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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:75-cv-03073-LAP**

Benjamin, et al., v. Horn, et al.,
Assigned to: Judge Loretta A. Preska
Demand: \$0

Related Case: [1:83-cv-02128-MEL-LB](#)

Case in other court: 00-07023.

00-09093.

00-09095,00-09093

01-07533

01-07533.

01-07533.

01-07876(L)&01-07934(XAP).

02-07115.

02-09235.

Cause: 42:1983 Civil Rights Act

Date Filed: 06/24/1975

Jury Demand: None

Nature of Suit: 440 Civil Rights:

Other

Jurisdiction: U.S. Government

Plaintiff

Plaintiff

James Benjamin

represented by **Steven R. Banks**

The Legal Aid Society (Civil Div.
NYC)

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TERMINATED: 03/31/2014

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Plaintiff

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V.

Movant

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Movant

Blake Wingate
TERMINATED: 10/23/2002

V.

Defendant

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Interested Party

Office of Compliance Consultants

Movant

George Harris

Movant

Herman Johnson

Movant

Joseph Torres

Movant

Donald Morris

Movant

George Leeper

Movant

Blake Wingate

Date Filed	#	Docket Text
03/29/1991		Case closed (stat. closing) (pa) (Entered: 03/29/1991)
03/29/1991		Case closed (cd) (Entered: 02/17/1993)
11/23/1992		Consent of Judge , that James R. Anderson and Jill Sands, both students appear in court or other proceedings on behalf of class member and movant Denise Dawkins; and that they prepare documents on behalf of Denise Dawkins. (signed by Judge Morris E. Lasker); Copies mailed (jr) (Entered: 12/03/1992)

11/24/1992		ORDER, that construction begin on the repair of the kitchen ceiling in the Bronx House of Detention no later than February 28, 1993, barring unforeseen emergency circumstances. Defendants shall notify OCC of the expected completion date of the construction no later than February 28, 1993. (signed by Judge Morris E. Lasker); Copies mailed (jr) (Entered: 12/03/1992)
01/14/1993		ORDER, that the supplemental work plan of 12/30/92, attached hereto, is entered as an Order of the Court. The obligations set out in the initial property work plan adopted by order of 3/3/91, shall be considered as continuing obligations of the defts except to the extent that they have been revised or superseded by obligations of the supplemental work plan... (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 01/14/1993)
01/19/1993		ORDER, that Mr. Kenneth Schoen shall serve as a neutral third party to advise and assist the defts in achieving compliance with the consent judgments and informally to assist the parties in resolving disputes as to compliance with the consent judgments... (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 01/20/1993)
01/19/1993		ORDER, revised classification work plan order, that the revised classification work plan of 1/12/93 and the annexed annotated version of the 3/91 plan, are hereby adopted and shall be entered as an order of this court... (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 01/20/1993)
01/26/1993		ORDER, directing notice to the plttf class (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 01/27/1993)
02/08/1993		ORDER, concerning submission of work plans and completion of the compliance process (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 02/09/1993)
02/17/1993		ORDER, that this case is restored to the open docket (signed by Judge Morris E. Lasker); Copies mailed (cd) Modified on 05/05/1994 (Entered: 02/18/1993)
02/17/1993		Case reopened (cd) (Entered: 02/18/1993)
03/08/1993		public hearing adjourned to 3/10/93. (cd) (Entered: 03/10/1993)
03/09/1993		ORDER, that defts shall issue compensation of \$150.00 to the one plntff entitled, Mary Jo Mullen. Payment shall be turned over to the custody of the Office of Compliance Consultants... (signed by

		Judge Morris E. Lasker); Copies mailed (cd) (Entered: 03/10/1993)
03/09/1993		SEALED DOCUMENT placed in vault (cd) (Entered: 03/15/1993)
03/10/1993		public hearing held. (cd) (Entered: 03/10/1993)
03/10/1993		STIPULATION and ORDER, regarding Rikers Island Bridge control sanitation procedures (signed by Judge Morris E. Lasker). (cd) Modified on 03/11/1993 (Entered: 03/10/1993)
03/10/1993		SUPPLEMENTAL ORDER, for promulgation and implementation of uniform visit procedures for Rikers Island Visitor Access (signed by Judge Morris E. Lasker); Copies mailed (cd) Modified on 03/11/1993 (Entered: 03/10/1993)
03/11/1993		PARTIAL STIPULATION and ORDER, for promulgation of uniform visit procedures for Rikers Island visitor access (signed by Judge Morris E. Lasker). (cd) Modified on 03/22/1993 (Entered: 03/12/1993)
03/17/1993		SUPPLEMENTAL ORDER, concerning repair of kitchen at the Bronx House of Detention for Men (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 03/19/1993)
04/30/1993		STIPULATION and ORDER, dismissing, due to settlement, with prejudice and without costs; deft City of New York agrees to pay plntff the sum of \$14,750... (signed by Judge Morris E. Lasker). (cd) Modified on 05/03/1993 (Entered: 04/30/1993)
04/30/1993		Case closed (cd) (Entered: 04/30/1993)
05/14/1993		Case reopened (cd) (Entered: 05/14/1993)
07/12/1993		ORDER, that defts shall issue checks to the named members of the plntff class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plntff class receive these payments (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 07/13/1993)
08/17/1993		ORDER, the city shall be fined for the 110 day delay in the design stage of phase 1 of the kitchen rethermalization project in the amount of &90,400 shall be deposited into the registry of the Court... (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 08/19/1993)

09/15/1993		ORDER, for placing funds in CRIS for the sum of \$90,400.00 (placed in CRIS on 9/15/93) (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 09/17/1993)
11/10/1993		ORDER, regarding environmental Health Work Plan for Sanitation, defts etc shall strictly adhere to all deadlines in this Work Plan as otherwise authorized by the court... (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 11/15/1993)
11/12/1993		Letter filed, form Judge Lasker, dated 11/12/93 re Environmental Health Work Plan (cd) Modified on 11/16/1993 (Entered: 11/16/1993)
11/15/1993		Letter filed, dated 11/13/93 re approval of the Enviornmental Health Work Plan for Sanitation by OCC on 11/8/93 (cd) Modified on 11/16/1993 (Entered: 11/15/1993)
11/17/1993		SEALED DOCUMENT placed in vault (lr) Modified on 05/05/1994 (Entered: 11/17/1993)
11/17/1993		ORDER, ordered, adjudged and decreed that defts shall issue checks to the above named members of the pltff class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the pltff class receive these payments. (signed by Judge Morris E. Lasker); Copies mailed (kg) (Entered: 11/18/1993)
11/19/1993		ORDER, donation of "undeliverable funds resulting from Housing order violations and defts shall issue a check for the amount of \$7,350, made payable to Community Funds, Inc. ...money to be used for the purpose of assisting female inmates upon their release from prison or jail... (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 11/23/1993)
12/06/1993		SEALED DOCUMENT placed in vault (lr) Modified on 05/05/1994 (Entered: 12/06/1993)
12/06/1993		ORDER, for distribution of \$150.00 to B. Gertz as compensation (signed by Judge Morris E. Lasker); Copies mailed (cd) Modified on 05/05/1994 (Entered: 12/08/1993)
12/17/1993		ORDER, re: fire safety improvements and schedule for closure of wood framed modular housing units (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 12/21/1993)

12/21/1993		ORDER, superseded by order dated 12/17/93 (unsigned); (cd) (Entered: 12/21/1993)
12/21/1993		Letter filed by Catherine Abate dated 12/3/93 re modular closings (cd) (Entered: 12/21/1993)
12/21/1993		Letter filed by James Benjamin dated 12/7/93 re response to 12/3/93 Daly letter (cd) (Entered: 12/21/1993)
12/21/1993		Memo, from J. Lasker to all parties, filed dated 12/9/93 re request for the Legal Aid Society to prepare a draft of an order based on Mr. Schoen's proposal as modified by the suggestions contained in the Legal Aid Society letter of 12/7. (cd) (Entered: 12/21/1993)
02/25/1994		SUPPLEMENTAL ORDER, regarding the Environmental Health Work Plan for Sanitation... (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 03/01/1994)
02/25/1994		ORDER, regarding compliance monitoring work plan is adopted and shall be entered as an order... (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 03/01/1994)
02/28/1994		Letter filed by James Benjamin dated 2/25/94 re agreement to the Compliance Monitoring Work Plan, submitted by OCC on 2/25/94 (cd) (Entered: 02/28/1994)
03/29/1994		ORDER, that as per the 7/31/91 order, the Office of Compliance has found that two members of the plntf class are entitled to compensation in the amounts of \$150.00 ... (signed by Judge Morris E. Lasker); Copies mailed (cd) Modified on 05/09/1994 (Entered: 03/31/1994)
03/29/1994		ORDER, that as per the 12/21/90 order, the Office of Compliance Consultants has found that one member of the plntf class is entitled to compensation in an amount of \$150.00... (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 03/31/1994)
03/29/1994		SEALED DOCUMENT placed in vault (af) (Entered: 05/10/1994)
03/29/1994		SEALED DOCUMENT placed in vault (af) (Entered: 05/10/1994)
04/18/1994		ORDER, for the weekend of 4/16 and 4/17, religious services may be held in the days rooms of the unit; the law library may be closed on Saturday, provided that it shall be open on Monday, for the same hours it would have been open on Saturday; an observer in each block shall be on hand from the Investigative Division of

		the dept... (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 04/18/1994)
04/19/1994		NOTICE OF MOTION by Catherine Abate for an order permitting City of NY to modify its obligation to use the Rockland County production Center as indicated in a 11/1/93 letter requiring by the Food Service Work Plan as revised by order of this Court on 7/10/92 , Return date 5/2/94 (ls) (Entered: 05/09/1994)
04/19/1994		MEMORANDUM by Catherine Abate in support of [0-1] motion for an order permitting City of NY to modify its obligation to use the Rockland County production Center as indicated in a 11/1/93 letter requiring by the Food Service Work Plan as revised by order of this Court on 7/10/92 (ls) (Entered: 05/09/1994)
05/05/1994		SEALED DOCUMENT placed in vault (af) Modified on 05/05/1994 (Entered: 05/05/1994)
05/05/1994		NOTICE OF CROSS MOTION by James Benjamin for enforcement of its order re: Complaine e with Work Plan Deadlies, entered 7/10/92 , for a judgment of contempt , Return date 5/23/94(ls) Modified on 05/09/1994 (Entered: 05/09/1994)
05/05/1994		MEMORANDUM by James Benjamin re: in opposition to [0-1] motion for an order permitting City of NY to modify its obligation to use the Rockland County production Center as indicated in a 11/1/93 letter requiring by the Food Service Work Plan as revised by order of this Court on 7/10/92, in support of [0-2] cross motion for a judgment of contempt, [0-1] cross motion for enforcement of its order re: Complaine e with Work Plan Deadlies, entered 7/10/92 (ls) Modified on 05/09/1994 (Entered: 05/09/1994)
05/05/1994		ORDER, that defts shall issue checks to the above named members of the plttf class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these membersof the plttf class receive these payments (signed by Judge Morris E. Lasker); Copies mailed (mk) (Entered: 05/11/1994)
05/09/1994		MEMORANDUM by Catherine Abate in opposition to [0-1] cross motion for enforcement of its order re: Complaine e with Work Plan Deadlies, entered 7/10/92, [0-2] cross motion for a judgment of contempt (ls) (Entered: 05/11/1994)
05/09/1994		AFFIDAVIT in support of Antonio Figueroa by Catherine Abate Re: defts' claim of deliberative privilege regarding the redacted

		portions of four reports on fire safety and in opposition to plttffs' motin to compel disclosure of the redacted portions of those reports (ls) (Entered: 05/11/1994)
05/13/1994		SEALED DOCUMENT placed in vault (sp) (Entered: 05/27/1994)
05/16/1994		ORDER, that defts shall issue checks to the members of the plttff class named in this order in the amounts cited. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plttff class receive these payments (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 05/17/1994)
05/19/1994		REPLY MEMORANDUM by James Benjamin in support of [0-1] opposition memorandum, [0-1] affidavit (ls) (Entered: 05/19/1994)
05/23/1994		MEMORANDUM by Catherine Abate in opposition to [0-1] cross motion for enforcement of its order re: Complaine e with Work Plan Deadlies, entered 7/10/92, and in support of [0-1] motion for an order permitting City of NY to modify its obligation to use the Rockland County production Center as indicated in a 11/1/93 letter requiring by the Food Service Work Plan as revised by order of this Court on 7/10/92 (ls) (Entered: 05/23/1994)
07/01/1994		STIPULATION and ORDER, that proposed cuts in the City's FY 1995 budget that would have the effect of reducing the current operations of the Montefiore Medical Center-Rikers Island Health Servicews laboratory, and would indirectly result in the elimination of the MMC-RIHS post of Coordinator of Directly Observed Therapy for inmates taking tuberculosis medications shall not take place, and these services shall be funded in FY 1995 at levels at least sufficient to maintain their current operations... (signed by Judge Morris E. Lasker). (cd) (Entered: 07/13/1994)
07/29/1994		ORDER granting [0-1] cross motion for enforcement of its order re: Complaine e with Work Plan Deadlies, entered 7/10/92, granting [0-2] cross motion for a judgment of contempt, denying [0-1] motion for an order permitting City of NY to modify its obligation to use the Rockland County production Center as indicated in a 11/1/93 letter requiring by the Food Service Work Plan as revised by order of this Court on 7/10/92. Submit proposed order on notice (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 08/09/1994)
08/19/1994		SEALED DOCUMENT placed in vault (lr) (Entered: 08/19/1994)

08/19/1994		ORDER, that defts shall issue a check to the member of plntf class (signature illegible) for the amount of \$150.00 (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 08/23/1994)
09/08/1994		ORDER, that the City's motion to modify the revised food service work plani is denied...this order is without prejudice to future applications by plntfs for sanctions for noncompliance with Revised Food Service Work Plan deadlines that have not yet passed, or for further relief based on circumstances not now beofre the Court (signed by Judge Morris E. Lasker); Copies mailed (cd) (Entered: 09/09/1994)
09/23/1994		Letter filed to Judge Lasker from John Boston dated 9/21/94 re Rule 59 (e) motion seeking alteration of the order determining our recent contempt motion (ls) (Entered: 09/23/1994)
09/23/1994		NOTICE OF MOTION by James Benjamin for reconsideration and for alteration and amendment of the [0-1] order that the City's motion to modify the revised food service work plani is denied...this order is without prejudice to future applications by plntfs for sanctions noncompliance with Revised Food Service Work Plan deadlines that have not yet passed, or for further relief based on circumstances not now beofre the Court , and for enforcement of the court's earlier sanctions order , Return date 10/5/94 date (ls) (Entered: 09/23/1994)
09/27/1994		MEMORANDUM by attny's. for Jamerson Miller in opposition to Dept. of Corrections motion to dismiss. Orig. doc. fld. in case no. 94 Civ. 3200 (MEL) (ls) (Entered: 09/27/1994)
10/04/1994		Letter filed to Judge Lasker from Burt Schoenbach, C.I.E. dated 10/3/94 (ls) (Entered: 10/12/1994)
10/12/1994		Transcript of record of proceedings filed for dates of 7/7/94 (ls) (Entered: 10/12/1994)
11/10/1994		ORDER, Pltffs' motion to compel production of documents is granted for the reasons stated on the record at the Office if Compliance Consultants' conference (signed by Judge Morris E. Lasker); Copies mailed (mk) (Entered: 11/14/1994)
11/28/1994		STIPULATION and ORDER terminating [0-1] motion for reconsideration and for alteration and amendment of the [0-1] order that the City's motion to modify the revised food service work plani is denied...this order is without prejudice to future applications by plntfs for sanctions noncompliance with Revised Food Service Work Plan deadlines that have not yet passed, or for

		further relief based on circumstances not now beofre the Court, terminating [0-2] motion for enforcement of the court's earlier sanctions order, The parties agree that plttfs' pending motion to amend the order shall be resolved in part as follows: etc... (signed by Judge Morris E. Lasker). (ls) (Entered: 11/30/1994)
12/19/1994	94	ORDER, re consent decree compliance during in-house food service (signed by Judge Morris E. Lasker); Copies mailed (docketed re appeal on 9/25/96) (cd) (Entered: 09/25/1996)
01/11/1995		ORDER, regarding hiring of compliance auditing staff (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 01/13/1995)
01/25/1995		ORDER, the Clerk of the Court is to prepare the necessary forms to effectuate the transfer of said funds from the registry of the Court, SDNY to the registry of the Court of the Southern Dist. of TX, for the purpose of placing said funds in the Court Registry System, Interest Bearing Account. The Clerk shall deduct from the income earned on the investment a fee not exceeding that authorized by the Judicial Conference of the U.S. and set by the director of the Administrative Office whenever such income becomes available for deduction from the investment so held and without further order of this Court (signed by Judge Morris E. Lasker); Copies mailed. Sent to Cashier's Office on 1/25/95. (emil) (Entered: 01/25/1995)
01/25/1995		Remark (on face page of Order file stamped 1/25/95) by Cashier's Office that \$123,400 was placed in the CRIS Account on 1/18/95 (emil) (Entered: 01/27/1995)
01/26/1995		ORDER TO SHOW CAUSE by James Benjamin Show Cause Hearing set for 2/7/95 for an order finding the defts, their agents and employees, and all persons acting in concert w/ them, in contempt of court for failing to carry out the terms of the Compliance Monitoring Work Plan regarding the hiring of civilian staff and the commencement of compliance audits and imposing sanctions therefor (signed by Judge Morris E. Lasker); Declaration in support attached. Copies mailed. (emil) (Entered: 01/27/1995)
02/10/1995		Transcript of record of proceedings filed for dates of 9/29/94 (emil) (Entered: 02/14/1995)
02/16/1995		ORDER, Mr. Kenneth Schoen shall serve as a neutral third party to advise and assist the defts in achieving compliance w/ the Consent Judgments and informally to assist the parties in resolving

		disputes as to compliance w/ the Consent Judgments. Mr. Schoen, no less frequently than at 4 month intervals, shall submit written reports regarding compliance. Upon the formal request of a party, OCC shall, as it has in the past, entertain an order of priority for the consideration of compliance issues. Mr. Schoen shall serve in the described position for a minimum of 24 months. The parties agree that plttfs' motion to hold defts in contempt and defts' cross-motion to be relieved of certain provisions of the Consent Judgments will, with the Court's approval, be adjourned sine die (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 02/17/1995)
02/23/1995		STIPULATION and ORDER, Paragraph Q of the Stip for Entry of Partial Final Judgment, dated 11/29/78, is modified so as to permit the Dept. of Correction to provide CPSU inmates w/ congregate religious services in appropriately-equipped dayroom areas within the confines of the CPSU. It shall no longer be required that CPSU inmates attend religious services w/ general population. The Dept. shall continue to utilize and maintain the video cameras in the CPSU law libraries, search areas, cell block tiers and other locations listed in Appendix A, along w/ the time-lapse recording system. One year after the full complement of cameras is installed and operating, and annually thereafter, the Dept. shall review the incidents of use of force, assault on staff, and inmate-inmate altercations which have taken place in the CPSU, and after consultation w/ plttfs' attys, shall install add'l video cameras if necessary, in any location where it determines such placement is warranted (signed by Judge Morris E. Lasker). (emil) (Entered: 02/24/1995)
03/02/1995		ORDER denying [0-1] motion for an order finding the defts, their agents and employees, and all persons acting in concert w/ them, in contempt of court for failing to carry out the terms of the Compliance Monitoring Work Plan regarding the hiring of civilian staff and the commencement of compliance audits and imposing sanctions therefor. Although the motion is denied, the defts - including OMB and all relevant City agencies and actors - are on notice that in matters of this kind the cumulative record may be controlling and that, in light of the history to date, a further lapse might certainly constitute a contempt. Take us seriously. Submit order on notice (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 03/03/1995)
03/02/1995		ORDER, defts shall issue checks to the members of the plttf class named in this order in the cited amounts. All payments shall be turned over to the custody of the Office of Compliance

