u>	CONSENT LETTER MOTION for Extension of Time to File <i>Summary Judgment Opposition</i> addressed to Judge Thomas P. Griesa from David B. Rankin dated February 18, 2016. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) (Entered: 02/18/2016)
02/19/2016	<u>104</u>	ORDER granting <u>103</u> Letter Motion for Extension of Time to File Summary Judgment Opposition. Approved. (Signed by Judge Thomas P. Griesa on 2/19/2016) (cf) (Entered: 02/19/2016)
02/19/2016		Set/Reset Deadlines: Responses due by 3/7/2016 (cf) (Entered: 02/19/2016)
02/23/2016	<u>105</u>	PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material...(As further set forth in this Order) (Signed by Judge Thomas P. Griesa on 2/23/2016) (kl) (Entered: 02/23/2016)
03/04/2016	<u>106</u>	SECOND LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Thomas P. Griesa from David B. Rankin dated March 4, 2016. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) (Entered: 03/04/2016)
03/04/2016	<u>107</u>	ORDER granting <u>106</u> Letter Motion for Extension of Time to File Response/Reply. Approved. Responses due by 3/11/2016. (Signed by Judge Thomas P. Griesa on 3/4/2016) (kl) (Entered: 03/04/2016)
03/11/2016	<u>108</u>	MEMORANDUM OF LAW in Opposition re: <u>99</u> MOTION for Summary Judgment . . Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Rankin, David) (Entered: 03/11/2016)
03/11/2016	<u>109</u>	COUNTER STATEMENT TO <u>102</u> Rule 56.1 Statement. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Rankin, David) (Entered: 03/11/2016)
03/11/2016	<u>110</u>	DECLARATION of David B. Rankin in Opposition re: <u>99</u> MOTION for Summary Judgment .. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Attachments: # <u>1</u> Exhibit 1 – Dep of Rivera, # <u>2</u> Exhibit 2 – Dep of Jetter, # <u>3</u> Exhibit 3 – Dep of Rozental, # <u>4</u> Exhibit 4 – Dep of Kida, # <u>5</u>

		Exhibit 5 – Dep of Berg, # <u>6</u> Exhibit 6 – Dep of Hart, # <u>7</u> Exhibit 7 – Map, # <u>8</u> Exhibit 8 – to be filed under seal, # <u>9</u> Exhibit 9 – Dep of Purtell, # <u>10</u> Exhibit 10 – Dep of Latalardo, # <u>11</u> Exhibit 11 – Dep. of Loehle, # <u>12</u> Exhibit 12 – Video, # <u>13</u> Exhibit 13 – Video, # <u>14</u> Exhibit 14 – Video, # <u>15</u> Exhibit 15 – Video, # <u>16</u> Exhibit 16 – Patrol Guide)(Rankin, David) (Entered: 03/11/2016)
03/18/2016	<u>111</u>	CONSENT LETTER MOTION for Leave to File Exhibit 8 under seal <i>attached to the declaration of David B. Rankin</i> addressed to Judge Thomas P. Griesa from David B. Rankin dated March 18, 2016. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) (Entered: 03/18/2016)
03/21/2016	<u>112</u>	ORDER granting <u>111</u> Letter Motion for Leave to File Document. APPROVED. SO ORDERED. (Signed by Judge Thomas P. Griesa on 3/21/2016) (kl) (Entered: 03/21/2016)
03/21/2016		Transmission to Sealed Records Clerk. Transmitted re: <u>112</u> Order on Motion for Leave to File Document, to the Sealed Records Clerk for the sealing or unsealing of document or case. (kl) (Entered: 03/21/2016)
03/24/2016	<u>113</u>	SEALED DOCUMENT placed in vault.(mps) (Entered: 03/24/2016)
03/24/2016	<u>114</u>	REPLY MEMORANDUM OF LAW in Support re: <u>99</u> MOTION for Summary Judgment . . Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara. (Lucas, Andrew) (Entered: 03/24/2016)
03/24/2016	<u>115</u>	COUNTER STATEMENT TO <u>102</u> Rule 56.1 Statement. Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara. (Lucas, Andrew) (Entered: 03/24/2016)