		Consultants who shall perform all necessary tasks to ensure that these members of the pltff class receive these payments (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 03/03/1995)
03/07/1995		SEALED DOCUMENT placed in vault (af) (Entered: 03/07/1995)
03/30/1995		ORDER, defts shall issue checks to the members of the pltff class listed in this order in the cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the pltff class receive these payments (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995		SEALED DOCUMENT placed in vault (sp) (Entered: 04/05/1995)
04/03/1995		NOTICE OF MOTION by Catherine Abate purs. to FRCP 60(b) to modify paragraph 3 of the Court's Order dated 11/22/94 and to further modify all other outstanding Orders concerning development of a cook/chill food service program to the extent necessary to provide that no such Order shall require defts to proceed w/ add'l planning and development of such a program until after resolution of the motion, if any, submitted purs. to the preceding paragraph , to stay the obligations set out in paragraph 3 of the 11/22/94 order in connection w/ identifying the site of the cook/chill production center until resolution of the instant motion , Return date 4/17/95. Affidavits in support attached. (emil) (Entered: 04/04/1995)
04/03/1995		MEMORANDUM by Catherine Abate in support of [0-1] motion purs. to FRCP 60(b) to modify paragraph 3 of the Court's Order dated 11/22/94 and to further modify all other outstanding Orders concerning development of a cook/chill food service program to the extent necessary to provide that no such Order shall require defts to proceed w/ add'l planning and development of such a program until after resolution of the motion, if any, submitted purs. to the preceding paragraph, [0-2] motion to stay the obligations set out in paragraph 3 of the 11/22/94 order in connection w/ identifying the site of the cook/chill production center until resolution of the instant motion (emil) (Entered: 04/04/1995)
04/05/1995		Transcript of record of proceedings filed for dates of 2/7/95 (emil) (Entered: 04/05/1995)

04/11/1995		MEMORANDUM by James Benjamin in opposition to [0-1] motion purs. to FRCP 60(b) to modify paragraph 3 of the Court's Order dated 11/22/94 and to further modify all other outstanding Orders concerning development of a cook/chill food service program to the extent necessary to provide that no such Order shall require defts to proceed w/ add'l planning and development of such a program until after resolution of the motion, if any, submitted purs. to the preceding paragraph, [0-2] motion to stay the obligations set out in paragraph 3 of the 11/22/94 order in connection w/ identifying the site of the cook/chill production center until resolution of the instant motion (emil) (Entered: 04/12/1995)
04/11/1995		DECLARATION of Lisa Freeman in opposition by James Benjamin [0-1] motion purs. to FRCP 60(b) to modify paragraph 3 of the Court's Order dated 11/22/94 and to further modify all other outstanding Orders concerning development of a cook/chill food service program to the extent necessary to provide no such Order shall require defts to proceed w/ add'l planning and development of such a program until after resolution of the motion, if any, submitted purs. to the preceding paragraph, [0-2] motion to stay the obligations set out in paragraph 3 of the 11/22/94 order in connection w/ identifying the site of the cook/chill production center until resolution of the instant motion (emil) (Entered: 04/12/1995)
04/13/1995		ORDER, Defts shall issue checks to the members of the plttf class named in this order in the cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plttf class receive these payments (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 04/13/1995)
04/13/1995		ORDER, defts shall issue checks to the members of the plttf class named in this order in the cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plttf class receive these payments (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 04/13/1995)
04/13/1995		ORDER, regarding fines for violation of compliance monitoring work plan. Defts are fined \$138,201.54 for the failure timely to hire compliance auditing staff. Pltffs' application for a finding of

		contempt and for add'l sanction is denied (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 04/13/1995)
04/13/1995		SEALED DOCUMENT placed in vault (sp) (Entered: 04/14/1995)
04/14/1995		REPLY MEMORANDUM by Catherine Abate, et al in support of their motion for a temporary stay of obligations related to cook/chill. (emil) (Entered: 04/17/1995)
04/14/1995		AFFIDAVITS of David B. Goldin, Kenneth E. DuBose and Steven Conry by Catherine Abate, et alin support of the motion for a temporary stay of obligations related to cook/chill (emil) (Entered: 04/17/1995)
04/20/1995		ORDER, defts shall issue checks to members of the pltff class listed in this order in the cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the pltff class receive these payments (signed by Judge Morris E. Lasker); Copies mailed (emil) (Entered: 04/21/1995)
04/20/1995		SEALED DOCUMENT placed in vault (da) (Entered: 05/15/1995)
04/24/1995		ORDER, that the above-captioned case, along with all associated cases, are hereby transferred purs. to Rule 16 of the SDNY's Rules for the Division of Business Among District Judges from the Hon. Lasker to the Hon. Baer. (signed by Judge Harold Baer Jr.); Copies mailed (gave copy of order to D.G. on 4/25/95) (kg) (Entered: 04/25/1995)
04/26/1995	95	ORDER, re City motion to temporarily suspend its obligations arising from an order entered per various consent decrees; the City is granted 56 days in which to evaluate its less expensive alternatives... (signed by Judge Harold Baer Jr.); Copies mailed (added on 9/25/96 re appeal) (cd) (Entered: 09/25/1996)
05/08/1995		NOTICE OF MOTION by defts for an order purs. to FRCP 60(b) modifying the "Inmate Jewelry" provision of the Stipulations for Entry of Partial Final Judgment entered in 1978 in Benjamin v. Malcolm and the related cases encompassed herein, by adding a prohibition against the receipt, wearing and display of gang-identifying jewelry in detainee facilities , Return date 5/18/95. Declaration and Affidavit in support attached. (emil) Modified on 05/10/1995 (Entered: 05/10/1995)

05/08/1995		MEMORANDUM by defts in support of [0-1] motion for an order purs. to FRCP 60(b) modifying the "Inmate Jewelry" provision of the Stipulations for Entry of Partial Final Judgment entered in 1978 in Benjamin v. Malcolm and the related cases encompassed herein, by adding a prohibition against the receipt, wearing and display of gang-identifying jewelry in detainee facilities (emil) (Entered: 05/10/1995)
05/24/1995		SEALED DOCUMENT placed in vault (sp) (Entered: 05/24/1995)
05/25/1995		ORDER, authorizing a \$150.00 payment to 6 members of the plntf class (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 05/31/1995)
06/08/1995	1	DECLARATION of Laura A. Chamberlain Re: [0-1] motion for an order purs. to FRCP 60(b) modifying the "Inmate Jewelry" provision of the Stipulations for Entry of Partial Final Judgment entered in 1978 in Benjamin v. Malcolm and the related cases encompassed herein, by adding a prohibition against the receipt, wearing and display of gang-identifying jewelry in detainee facilities . (pl) (Entered: 06/15/1995)
06/08/1995	2	DECLARATION of John Boston (pl) (Entered: 06/15/1995)
06/08/1995	3	PLAINTIFFS' MEMORANDUM in response re: Defendants motion to modify the inmate Jewelry Povision of the 1978 consent decrees (pl) (Entered: 06/15/1995)
06/12/1995		Pre-trial conference held (rag) (Entered: 06/19/1995)
06/14/1995		ORDER, the defts shall issue checks to the above named members of the plttf class in the cited amts. All payments shall be turned voer to the custody of the office of Compliance consultants who shall perform all necessary tasks to ensure that there members of the plttf's class receive there payments.. (signed by Judge Harold Baer Jr.); Copies mailed (gb) (Entered: 06/19/1995)
06/16/1995		SEALED DOCUMENT placed in vault (da) (Entered: 06/21/1995)
06/21/1995		ORDER, sealing the Gang Task Force Report dated 8/19/95 (signed by Judge Harold Baer Jr.); Copies mailed (emil) (Entered: 06/28/1995)
06/22/1995		SEALED DOCUMENT placed in vault (da) (Entered: 06/22/1995)
06/22/1995		SEALED DOCUMENT placed in vault (da) (Entered: 06/22/1995)

06/22/1995	4	STIPULATION and ORDER... Ordered Adjudged and Decreed that defts shall issue a check in the amount of \$150.00 to the above-named member of the pltff class. The payment shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that this member of the pltff class received this payment.. SO ORDERED. (signed by Judge Harold Baer Jr.). (kk) (Entered: 06/26/1995)
06/26/1995	5	MEMORANDUM OPINION # 74967 granting [0-1] motion for an order purs. to FRCP 60(b) modifying the "Inmate Jewelry" provision of the Stipulations for Entry of Partial Final Judgment entered in 1978 in Benjamin v. Malcolm and the related cases encompassed herein, by adding a prohibition against the receipt, wearing and display of gang-identifying jewelry in detainee facilities (Signed by Judge Harold Baer Jr.); Copies mailed. (cd) (Entered: 06/27/1995)
06/27/1995	6	ORDER, Production of Documents Re: James A. Thomas Center Physical Conditions to plaintiffs by 7/7/95. SO ORDERED: (signed by Judge Harold Baer Jr.); (ae) (Entered: 06/27/1995)
07/12/1995	1	SEALED DOCUMENT placed in vault (da) (Entered: 07/13/1995)
07/12/1995		ORDER, defts shall issue checks to the members of the pltff class named in this order in the amounts cited. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the pltff class receive these payments (signed by Judge Harold Baer Jr.); Copies mailed (emil) (Entered: 07/20/1995)
07/31/1995		SEALED DOCUMENT placed in vault (af) (Entered: 08/01/1995)
08/01/1995		ORDER, a fine is inapplicable against the Department per the 7/11/91 order of J Lasker (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 08/04/1995)
09/07/1995		Status conference held (rag) (Entered: 09/15/1995)
09/21/1995		Pre-trial conference held (rag) (Entered: 09/28/1995)
10/03/1995		SUPPLEMENTAL ORDER, regarding food service. The Order re: Revised Food Service Work Plan dated 7/10/92 and the Food Service Work Plan annexed thereto, shall be vacated except as indicated in this order. The Order re: Noncompliance w/ Food Service Work Plan dated 8/17/93 shall be vacated in full,

		provided, however, that the City may apply for recoupment of the fine of \$90,400, assessed therunder for a 110-day dela in the design stage of phase I of the cook/chill kitchen rethermalization project. The Order re: Motion for Modification and Cross Motion for Sanctions and Contempt, dated 9/8/94, is modified to the extent that it shall have no further prospective effect. The Stip of Settlement of Motion to Amend Food Service Contempt Order, "so ordered" by the Court on 11/22/94 is vacated in full (signed by Judge Harold Baer Jr.); Copies mailed (emil) (Entered: 10/06/1995)
10/11/1995		SEALED DOCUMENT placed in vault (sp) (Entered: 10/13/1995)
10/11/1995		ORDER, for the issuance of a \$150.00 check per the order of 12/21/90... (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 10/13/1995)
10/26/1995		SEALED DOCUMENT placed in vault (sp) (Entered: 10/26/1995)
11/02/1995	1	ORDER, ADJUDGED AND DECREED that defendants shall issue checks to the above named members of the plaintiff class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary task to ensure that these members of the plaintiff class receive these payments (signed by Judge Harold Baer Jr.) (pl) (Entered: 11/13/1995)
11/13/1995		ORDER, re consent decree of 12/14/94, defts are sanctioned the amount of \$100.00, for failure to serve food at a proper temperature (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 11/20/1995)
11/13/1995		ORDER.. It is hereby Ordered, Adjudged and Decreed that defts shall pay sanctions in the above cited amounts. All payments shall be deposited in a fund for the benefit of the pltff class, and shall be used specifically to purchase non-mandated literature/books/services for the pltff class, as determined by the Court. Such mones shall not replace monies previously planned for this purpose. SO ORDERED. (signed by Judge Harold Baer Jr.); Copies mailed (kk) (Entered: 01/24/1996)
12/20/1995		ORDER, defts shall pay sanctions for the listed amounts re the 12/14/94 order (food services) (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 12/21/1995)
01/09/1996		Pre-trial conference held (cd) (Entered: 01/16/1996)

01/09/1996		Pre-trial conference held (ls) (Entered: 01/30/1996)
01/26/1996	2	ORDER, for production of documents Re: CPSU Law Libraries ...see doc. , set plttfs. opposition brief to defts due for 2/26/96; Defts. reply to opposition brief due for 3/4/96...see doc. , set oral argument if necessary or if either of the parties request it for 3/14/96...SO ORDERED... (signed by Judge Harold Baer Jr.); Copies mailed (ls) (Entered: 01/30/1996)
02/07/1996	3	MEMORANDUM OPINION and ORDER # 76106, In my view whether the Department has or had not a facility for housing sentenced prisoners, would make no difference. The Plaintiffs' were being held on Rikers Island as a consequence of open charges on which they had not been sentenced and as such, they come within the class. I have signed both orders ...So Ordered....(Signed by Judge Harold Baer Jr.); Copies mailed. (pl) (Entered: 02/08/1996)
02/16/1996	4	Filed Memo_Endorsement on letter to Judge Baer from Sarah Kerr dated 2/9/96, Requesting that Your Honor direct deft's counsel to produc Deputy Warden Eastmond an Correction Officer Lewis for deposition at a time to be worked out by the parties...SO ORDERED... (signed by Judge Harold Baer Jr.) (ls) (Entered: 02/21/1996)
02/16/1996		Filed Memo_Endorsement on letter by Florence A. Hutner to Judge Baer dated 2/9/96, Extending time of plaintiffs' motion for contempt in the interest of negotiating a resolution of the dispute over visit procedures at Rikers Island for a month, to 3/20/96. SO ORDERED: (signed by Judge Harold Baer Jr.) (ae) (Entered: 02/21/1996)
02/22/1996		ORDER, defts to pay sanctions of \$100.00 re "failure to serve food at proper temperature" (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 02/23/1996)
02/28/1996	5	Memo endorsed : ON 7/31/92, The Court Ordered in Benjamin v. Sielaff that, inter alia, the defts pay compensatory fines to any member of the plttf class who, from and after 2/1/92 as an overloead inmate being transferred between facilities, is held in a non-housing area for more than 12 hrs. Tor the 1st 12 hrs or any part, each such indiv. shall be paid \$150 and for each additional 12 hr period ect an additional \$100. The Office of Compliance Consultants has found that 1 member of the plttf class is entitled to compensation in the amount of \$150. IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT DEFTS SHALL ISSUE CHECKS TO THE ABOVE NAMED MEMBERS OF THE

		PLTFF CLASS IN THE ABOVE CITED AMOUNTS. ALL PAYMENTS SHALL BE TURNED OVER TO THE CUSTODY OF THE OFFICE OF COMPLIANCE CONSULTANTS WHO SHALL PERFORM ALL NECESSARY TASKS TO ENSURE THAT THESE MEMBERS OF THE PLTFF CLASS RECEIVE THESE PAYMENTS. BAER, J. (signed by Judge Harold Baer Jr.); Copies mailed. (lam) (Entered: 02/29/1996)
02/29/1996		SEALED DOCUMENT placed in vault (sp) (Entered: 03/01/1996)
02/29/1996		SEALED DOCUMENT placed in vault (sp) (Entered: 03/01/1996)
03/05/1996		ORDER, It is hereby ordered, adjudged and decreed that defendants shall pay sanctions in the above cited amounts. All payments shall be deposited in a fund for the benefit of the plaintiff class, and shall be used specifically to purchase non-mandated literature/books/services for the plaintiff class. Such monies shall not replace monies previously planned for this purpose. (signed by Judge Harold Baer Jr.) (ae) (Entered: 03/05/1996)
03/05/1996		Pre-trial conference held (cd) (Entered: 03/12/1996)
03/12/1996		Pre-trial conference held (cd) (Entered: 03/18/1996)
03/13/1996	6	NOTICE OF MOTION by Catherine Abate to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed herein , Return date 1/11/96 (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by Michael P. Jacobson for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by Edward Reilly for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by Ralph McGrane for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)

03/13/1996	6	DECLARATION in support by Richard Shapire for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by Steven Conry for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by Karen A. Powell for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by William Fraser for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by Stephanie Bradford for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by Jeffrey St. Clair for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by Alfred Reno for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by Fred Patrick for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)

03/13/1996	6	DECLARATION in support by Vincent Cara for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	6	DECLARATION in support by Marc V. Shaw for deft. Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	7	REPLY MEMORANDUM by Catherine Abate IN SUPPORT OF Application for Interim Suspension of the CPSU Law Library Provisions of the 1978 Consent Decrees (ls) (Entered: 03/14/1996)
03/13/1996	8	MEMORANDUM OF LAW by Catherine Abate in support of [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (dj) (Entered: 03/14/1996)
03/13/1996	9	REPLY DECLARATION by Catherine Abate Re: in Support of defendants' motion to temporarily suspend the CPSU law library provision of the Consent Decrees pending full submission to and consideration by the Court of defendants; 12.22.95 motion to vacate, and in reply to the opposition papers submitted by plaintiffs' counsel. (dj) (Entered: 03/14/1996)
03/13/1996	9	DECLARATION in support by Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed herein (dj) (Entered: 03/14/1996)
03/13/1996	9	DECLARATION of Sandra Sheard Re: based upon certain facts and information... (dj) (Entered: 03/14/1996)
03/13/1996	9	DECLARATION in support by Catherine Abate [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed herein (dj) (Entered: 03/14/1996)
03/13/1996	10	DECLARATION by Sarah Kerr for plttf. class James Benjamin IN OPPOSITION TO [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and

		supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ls) (Entered: 03/14/1996)
03/13/1996	11	MEMORANDUM by James Benjamin in opposition to defts' motion to vacate the portion of the consent decrees and the 1985 Law Library Stipulation relating to provisions of Law Library Scvs. in the central punitive segregation unit (ls) (Entered: 03/14/1996)
03/13/1996	13	MEMO ENDORSED....It is hereby Ordered Adjudged and Decreed that defts shall issue checks to the above named members of the plttf class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plttf class receive these payments.. SO ORDERED. (signed by Judge Harold Baer Jr.); Copies mailed. (kk) (Entered: 03/18/1996)
03/14/1996		SEALED DOCUMENT placed in vault (sp) (Entered: 03/14/1996)
03/14/1996	12	ORDER, reset discovery due for 5/15/96 , opposition to motion filing deadline for set for 6/15/96 , Reply to Response to Motion reset to 7/15/96 for [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed herein , the defendants shall produce all non-privileged documents responsive to requests numbered 37,44 and 51 by March 25, 1996 and a privilege log for these requests by March 31, 1996; the defendants shall produce all documents in response to the other outstanding document requests by March 31, 1996 (signed by Judge Harold Baer Jr.); Copies mailed (djc) (Entered: 03/15/1996)
03/14/1996		Oral argument held (cd) (Entered: 03/18/1996)
03/21/1996	14	SUPPLEMENTAL ORDER, re environmental health work plan for sanitation (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 03/22/1996)
03/21/1996	15	ORDER, until 4/15/96 defendants shall provide the Court and plaintiffs counsel twice a week with records of any infractions including notices of infractions, reports of inractions and dispositions of infractions prepared in connection with any CPSU inmate charged with violation of the Dept. Rules while either in, or en route to or from, the OBCC/CPSU law library , that the defendants may file any additonal submissions they deem necessary by 3/28/96 and the plaintiffs may respond within ten

		days..... ..So Ordered....(signed by Judge Harold Baer Jr.); Copies mailed (pl) (Entered: 03/22/1996)
03/26/1996	16	ORDER, that deftw's shall pay sanctions in the above cited amounts (see doc.). All payments shall be deposited in a fund for the benefit of the plttf class, and shall be used specifically (signed by Judge Harold Baer Jr.); Copies mailed (lam) (Entered: 03/27/1996)
03/27/1996	17	Filed Memo_Endorsement on letter Florence A. Hutner, dated 03/27/96, Motion for Contempt Return date reset to 5/17/96 ...So Ordered....(signed by Judge Harold Baer Jr.) (pl) (Entered: 03/28/1996)
04/04/1996	18	DECLARATION in opposition by Catherine Abate to Plaintiffs' Motion to Compel discovery. (motion to compel not on file). (djc) (Entered: 04/09/1996)
04/08/1996	19	NOTICE OF MOTION by James Benjamin for an order compelling discovery , Return date 3/29/96 (ls) (Entered: 04/10/1996)
04/08/1996	20	MEMORANDUM by James Benjamin in support of [19-1] motion for an order compelling discovery (ls) (Entered: 04/10/1996)
04/08/1996	21	DECLARATION in opposition by Lorna B. Goodman for defts. Catherine Abate [19-1] motion for an order compelling discovery (ls) (Entered: 04/10/1996)
04/08/1996	22	DECLARATION in opposition by Richard T. Wolf for defts. Catherine Abate [19-1] motion for an order compelling discovery (ls) (Entered: 04/10/1996)
04/08/1996	23	DECLARATION in support by Lorna B. Goodman for defts. Catherine Abate re: defts' motion to temporarily suspend the CPSU law library provision of the Consent Decrees (ls) (Entered: 04/10/1996)
04/08/1996	24	SUPPLEMENTAL DECLARATION of Clyton Eastmond by defts. Re: personal knowledge (ls) Modified on 04/10/1996 (Entered: 04/10/1996)
04/09/1996	19	DECLARATION in support by John Boston for plttf. James Benjamin [19-1] motion for an order compelling discovery (ls) (Entered: 04/10/1996)

04/09/1996	25	SUPPLEMENTAL DECLARATION of Sarah Kerr by James Benjamin in opposition to [6-1] motion to vacate specified provisions of the Stipulation for Entry of Partial Final Jdgmt. and supplemental orders entered in Benjamin v. Malcolm and the related cases encompassed (ae) (Entered: 04/11/1996)
04/11/1996		Oral argument held (cd) (Entered: 04/25/1996)
04/12/1996	26	SEALED DOCUMENT placed in vault (af) (Entered: 04/12/1996)
04/15/1996	27	ORDER, HEREBY ORDERED, ADJUDGED AND DECREED that defendants shall issue checks to the above named members of the plaintiff class in the total amount of \$150.00. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments. (signed by Judge Harold Baer Jr.); (See doc. for more information) (ae) (Entered: 04/15/1996)
04/16/1996	28	SUPPLEMENTAL DECLARATION by Lorna B. Goodman in support Defendants' motion to temporarily suspend the CPSU law library provision of the consent Decrees (pl) (Entered: 04/17/1996)
04/17/1996	29	OPINION & ORDER # 76451, Defts' motion for temporary modification of the CPSU law library provisions of the Consent Decrees is GRANTED. (Signed by Judge Harold Baer Jr.); Copies mailed. (lam) (Entered: 04/18/1996)
04/24/1996	30	ORDER, Based on the Order and Opinion of 4/15/96, it is hereby temporarily Ordered: 1) Law Library services in the Centralized Punitive Segregation Unit ("CPSU") may be provided to all CPSU inmates in their cells until further order of the Court, subject to provisions of this Order.....2) All inmates in the CPSU will be given the opportunity to sign up for law library service the day before they wish to receive services.....(see order for further details).....(signed by Judge Harold Baer Jr.); Copies mailed (pl) (Entered: 04/25/1996)
04/25/1996	31	NOTICE OF MOTION by James Benjamin to compel discovery , Return date 4/11/96 (pl) (Entered: 04/26/1996)
04/25/1996	31	DECLARATION in support by James Benjamin [31-1] motion to compel discovery (pl) (Entered: 04/26/1996)
04/25/1996	32	MEMORANDUM by Catherine Abate in opposition to [31-1] motion to compel discovery (pl) (Entered: 04/26/1996)

04/25/1996	33	AFFIDAVIT in opposition of Mark Bonacquist by Catherine Abate Re: [31-1] motion to compel discovry (pl) (Entered: 04/26/1996)
04/25/1996	34	CERTIFICATE OF SERVICE by John Boston served Motion to Compel Discovery personally on Lorna Goodman, Es, by express mail, to Mark Bonacquist, Esq. (pl) (Entered: 04/26/1996)
04/30/1996	35	ORDER, Denied. I assume this is the proposed order based on your letter of 4/22/96. If that letter is a motion to reconsider it is granted, review & look for the opportunity to renew after some statistics are collected. SO ORDERED: (signed by Judge Harold Baer Jr.) (ae) (Entered: 05/02/1996)
05/08/1996		discovery conference held (cd) (Entered: 05/24/1996)
05/09/1996	36	Transcript of record of proceedings filed for dates of 3/14/96 before Judge Baer. (mr) (Entered: 05/09/1996)
05/14/1996	37	Filed Memo_Endorsement on letter dtd. 5/10/96 from Richard Santiago, ...IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT DEFTS. SHALL PAY SANCTIONS IN THE ABOVE CITED AMTS. (see doc.) ALL PAYMENTS SHALL BE DEPOSITED IN A FUND FOR THE BENEFIT OF THE PLTFF CLASS, AND SHALL BE USED SPECIFICALLY TO PURCHASE NON-MANDATED LITERATURE/FOOD/SERVICES FOR THE PLTFF CLASS. SUCH MONIES SHALL NOT REPLACE MONIES PREVIOUSLY PLANNED FOR THIS PURPOSE...SO ORDERED... (signed by Judge Harold Baer Jr.) (ls) (Entered: 05/15/1996)
05/14/1996	38	ORDER, We await proposed orders embracing all discovery ruling made at the Wednesday, 5/6/96 meeting with the Court. This ruling is with respect to discovery request #7 made by the Legal Aid Society to the State Commission of Correction. The request is "Granted" ...So Ordered...(signed by Judge Harold Baer Jr.); Copies mailed (pl) (Entered: 05/15/1996)
05/24/1996	39	Filed Memo_Endorsement on letter to Judge Baer from Florence A. Hutner dated 5/22/96, Return date reset to 7/31/96 on plttf contempt motion...THIS IS THE THIRD EXTENSION AND I HAVE YET TO SEE THE PAPERS - IT IS LAKELY TO BE THE LAST...SO ORDERED... (signed by Judge Harold Baer Jr.) (ls) (Entered: 05/28/1996)

05/24/1996	40	NOTICE OF MOTION by Catherine Abate to vacate the Consent Decrees , Return date 6/13/96 (cd) (Entered: 05/28/1996)
05/24/1996	41	MEMORANDUM by Catherine Abate in support of [40-1] motion to vacate the Consent Decrees (cd) (Entered: 05/28/1996)
05/30/1996	42	ORDER, Response to motion reset to 6/12/96 for [40-1] motion to vacate the Consent Decrees , Reply to Response to Motion reset to 6/14/96 for [40-1] motion to vacate the Consent Decrees , Oral Argument will be held on 6/17/96 @9:00 am in Courtroom 23B. (signed by Judge Harold Baer Jr.); Copies mailed (lam) (Entered: 05/31/1996)
06/03/1996	43	ORDER, discovery on defts' motion to vacate and the documents on the City's privileged documents list dated 4/2/96 shall be submitted for in camera review forthwith...items 6 and 7 of the said list of subpoenaed documents are withdrawn as represented by plntfs' counsel (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 06/05/1996)
06/04/1996	44	Filed Memo_Endorsement on letter dated 6/4/96, set plaintiffs' opposition papers due for 7/31/96 , Defendants' reply papers due for 9/11/96 ...So Ordered...(signed by Judge Harold Baer Jr.) (pl) (Entered: 06/06/1996)
06/10/1996	45	Transcript of record of proceedings filed for dates of 4/11/96 before Judge Baer. (kk) (Entered: 06/11/1996)
06/13/1996	46	DECLARATION of John Boston in opposition by James Benjamin, et al., [40-1] motion to vacate the Consent Decrees (kg) (Entered: 06/14/1996)
06/13/1996	47	MEMORANDUM OF LAW by James Benjamin in opposition to [40-1] motion to vacate the Consent Decrees (kg) (Entered: 06/14/1996)
06/17/1996		Pre-trial conference held (rag) (Entered: 07/03/1996)
06/25/1996	48	SEALED DOCUMENT placed in vault (sp) (Entered: 06/25/1996)
06/25/1996	49	SEALED DOCUMENT placed in vault (sp) (Entered: 06/25/1996)
06/25/1996	50	Memo endorsed on motion : On 12/21/96, the Court ordered... the defts pay compensatory fines to any member of the plttf class who, from that date, is held as a new admission inmate in a non-housing area for more that 24 hrs.: for the 1st 24 hrs. \$150, for each additional 12 hr period an additional \$100....The Office of

		Compliance Consultants has found that 1 member of the plttf class is entitled to compensation of \$150.....IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT DEFTS SHALL ISSUE CHECKS TO THE ABOVE NAMED MEMBERS OF THE PLTFF CLASS IN THE ABOVE CITED AMOUNTS. ALL PAYMENTS SHALL BE TURNED OVER TO THE CUSTODY OF THE OFFICE OF COMPLIANCE CONSULTANTS WHO SHALL PERFORM ALL NECESSARY TASKS TO ENSURE THAT THESE MEMBERS OF THE PLTFF CLASS RECEIVE THESE PAYMENTS. 6/24/96 BAER, J. (signed by Judge Harold Baer Jr.); Copies mailed. (lam) (Entered: 06/27/1996)
06/25/1996	51	ORDER, re the 12/21/90 order, defts to pay \$150.00 to one member of plntf class... (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 06/27/1996)
07/03/1996	52	ORDER, that any papers to be submitted on behalf lof the United States must be filed on or before July 10, 1996 , reset oral argument set for 7/16/96 at 9:30am as previously scheduled. Any answering papers will be submitted on the argument. SO ORDERED. (signed by Judge Harold Baer Jr.); Copies mailed (dj) (Entered: 07/05/1996)
07/05/1996	53	Reply DECLARATION of Michael P. Jacobson in support of Re: [40-1] motion to vacate the Consent Decrees . (kw) (Entered: 07/09/1996)
07/05/1996	54	REPLY MEMORANDUM by Catherine Abate in support of re: [40-1] motion to vacate the Consent Decrees (kw) (Entered: 07/09/1996)
07/09/1996	55	Transcript of record of proceedings filed before Judge Baer for dates of 5/8/96 (kk) (Entered: 07/11/1996)
07/10/1996	56	MEMORANDUM of Law of the United States of America with respect to the Constitutionality of Certain provisions of the Prison Litigation Reform Act (pl) (Entered: 07/15/1996)
07/16/1996		Oral argument held (cd) (Entered: 07/17/1996)
07/18/1996	57	Filed Memo_Endorsement on letter by John Boston to Judge Baer dated 7/12/96, Plaintiffs' Response to motion reset to 8/20/96 for [40-1] motion to vacate the Consent Decrees , Defendants' Reply to Response to Motion reset to 10/1/96 for [40-1] motion to vacate the Consent Decrees (signed by Judge Harold Baer Jr.) (ae) (Entered: 07/19/1996)

07/18/1996	58	MEMO ENDORSED ORDER, "It Is Ordered, Adjudged And Decreed for sanctions in the above cited amounts. All payments shall be deposited in a fund for the benefits of the plaintiff class, and shall be used specifically to purchase non-mandated literature/books/services for the plaintiff class. Such monies shall not replace monies previously planned for the purpose (signed by Judge Harold Baer Jr.); Copies mailed (pl) (Entered: 07/19/1996)
07/18/1996	59	MEMORANDUM by Catherine Abate in response to re: [56-1] memorandum. (kw) (Entered: 07/19/1996)
07/22/1996	60	ORDER, re the 12/21/90 order, defts to pay \$150 to one member of the pltff class..... (signed by Judge Harold Baer Jr.); Copies mailed (lam) (Entered: 07/23/1996)
07/22/1996	61	Memo endorsed on order, that defts shall issue checks to the above named members of the pltff claiss in the above cited amts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the pltff claiss receive these payments...see doc...SO ORDERED... (signed by Judge Harold Baer Jr.); Copies mailed. (ls) (Entered: 07/23/1996)
07/22/1996	66	ORDER, The Office of Compliance Consultants has found that one member of the Plaintiff Class is entitled to compensation in the amount of \$150.00 .. it is hereby ordered, adjudged and decreed that defendants shall issue checks to the above named members of the plaintiff class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants whon shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments. (signed by Judge Harold Baer Jr.); Copies mailed (djc) (Entered: 07/24/1996)
07/24/1996	62	MEMORANDUM OPINION # 76989, ..for the reasons discussed above, the Court concludes that the relevant sections of the PLRA are constitutional. Accordingly, the Consent Decrees in these cases are VACATED pursuant to 18 U.S.C. section 362(b)(2). (Signed by Judge Harold Baer Jr.); Copies mailed. (djc) (Entered: 07/24/1996)
07/24/1996	63	SEALED DOCUMENT placed in vault (sp) (Entered: 07/24/1996)
07/24/1996	64	SEALED DOCUMENT placed in vault (sp) (Entered: 07/24/1996)
07/24/1996	65	SEALED DOCUMENT placed in vault (sp) (Entered: 07/24/1996)

07/24/1996	67	MEMORANDUM by James Benjamin in support of plttfs' motion to alter or amend the Court's Order vacating the consent decrees, to certify questions for appeal, and to deny effect to the automatic stay provision of the prison litigation reform act, or for an injunction pending appeal (ls) (Entered: 07/24/1996)
07/25/1996	68	ORDER TO SHOW CAUSE by James Benjamin Show Cause Hearing set for 10:00 8/1/96 to alter or amend the Court's Order Vacating the consent decrees , to certify questions for appeal , and to deny effect to the automatic stay provisions of the prison litigation reform act , or, in the alternatively for injunction pending appeal. It is ORDERED that service of this signed OSC be served upon Defts. by 7/25/96. Defendants' opposition papers must be filed on or before 7/31/96. (signed by Judge Harold Baer Jr.) (ae) (Entered: 07/29/1996)
07/25/1996	68	DECLARATION of John Boston by James Benjamin in support of [68-1] motion to alter or amend the Court's Order Vacating the consent decrees, [68-2] motion to certify questions for appeal, [68-3] motion to deny effect to the automatic stay provisions of the prison litigation reform act, [68-4] motion for injunction pending appeal. (ae) (Entered: 07/29/1996)
07/30/1996	69	SEALED DOCUMENT placed in vault (sp) (Entered: 07/30/1996)
07/30/1996	70	ORDER, that defendants shall issue checks to the above named members of the plaintiff class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments (signed by Judge Harold Baer Jr.); Copies mailed (pl) (Entered: 07/30/1996)
08/01/1996	71	MEMORANDUM by Catherine Abate re: certain provisions of the Prison Litigation Reform Act (cd) (Entered: 08/02/1996)
08/01/1996		Motion hearing re: [68-4] motion for injunction pending appeal. (cd) (Entered: 08/06/1996)
08/02/1996	72	Transcript of record of proceedings filed for dates of 8/1/96 (cd) (Entered: 08/02/1996)
08/02/1996	73	ORDER denying [68-1] motion to alter or amend the Court's Order Vacating the consent decrees, That the plaintiff motion pursuant to Rule 62(c) is Granted and the Order dated 7/23/96 is stay until 8/27/96, the next argument date before a full panel of the Second Circuit Court of Appeals at which time plaintiffs may seek

		a permanent stay pending appeal from the Court... , that the plaintiffs are not required to post a bondSo Ordered.....(signed by Judge Harold Baer Jr.); Copies mailed (pl) (Entered: 08/05/1996)
08/02/1996	74	NOTICE OF APPEAL by James Benjamin ; from [62-1] order ..for the reasons discussed above, the Court concludes that the relevant sections of the PLRA are constitutional. Accordingly, the Consent Decrees in these cases are VACATED pursuant to 18 U.S.C. section 362(b)(2)., [73-1] order That the plaintiff motion pursuant to Rule 62(c) is Granted and the Order dated 7/23/96 is stay until 8/27/96, the next argument date before a full panel of the Second Circuit Court of Appeals at which time plaintiffs may seek a permanent stay pending appeal from the Court... . Copies of notice of appeal mailed to Attorney(s) of Record: Lorna B. Goodman . (em) (Entered: 08/06/1996)
08/05/1996	78	Transcript of record of proceedings filed before Judge Baer for dates of 6/17/96 (kk) (Entered: 08/08/1996)
08/06/1996	75	Letter filed by James Benjamin dated 7/30/96 re motion to alter or amend the 7/23/96 order (cd) (Entered: 08/06/1996)
08/07/1996	76	DECLARATION in opposition by Catherine Abate to [68-1] motion to alter or amend the Court's Order Vacating the consent decrees, [68-2] motion to certify questions for appeal, [68-3] motion to deny effect to the automatic stay provisions of the prison litigation reform act and [68-4] motion for injunction pending appeal. (kw) (Entered: 08/08/1996)
08/07/1996	77	MEMORANDUM by Catherine Abate in opposition to [68-1] motion to alter or amend the Court's Order Vacating the consent decrees, [68-2] motion to certify questions for appeal, [68-3] motion to deny effect to the automatic stay provisions of the prison litigation reform act and [68-4] motion for injunction pending appeal. (kw) (Entered: 08/08/1996)
08/13/1996	79	INMATE DECLARATIONS - CPSU LAW LIBRARY dated 2/28/96 (pl) (Entered: 08/13/1996)
08/29/1996	80	True Copy of Order from the USCA as to Catherine Abate RE: [74-1] appeal by James Benjamin It is hereby ordered that the motion be and it hereby is granted pending argument of the appeal; the motion may be renewed to the panel that will hear the appeal. The appeal shall be expedited. (96-7957) George Lange, III, CLerk, USCA. (as) (Entered: 08/29/1996)