08/10/2016	<u>116</u>	OPINION #106621 re: <u>99</u> MOTION for Summary Judgment filed by James McNamara, Raymond Kelly, Stephen Latalardo, Peter Loehle, Joseph Esposito. On a motion for summary judgment, the movant faces a demanding standard if the court is to deprive the nonmovant of a jury determination. Defendants have met their burden on plaintiffs' state constitutional claims, but have failed to do so on plaintiffs' federal constitutional claims, except as to defendants Kelly and Esposito. Accordingly, the motion for summary judgment is granted in part and denied in part. (As further set forth in this Order.) (Signed by Judge Thomas P. Griesa on 8/10/2016) (kko) Modified on 8/11/2016 (ca). (Entered: 08/10/2016)
08/10/2016	<u>117</u>	SEALED DOCUMENT placed in vault.(rz) (Entered: 08/10/2016)
08/19/2016	<u>118</u>	JOINT LETTER MOTION for Extension of Time <i>under local rule 6</i> addressed to Judge Thomas P. Griesa from David B. Rankin dated August 19, 2016. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) (Entered: 08/19/2016)
08/22/2016	<u>119</u>	ORDER granting <u>118</u> Letter Motion for Extension of Time. Approved. SO ORDERED. (Signed by Judge Thomas P. Griesa on 8/22/2016) (kl) (Entered: 08/22/2016)
08/22/2016		Set/Reset Deadlines: Motions due by 9/12/2016. Responses due by 9/26/2016 (kl) (Entered: 08/22/2016)
09/09/2016	<u>120</u>	NOTICE OF INTERLOCUTORY APPEAL from <u>116</u> Memorandum & Opinion,,. Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Anakhu, Joy) (Entered: 09/09/2016)
09/09/2016		Appeal Fee Due: for <u>120</u> Notice of Interlocutory Appeal,. \$505.00 Appeal fee due by 9/23/2016. (nd) (Entered: 09/09/2016)
09/09/2016		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>120</u> Notice of Interlocutory Appeal,. (nd) (Entered: 09/09/2016)
09/09/2016		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>120</u> Notice of Interlocutory Appeal, filed by James McNamara, Raymond Kelly, Stephen Latalardo, Peter Loehle, Joseph Esposito were transmitted to the U.S. Court of Appeals. (nd) (Entered: 09/09/2016)

09/12/2016	<u>121</u>	JOINT LETTER MOTION for Extension of Time <i>to file motions considered in docket entry 119</i> addressed to Judge Thomas P. Griesa from Andrew Lucas dated 9/12/2016. Document filed by Stephen Latalardo, Peter Loehle, James McNamara.(Lucas, Andrew) (Entered: 09/12/2016)
09/13/2016		USCA Appeal Fees received \$ 505.00 receipt number 465401161886 on 9/13/2016 re: <u>120</u> Notice of Interlocutory Appeal, filed by James McNamara, Raymond Kelly, Stephen Latalardo, Peter Loehle, Joseph Esposito. (tp) (Entered: 09/13/2016)
09/21/2016	<u>122</u>	ORDER granting <u>121</u> Letter Motion for Extension of Time. Approved. (Signed by Judge Thomas P. Griesa on 9/21/2016) (lmb) (Entered: 09/22/2016)
01/11/2017	<u>123</u>	ORDER of USCA (Certified Copy) as to <u>120</u> Notice of Interlocutory Appeal, filed by James McNamara, Raymond Kelly, Stephen Latalardo, Peter Loehle, Joseph Esposito. USCA Case Number 16-3146. Appellees move to dismiss this appeal for lack of jurisdiction. Upon due consideration, it is hereby ORDERED that the motion is DENIED. The court has jurisdiction over this appeal to determine whether Appellants are entitled to qualified immunity as a matter of law to the extent that they can support their defense on Appellees' "version of the facts that the district judge deemed available for jury resolution." Lynch v. Ackley, 811 F.3d 569, 576 (2d Cir. 2016) (internal quotation marks omitted). Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 01/11/2017. (nd) (Entered: 01/11/2017)
05/03/2017	<u>124</u>	NOTICE OF APPEARANCE by Brachah Goykadosh on behalf of Yesenia Ayala, Brenda Batcher, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Stephen Latalardo, Peter Loehle, Stephen Mazzard, James McNamara, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire. (Goykadosh, Brachah) (Entered: 05/03/2017)
05/19/2017	<u>125</u>	MOTION for Joy T. Anakhu to Withdraw as Attorney . Document filed by Joseph Esposito, Raymond Kelly.(Anakhu, Joy) (Entered: 05/19/2017)