09/04/1996	81	Transcript of record of proceedings filed for dates of 7/16/96 (cd) (Entered: 09/04/1996)
09/11/1996	82	STIPULATION The parties agree : further proceedings on defts' motion to vacate specified provisions of the Consent Decrees, served 12/22/95, shall be deferred pending the final resolution of plttfs' appeal from the court's Opinion & Order of 7/23/96.....Plttfs' motion to hold the defts in contempt for violation of the Supplemental Order for Promulgation & Implementation of Uniform Visit Procedures for Rikers Island Visitor Access, served on 12/1/95, is withdrawn WITHOUT prejudice. Defts shall maintain the position of Asst. Deputy Warden in charge of the Rikers Island visiting process, shall continue the registration of visitors only at the Visit Control Building and shall refrain from conducting searches of visitors at the Visit Control Building. (signed by Judge Harold Baer Jr.). (lam) (Entered: 09/12/1996)
09/13/1996	83	ORDER, ...It is hereby ordered, adjudged and decreed that defts. shall issue checks to the above named members of the plttf. class in the above cited amts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plttf. class receive these payments...see doc. ...SO ORDERED... (signed by Judge Harold Baer Jr.); Copies mailed (ls) (Entered: 09/16/1996)
09/13/1996	84	SEALED DOCUMENT placed in vault (sp) (Entered: 09/16/1996)
09/13/1996	85	SEALED DOCUMENT placed in vault (sp) (Entered: 09/16/1996)
09/13/1996	86	SEALED DOCUMENT placed in vault (sp) (Entered: 09/16/1996)
09/17/1996	87	SEALED DOCUMENT placed in vault (sp) (Entered: 09/17/1996)
09/17/1996	88	SEALED DOCUMENT placed in vault (sp) (Entered: 09/17/1996)
09/17/1996	89	SEALED DOCUMENT placed in vault (sp) (Entered: 09/17/1996)
09/17/1996	90	SEALED DOCUMENT placed in vault (sp) (Entered: 09/17/1996)
09/17/1996	91	ORDER that defts shall issue checks to the above named members of the plttf class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plttf class receive these payments. (The Office of Compliance Consultants has found that 1 member of the

		pltff class is entitled to compensation in the amount of \$150.00)(signed by Judge Harold Baer Jr.) Copies mailed (lam) (Entered: 09/18/1996)
09/18/1996	92	ORDER, ordered that defts shall issue checks to the above named members of the pltff class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the pltff class receive these payments. (signed by Judge Harold Baer Jr.); Copies mailed (kg) (Entered: 09/24/1996)
09/25/1996	93	RESPONSE by James Benjamin Re: deft US' meo with respect to constitutionality of provisions of the prison litigation reform act (cd) (Entered: 09/25/1996)
09/25/1996	96	ORDER, that the attached documents be individually docketed in this action, Plaintiffs Response to u.S. Brief, dated 7/15/96, Office of Compliance Consultant's 39th Progress rpt. and Office of Compliance Consultant's 40th Progress rpt (signed by Judge Harold Baer Jr.); Copies mailed (pl) (Entered: 09/26/1996)
09/25/1996	97	MEMORANDUM OF LAW IN RESPONSE by James Benjamin Re: U.S. Memorandum with respect to constitutionality of provisions of the prison litigation reform act (pl) (Entered: 09/26/1996)
09/25/1996	98	PROGRESS REPORT #39 from 12/15/95 thru 7/1/96 submitted to court on 1/8/96 (pl) (Entered: 09/26/1996)
09/25/1996	99	PROGRESS REPORT #40 from 12/16/95 thru 4/30/96 submitted to the court on 6/17/96 (pl) (Entered: 09/26/1996)
09/25/1996	100	Notice that the original record on appeal has been certified and transmitted to the U.S. Court of Appeals: [74-1] appeal by James Benjamin (ls) (Entered: 09/30/1996)
09/30/1996	101	ORDER, That the attached document be docket in the above captioned matter. The Attached document is: 1. Letter of Kenneth F. Schoen, OCC, to Hon. Harold Baer, Jr., dtd. 3/12/96...SO ORDERED... (signed by Judge Harold Baer Jr.); Copies mailed (ls) Modified on 09/30/1996 (Entered: 09/30/1996)
09/30/1996	102	ORDER, for leave to file the attached supplemental memorandum of law re certain provisions of the Prison Litigation Reform Act, of 8/1/96 (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 09/30/1996)

09/30/1996	103	MEMORANDUM by Catherine Abate re: Prison Litigation Reform Act (cd) (Entered: 09/30/1996)
09/30/1996	104	STIPULATION and ORDER, of Custody of Exhibits (signed by Judge Harold Baer Jr.). (djc) Modified on 09/30/1996 (Entered: 09/30/1996)
09/30/1996	105	STIPULATION of record to remain in the District Court and of substitute copies submitted for appeal. (signed by Judge Harold Baer Jr.). (lam) (Entered: 10/01/1996)
10/10/1996	106	Filed Memo_Endorsement on letter by Richard Santiago to Judge Baer dated 8/30/96, It is hereby Ordered, Adjudged and Decreed that defendants shall pay sanctions in the above cited amounts. All payments shall be deposited in a fund for the benefit of the plaintiff class, and shall be used specifically to purchase non-mandated literature/books/services for the plaintiff class. Such monies shall not replace monies previously planned for this purpose. (signed by Judge Harold Baer Jr.) (ae) (Entered: 10/11/1996)
10/23/1996	107	Notice that the supplemental record on appeal has been certified and transmitted to the U.S. Court of Appeals: [74-1] appeal by James Benjamin (ls) (Entered: 10/24/1996)
11/12/1996	112	SEALED DOCUMENT placed in vault (sp) (Entered: 11/21/1996)
11/13/1996	108	ORDER, that defts shall pay sanctions in the above cited amts. All payments shall be deposited in the fund for the benefit of the plttff class, and shall be used specifically to purchase non-mandated literature/books/services for the plttff. class. Such monies shall not replace monies previously planned for the purpose (Deft.: Anna M. Kross Ctr.; Violation: Failure to ensure that staffor inmates handling food are provided w/ and wear clean aprons, hair coverings, and gloves; Date 9/17/96; Amt.: \$100.00)...SO ORDERED... (signed by Judge Harold Baer Jr.); Copies mailed (ls) (Entered: 11/14/1996)
11/13/1996	109	ORDER, it is hereby ordered, adjudged and decreed that defts shall pay sanctions in the amount of \$100. All payments shall be deposited in a fund for the benefit of the plttff class, and shall be used specifically to purchase non-mandated literature/books/services for the plttff class. Such monies shall not replace monies previously planned for this purpose. (signed by Judge Harold Baer Jr.); Copies mailed (lam) (Entered: 11/14/1996)

11/13/1996	110	ORDER, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendants shall issue checks to the above named members of the plaintiff class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments. (signed by Judge Harold Baer Jr.); Copies mailed. (djc) (Entered: 11/14/1996)
11/20/1996	111	ORDER, ordered that the inspections shall be permitted as requested. (signed by Judge Harold Baer Jr.); Copies mailed (kg) (Entered: 11/21/1996)
11/20/1996	113	True Copy of Order from the USCA as to Catherine Abate RE: [74-1] appeal by James Benjamin. It is hereby ordered that the motion be and it hereby is, Granted. The stay previously entered shall remain in full force and effect until further order of this court. (96-7957) George Lange, III, Clerk, USCA. (as) (Entered: 11/22/1996)
12/10/1996	114	ORDER, that defts. shall pay sanctions in the above cited amts. (see doc.) All payments shall be deposited in a fund for the benefit of the plttf. class, and shall be used specifically to purchase non-mandated literature/books/services for the plttf. class. Such monies shall not replace monies previouslyplanned for this purpose...SO ORDERED... (signed by Judge Harold Baer Jr.); Copies mailed (ls) (Entered: 12/11/1996)
12/11/1996	115	MEMORANDUM by Catherine Abate in opposition to entry of a new order appointing Kenneth Schoen and The Office of Compliance Consultants to an addt'l. term of two years (ls) (Entered: 12/12/1996)
12/11/1996	116	DECLARATION by Lorna B. Goodman for defts. Catherine Abate IN OPPOSITION to OCC's recent request, supported by plttfs' counsel, that the Court appoint it to serve a 24 month term as special mater in these consolidated cases commencing on 1/15/97 (ls) (Entered: 12/12/1996)
12/11/1996		Pre-trial conference held before Judge Baer (ls) (Entered: 01/02/1997)
12/17/1996	117	DECLARATION and Exhibits of John Boston Re: of Renewal of Office of Compliance Consultants Authorization Order. (djc) (Entered: 12/17/1996)

12/17/1996	118	REPLY MEMORANDUM OF LAW by James Benjamin re: in Support of Renewal of Office of Compliance Consultants Authorization Order (dj) (Entered: 12/17/1996)
12/19/1996	119	DECLARATION of Lorna B. Goodman, Asst. Corp. Counsel, atty for defts re: to supplement the record with a document referred to for the first time in a 12/17/96 declaration of John Boston. (lam) (Entered: 12/19/1996)
12/20/1996	120	ORDER, re sanctions by deft for the listed violation of 11/21/96 for \$100.00, submitted by Richard Santiago (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 12/23/1996)
01/07/1997	121	MEMORANDUM & ORDER, for now, OCC will continue as if the proposed prospective order had been signed. Following a decision by the Second Circuit on the appeal from my 7/23/96 Opinion, now SUB JUDICE, a conference with the attys will be scheduled to determine, based on that decision, whether further consideration of the City's application is appropriate and necessary. If so, the specific areas that require briefing as well as a date for oral argument will be scheduled. (signed by Judge Harold Baer Jr.); Copies mailed (lam) (Entered: 01/08/1997)
01/28/1997	122	NOTICE OF APPEAL by Catherine Abate ; from [121-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: The Legal Aid Society. \$105.00 Fee paid on receipt # E 280115. (dt) (Entered: 01/28/1997)
01/29/1997	123	SEALED DOCUMENT placed in vault (af) (Entered: 01/29/1997)
01/29/1997	124	ORDER, ORDERED, ADJUDGED AND DECREED that defts shall issue checks to the above named members of the plttf class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plttf class receive these payments. (signed by Judge Harold Baer Jr.); Copies mailed (kg) (Entered: 01/30/1997)
02/07/1997	125	Transcript of record of proceedings filed for dates of 12/11/96 at 10:00 a.m. before Judge Baer. (kg) (Entered: 02/07/1997)
02/10/1997	126	Filed Memo_Endorsement on letter by Lorna B. Goodman to Judge Baer dated 2/7/97, This application is denied. However I'd like to see if a procedure can be initiated for the future & our willing to meet on Wed. 2/12 at 2:30 p.m. with both sides to reach such a procedure to be followed in the future. SO ORDERED: (signed by Judge Harold Baer Jr.) (ae) (Entered: 02/11/1997)

02/20/1997	127	SEALED DOCUMENT placed in vault (sp) (Entered: 02/20/1997)
02/20/1997	128	ORDER, It is hereby ordered, adjudged and decreed that defendants shall issue checks to the above named members of the plaintiff class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments. (signed by Judge Harold Baer Jr.) (ae) (Entered: 02/21/1997)
02/25/1997	129	SEALED DOCUMENT placed in vault (af) (Entered: 02/25/1997)
02/25/1997	130	ORDER, that defts shall issue checks to the above named members of the plntf class re plntf class member being held as a new admission inmate in a non-housing area for more than 24 hours for \$150.00 (signed by Judge Harold Baer Jr.); Copies mailed (cd) (Entered: 02/26/1997)
03/04/1997	132	Transcript of record of proceedings filed for dates of December 11, 1996 before the Hon. Harold Baer. (djc) (Entered: 03/07/1997)
03/05/1997		Before J Baer; Pre-trial conference held (cd) (Entered: 03/10/1997)
03/06/1997	131	Filed Memo-Endorsement on letter from Paul Nicoll of the Office of Compliance Consultants dated 2/25/97, requesting that the Court's records reflect that the 2/14/97 payment order in the amount of \$750 inaccurately states that 5 inmates were violated under the terms of the 1991 12-hr overload housing order (the wrong proposed payment order was mistakenly sent). The 5 inmates cited in the payment order were actually violated under the terms of the 1990 24 hr new admission housing order.....SO ORDERED 2/27/97. BAER, J. (signed by Judge Harold Baer Jr.) (lam) (Entered: 03/06/1997)
03/12/1997		Before J Baer; Pre-trial conference held (cd) (Entered: 03/28/1997)
03/13/1997	133	SEALED DOCUMENT placed in vault (sp) (Entered: 03/14/1997)
03/13/1997	134	ORDER, That defts. shall issue checks to the above named members of the plttf. class in the above cited amts. \$150.00) All payments shall be turned over to the custody of teh Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plttf. class receive these payments. ...SO ORDERED... (signed by Judge Harold Baer Jr.); Copies mailed (ls) (Entered: 03/14/1997)

04/03/1997	135	Stipulation by the parties to this litigation of custody of exhibits (pl) (Entered: 04/07/1997)
04/07/1997	136	STIPULATION of Record to remain in the District Court and of Substitute Copies submitted for appeal... The parties further stipulate that copies of the following documents, which appear in the docket sheet for this case but were not available from the clerk of the court in the SDNY, shall be substituted for the originals for the purposes of the record on appeal: 1. Order of Hon. Morris E. Lasker, dated 2/25/94, with annexed documents, including compliance monitoring work plan with attachment (p. 5 of docket sheet); 2. Letters, dated 2/14/95 and 2/8/95, with Order of Hon. Morris E. Lasker dated 2/14/95 (p.9 of docket sheet); 3. Order of Hon. Harold Baer Jr. dated 11/18/96 (docket entry (DE) #111). 4. Declaration of Lorna B. Goodman, dated 12/10/96, in opposition to entry of Proposed OCC Order (DE #116); 5. Declaration of John Boston, dated 12/17/96, in support of the renewal of office of Compliance Consultants Authorization Order (DE # 117).... (kk) (Entered: 04/07/1997)
04/07/1997	137	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [122-1] appeal by Catherine Abate. on 04/07/97. (dt) (Entered: 04/08/1997)
04/08/1997		Pre-trial conference held before Judge Baer on 4/8/97 (ls) (Entered: 04/15/1997)
04/09/1997	138	ORDER, The parties disagree as to who should bear the cost of copying certain documents sought by plaintiffs. As there is currently no agreement or order requiring defendants to pay for documents, each party shall bear the cost of copying any documents it seeks. This order does not prejudice the parties' right to seek recompense for fees and expenses under appropriate statutory law to the extent they believe they are prevailing parties either in the litigation as a whole or in a particular aspect of the litigation. SO ORDERED: (signed by Judge Harold Baer Jr.) (ae) (Entered: 04/10/1997)
04/15/1997	139	OPINION AND ORDER # 78395, ...THE DEFTS. ARE HEREBY ORDERED TO PROVIDE OCC W/ INFO. REGARDING THEIR FIRE SAFETY MASTER PLAN AND THE SCHEDULED MAINTENANCE OF THE WOOD MODULARS ON OR BEFORE 4/28/97...SO ORDERED.. (Signed by Judge Harold Baer Jr.); Copies mailed. (ls) (Entered: 04/16/1997)

05/01/1997	140	MEMORANDUM by James Benjamin in opposition to Defendants' motion for reargument or reconsideration of the Fire Safety Disclosure Order (pl) (Entered: 05/02/1997)
05/02/1997		Before J. Baer; Oral argument held (cd) (Entered: 05/08/1997)
05/06/1997	141	ORDER TO SHOW CAUSE by Catherine Abate; Show Cause Hearing set for 1:00 p.m. on 5/2/97 for reconsideration of [139-1] order ...the defts. are hereby ordered to provide OCC w/ info. regarding their fire safety master plan and the scheduled maintenance of the wood modulars on or before 4/28/97. (signed by Judge Harold Baer Jr.); Copies mailed. (kw) (Entered: 05/07/1997)
05/13/1997	142	Transcript of record of proceedings filed for dates of March 5, 1997 before the Hon. Harold Baer, Jr. (dj) (Entered: 05/13/1997)
05/22/1997	143	STIPULATION OF CUSTODY OF EXHIBITS that the listed exhibits are available to the Court of Appeals upon request from plntfs' attorneys. the parties agree that this list is substituted for the erroneous list included in the joint appendix at A340-A342 (unsigned). (cd) (Entered: 05/22/1997)
05/22/1997	144	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [122-1] appeal by Catherine Abate (as) (Entered: 05/27/1997)
06/10/1997	145	Letter filed by Judge Baer, Jr. dated 6/9/97 re: address of Corporate Counsel (pl) (Entered: 06/11/1997)
06/12/1997	148	SEALED DOCUMENT placed in vault (sp) (Entered: 06/16/1997)
06/13/1997	146	ORDER, defts shall issue checks to the members of the pltff class named in this order in the cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the pltff class receive these payments (signed by Judge Harold Baer Jr.); Copies mailed (emil) (Entered: 06/13/1997)
06/13/1997	147	ORDER, defts shall issue checks to the members of the pltff class named in this order in the cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the pltff class receive these payments (signed by Judge Harold Baer Jr.); Copies mailed (emil) (Entered: 06/13/1997)

07/03/1997	149	Transcript of record of proceedings filed before Judge Baer for dates of May 2, 1997 (jp) (Entered: 07/08/1997)
07/16/1997	150	ORDER, defts shall pay sanctions in the amounts cited in this order. All payments shall be deposited in a fund for the benefit of the pltff class, and shall be used specifically to purchase non-mandated literature/books/services for the pltff class. Such monies shall not replace monies previously planned for this purpose (signed by Judge Harold Baer Jr.); Copies mailed (emil) (Entered: 07/18/1997)
07/23/1997	151	ORDER, that defendants shall issue checks to the above named members of the plaintiff class in the above cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments. (signed by Judge Harold Baer Jr.); Copies mailed (ae) (Entered: 07/24/1997)
07/23/1997	152	Filed Memo-Endorsement on letter by Claudia Angelos to Judge Baer dated 7/16/97, allowing Mr. Romero and the City to appear on or before 9/15/97. (signed by Judge Harold Baer Jr.) (ae) (Entered: 07/24/1997)
07/23/1997	153	SEALED DOCUMENT placed in vault (da) (Entered: 07/24/1997)
07/25/1997	154	SEALED DOCUMENT placed in vault (da) (Entered: 07/25/1997)
07/25/1997	155	ORDER, after investigation of the facts and consultation with the New York City Dept. of Correction, the Office of Compliance Consultants finds that the following member of the plaintiff class is entitled to compensation in the following amount: The Office of Compliane consultants has found that one member of the plaintiff class is entitled to compensation in the amount of \$150.00 (signed by Judge Harold Baer Jr.) Copies mailed (dj) (Entered: 07/29/1997)
08/07/1997	156	SEALED DOCUMENT placed in vault (da) (Entered: 08/07/1997)
08/08/1997	157	ORDER, that defendants shall issue checks to the named members of the plaintiff class in the cited amounts indicated in this order. All payments shall be turned over to the custody the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments (signed by Judge Harold Baer Jr.); Copies mailed. (ae) Modified on 08/11/1997 (Entered: 08/08/1997)

08/11/1997	158	ORDER, defendants shall pay sanctions in the amount of \$100.00. All payments shall be deposited in a fund for the benefit of the plttf class, and shall be used specifically to purchase non-mandated literature/books/services for the plttf class. Such monies shall not replace monies previously planned for this purpose (signed by Judge Harold Baer Jr.); Copies mailed. (dj) Modified on 08/15/1997 (Entered: 08/13/1997)
09/10/1997		Pre-trial conference held before Judge Baer on 9/10/97 (ls) (Entered: 09/18/1997)
09/11/1997	159	SEALED DOCUMENT placed in vault (da) (Entered: 09/11/1997)
09/11/1997	160	ORDER, that defendants shall issue checks to named members of the plaintiff class in the amounts of \$300. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments (signed by Judge Harold Baer Jr.); Copies mailed (kw) (Entered: 09/15/1997)
09/16/1997	161	NOTICE of appearance by Movant-Plaintiff Juan Romero (ae) (Entered: 09/23/1997)
09/23/1997	162	SEALED DOCUMENT placed in vault (sp) (Entered: 09/24/1997)
09/23/1997	163	ORDER, that defendants shall issue checks to the named members of the plaintiff class in the cited amounts. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments (signed by Judge Harold Baer Jr.); Copies mailed (pl) Modified on 09/30/1997 (Entered: 09/26/1997)
10/02/1997	164	MANDATE OF USCA (certified copy) Re: [122-1] appeal by Catherine Abate, [74-1] appeal by James Benjamin.. Ordered Adjudged and Decreed that the order be and it is hereby affirmed. GEORGE LANGE III, CLERK. (kk) (Entered: 10/06/1997)
10/08/1997	165	SEALED DOCUMENT placed in vault (af) (Entered: 10/08/1997)
10/08/1997	166	ORDER, defendants shall issue checks to the named members of the plaintiff class in the cited amount of \$450.00. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments

		(signed by Judge Harold Baer Jr.); Copies mailed (pl) Modified on 10/10/1997 (Entered: 10/09/1997)
11/13/1997		Pre-trial conference held (rag) (Entered: 11/17/1997)
01/20/1998	167	ORDER; defts shall forthwith compile the documents requested by defts with respect to fire safety; that any objections to said document requests not resolved by the parties shall be addressed in a conference call with the Court at noon on Tuesday, 1/20/98; the parties shall meet and consult to narrow the issues proposed to be addressed at a hearing on fire safety; the parties shall jointly provide the Court with a synopsis of the resolution of such consultation, including a list of proposed areas agreed upon and any areas of dispute ; a hearing regarding fire safety will be held in March 1998, at the convenience of the parties and the Court, and that the parties shall provide the Court with the time they believe will be necessary as well as dates of availability for experts, etc., in writing on or before 1/26/98, and the Court will make every effort to set a convenient date promptly (signed by Judge Harold Baer Jr.); Copies mailed (sac) (Entered: 01/22/1998)
01/20/1998		Discovery tele-conference held. (rag) (Entered: 01/30/1998)
03/04/1998		Tele-conference held before Judge Baer. (rag) (Entered: 03/06/1998)
03/06/1998	168	Transcript of record of proceedings before Judge Baer filed for dates of January 9, 1998 (jp) (Entered: 03/06/1998)
03/19/1998		Tele-conference held before Judge Baer. (rag) (Entered: 03/27/1998)
03/26/1998	169	ORDER; that Messrs. Jaeger and Thompson are akin to experts chosen by the Court and as a consequence ea. party may utilize their expertise and therefore the defts may participate in the meeting scheduled to take place tomorrow, depose Messrs. Jaeger and Thompson at a later date, or both; that the defts will pay for the services of Messrs. Jaeger and Thompson ; (signed by Judge Harold Baer Jr.); copies mailed (ls) (Entered: 03/27/1998)
05/07/1998		Before Judge Baer; Tele-conference/discovery held (cd) (Entered: 05/13/1998)
05/27/1998	170	ORDER, the fire safety hearing will be held on or about 5/11/98 beginning at 2:00 p.m. The specific question referenced in 4(c) of the joint submission of issues regarding fire safety will be amended to read as follows: Given the condition of the modular

		roofs, are current fire safety precautions reasonable? This question will be addressed at the hearing, so both parties should prepare accordingly (signed by Judge Harold Baer Jr.); Copies mailed (kw) (Entered: 05/29/1998)
05/28/1998	171	NOTICE OF MOTION by Juan Romero; for an order adjudging the Defendant, Michael P. Jacobson, in contempt of the consent decree in Benjamin v. Malcolm ; for a hearing on compensation damages ; and for an award for compensatory damages for the Defendant's failure to permit Juan Romero to attend the wake of his son, Gerald Romero , Return date 4/10/98; Oral Argument Requested; with Affidavit in support attached (ae) Modified on 06/01/1998 (Entered: 06/01/1998)
05/28/1998	172	MEMORANDUM OF LAW by Juan Romero in support of [171-1] motion for an order adjudging the Defendant, Michael P. Jacobson, in contempt of the consent decree in Benjamin v. Malcolm; [171-2] motion for a hearing on compensation damages; [171-3] motion for an award for compensatory damages for Defendant's failure to permit Juan Romero to attend the of his son, Gerald Romero (ae) (Entered: 06/01/1998)
05/28/1998	173	Reply Affidavit of Matthew Bliwise by Juan Romero in support of [171-1] motion for an order adjudging the Defendant, Michael P. Jacobson, in contempt of the consent decree in Benjamin v. Malcolm; [171-2] motion for a hearing on compensation damages; [171-3] motion for an award for compensatory damages for the Defendant's failure to permit Juan Romero to attend the wake of his son, Gerald Romero (ae) (Entered: 06/01/1998)
05/28/1998	174	REPLY MEMORANDUM OF LAW by Juan Romero in support of re: [171-1] motion for an order adjudging the Defendant, Michael P. Jacobson, in contempt of the consent decree in Benjamin v. Malcolm; [171-2] motion for a hearing on compensation damages; [171-3] motion for an award for compensatory damages for Defendant's failure to permit Juan Romero to attend the of his son, Gerald Romero (ae) (Entered: 06/01/1998)
05/28/1998	175	MEMORANDUM OF LAW by Catherine Abate in opposition to [171-1] motion for an order adjudging the Defendant, Michael P. Jacobson, in contempt of the consent decree in Benjamin v. Malcolm; [171-2] motion for a hearing on compensation damages; [171-3] motion for an award for compensatory damages for the Defendant's failure to permit Juan Romero to attend the wake of his son, Gerald Romero (ae) (Entered: 06/01/1998)

05/28/1998	176	DECLARATION of John Schaal by Catherine Abate in support of [171-1] motion for an order adjudging the Defendant, Michael P. Jacobson, in contempt of the consent decree in Benjamin v. Malcolm; [171-2] motion for a hearing on compensation damages; [171-3] motion for an award for compensatory damages for Defendant's failure to permit Juan Romero to attend the wake of his son, Gerald Romero (ae) (Entered: 06/01/1998)
06/04/1998	177	SEALED DOCUMENT placed in vault (da) (Entered: 06/04/1998)
06/04/1998	178	SEALED DOCUMENT placed in vault (da) (Entered: 06/04/1998)
06/23/1998	179	Filed Memo Endorsement on letter to Judge Baer from Dori Lewis, dated 6/18/98, plntf's request to file a post hearing brief of 40 pages, not 60 as requested is granted. The bulk of the brief will be the statement of facts. In order to assist the Court, we are setting the portions of the record which illustrate that the subject facilities are not fire safe (signed by Judge Harold Baer Jr.) (cd) (Entered: 06/24/1998)
06/23/1998	180	Filed Memo-Endorsement on letter by Lorna Goodman to Judge Baer dated 6/15/98, counsel for defendants request to renew defendant's motion to strike Mr. Jaeger's testimony as inherently unreliable; While some of Mr. Jaeger's qualifications are shown to be unreliable others are not and his experience seems significant. As I noted at the time your concerns & this letter which adds support thereto are for me a weight & perhaps a credibility concern but do not provide the motion needed for disqualification this letter application for disqualification is therefore denied (signed by Judge Harold Baer Jr.) (ae) Modified on 06/26/1998 (Entered: 06/25/1998)
06/30/1998	181	Defendants' Post-Trial Memorandum Fire Safety Hearing (ae) (Entered: 07/02/1998)
07/08/1998	182	POST-HEARING MEMORANDUM OF LAW ON FIRE SAFETY by Juan Romero. (kw) (Entered: 07/08/1998)
07/14/1998	183	REPLY MEMORANDUM OF LAW ON FIRE SAFETY by James Benjamin, Juan Romero (ls) (Entered: 07/15/1998)
07/14/1998	184	Defts' POST-TRIAL REPLY MEMORANDUM FIRE SAFETY HEARING (ls) (Entered: 07/15/1998)
09/15/1998	185	SEALED DOCUMENT placed in vault (kb) (Entered: 09/15/1998)

09/22/1998	186	Transcript of record of proceedings filed before Judge Baer for dates of 5/26/98 at 10:00 a.m. (ae) (Entered: 09/22/1998)
09/22/1998	187	Transcript of record of proceedings before Judge Baer filed for dates of June 2, 3 1998 (ls) (Entered: 09/22/1998)
10/06/1998	188	SEALED DOCUMENT placed in vault (af) (Entered: 10/06/1998)
11/13/1998	189	DECISION AND ORDER; plaintiffs, a class of pretrial detainees, move for an order that requires the defendants to improve the fire safety conditions at the Brooklyn and Bronx Houses of Detention as well as the modular units on Rikers Island, to comply with Consent Decrees betw. the parties. A hearing was held and testimony taken on May 26 and May 27 as well as June 1 through June 3, 1998. For the reasons discussed in this order, certain relief is granted. (signed by Judge Harold Baer Jr.); Copies mailed (dj) (Entered: 11/16/1998)
11/16/1998	190	SEALED DOCUMENT placed in vault (af) (Entered: 11/16/1998)
11/24/1998	191	CONSENT ORDER, Kevin Black and Rebecca J. Lamb are authorize to appear in court or other proceedings on behalf of the above plaintiff to which they represent in a consent form dated 9/21/98, his accord and to prepare documents on behalf of the plaintiff with the understanding that the timetables will remain in place (signed by Judge Harold Baer Jr.); (kw) (Entered: 11/30/1998)
12/04/1998	192	SEALED DOCUMENT placed in vault (da) (Entered: 12/04/1998)
12/11/1998	193	Filed Memo-Endorsement on letter to Judge Baer from Paul Nicoll dated 11/20/98, counsel enclosed two copies of a proposed order. Defendants shall issue checks to the named members set forth in this document of the plaintiff class in the amounts set forth in this document. All payments shall be turned over to the custody of the Office of Compliance Consultants who shall perform all necessary tasks to ensure that these members of the plaintiff class receive these payments (signed by Judge Harold Baer Jr.) (kw) (Entered: 12/14/1998)
12/15/1998	194	Filed Memo Endorsement on letter to Judge Baer from Paul Nicoll, dated 10/23/98, defts shall pay sanctions in the listed amounts. All payments shall be deposited in a fund for the benefit of the plntf class, and shall be used specifically to purchase non-mandated literature/books/services for the plntf class. Such monies shall not replace monies previously planned for this purpose (signed by Judge Harold Baer Jr.) (cd) (Entered: 12/16/1998)

12/17/1998	195	SUPPLEMENTAL BRIEF by Juan Romero in Support of [171-1] motion for an order adjudging the Defendant, Michael P. Jacobson, in contempt the consent decree in Benjamin v. Malcolm (dj) (Entered: 12/18/1998)
12/18/1998	196	Filed Memo-Endorsement on letter addressed to Judge Baer from June R. Buch, dated 12/16/98; granting counsel for deft's request for an additional period of time, until 12/24/98, to submit the supplemental memorandum of law requested by the Court at oral argument on this motion on 12/2/98 (signed by Judge Harold Baer Jr.) (jp) (Entered: 12/21/1998)
03/31/1999	197	MEMORANDUM AND ORDER; denying [171-1] motion for an order adjudging the Defendant, Michael P. Jacobson, in contempt of the consent decree in Benjamin v. Malcolm, denying [171-2] motion for a hearing on compensation damages, denying [171-3] motion for an award for compensatory damages for the Defendant's failure to permit Juan Romero to attend the wake of his son, Gerald Romero. (signed by Judge Harold Baer Jr.); Copies mailed (sac) (Entered: 04/01/1999)
04/14/1999	198	AMENDED MEMORANDUM and ORDER denying [171-1] motion for an order adjudging the Defendant, Michael P. Jacobson, in contempt of the consent decree in Benjamin v. Malcolm (signed by Judge Harold Baer Jr.); Copies mailed (ri) (Entered: 04/15/1999)
05/03/1999	200	NOTICE OF APPEAL by Juan Romero ; from [197-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: Claudia Angelos . IFP Granted 7/12/99. (as) (Entered: 07/14/1999)
05/03/1999		Notice of appeal and certified copy of docket to USCA: [200-1] appeal by Juan Romero ; Copy of notice of appeal sent to District Judge. (as) (Entered: 07/14/1999)
07/12/1999	199	Order endorsed on declaration in support of request to appeal in forma pauperis; I.F.P. request is granted. (signed by Judge Harold Baer Jr.) (ri) (Entered: 07/13/1999)
07/23/1999	201	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [200-1] appeal by Juan Romero (as) (Entered: 07/23/1999)
10/13/1999	202	MANDATE OF USCA (certified copy) Re: Rehearing en banc of an appeal from an order of the USDC, SDNY. Upon consideration, it is ordered that the judgment is affirmed as to constitutionality, reversed as to vacatur of consent decrees and remanded to the

		District Court for further proceedings in accordance with this Court's opinion on rehearing en banc. Re: [74-1] appeal by James Benjamin (emil) (Entered: 10/15/1999)
11/01/1999	203	MANDATE OF USCA (certified copy) Re: dismissed [200-1] appeal by Juan Romero. ISSUED AS MANDATE: 10/26/99 (rag) (Entered: 11/01/1999)
11/02/1999	204	STIPULATION AND ORDER RE: AUTOMATIC STAY; the defts have fld. a motion to terminate the relief in this case purs. to 18 U.S.C. 3626(b); under the provisions of 18 U.S.C. 3626(e), the "automatic stay" provision of the Prison Litigation Reform Act, the filing of such a motion acts as a stay of the relief commencing after 30 days; the statute permits that 30-day period to be extended for an additional 60 days for good cause shown; under the decision of the Court of Appeals in this case, 172 F.3d 144, 166 (2d cir. 1999) (en Banc), cert. denied, 68 U.S. Law Week 3008 (U.S., Oct. 4, 1999), that 30-day provision began to run upon the issuance of that court's mandate, which occurred on 10/8/99; that there is good cause for a 60-day extension of the 30-day period before the stay of relief commences, and that such extension should be granted, postponing the commencement of the stay until 90 days after the issuance of the Curt of Appeals' mandate ; that this agreement is w/o prejudice to arguments that either party may make concerning the constitutionality or the proper interpretation of 18 U.S.C. 3626(e) other than w/ respect to this Stipultion, or concerning any other issue in this litigation ; (signed by Judge Harold Baer Jr.) (ls) (Entered: 11/04/1999)
12/10/1999	205	ORDER; regarding hearings on defendants' motion to terminate prospective relief . (signed by Judge Harold Baer Jr.); Copies mailed. (pl) (Entered: 12/17/1999)
12/16/1999	206	ORDER RE: NOTICE OF PRISIONER WITNESSES, the Court's order dated 12/9/99 calls for the parties to provide notice of the identities of witnesses they intend to call at the hearing scheduled for 1/18/00 and the substance of their testimony. With respect to prisoner witnesses, plttf will provide such notification to the Corporation Counsel. That information will be restricted to the staff of the Corporation Counsel and the Legal Division of the D.O.C., and shall be communicated to other staff of the D.O.C. only to the extent that it is necessary in order to ensure the witnesses' production for depositions or court proceedings, or to prepare particular defense witnesses to testify . (signed by Judge Harold Baer Jr.); Copies mailed. (sn) (Entered: 12/20/1999)

12/21/1999	207	MEMORANDUM & ORDER; this memorandum and order decides an issue that has, by operation of the provisions of the Prison Litigation Reform Act ("PLRA"), 18 U.S.C. 3626(e), arisen in the nearly quarter-century old litigation; in particular, the Court addresses the PLRA's so-called "automatic stay" provision, 18 U.S.C. 362(e), and must decide the narrow question of whether the Court retains discretion under the statute to suspend operation of the automatic stay - a question not yet resolved by this Circuit; familiarity w/ the facts of this litigation, of limited necessity for purposes of this decision, is assumed; the operation of 3626(e)(2) is suspended until such time as this Court rules on the deft's motion to terminate the consent decrees in this case ; (signed by Judge Harold Baer Jr.); copies mailed. (ls) (Entered: 12/21/1999)
12/30/1999	208	NOTICE OF APPEAL by Catherine Abate ; from [207-1] order this memorandum and order decides an issue that has, by operation of the provisions of the Prison Litigation Reform Act ("PLRA"), 18 U.S.C. 3626(e), arisen in the nearly quarter-century old litigation; in particular, the Court addresses the PLRA's so-called "automatic stay" provision, 18 U.S.C. 362(e), and must decide the narrow question of whether the Court retains discretion under the statute to suspend operation of the automatic stay - a question not yet resolved by this Circuit; familiarity w/ the facts of this litigation, of limited necessity for purposes of this decision, is assumed; the operation of 3626(e)(2) is suspended until such time as this Court rules on the deft's motion to terminate the consent decrees in this case, [207-2] relief . Copies of notice of appeal mailed to Attorney(s) of Record: John Boston, Esq. and A.U.S.A. \$105.00 Appeal filing fee paid January 3, 2000 on receipt # E 362967. (dt) (Entered: 01/03/2000)
01/03/2000		Notice of appeal and certified copy of docket to USCA: [208-1] appeal by Catherine Abate ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 01/03/2000)
01/12/2000	209	PRE-HEARING MEMORANDUM by James Benjamin, Juan Romero (sac) (Entered: 01/13/2000)
02/01/2000	210	Memo-Endorsement on letter addressed to Judge Baer from John Boston, dated 1/27/00; Re: counsel for plttff respectfully requests that the issue of correspondence be deferred, to be presented either at the later hearing that will address enviromental health issues, or at some other time to be determined by the Court after we have received OCC's report. I have set aside most of the week for this hearing. I'd very much like to accomplish as much as possible - you have been given extra-extra time and should be ready to go. I

		don't think I should wait any longer. (signed by Judge Harold Baer Jr.); Copies mailed. (sac) (Entered: 02/01/2000)
02/02/2000	211	NOTICE OF MOTION by Catherine Abate, for an order precluding the expert testimony of Russell Neufeld Return date 2/7/00. (ri) (Entered: 02/03/2000)
02/02/2000	212	MEMORANDUM OF LAW by Catherine Abate in support of [211-1] motion for an order precluding the expert testimony of Russell Neufeld. (ri) (Entered: 02/03/2000)
02/02/2000	213	DECLARATION of Daniel McCray by Catherine Abate in support Re: [211-1] motion for an order precluding the expert testimony of Russell Neufeld. (ri) (Entered: 02/03/2000)
02/04/2000	214	MEMORANDUM OF LAW by James Benjamin, Juan Romero in opposition to [211-1] motion for an order precluding the expert testimony of Russell Neufeld (cd) (Entered: 02/07/2000)
02/07/2000		Motion Hearing before Judge Harold Baer Jr. on 2/7/00, cont. on 2/8/00, 2/9/00, 2/14/00 and concluded on 2/17/00. Judge's decision is reserved plaintiff to submit post trial briefs by 3/7/00, defendants response by 3/15/00, and plaintiffs reply by 3/20/00. (ri) (Entered: 02/17/2000)
02/09/2000	215	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 12/9/99. (jp) (Entered: 02/09/2000)
02/14/2000	216	Memo-Endorsement on letter addressed to Judge Baer from John Boston, dated 2/10/00, granting plaintiff's request that the parties identify those portions of depositions that they wish to place into evidence after the conclusion of the testimony, by 2/16/00 . (signed by Judge Harold Baer Jr.); Copies mailed. (ri) (Entered: 02/14/2000)
02/29/2000		USCA Case Number Re: [208-1] appeal by Catherine Abate USCA NUMBER: 00-7023. (dt) (Entered: 02/29/2000)
03/14/2000	217	MEMORANDUM AND ORDER; denying [211-1] motion for an order precluding the expert testimony of Russell Neufeld; (signed by Judge Harold Baer Jr.); copies mailed (ls) (Entered: 03/15/2000)
03/15/2000	218	Memo-Endorsement on letter addressed to Judge Baer from Florence A. Hutner, dated 3/10/00. Re: counsel for deft writes to the Court w/ respect to two matters: (1) the unauthorized excessive length of plttffs' post-hearing memorandum, and (2) concerns about

		the timing of the next phase of this proceeding, and also requests the following: (1) that the Court either strike plttfs' ten summary tables or extend the page limit for defts, for an add'l. ten pages for a total of thirty-pages; (2) that the Court impose a clear total limit on plttfs' reply brief of perhaps eight or ten pages; w/ regard to the Court's intention to hold hearing on environmental health issues in the first week of May, defts do not seek an adjournment of the hearing, defts request a more reasonable discovery schedule; 1. I will accept the plttf's additional pages. 2. I will permit the deft 10 additional pages. 3. I will limit any reply to 8 pages and return unread any pages over 8. 4. I have a criminal trial I had to schedule for May 1 so unless it folds, we can't get started until May 8 in any event. Please provide a schedule that accomodates both sides - if that's possible using 5/8 as hearing date and submit it promptly. The next discovery issue and all that follow will be referred to the Magistrate Judge ; (signed by Judge Harold Baer Jr.); copies mailed. (ls) (Entered: 03/16/2000)
03/15/2000	219	ORDER; I have reviewed the excerpts from the deposition testimony of Karen Powell, Jose Pimentel, and Sheila Vaughn, submitted as plaintiff's Exhibits 220, 221 respectively. I note that the defendants has no intention of submitting cross designations. As I recall, I directed the parties to identify designations after the conclusion of testimony and both sides agreed at the time. Notwithstanding the defendants' objections, I find these designations to be both relevant and admissible. With respect to defendant's Exhibit "S", I will admit into evidence the plaintiffs' designation as well as defendants' cross-designations. Defendants' exhibit "T", a sampling of law library forms, will not be admitted. Finally, with respect to the plaintiffs' submission of envelopes for which plaintiffs have provided custody and release information meet Rule 807 standards for admission and as such will be admitted into evidence. Plaintiff's Correspondence Exhibits 202-203, 306,208-209, 211-214, 220, 222-227 are admissible to show that mail addressed to prisoners in the custody of defendants was returned. However, the markings on the envelopes that were not made by the United Postal Service have not been authenticated and will not be attributed to the defendants ; (signed by Judge Harold Baer Jr.); Copies mailed. (djc) Modified on 03/16/2000 (Entered: 03/16/2000)
03/16/2000	220	Defendants' Post-Hearing Memorandum of Law following 2/7/00 Hearing. (pl) (Entered: 03/17/2000)
03/21/2000	221	POST HEARING REPLY MEMORANDUM by James Benjamin (cd) (Entered: 03/22/2000)