05/19/2017	<u>126</u>	DECLARATION of Joy T. Anakhu in Support re: <u>125</u> MOTION for Joy T. Anakhu to Withdraw as Attorney .. Document filed by Joseph Esposito, Raymond Kelly. (Anakhu, Joy) (Entered: 05/19/2017)
05/30/2017	<u>127</u>	MEMO ENDORSED ON ORDER granting <u>125</u> Motion to Withdraw as Attorney. Attorney Joy Tolulope Anakhu terminated. So Ordered. (Signed by Judge Thomas P. Griesa on 5/30/2017) (js) (Entered: 05/31/2017)
06/01/2017	<u>128</u>	NOTICE OF CHANGE OF ADDRESS by David Bruce Rankin on behalf of Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. New Address: Beldock Levine & Hoffman, 99 Park Avenue, PH/26th Floor, New York, New York, United States 10016, 2124900400. (Rankin, David) (Entered: 06/01/2017)
02/23/2018	<u>129</u>	NOTICE OF APPEARANCE by Amy Robinson on behalf of Yesenia Ayala, Brenda Batcher, Mathew Betting, Cynthia Boyle, Stephen Carolan, Michael Casale, Christopher Clark, Nathan Collins, Francisco Costa, Jesse Cotton, Chris Defeo, Joseph Diaz, John Doe, Thanya Duhaney, Joseph Esposito, Jeanette Fiuerou, Deborah Garbutt, James Gatto, Matthew Gresswell, Raymond Kelly, Stephen Latalardo, Peter Loehle, Stephen Mazzard, James McNamara, Michael Roder, Douglas Sheehan, Dixon Su, Peter Volaire. (Robinson, Amy) (Entered: 02/23/2018)
05/21/2018	<u>130</u>	MOTION for Andrew Lucas to Withdraw as Attorney . Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara.(Lucas, Andrew) (Entered: 05/21/2018)
05/21/2018	<u>131</u>	DECLARATION of Andrew Lucas in Support re: <u>130</u> MOTION for Andrew Lucas to Withdraw as Attorney .. Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara. (Lucas, Andrew) (Entered: 05/21/2018)
05/22/2018		NOTICE OF CASE REASSIGNMENT to Judge Lewis A. Kaplan. Judge Thomas P. Griesa is no longer assigned to the case. (jc) (Entered: 05/22/2018)
05/23/2018	<u>132</u>	MEMO ENDORSEMENT on NOTICE OF MOTION TO WITHDRAW AS COUNSEL granting <u>130</u> Motion to Withdraw as Attorney. ENDORSEMENT:

		Granted. SO ORDERED. (Attorney Andrew Joseph Lucas terminated.) (Signed by Judge Lewis A. Kaplan on 5/23/2018) (anc) (Entered: 05/23/2018)
06/01/2018	<u>133</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) and Dispositive Motion (i.e., motion requiring a Report and Recommendation). All such motions. Referred to Magistrate Judge Gabriel W. Gorenstein. (Signed by Judge Lewis A. Kaplan on 6/1/2018) (anc) (Entered: 06/01/2018)
07/25/2018	<u>134</u>	OPINION of USCA (Certified) as to <u>120</u> Notice of Interlocutory Appeal, filed by James McNamara, Raymond Kelly, Stephen Latalardo, Peter Loehle, Joseph Esposito. USCA Case Number 16-3146. Members of Occupy Wall Street ("OWS protesters" or "protesters") assert that a group of New York City Police Officers (the "Officers") unlawfully detained them during a protest outside the Sheraton Hotel where President Obama was attending a fundraising dinner. The protesters claim that this detention violated their First, Fourth, and Fourteenth Amendment rights. Concluding that the Officers' motivation for the detention was a material fact in dispute and that a finding as to the Officers' motivation affected the determination of the objective reasonableness of the Officers actions, the district court denied the Officers summary judgment on the protesters' First, Fourth, and Fourteenth Amendment claims, and denied the Officers qualified immunity. The Officers appealed. This court denied the protesters' motion to dismiss this appeal for lack of subject matter jurisdiction. The Officers argue before us that the limited detention that occurred was permissible under the special needs exception to the Fourth Amendment so as not to violate the protesters constitutional rights and, in any event, they are entitled to qualified immunity. We identify disputes of fact that do not permit a court to conclude as a matter of law that the protesters' twohour detention was permissible under the