03/24/2000	222	True Copy of Order from the USCA as to Catherine Abate RE: [208-1] appeal by Catherine Abate to withdraw [208-1] appeal . 00-7023, Roseann B. MacKechnie. (sl) (Entered: 04/03/2000)
03/30/2000	223	SCHEDULING ORDER RE: Environmental Health Hearing: the Court shall convene a hearing on 5/8/00 to determine whether any of the orders and judgments regarding environmental health in this case remain necessary in whole or in part to correct current and ongoing federal law violations; plttfs and defts shall begin notifying each other of witnesses immediately. Plttfs shall notify defts no later than 4/11/00 of all witnesses whom they intend to call at the 5/8/00 hearing. Defts shall notify plttfs of all the witnesses they intend to call by 4/21/00; the parties may submit pre-trial memoranda of 20 pages max, before the commencement of the 5/8/00 hearing. Plttfs shall serve their pre-trial memoranda, if any, by 4/24/00. Defts shall serve theirs, if any, by 5/1/00; discovery shall be completed by 4/28/00. Not sure I understand or agree with paragraph II letter spell it out for me. (signed by Judge Harold Baer Jr.); Copies mailed. (sac) (Entered: 03/31/2000)
04/03/2000	223	PRE-HEARING MEMORANDUM OF LAW by Catherine Abate re: defts submit that the Court will have no basis on which to find any current and ongoing systemic violation and therefore no basis on which to impose any prospective relief, and that the Court should therefore terminate the consent decree provisions at issue in the February 7 Hearing (ls) (Entered: 04/05/2000)
04/21/2000		Received \$25.00 in Cashiers Office on 4/20/00. Receipt #371838. (jp) (Entered: 04/21/2000)
05/05/2000	224	Supplementary Order RE: Notice of Prisoner Witness, that defendants and their agents shall immediately cease all contact or communication with plaintiff's trial witness concerning their participation in this litigaton, except as necessary for the witnesses to be produced in Court; Defendants shall immediately disclose to plaintiffs and the Court the time, place, extent and substance of all such communications by defendants and their agents with plaintiffs' trial witness, and shall turn over to plaintiffs any and all notes, statements, or other written materials generated as a result of such contact; Defendants are prohibited from utilizing in any fashion any information or statements obtained through the above described communications with plaintiffs' trial witnesses; Defendants shall immediately provide the Court with all available information concerning the above described communications and the circumstances and actions that led to them, identifying the individual employees or other persons involved in each ; The

		Court shall conduct a second telephone conference on 5/5/00, at a time to be arranged, to address what further action may be necessary and appropriate with respect to the above described communications . (signed by Judge Harold Baer Jr.); Copies mailed. (ri) Modified on 05/10/2000 (Entered: 05/09/2000)
05/12/2000	225	Memo-Endorsement on letter addressed to Judge Baer from Lisa Freeman, dated 5/11/00; granting counsel the opportunity to cross examine the Board of Correction, which receives all of its funding from the City of N.Y., will be represented by the Corporation Counsel, purs. to FRE 611(c). (signed by Judge Harold Baer Jr.); Copies mailed. (sac) (Entered: 05/15/2000)
06/01/2000	226	Memo-Endorsement on letter addressed to Judge Baer from Coleen Chin, dated 5/25/00; Ms. Chin writes in response to Lisa Freeman's letter dated 5/24/00 regarding the admission of plttffs' proposed exhibits 17 and 316-321 (described as corresponding paragraphs numbered 1-5). 1, 2 and 3 will be admitted and taken for any relevant light they may shed on the issues. 4 redact all Bd minutes other than environmental health discussion. I will gather the degree of attention from the redacted portions. 5 bracketed portions of p 2 of Ex 316 will be admitted . (signed by Judge Harold Baer Jr.); Copies mailed. (jp) (Entered: 06/02/2000)
06/06/2000	227	OPINION AND ORDER #84049; the defts' motion to terminate provisions of the Consent Decrees w/ respect to conditions affecting restrictive housing due process, inmate correspondence, and law librariesin the defts' prison is granted; the defts' motion to terminate provisions of the Consent Decrees w/ respect to restraint status due procees and attny. visitation are denied ; the defts are directed to submit recommendations for prospective relief governing restraint status due process and attny. visitation w/in 30 days from the date of this opinion ; (signed by Judge Harold Baer Jr.); Copies mailed. (lf) (Entered: 06/07/2000)
06/16/2000	228	NOTICE OF APPEAL by Catherine Abate ; from [227-1] order the defts' motion to terminate provisions of the Consent Decrees w/ respect to conditions affecting restrictive housing due process, inmate correspondence, and law librariesin the defts' prison is granted; the defts' motion to terminate provisions of the Consent Decrees w/ respect to restraint status due procees and attny. visitation are denied . Copies of notice of appeal mailed to Attorney(s) of Record: Daniel L. Greenberg, John Boston, Madeline H. DeLone, Lisa Freeman and Dale A. Wilker. \$105.00 Appeal filing fee paid 6/16/00 on receipt # E 376757. (dt) Modified on 06/20/2000 (Entered: 06/20/2000)

06/20/2000		Notice of appeal and certified copy of docket to USCA: [228-1] appeal by Catherine Abate ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 06/20/2000)
06/23/2000	229	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of May 8, 2000. (pl) (Entered: 06/26/2000)
06/23/2000	230	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 5/16/00. (jp) (Entered: 06/26/2000)
06/28/2000	231	POST-HEARING BRIEF by James Benjamin, and Juan Romero. (kw) (Entered: 06/29/2000)
07/06/2000	232	ORDER, that with respect to the City's letter of 6/27/00, addressing the length of plaintiff's post-trial brief, I must say that the plaintiffs have provided far more than I had sought. However, the plaintiff's tome appears to be helpful, and thus, I will not reject any portion of the Plaintiffs' submission. However, since I never anticipated this much "help" and neither did the defendants, I will afford the defendants additional time, up to and including 8/14/00 to submit their post-trial brief ; With respect to the defendants' application for a stay of the Opinion and Order of 6/5/00, the defendants' application is denied ; However, the defendants are granted until 7/14/00 to submit the recommendations required by my 6/5/00 decision . (signed by Judge Harold Baer Jr.); Copies mailed. (ri) (Entered: 07/07/2000)
07/26/2000	233	ORDER, in a letter to counsel Judge Baer writes, "Let me see if I can resolve, in no particular order, some of the matters discussed in the various letters." "I believe this answers the major concerns in your correspondence. I await orders and counter order; settlement, unless the Court orders otherwise, will always be on five days notice. If there is anything that you fail to understand in my response etc., a conference call is now the preferred method of communication." (signed by Judge Harold Baer Jr.); Copies mailed. (lam) (Entered: 07/27/2000)
08/02/2000	234	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 6/21/00. (lf) (Entered: 08/02/2000)
08/08/2000	235	ORDER; regarding relief as set forth in this Order necessary to correct a current and ongoing violation of the federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation . (signed by Judge Harold Baer Jr.); Copies mailed. (sn) (Entered: 08/10/2000)

08/11/2000	236	ORDER, re RED ID status and restraint status due process, as further set forth in this document. For two years from the date of this Order, defts shall report to the Court quarterly, on the first Monday after the end of each calendar year quarter, on their compliance with the terms of this Order; and if the plntfs deem it appropriate, they may respond to such quarterly reports (signed by Judge Harold Baer Jr.); Copies mailed. (cd) (Entered: 08/14/2000)
08/16/2000	237	POST-HEARING MEMORANDUM OF LAW by Catherine Abate re: following May 2000 hearing on environmental conditions. (pl) (Entered: 08/17/2000)
08/30/2000	238	NOTICE OF APPEAL by Catherine Abate ; from [236-1] order re RED ID status and restraint status due process, as further set forth in this document. For two years from the date of this Order, defts shall report to the Court quarterly, on the first Monday after the end of each calendar year quarter, on their compliance with the terms of this Order; and if the plntfs deem it appropriate, they may respond to such quarterly reports, [227-1] order the defts' motion to terminate provisions of the Consent Decrees w/ respect to conditions affecting restrictive housing due process, inmate correspondence, and law librariesin the defts' prison is granted; the defts' motion to terminate provisions of the Consent Decrees w/ respect to restraint status due procees and attny. visitation are denied . Copies of notice of appeal mailed to Attorney(s) of Record: John Boston. \$105.00 Appeal filing fee paid 8/30/00 on receipt # E 383436. (dt) (Entered: 08/30/2000)
08/30/2000		Notice of appeal and certified copy of docket to USCA: [238-1] appeal by Catherine Abate ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 08/30/2000)
08/30/2000	239	NOTICE OF APPEAL by Catherine Abate ; from [235-1] order regarding relief as set forth in this Order necessary to correct a current and ongoing violation of the federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation, [227-1] order the defts' motion to terminate provisions of the Consent Decrees w/ respect to conditions affecting restrictive housing due process, inmate correspondence, and law librariesin the defts' prison is granted; the defts' motion to terminate provisions of the Consent Decrees w/ respect to restraint status due procees and attny. visitation are denied . Copies of notice of appeal mailed to Attorney(s) of Record: John Boston. \$105.00 Appeal filing fee paid 8/30/00 on receipt # E 383435. (dt) (Entered: 08/30/2000)

08/30/2000		Notice of appeal and certified copy of docket to USCA: [239-1] appeal by Catherine Abate ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 08/30/2000)
09/06/2000	240	MANDATE OF USCA (certified copy) Re: Dismiss [239-1] appeal by Catherine Abate, [238-1] appeal by Catherine Abate, [228-1] appeal by Catherine Abate, [208-1] appeal by Catherine Abate. 00-7785, Roseann B. Mackechnie, Clerk. (sl) (Entered: 09/06/2000)
09/06/2000		Record on appeal files (99-0221) returned from U.S. Court of Appeals: [200-1] appeal by Juan Romero. (dt) (Entered: 09/07/2000)
09/06/2000	241	ORDER; regarding partial termination of Consent Decrees and Supplementary Orders . (signed by Judge Harold Baer Jr.); Copies mailed. (jp) (Entered: 09/07/2000)
09/07/2000	242	Pltffs' Post-Hearing Reply Brief Re: Environmental Health and Related Issues (sac) (Entered: 09/08/2000)
09/20/2000	243	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of Feb 7-9, 2000. (rag) (Entered: 09/20/2000)
09/20/2000	244	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of Feb 14,15, 2000. (rag) (Entered: 09/20/2000)
09/20/2000	245	ORDER RE: OFFICE OF COMPLIANCE CONSULTANTS; this Court having determined, by letter dated 7/24/00, that the activities of the Office of Compliance Consultants ("OCC") have been greatly reduced, the Court's Order of 1/6/97, is hereby modified as further set forth in this Order ; the court further directs that the Order of 2/14/95 regarding OCC, its powers, and its funding continue in effect as modified in this Order and in the Order of 12/9/99 ; (signed by Judge Harold Baer Jr.); Copies mailed. (lf) (Entered: 09/21/2000)
09/25/2000	246	Memo-Endorsement on letter addressed to Judge Baer from John Boston, dated 9/19/00. Re:, granting request for permission until 9/27/00 to submit comments on the directive including forms . (signed by Judge Harold Baer Jr.); Copies mailed. (kg) (Entered: 09/26/2000)
09/26/2000	247	Memo-Endorsement on letter addressed to Judge Baer from Dale A. Wilker, dated 9/8/00. Re:, For completeness, I've taken these additional snippets from Comm. Cara. The apple is now gone

		there are no more bites to be had . (signed by Judge Harold Baer Jr.); Copies mailed. (kg) (Entered: 09/26/2000)
10/17/2000		USCA Case Number Re: [238-1] appeal by Catherine Abate, [239-1] appeal by Catherine Abate USCA NUMBER: 00-9093. (dt) (Entered: 10/17/2000)
11/01/2000	248	MANDATE OF USCA (certified copy) Re: Dismiss [239-1] appeal by Catherine Abate, [238-1] appeal by Catherine Abate. 00-9095, Roseann B. Mackechnie, Clerk. (sl) (Entered: 11/02/2000)
11/02/2000	249	Appeal reinstated. by James Benjamin, Catherine Abate It is Ordered that the said order be vacated, and it is further noted that the appeal be reinstated, and scheduling order No.2 dated 10/27/00 is in effect [238-1] appeal by Catherine Abate USCA NUMBER: 00-9095, 00-9093 (sl) Modified on 11/03/2000 (Entered: 11/03/2000)
11/15/2000	250	STIPULATION OF TRANSFER OF RECORD ON APPEAL, that only that portion of the record consisting of documents that were filed in this Court, and were entered on the docket sheet on or after 1/1/99, need be transferred to the USCA for the 2nd Cir. purs. to defts' appeals under Docket Nos. 00-9093(L) and 00-9095(CON) case (kg) (Entered: 11/15/2000)
11/15/2000	251	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [249-1] appeal by Catherine Abate, James Benjamin. (dt) (Entered: 11/15/2000)
11/17/2000	252	ORDER; In order to correct the record before the District Court and on appeal, the Clerk of the Court is directed to file the following three documents in this case: 1. Defts' 7/12/00 Letter from Florence Hutner to the Court submitting recommendations for implementing prospective relief for attorney visits and Red ID/restraint status due process; 2. Pltffs' 7/19/00 Letter from John Boston to the Court in response to defts' letter of 7/12/00, above, with a proposed order attached; 3. Defts' 7/24/00 Letter from John Boston to the Court in response to pltffs' letter of 7/19/00, above; 4. Defts' 7/31/00 Letter from Florence Hutner to the Court submitting a counter proposed order ; (signed by Judge Harold Baer Jr.); Copies mailed. (lf) (Entered: 11/20/2000)
11/17/2000	253	Letter filed by Catherine Abate addressed to Judge Baer from Florence A. Hutner, dated 7/12/00, re: submitting recommendations for implementing prospective relief for attorney visits and Red ID/restraint status due process. (lf) (Entered: 11/20/2000)

11/17/2000	254	Letter filed by James Benjamin, Juan Romero addressed to Judge Baer from John Boston, dated 7/19/00, re: in response to defts' letter of 7/12/00, with a proposed order attached. (lf) (Entered: 11/20/2000)
11/17/2000	255	Letter filed by Catherine Abate addressed to Judge Baer from Florence A. Hutner, dated 7/24/00, re: in response to plttfs' letter of 7/19/00. (lf) Modified on 11/20/2000 (Entered: 11/20/2000)
11/17/2000	256	Letter filed by Catherine Abate addressed to Judge Baer from Florence A. Hutner, dated 7/31/00, re: submitting a counter proposed order. (lf) (Entered: 11/20/2000)
11/30/2000	257	Memo-Endorsement on letter addressed to Judge Baer from Florence Hutner, counsel for defts and Madeline H. deLone, counsel for plttfs, dated 11/28/00; this letter is submitted jointly to inform the Court of an agreement that the parties have reached with regard to new due process hearings for prisoners who were given Red ID cards or placed in enhanced restraint status prior to the implementation of the new Directive; the Dept. will conduct new hearings for these prisoners within 45 days of the date that the new Directive takes effect (signed by Judge Harold Baer Jr.); Copies mailed. (lam) (Entered: 12/01/2000)
12/21/2000	258	ORDER, the Court orders that the following additional orders are terminated: the Consent Order re: Contact Visits at NYCCIFW, dated 7/29/78, in Forts v. Malcolm; the Order re: Overcrowding, dated 6/23/81, in Consolidated Cases v. Malcolm; the Stipulation for Order re: Madical/Health Services, dated 7/10/91 in Consolidated Cases v. Malcolm . (signed by Judge Harold Baer Jr.); Copies mailed. (kw) (Entered: 12/27/2000)
12/21/2000	259	Memo-Endorsement on letter addressed to Judge Baer from Florence A. Hutner, dated 12/15/00. Re: Counsel for defts writes regarding final versions of the Attorney visit and Red ID/Enhanced Restraint Status Directives; Both directives as corrected & agreed upon by the parties are acceptable to the Court & should be made effective as soon as conveniently possible but in no event later than 12/31/00 . (signed by Judge Harold Baer Jr.); Copies mailed. (sn) (Entered: 12/27/2000)
01/09/2001	260	OPINION & ORDER #85026, the defts motion to terminate provisions of the Consent Decrees with respect to environmental health conditions is denied in part and granted in part; this Court has determined that there is a continuing and ongoing violation of the basic right to adequate ventilation in ARDC, GMDC, GRVC, JATC, MDC, NIC, OBCC, QHD, and the mental observations

		units at AMKC, and the intake areas at RMSC ; accordingly, as noted in section II.A of this opinion, the parties are directed to submit recommendations for prospective relief governing ventilation in these facilities within 30 days from the date of this opinion; this Court will direct OCC to monitor comprehensively the temperature at the above listed facilities this winter and again in the summer season to determine whether continuing and ongoing relief is warranted or whether the risk to human health has been abated; with regard to the plumbing, vermin control, food service, personal hygiene and laundry, this court has found no ongoing violation of federal law; with regrd to sanitation in non-medical areas, sanitation in the RMSC clinic and GMDC infirmary, and lighting, the parties are directed to submit recommendations for prospective relief governing these areas as set forth in this opinion (signed by Judge Harold Baer Jr.); Copies mailed. (lam) (Entered: 01/10/2001)
02/07/2001	261	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 11/20/00. (kkc) (Entered: 02/07/2001)
02/07/2001	262	Memo-Endorsement on letter addressed to Judge Baer from John Boston, Madeline H. deLone, Lisa Freeman Dale A. Wiler, dated 2/2/01. Re: counsel for plttfs requests an additional ten days from 2/8/01, to respond and to submit counter'proposals where appropriate, w/ respect to defts' remedial proposals concerning environmental health 2/18/01 is a sunday. I'm perfectly willing to extend the time to Monday, 2/19/01. My concern is that more progress might be made if you were negotiating throughtout rather than just reacting and quicker ; (signed by Judge Harold Baer Jr.); Copies mailed. (lf) (Entered: 02/08/2001)
02/07/2001	263	NOTICE OF CROSS MOTION by defendants, for reconsideration of [260-1] order the defts motion to terminate provisions of the Consent Decrees with respect to environmental health conditions is denied in part and granted in part; this Court has determined that there is a continuing and ongoing violation of the basic right to adequate ventilation in ARDC, GMDC, GRVC, JATC, MDC, NIC, OBCC, QHD, and the mental observations units at AMKC, and the intake areas at RMSC . No return date. (kw) (Entered: 02/08/2001)
02/07/2001	264	MEMORANDUM OF LAW by defendants in opposition to plaintiffs motion and in support of re: [263-1] cross motion for reconsideration of [260-1] order the defts motion to terminate provisions of the Consent Decrees with respect to environmental health conditions is denied in part and granted in part; this Court

		has determined that there is a continuing and ongoing violation of the basic right to adequate ventilation in ARDC, GMDC, GRVC, JATC, MDC, NIC, OBCC, QHD, and the mental observations units at AMKC, and the intake areas at RMSC. (kw) (Entered: 02/08/2001)
02/14/2001	265	Memo-Endorsement on letter addressed to Judge Baer from Florence A. Hunter, dated 2/7/01. Re: Counsel for defts request additional time for the topics herein to be addressed. As to your first 7 bullets the extension provided to plttf will not change since you will meet the deadline as to them . As to those 2 remaining bullets sanitation & light the plttfs will have 10 days from when you submit--not later than & hopefully before 2/15/01 . (signed by Judge Harold Baer Jr.); Copies mailed. (sn) (Entered: 02/16/2001)
02/22/2001	266	REPLY MEMORANDUM by defts in support of [263-1] cross motion for reconsideration of [260-1] order the defts motion to terminate provisions of the Consent Decrees with respect to environmental health conditions is denied in part and granted in part; this Court has determined that there is a continuing and ongoing violation of the basic right to adequate ventilation in ARDC, GMDC, GRVC, JATC, MDC, NIC, OBCC, QHD, and the mental observations units at AMKC, and the intake areas at RMSC. (sn) (Entered: 02/26/2001)
03/21/2001	267	MEMORANDUM OF LAW by James Benjamin, Juan Romero re: applicability of Prison Litigation Reform Act to the Office of Compliance Consultants. (sn) (Entered: 03/23/2001)
03/22/2001	268	OPINION and ORDER #85330, plntf's motion is granted in part and denied in part, and the defts' motion is granted in part, and denied in part. Defts' motion for reconsideration of this Court's January opinion with respect to modular units is reserved. I reserve defts' request for clarification of my ruling regarding the modular units, and will resolve this question at a later date (signed by Judge Harold Baer Jr.); Copies mailed. (cd) (Entered: 03/26/2001)
03/26/2001	269	REPLY MEMORANDUM by James Benjamin re: Applicability of Prison Litigation Reform Act to the Office of Compliance Consultants (cd) (Entered: 03/27/2001)
04/17/2001	270	Memo-Endorsement on letter addressed to Judge Baer from John Boston, dated 4/16/01; granting plaintiffs' request for an extension for submitting names until 4/24/01 . (by Judge Harold Baer Jr.); Copies mailed. (ae) (Entered: 04/18/2001)