special needs exception to the Fourth Amendment's warrant requirement. We nonetheless conclude that the officers are entitled to qualified immunity. The district court erred in concluding that the Officers' subjective intent in temporarily detaining the protesters was relevant to whether the Officers are entitled to qualified immunity. Considered objectively, we conclude that, at the time of the challenged actions, reasonable officers could have believed that the approximately twohour detention of the protesters in response to concerns for the President's security was justified in light of then established law. Because the Officers could have reasonably believed the temporary detention was lawful, they are also entitled to qualified immunity on the OWS protesters' First Amendment and Fourteenth Amendment claims. REVERSED AND REMANDED.. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 07/25/2018. (nd) (Entered: 07/25/2018)
07/30/2018	<u>135</u>	LETTER MOTION to Reopen <i>and set a briefing schedule for a motion to reargue</i> addressed to Magistrate Judge Gabriel W. Gorenstein from David B. Rankin dated July 30, 2018. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) (Entered: 07/30/2018)
07/31/2018	<u>136</u>	ORDER granting <u>135</u> Letter Motion to Reopen. Granted. Follow paragraph 2.B of my Individual Practices for the remaining schedule. (Signed by Magistrate Judge Gabriel W. Gorenstein on 7/31/2018) (mro) Modified on 7/31/2018 (mro). (Entered: 07/31/2018)
07/31/2018		Set/Reset Deadlines: Motions due by 9/10/2018. (mro) (Entered: 07/31/2018)
08/15/2018	<u>137</u>	MANDATE of USCA (Certified Copy) as to <u>120</u> Notice of Interlocutory Appeal, filed by James McNamara, Raymond Kelly, Stephen Latalardo, Peter Loehle, Joseph Esposito. USCA Case Number 16-3146. IT IS HEREBY ORDERED, ADJUDGED and DECREED that the decision of the district court is REVERSED. The case is REMANDED for further proceedings consistent with this Court's opinion. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 08/15/2018. (Attachments: # <u>1</u> Opinion, # <u>2</u> Errata Sheet)(nd) (Entered: 08/15/2018)
08/15/2018		Transmission of USCA Mandate to the District Judge re: <u>137</u> USCA Mandate. (nd) (Entered: 08/15/2018)
09/10/2018	<u>138</u>	MOTION for Reargument re: <u>116</u> Memorandum & Opinion,, . Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) (Entered: 09/10/2018)

09/10/2018	<u>139</u>	MEMORANDUM OF LAW in Support re: <u>138</u> MOTION for Reargument re: <u>116</u> Memorandum & Opinion,, . . Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Rankin, David) (Entered: 09/10/2018)
09/10/2018	<u>140</u>	DECLARATION of David B. Rankin in Support re: <u>138</u> MOTION for Reargument re: <u>116</u> Memorandum & Opinion,, .. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Attachments: # <u>1</u> Exhibit)(Rankin, David) (Entered: 09/10/2018)
10/12/2018	<u>141</u>	MEMORANDUM OF LAW in Opposition re: <u>138</u> MOTION for Reargument re: <u>116</u> Memorandum & Opinion,, . . Document filed by Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara. (Smith, Valerie) (Entered: 10/12/2018)
10/22/2018	<u>142</u>	REPLY MEMORANDUM OF LAW in Support re: <u>138</u> MOTION for Reargument re: <u>116</u> Memorandum & Opinion,, . . Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. (Rankin, David) (Entered: 10/22/2018)
11/08/2018	<u>143</u>	ORDER: The Court brings to the parties' attention that one of the undersigned's law clerks, who started her clerkship in August 2018, worked as a paid clerk at the office of plaintiffs' counsel while she was in law school in the Fall of 2017. The law clerk has stated that she worked on the above-captioned case at that time. The Court has made no further inquiry of the law clerk and does not know the nature of her work on the case. While in Chambers, the law clerk has not discussed the case with the undersigned and indeed has had no involvement in the case. She will have no involvement in the future. Staff in my chambers have been instructed not to communicate with the law clerk in any manner about the case. In addition, the law clerk has been instructed not to communicate with anyone in Chambers about the case. The Court believes that it will be completely impartial in this case. If, however, any party wishes to make any application with respect to this matter, the party should do so on or before November 15, 2018. SO ORDERED., (Motions due by 11/15/2018.) (Signed by Magistrate Judge Gabriel W. Gorenstein on 11/08/2018) (ama) (Entered: 11/08/2018)
11/30/2018	<u>144</u>	REPORT AND RECOMMENDATION re: <u>138</u> MOTION for Reargument re: <u>116</u> Memorandum & Opinion filed by John Rivera, Toshiro Kida, Dayna Rozental, Phoebe Berg, Jonathan Jetter. For the foregoing reasons, plaintiffs' motion for reconsideration (Docket # 138) should be denied. Objections to R&R due by 12/14/2018 (Signed by Magistrate Judge Gabriel W. Gorenstein on 11/30/2018) (mro) (Entered: 11/30/2018)
12/14/2018	<u>145</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – LETTER MOTION to Reopen re: <u>144</u> Report and Recommendations, <i>objection to the Report and Recommendation</i> addressed to Judge Lewis A. Kaplan from David B. Rankin dated December 14, 2018. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) Modified on 12/17/2018 (db). (Entered: 12/14/2018)
12/17/2018		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney David Bruce Rankin to RE-FILE Document <u>145</u> LETTER MOTION to Reopen re: <u>144</u> Report and Recommendations, <i>objection to the Report and Recommendation</i> addressed to Judge Lewis A. Kaplan from David B. Rankin dated December 14, 2018. Use the event type Letter found under the event list Other Documents. (db) (Entered: 12/17/2018)
12/17/2018	<u>146</u>	LETTER addressed to Judge Lewis A. Kaplan from David B. Rankin dated December 14, 2018 re: Report and Recommendation. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) (Entered: 12/17/2018)
12/31/2018	<u>147</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Lewis A. Kaplan from Amy Robinson dated December 31, 2018 re: <u>145</u> LETTER MOTION to Reopen re: <u>144</u> Report and Recommendations, <i>objection to the Report and Recommendation</i> addressed to Judge Lewis A. Kaplan from David B. Rankin dated December 14, 2018. . Document filed by Stephen Latalardo, Peter Loehle, James McNamara. (Robinson, Amy) (Entered: 12/31/2018)

01/24/2019	<u>148</u>	ORDER denying <u>138</u> Motion for Reargument. The objections are overruled. Plaintiffs' motion for reconsideration is denied for the simple reason that it fails to show the need to correct a clear error or prevent manifest injustice. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 1/24/2019) (jca) (Entered: 01/24/2019)
04/01/2019	<u>149</u>	ORDER: The parties shall file a proposed joint pretrial order in accordance with the individual practices of the Court by May 1, 2019. SO ORDERED. (Pretrial Order due by 5/1/2019.) (Signed by Judge Lewis A. Kaplan on 4/1/2019) (jca) (Entered: 04/01/2019)
04/09/2019	<u>150</u>	LETTER addressed to Judge Lewis A. Kaplan from Amy Robinson dated April 9, 2019 re: Requesting the Case be Closed. Document filed by Stephen Latalardo, Peter Loehle, James McNamara.(Robinson, Amy) (Entered: 04/09/2019)
04/09/2019	<u>151</u>	LETTER MOTION for Extension of Time to File <i>JPTO and set a briefing schedule for a class certification motion</i> addressed to Judge Lewis A. Kaplan from David B. Rankin dated April 9, 2019. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) (Entered: 04/09/2019)