04/27/2001	271	ORDER, regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC . (signed by Judge Harold Baer Jr.); Copies mailed. (kw) (Entered: 04/30/2001)
05/02/2001	272	NOTICE OF APPEAL by Catherine Abate ; from [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC . Copies of notice of appeal mailed to Attorney(s) of Record: John Boston. \$105.00 Appeal filing fee paid 5/2/01 on receipt # E 404775. (dt) (Entered: 05/03/2001)
05/03/2001		Notice of appeal and certified copy of docket to USCA: [272-1] appeal by Catherine Abate ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/03/2001)
05/03/2001	273	MEMORANDUM OF LAW by Catherine Abate, Juan Romero re: [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC . (cd) (Entered: 05/07/2001)
05/03/2001	274	REPLY MEMORANDUM by Catherine Abate, Juan Romero re: [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC (cd) (Entered: 05/07/2001)
05/08/2001	275	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 3/14/01 @ 11:00 a.m. (kg) (Entered: 05/08/2001)
05/10/2001	276	NOTICE OF MOTION (FILED ON SERVICE DATE) by James Benjamin, Juan Romero for additional findings , and to alter, amend, or correct portions of the Order on Enviromental Health issued 4/26/01 . Return date 5/31/01. (sn) (Entered: 05/14/2001)
05/10/2001	277	DECLARATION of John Boston by James Benjamin, Juan Romero in support Re: [276-1] motion for additional findings, [276-2] motion to alter, amend, or correct portions of the Order on Enviromental Health issued 4/26/01. (sn) (Entered: 05/14/2001)
05/10/2001	278	MEMORANDUM OF LAW by James Benjamin, Juan Romero in support of [276-1] motion for additional findings, [276-2] motion to alter, amend, or correct portions of the Order on Enviromental Health issued 4/26/01. (sn) (Entered: 05/14/2001)
05/11/2001	279	NOTICE OF MOTION by Catherine Abate for reconsideration of [271-1] order regarding the procedures that will govern the

		monitoring, inspections & implementation framework under OCC ; Return date 6/5/01 (cd) (Entered: 05/14/2001)
05/18/2001	280	Memo-Endorsement on letter addressed to Judge Baer from Florence A. Hunter, dated 5/15/01, Parties' responses to motion reset to 5/25/01 for [279-1] motion for reconsideration of [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC; reset to 5/25/01 for [276-1] motion for additional findings; reset to 5/25/01 for [276-2] motion to alter, amend, or correct portions of the Order on Enviromental Health issued 4/26/01 ; Parties' reply to response to motion reset to 6/1/01 for [279-1] motion for reconsideration of [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC; reset to 6/1/01 for [276-1] motion for additional findings; reset to 6/1/01 for [276-2] motion to alter, amend, or correct portions of the Order on Enviromental Health issued 4/26/01 . (signed by Judge Harold Baer Jr.); Copies mailed. (cd) Modified on 05/22/2001 (Entered: 05/21/2001)
05/29/2001	281	MEMORANDUM OF LAW by Catherine Abate in opposition to [276-1] motion for additional findings; [276-2] motion to alter, amend, or correct portions of the Order on Enviromental Health issued 4/26/01. (sn) (Entered: 06/04/2001)
06/01/2001	282	REPLY MEMORANDUM by James Benjamin, Juan Romero re: [276-1] motion for additional findings, [276-2] motion to alter, amend, or correct portions of the Order on Enviromental Health issued 4/26/01 (rag) (Entered: 06/04/2001)
06/05/2001	283	Memo-Endorsement on letter addressed to Judge Baer from Attorneys for Plaintiff, dated 5/30/01. Re: counsel for plaintiff writes regarding the defendants' letter to the court of 5/29/01, requesting a ruling limiting the evidence which may be introduced at the upcoming hearing to determine the appropriate remedy for the modular units; I have read the letters from plaintiff and defendants dated 5/29 and 5/30. It stretches credulity to believe the reason for the hearing and thus the discovery could be any plainer. I am concerned as to the continuing viability of the modules and whether they are in a condition, in coformity with the law, to be worth fixing or beyond "fixing." Your job is to help me find out - unlikely that records from two or three years ago will do it. Environmental aspects will only be relevant as they affect structural concerns . (signed by Judge Harold Baer Jr.); Copies mailed. (ae) (Entered: 06/06/2001)

07/02/2001	284	MANDATE OF USCA WITHDRAWING APPEAL (certified copy) Re: withdrawing [272-1] appeal by Catherine Abate. The undersigned counsel for the parties, June R. Buch and John Boston, hereby stipulate that the above-captioned appeal is hereby withdrawn without costs and without attorneys' fees and without prejudice, subject to reinstatement by written notice to the Clerk by appellant's counsel. Certified: 6/27/01, 01-7533 Roseann B. MacKechnie, Clerk, U.S.C.A. (sb) (Entered: 07/02/2001)
07/05/2001	285	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 5/3/01. (gmo) (Entered: 07/05/2001)
07/05/2001	286	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 5/3/01. (gmo) (Entered: 07/05/2001)
07/11/2001	287	SUPPLEMENTAL OPINION & ORDER #85809; that for the reasons set forth in this Opinion, plaintiffs' [276-1,2] motion for reconsideration is granted in part and denied in part; defendants' [279-1] motion for reconsideration is granted in part and denied in part; the Court appoints John H. Doyle III as the new Office of Compliance Consultants Director; Mr. Doyle's appointment is effective immediately . (signed by Judge Harold Baer Jr.); Copies mailed. (kkc) (Entered: 07/12/2001)
07/25/2001	288	NOTICE OF APPEAL by the defendants; from [287-1] order the Court appoints John H. Doyle III as the new Office of Compliance Consultants Director; Mr. Doyle's appointment is effective immediately, [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC . Copies of notice of appeal mailed to Attorney(s) of Record: John Boston, Esq. \$105.00 Appeal Filing Fee paid 7/25/01 on receipt # E412471. (sb) (Entered: 07/25/2001)
07/25/2001		Notice of appeal and certified copy of docket to USCA: [288-1] appeal ; Copy of notice of appeal sent to District Judge. (sb) (Entered: 07/25/2001)
08/02/2001	289	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 6/7/01. (gmo) (Entered: 08/02/2001)
08/07/2001	290	NOTICE OF APPEAL by James Benjamin ; from [287-1] order the Court appoints John H. Doyle III as the new Office of Compliance Consultants Director; Mr. Doyle's appointment is effective immediately, [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC . Copies of notice of appeal mailed to

		Attorney(s) of Record: Florence Hunter, Esq. *(IFP granted)*. (sb) (Entered: 08/08/2001)
08/08/2001		Notice of appeal and certified copy of docket to USCA: [290-1] appeal by James Benjamin ; Copy of notice of appeal sent to District Judge. (sb) (Entered: 08/08/2001)
08/09/2001	291	Appeal reinstated. by Defendants-appellantsi, [272-1] appeal by Catherine Abate. USCA NUMBER: 01-7533. (sb) (Entered: 08/15/2001)
08/30/2001	292	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 7/18/01. (moc) (Entered: 08/30/2001)
10/02/2001	293	MANDATE OF USCA (certified copy) Re: affirm [239-1] appeal by Catherine Abate, [238-1] appeal by Catherine Abate. It is hereby ordered, adjudged, and decreed that the judgment of said district court be and it hereby is affirmed in accordance with the opinion of this Court. Issued as Mandate: 9/27/01, 00-9093 (L), 00-9095 (CON) Roseann B. MacKechnie, Clerk, U.S.C.A. (sb) (Entered: 10/03/2001)
10/02/2001	295	Letter filed addressed to Clerk of the Court from Madeline H. deLone, dated 9/26/01, re: address change. (yv) (Entered: 10/12/2001)
10/05/2001	294	Letter filed by James Benjamin, Juan Romero addressed to clerk of the court from plaintiff's counsel, dated 9/26/01, re: change of address. (bai) (Entered: 10/10/2001)
10/29/2001	296	NOTICE OF MOTION (filed on service date) by Catherine Abate for an Order granting partial relief pursuant to FRCP 60(b) from the Court's [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC, and [287-2] order and in the alternative, to partially stay those orders pursuant to FRCP 62(c) pending defendants' appeal thereof . Return date November 20, 2001. Declaration of June R. Buch in support of motion attached. (yv) (Entered: 11/13/2001)
11/05/2001		USCA Case Number Re: [288-1] appeal, [290-1] appeal by James Benjamin USCA NUMBER: 01-7876(L) & 01-7934(XAP). (dt) (Entered: 11/05/2001)
11/08/2001	297	MEMORANDUM OF LAW by Catherine Abate in support of [296-1] motion for an Order granting partial relief pursuant to FRCP 60(b) from the Court's [271-1] order regarding the procedures that will govern the monitoring, inspections &

		implementation framework under OCC, and [287-2] order, [296-2] motion to partially stay those orders pursuant to FRCP 62(c) pending defendants' appeal thereof . (yv) (Entered: 11/13/2001)
11/21/2001	300	Memo-Endorsement on letter addressed to Judge Baer from John Boston, Madeline deLone, Lisa Freeman, Dale Walker, dated 11/13/01, Plntf's Response to defts motion for a stay pending appeal deadline 11/30/01; Defts' Reply to response to motion deadline 12/14/01; This is agreeable with me but worrisome since if the application seeks a stay of matters to be completed, etc by or before the end of August the defts are already in violation. I also have from OCC a concern that thermometers have not yet been provided no training. Call chambers to set up conference for week of 12/17 (signed by Judge Harold Baer Jr.); Copies mailed. (cd) (Entered: 11/28/2001)
12/27/2001	301	REPLY MEMORANDUM by Catherine Abate re: [296-1] motion for an Order granting partial relief pursuant to FRCP 60(b) from the Court's [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC, and [287-2] order, [296-2] motion to partially stay those orders pursuant to FRCP 62(c) pending defendants' appeal thereof (db) (Entered: 12/28/2001)
12/27/2001	302	REPLY DECLARATION by Catherine Abate in support of defendants [296-1] motion for an Order granting partial relief pursuant to FRCP 60(b) from the Court's [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC, and [287-2] order, [296-2] motion to partially stay those orders pursuant to FRCP 62(c) pending defendants' appeal thereof (db) (Entered: 12/28/2001)
12/27/2001	303	MEMORANDUM OF LAW by James Benjamin, Juan Romero in opposition to [296-1] motion for an Order granting partial relief pursuant to FRCP 60(b) from the Court's [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC, and [287-2] order, [296-2] motion to partially stay those orders pursuant to FRCP 62(c) pending defendants' appeal thereof . (db) (Entered: 12/28/2001)
12/27/2001	304	DECLARATION of John Boston by James Benjamin, Juan Romero in opposition Re: [296-1] motion for an Order granting partial relief pursuant to FRCP 60(b) from the Court's [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC, and [287-2] order, [296-2] motion to partially stay those orders pursuant to

		FRCP 62(c) pending defendants' appeal thereof . (db) (Entered: 12/28/2001)
01/03/2002	305	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 5/8/00 9:45 AM. (sn) (Entered: 01/03/2002)
01/10/2002		USCA Case Number Re: [291-1] appeal by Catherine Abate USCA NUMBER: 01-7533. (dt) (Entered: 01/10/2002)
01/22/2002	306	Memo-Endorsement on letter addressed to Judge Baer from John Boston, dated 12/03/01; Re: counsel to plaintiff requests an extension of page limit for brief to defendants' motion for a stay; My rules apply to all parties but in an effort to move this along, I will accept rather than return your papers and those of the City ; (signed by Judge Harold Baer Jr.); Copies mailed. (dj) (Entered: 01/23/2002)
01/25/2002	307	OPINION & ORDER; #86517; denying [296-1] motion for an Order granting partial relief pursuant to FRCP 60(b) from the Court's [271-1] order regarding the procedures that will govern the monitoring, inspections & implementation framework under OCC, and [287-2] order, denying [296-2] motion to partially stay those orders pursuant to FRCP 62(c) pending defendants' appeal thereof. (signed by Judge Harold Baer Jr.); Copies mailed. (sn) (Entered: 01/29/2002)
01/29/2002	308	NOTICE OF APPEAL by defendants; from [307-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: John Boston, Legal Aid Society. \$105.00 Appeal Filing Fee paid 1/29/02 on receipt # E 428480. (sb) (Entered: 01/30/2002)
01/30/2002		Notice of appeal and certified copy of docket to USCA: [308-1] appeal ; Copy of notice of appeal sent to District Judge. (sb) (Entered: 01/30/2002)
02/21/2002		USCA Case Number Re: [308-1] appeal USCA NUMBER: 02-7115. (dt) (Entered: 02/21/2002)
02/22/2002	309	Memo-Endorsement on letter addressed to Judge Baer from Florence A. Hutner, dated 02/20/02; Re: briefing on plaintiffs' motion for contempt and additional relief; Opposition papers to be served on 03/04/02; Reply papers to be served on 03/18/02 ; (signed by Judge Harold Baer Jr.); Copies mailed. (dj) (Entered: 02/25/2002)

03/11/2002	310	RESPONSE by Department of Correction Re: October, November and December 2001 Department of Health inspection reports. (yv) (Entered: 03/13/2002)
03/21/2002	353	Memo-Endorsement on letter addressed to Judge Baer from Elizabeth J. Loconsolo, dated 10/15/02. Re: Regarding the Monthly Lists of all red ID and/or enhanced restraint inmates within the time period requested; For clarification purposes the "lists" will be submitted during the first 10 days of each month . (signed by Judge Harold Baer Jr.); (kg) (Entered: 10/24/2002)
03/26/2002	311	Memo-Endorsement on letter addressed to Judge Baer from John Boston, dated 3/22/02. Re: parties submit a schedule for plaintiffs' motion for contempt and for further relief. If both sides agree all direct can be by affidavit and simply have cross in the ctrm. This scheduled is acceptable to the Court. Identification experts and Rule 26 disclosures - 4/8/02; parties to complete naming fact witnesses - 4/16/02; fact witness depositions - 5/2/02; plaintiffs' experts' tour - 4/18/02; expert reports exchanged - 5/2/02; expert depositions - 5/18/02; exchange of documentary exhibits - 5/18/02; hearing - May 28-29 . (signed by Judge Harold Baer Jr.); Copies mailed. (kw) (Entered: 03/29/2002)
04/05/2002	312	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 5/8/00. (tr) (Entered: 04/05/2002)
04/11/2002	313	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [288-1] appeal, [290-1] appeal by James Benjamin. (dt) (Entered: 04/12/2002)
04/15/2002	315	NOTICE OF MOTION by James Benjamin, Juan Romero for judgment of contempt ; Return date 2/26/02i; attached are papers in support (cd) (Entered: 04/18/2002)
04/15/2002	316	MEMORANDUM OF LAW by James Benjamin, Juan Romero in support of [315-1] motion for judgment of contempt . (cd) (Entered: 04/18/2002)
04/15/2002	317	MEMORANDUM OF LAW by Catherine Abate in opposition to plntfs' motion for relief purs to FRCP 60(b) for additional relief (cd) (Entered: 04/18/2002)
04/15/2002	318	DECLARATION of Steven Conry by Catherine Abate in opposition Re: rear cuffing (cd) (Entered: 04/18/2002)
04/15/2002	319	DECLARATION of Trevor Parks, MD by Catherine Abate in opposition Re: rear cuffing (cd) (Entered: 04/18/2002)

04/15/2002	320	REPLY MEMORANDUM by James Benjamin, Juan Romero re: [315-1] motion for judgment of contempt (cd) (Entered: 04/18/2002)
04/15/2002	321	REPLY MEMORANDUM by James Benjamin, Juan Romero re: plntf's motion for contempt (cd) (Entered: 04/18/2002)
04/16/2002	314	Memo endorsed on motion to Enter upon Land for Inspection Regarding Restraint Practices; Purs to Rule 34 of the FRCP, plaintiff's counsel is granted entry with their expert consultants upon Rikers Island and the Bronx Criminal and Supreme Courts in order to inspect the procedures for restraining prisoners placed in Red ID Status on April 18, 2002 to allow observation of prisoners arriving at the Supreme Court house in the Bronx; en route to the Court pens; and in the court pens. Plaintiffs' counsel may also observe the detention of Red ID Status prisoners in the Court pens in the Bronx Criminal Court house. Finally, Plaintiffs' counsel is permitted to observe Red ID status prisoners' placement on the bus for transportation back to Rikers Island and their arrival at GRVC, up until the prisoners are released from their restraints. Plaintiffs' counsel and/or ther experts (no more than 4 people altogether) may briefly interview and examine prisoners returning from court and may examine relevant books and records at the above listed sites . (signed by Judge Harold Baer Jr.); Copies mailed. (djc) (Entered: 04/18/2002)
04/19/2002	333	NOTICE OF MOTION (FILED ON SERVICE DATE) by William Fraser pursuant to FRCP 26(c), for a protective order quashing the notice of deposition of movant dated 4/17/02 . Declaration of Florence A. Hunter in support of motion attahced. Return Date 4/26/02 at 10:00. (db) (Entered: 05/08/2002)
04/23/2002	322	Memo-Endorsement on letter addressed to Judge Baer from Florence A. Hutner, dated 4/19/02; counsel writes to advise that defendants seek information about the inmates' prior experience in filing appeals. 1) In Legal Aid's letter of 4/19, I am delighted to see that the City will accept answers in unsigned form. I am not planning to stretch this hearing and therefore no declarations with material changes in the substance of the testimony in the signed copy will be accepted. 2) As to the dispute: the plaintiff will provide an answer to the question "has the witness ever appealed any previous DOC action or determination and if so how many and to whom was the appeal submitted and what if any determination resulted" with dates only if easily acquired . (signed by Judge Harold Baer Jr.); Copies mailed. (kkc) (Entered: 04/24/2002)