04/10/2019	<u>152</u>	LETTER RESPONSE to Motion addressed to Judge Lewis A. Kaplan from Amy Robinson dated April 10, 2019 re: <u>151</u> LETTER MOTION for Extension of Time to File <i>JPTO and set a briefing schedule for a class certification motion</i> addressed to Judge Lewis A. Kaplan from David B. Rankin dated April 9, 2019. . Document filed by Stephen Latalardo, Peter Loehle, James McNamara. (Robinson, Amy) (Entered: 04/10/2019)
04/22/2019	<u>153</u>	ORDER denying <u>151</u> LETTER MOTION for Extension of Time to File <i>JPTO and set a briefing schedule for a class certification motion</i> . Denied. All issues in this case have been denied and plaintiffs have no further recourse. The Clerk shall enter final judgment closing the case. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 4/22/2019) (jca) Transmission to Orders and Judgments Clerk for processing. (Entered: 04/22/2019)
04/22/2019	<u>154</u>	CLERK'S JUDGMENT re: <u>153</u> Order on Motion for Extension of Time to File in favor of James McNamara, John Doe, Joseph Esposito, Peter Loehle, Raymond Kelly, Stephen Latalardo against Dayna Rozental, John Rivera, Jonathan Jetter, Phoebe Berg, Toshiro Kida. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memo Endorsed Order dated April 22, 2019, the letter motion for extension of time and set a briefing schedule for a class certification motion are denied. All issues in this case have been decided and plaintiffs have no further recourse; final judgment is hereby entered closing the case. (Signed by Clerk of Court Ruby Krajick on 4/22/2019) (Attachments: # <u>1</u> Right to Appeal)(km) (Entered: 04/22/2019)
05/22/2019	<u>155</u>	BILL OF COSTS NOTICE OF TAXATION to recover costs against All Plaintiffs. Document filed by James McNamara, John Doe, Raymond Kelly, Stephen Latalardo, Joseph Esposito, Peter Loehle. The Clerk may tax costs 14 days after this filing. Objections to Bill of Costs due by 6/5/2019 (Attachments: # <u>1</u> Exhibit C [Bill of Costs])(Goykadosh, Brachah) (Entered: 05/22/2019)
05/22/2019	<u>156</u>	DECLARATION of Brachah Goykadosh re: <u>155</u> Bill of Costs Notice of Taxation, . Document filed by John Doe, Joseph Esposito, Raymond Kelly, Stephen Latalardo, Peter Loehle, James McNamara. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F)(Goykadosh, Brachah) (Entered: 05/22/2019)
06/05/2019	<u>157</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply <i>to bill of costs</i> addressed to Magistrate Judge Gabriel W. Gorenstein from David B. Rankin dated June 5, 2019. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental.(Rankin, David) (Entered: 06/05/2019)
06/06/2019	<u>158</u>	ORDER granting <u>157</u> CONSENT LETTER MOTION for Extension of Time to File Response/Reply to bill of costs addressed to Magistrate Judge Gabriel W. Gorenstein from David B. Rankin dated June 5, 2019. Document filed by Phoebe Berg, Jonathan Jetter, Toshiro Kida, John Rivera, Dayna Rozental. Granted. Any reply due by June 26, 2019. So ordered. (Replies due by 6/26/2019). (Signed by Magistrate Judge Gabriel W. Gorenstein on 6/5/2019) (rjm) (Entered: 06/06/2019)

06/06/2019		Set/Reset Bill of Costs Deadline/Hearing re: <u>155</u> Bill of Costs Notice of Taxation, filed by John Doe, James McNamara, Raymond Kelly, Stephen Latalardo, Peter Loehle, Joseph Esposito. Objections to Bill of Costs due by 6/19/2019 (rjm) (Entered: 06/06/2019)
06/06/2019		Minute Entry Bill of Costs: Done on submission 6/6/2019, no objections filed. (dt) (Entered: 06/06/2019)
06/06/2019	<u>159</u>	TAXATION OF COSTS: as to <u>155</u> Bill of Costs Notice of Taxation. Costs are taxed on June 6, 2019, in favor of New York City Police Commissioner Raymond Kelly, et al., against Phobe Berg, Toshiro Kido, John Rivera, Dayna Rozental, and Jonathan Jetter in the amount of \$1,182.55. Done on submission, no objections filed.(dt) (Entered: 06/06/2019)