04/24/2002	323	Memo-Endorsement on letter addressed to Judge Baer from John Boston, dated 4/22/02 Re: defts' application in their leter of 4/22/02, to add a belated expert witness: while I don't share the deft's view about the arduous "compressed" schedule for this hearing on the plntf's motion for contempt et al and thus the defts in my view should have been able to comply-the idea behind the federal rules is to try cases on their merits and that means all their merits and too that this is a search for truth and I believe in assiting parties in making it happen. The application is granted. Further, this is a two day hearing. Make sure you have agreed how that time is to be divided and if you have any more problems between now and the hearing, call don't write, if possible do neither (signed by Judge Harold Baer Jr.); Copies mailed. (cd) (Entered: 04/25/2002)
04/24/2002	324	Memo-Endorsement on letter addressed to John Horowitz from Coleen Chin, dated 4/3/02. Re: Counsel for deft writes in response to Madeline deLone's 3/18/02 letter regarding the scope of redactions of the EHO reports; defts believe that no currently redacted categories included in reports using either old or new forms should be unredacted, with the exception of notations on future EHO reports regarding sanitation of various items. Responding to this letter and 3/18 and 4/18/02 letters from legal aid and having reviewed the report from OCC I am not at this time ordering redaction of the 'old form or per the request of legal aid. I do however subscribe to the OCC's 8 items in the 4/12/02 report as items appropriate for inclusion in my order and they will be included along with a justification as to the housing area found to be in violation. These inclusions will begin as soon as conveniently possible but not after 5/6/02 . (signed by Judge Harold Baer Jr.); Copies mailed. (sn) (Entered: 04/26/2002)
04/24/2002	330	Memo-Endorsement on letter addressed to Judge Baer from John H. Doyle, III, dated 4/9/02. Re: OCC requests that the Court direct the Department of Correction to provide OCC with the weekly schedules of its Public Health Sanitarians each Friday of the following week, or, at the latest, on each Monday for that week. Taking three weeks or longer to respond to a request by OCC so that the court has a timely opportunity to rule on such a dispute is inexcusable and counsel to the department seems directly at fault. Further refusal to permit perusal of the public health sanitarians schedule before its too late to matter hardly seems to signal even a smattering of the good faith promised time and time again by the city. The OCC's role in my view permits perusal of these records and they are to be furnished when they have some change of being meaningful, i.e., each Friday for the following week or Monday if

		necessary beginning Friday May 2, 2002 . (signed by Judge Harold Baer Jr.); Copies mailed. (kw) (Entered: 04/30/2002)
04/26/2002	326	MEMORANDUM OF LAW by Catherine Abate in opposition to [276-1] motion for additional findings, [276-2] motion to alter, amend, or correct portions of the Order on Enviromental Health issued 4/26/01 . (yv) (Entered: 04/30/2002)
04/26/2002	327	DECLARATION of Trevor Parks, M.D., M.P.H. by Catherine Abate in opposition Re: [276-1] motion for additional findings, [276-2] motion to alter, amend, or correct portions of the Order on Enviromental Health issued 4/26/01 . (yv) (Entered: 04/30/2002)
04/26/2002	328	MEMORANDUM OF LAW by Catherine Abate in opposition to [315-1] motion for judgment of contempt . (yv) (Entered: 04/30/2002)
04/26/2002	329	DECLARATION of Brian Riordan by Catherine Abate in opposition Re: [315-1] motion for judgment of contempt . (yv) (Entered: 04/30/2002)
04/26/2002	331	Memo-Endorsement on letter addressed to Judge Baer from John H. Doyle, III, dated 4/4/02, Re monthly medical reviews of inmates in Red ID and Enhanced Restraint Staus: I think this might be helpful but I can wait until the hearing and it certainly is not contemplated in my order - so my view is not to proceed (signed by Judge Harold Baer Jr.); Copies mailed. (cd) (Entered: 04/30/2002)
04/27/2002	334	NOTICE OF MOTION (Filed on the service date 4/27/02) by Intervenor Plaintiffs George Harris, Herman Johnson, Joseph Torres, Donald A. Morris and George Leeper; for an order to intervene as party plaintiffs in this action . No Return Date; w/ attached Affidavits in support. (ae) Modified on 05/24/2002 (Entered: 05/24/2002)
04/29/2002	325	True Copy of Order from the USCA RE: [288-1] appeal, [290-1] appeal by James Benjamin Defendants-Appellants have moved for a stay, pending the outcome of their appeal, of three provisions of the district court order mandating schedules for the completion of three projects: creating a six-foot separation between all inmate beds; completing the remaining shower renovations; and replacing lighting fixtures. It is ordered that the motion for a stay is granted . Certified: 4/23/02, 01-7876, 01-7934 Roseann B. MacKechnie, Clerk, U.S.C.A. (sb) (Entered: 04/29/2002)

04/29/2002	332	MEMO-ENDORSEMENT on Reply Declaration in Support of Motion for a Protective Order; the motion to quash is denied. Pleas furnish a copy of the transcript to the court and clear time during the hearing days for the commissioner to testify depending on my review of the deposition or at the behest of a party (signed by Judge Harold Baer Jr.); Copies mailed. (cd) (Entered: 05/01/2002)
05/24/2002	335	Memo-Endorsement on letter addressed to Judge Baer from Florence A. Hutner, dated 5/24/02; While promised, I have received no reply papers from the plaintiff. In any event, I share the defendant's view. I'd like to hear the cross examination and see no reason, since they are available not to do so 3:00 pm . (signed by Judge Harold Baer Jr.); Copies mailed. (ae) (Entered: 05/28/2002)
06/07/2002	336	ORDER, OCC shall have authority to select two additional correction officers and one Captain for its staff from the ranks of the Dept of Corrections, the selections to be approved by plntfs and defts, to perform such tasks as, in the judgment of the Director and Deputy Director of OCC, shall be in aid of monitoring compliance with those order of this Court, as further set forth in this document (signed by Judge Harold Baer Jr.); Copies mailed. (cd) (Entered: 06/11/2002)
06/19/2002	337	Memo-Endorsement on letter addressed to Judge Baer from John Boston, dated 6/17/02 Re: submisison of joint reply briefs, limited to five pages, following the simultaneous submisison of the briefs on 7/1: 5 days for reply briefs is fine with me and 5 days from 7/1 is also fine- actually because of holiday 7/10/02 is fine (signed by Judge Harold Baer Jr.); Copies mailed. (cd) (Entered: 06/21/2002)
07/01/2002	339	MEMORANDUM OF LAW by James Benjamin, Juan Romero in support of [315-1] motion for judgment of contempt . (sv) (Entered: 07/16/2002)
07/08/2002	338	POST-HEARING MEMORANDUM OF LAW by Defendants' in opposition to [315-1] motion for judgment of contempt . (sb) (Entered: 07/11/2002)
07/10/2002	340	REPLY by James Benjamin, Juan Romero Re: [338-1] opposition memorandum (yv) (Entered: 07/16/2002)
07/15/2002	341	NOTICE OF MOTION by William Fraser for protective order quashing the notice of deposition of Comm. William J. Fraser ; Return Date 4/17/02, 10:00 am (cd) (Entered: 07/17/2002)

07/15/2002	341	DECLARATION of Florence Hutner by William Fraser in support Re: [341-1] motion for protective order quashing the notice of deposition of Comm. William J. Fraser . (cd) (Entered: 07/17/2002)
07/15/2002	342	DECLARATION of John Boston by William Fraser in opposition Re: [341-1] motion for protective order quashing the notice of deposition of Comm. William J. Fraser . (cd) (Entered: 07/17/2002)
07/15/2002	343	REPLY DECLARATION, in support of Florence Hutner by William Fraser in support re: [341-1] motion for protective order quashing notice of deposition of Comm. William J. Fraser . (cd) (Entered: 07/17/2002)
07/15/2002	344	REPLY MEMORANDUM in opposition by William Fraser re: [315-1] motion for judgment of contempt . (cd) (Entered: 07/17/2002)
09/05/2002	345	Memo-Endorsement on letter addressed to Judge Baer from June R. Buch, dated 9/4/02. Re: defendants write to confirm their understanding of the Court's memo endorsement of their letter dated 8/29/02. My memo and my clerk's conversation seem clear: 1. Have plan with you on 9/13/02 at 10:00 a.m. 2. That plan will cover OCC reports. 3. Don't address these items in your answer to Legal Aid's motion. 4. 12 days is all you have. I hope this is clear, if not, call again today! (signed by Judge Harold Baer Jr.); Copies mailed. (kw) (Entered: 09/09/2002)
09/05/2002	346	Memo-Endorsement on letter addressed to Judge Baer from June R. Buch, dated 8/29/02. Re: defendants write requesting an additional period of time to respond to plaintiffs' motion retrunable on 9/6/02. 1. As you know, I only accept fully briefed motions so while I've heard about the motion and seen the OCC report, I'm not certain of the overlap. 2. Nonetheless I am clear that the OCC report found significant problems and that counsel for the Department wants a chance to respond. 3. My plan subject to working out a date is that we resolve the OCC problems at a conference with an opportunity for the DOC to give their views. 4. That any other aspects (all other aspects but for mattresses and food storage containers, showers and bathrooms) will be responded to with an adjournment to 9/16/02. 5. The meeting will take place in Chambers on 9/13/02 at 10:00 a.m. 6. All sides should come with a workable plan perhaps worked out in advance with OCC and adversary and a timetable so we can avoid more

		time at least on these issues . (signed by Judge Harold Baer Jr.); Copies mailed. (kw) (Entered: 09/09/2002)
09/10/2002	347	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 5/28/02 and 5/29/02. (laq) (Entered: 09/20/2002)
09/27/2002	348	OPINION AND ORDER #87499, granting [315-1] motion for judgment of contempt and plaintiffs motion for further relief is granted in part and denied in part. (signed by Judge Harold Baer Jr.); (pl) (Entered: 10/01/2002)
10/09/2002	349	Filed notice of 1st suppl. transmittal of R.O.A. [290-1] appeal by James Benjamin. (dt) (Entered: 10/15/2002)
10/10/2002	351	NOTICE OF MOTION (filed on service date) by James Benjamin, Juan Romero for an order granting additional findings and to alter, amend, or correct portions of the Opinion and Order on Red ID and Enhanced Restraints issued 9/26/02 . Return Date 10/25/02 at 10:00. (dle) Modified on 10/22/2002 (Entered: 10/22/2002)
10/10/2002	352	MEMORANDUM OF LAW by James Benjamin, Juan Romero in support of [351-1] motion for an order granting additional findings and to alter, amend, or correct portions of the Opinion and Order on Red ID and Enhanced Restraints issued 9/26/02 . (dle) (Entered: 10/22/2002)
10/11/2002	350	NOTICE OF APPEAL by the Defendants ; from ; [348-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: John Boston. \$105.00 Appeal filing fee paid 10/11/02 on receipt # E 0453359. (dt) (Entered: 10/16/2002)
10/16/2002		Notice of appeal and certified copy of docket to USCA: [350-1] appeal ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 10/16/2002)
10/22/2002	359	NOTICE OF MOTION by Blake Wingate for an Order allowing Blake Wingate to be entered herein in this action for the recovery of damages and, leave to intervene thereof in order to assert the claims set forth in the complaint of intervention . Return Date 11/13/02 at 10:00. (yv) (Entered: 11/08/2002)
10/31/2002	354	Memo-Endorsement on letter addressed to Judge Baer from June R. Buch, dated 10/25/02. counsel for defendant requests the Court's approval of adjustment of the date for filing the motion papers; plaintiffs file all papers in support of their motion on 11/4/02; defendants have an opportunity to serve and file a reply in

		support of their motion on 11/4/02. Fine . (signed by Judge Harold Baer Jr.); (yv) (Entered: 11/01/2002)
10/31/2002	355	MEMORANDUM OF LAW by Defendants in support of a stay pending appeal. (sb) (Entered: 11/04/2002)
10/31/2002	356	ORDER TO SHOW CAUSE by Defendants, Show Cause Hearing set for 2:00 11/6/02 for an order staying, pending defendants' appeal thereof, the provisions of the Opinion and Order dated 9/26/02, as further set forth on this order to show cause. (signed by Judge Harold Baer Jr.) (sb) (Entered: 11/04/2002)
10/31/2002	357	MEMORANDUM OF LAW by Defendants in opposition to [351-1] motion for an order granting additional findings and to alter, amend, or correct portions of the Opinion and Order on Red ID and Enhanced Restraints issued 9/26/02. (sb) (Entered: 11/05/2002)
10/31/2002	358	DECLARATION of Ernesto Marrero, Jr. by Defendants in opposition to [351-1] motion for an order granting additional findings and to alter, amend, or correct portions of the Opinion and Order on Red ID and Enhanced Restraints issued 9/26/02. (sb) (Entered: 11/05/2002)
11/04/2002	360	REPLY MEMORANDUM of LAW by James Benjamin, Juan Romero in support re: [351-1] motion for an order granting additional and to alter, amend, or correct portions of the Opinion and Order on Red ID and Enhanced Restraints issued 9/26/02. (docmt received in night dep. on 11/04/02 at 5:07 p.m.) (djc) (Entered: 11/12/2002)
12/10/2002	361	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 9/13/02. (ja) (Entered: 12/10/2002)
12/16/2002	363	ORDER, denying [334-1] motion for an order to intervene as party plaintiffs in this action, denying [359-1] motion for an Order allowing Blake Wingate to be entered herein in this action for the recovery of damages. (signed by Judge Harold Baer Jr.); (ae) (Entered: 01/07/2003)
12/16/2002	364	AMENDED OPINION & ORDER # 87499, plaintiffs' contempt motion is granted in part and their motion for further relief is granted in part and denied in part . (signed by Judge Harold Baer Jr.); (ae) (Entered: 01/07/2003)
12/31/2002	362	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 11/6/02. (dt) (Entered: 12/31/2002)

01/06/2003	365	AMENDED NOTICE OF APPEAL by Defendants, amending [350-1] appeal from [364-1] order plaintiffs' contempt motion is granted in part and their motion for further relief is granted in part and denied in part . Copies of notice of appeal mailed to Attorney(s) of Record: John Boston. (dt) (Entered: 01/07/2003)
01/07/2003		Notice of appeal and certified copy of docket to USCA: [365-1] appeal ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 01/07/2003)
01/21/2003	366	NOTICE OF CROSS-APPEAL by all plaintiffs hereby appeal to the USCA, from the Amended Opinion and Order, dated December 13, 2002. Copies of notice of appeal mailed to Attorney(s) of Record: Corporation Counsel, Law Dept. PLAINTIFFS HAVE PROCEEDED IN FORMA PAUPERIS. (pr) (Entered: 01/22/2003)
01/22/2003		Notice of appeal and certified copy of docket to USCA: [366-1] cross appeal by All Plaintiffs; Copy of notice of appeal sent to District Judge. (pr) (Entered: 01/22/2003)
01/29/2003		USCA Case Number Re: [350-1] appeal, [365-1] appeal USCA NUMBER: 02-9235. (dt) (Entered: 01/29/2003)
02/06/2003	367	Memo-Endorsement on letter addressed to Judge Baer from Dale A. Wilker, dated 1/30/03, Re plntfs request for a conference: I am as always at your beck and call. Feb 20 and 1 pm. Please be sure I have agenda and a note as to status of both resolved and unresolved disputes (signed by Judge Harold Baer Jr.); (cd) (Entered: 02/11/2003)
02/11/2003	368	MANDATE OF USCA WITHDRAWING APPEAL (certified copy) Re: withdrawing [350-1] appeal. Counsel for the parties stipulate that the appeal is withdrawn from active consideration from the court, without prejudice to a reinstatement of the appeal by appellant's counsel notifying the clerk of this court in writing by 6/2/03. If not reinstated, the appeal shall be deemed withdrawn with prejudice. MANDATE CERTIFIED 2/5/03, 02-9235. ROSEANN B. MACKECHNIE, CLERK, USCA. (pr) (Entered: 02/11/2003)
02/13/2003	369	Memo-Endorsement on letter addressed to Judge Baer from Juan Beritan, John Boston, Madeline H. deLone & Lisa Freeman, dated 2/10/03; the Court grants plttfs' 90 day extension to allow for an evaluation of this new program instituting a new policy regarding Red ID and Enhanced Restraint status. (signed by Judge Harold Baer Jr.); (sac) (Entered: 02/19/2003)

02/18/2003	370	MEMO-ENDORSEMENT on Fines Pursuant to Opinion an Order Dated 9/26/02;, as further set forth in this Memo-Endorsement . (signed by Judge Harold Baer Jr.); (yv) (Entered: 02/20/2003)
03/03/2003	371	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of January 17, 2003. (dt) (Entered: 03/03/2003)
03/17/2003	372	MANDATE OF USCA WITHDRAWING APPEAL (certified copy) Re: withdrawing [350-1] appeal, [365-1] appeal, [366-1] cross appeal by James Benjamin. Counsel for the parties stipulate that the appeals are withdrawn, without prejudice to a reinstatement of the appeal by respecitve counsel notifying the clerk of this court in writing by 6/2/03. If not reinstated, the appeal shall be deemed withdrawn with prejudice. MANDATE CERTIFIED 3/13/03, 02-9235(L), 03-7073(XAP). ROSEANN B. MACKECHNIE, CLERK, USCA. (pr) (Entered: 03/18/2003)
04/30/2003	373	ORDER, The OCC application is granted in all respects. The Dep't of Correction pay to the Director of OCC within 30 days of the entry of this order, (a) the amount of \$61,607.63 for time and disbursements incurred from 4/1/02 through 3/31/03 and that the annual salary and fringe benefits of Deputy Director of OCC, John A. Horowitz, be increased from \$110,000 to \$121,000 effective 5/1/03. Any opposition to these requests must be in chambers on or before 5/7/03 . (signed by Judge Harold Baer Jr.) (sb) (Entered: 05/02/2003)
05/15/2003	374	ORDER, the Department of Correctional shall pay to the Director of OCC within thirty days of the entry of this order, (a) the amount of \$58,071.00 for time and disbursements incurred from 4/1/02 through 3/31/03 . (signed by Judge Harold Baer Jr.); (kw) (Entered: 05/16/2003)
06/03/2003	376	Transcript of record of proceedings before Judge Harold Baer Jr. for the date(s) of 4/29/03. (pr) (Entered: 06/18/2003)
06/10/2003	375	MANDATE OF USCA WITHDRAWING APPEAL (certified copy) Re: withdrawing [350-1] appeal, [365-1] appeal, [366-1] cross appeal by James Benjamin. (02-9235(L) & 03-7073(Xap). Roseann B. MacKechnie, Clerk, U.S.C.A. (Certified 6/3/03). (dt) (Entered: 06/10/2003)
07/11/2003	377	ORDER, Fines, set forth on this order, purs. to Opinion and Order dated 9/26/02 . (signed by Judge Harold Baer Jr.) (sb) (Entered: 07/14/2003)

07/18/2003	378	ORDER, OCC shall have authority to retain Dr. Susi U. Vassallo to provide expert consultation regarding the scope of work attached hereto as Exhibit A, at an estimated cost of \$12,000, to be provided by defendants, to cover approximately 40 hours of work by Dr. Vassallo, without prejudice to OCC's making a further application to the Court for additional funding for Dr Vassallo if appropriate . (signed by Judge Harold Baer Jr.); (kw) (Entered: 07/22/2003)
08/18/2003	379	ORDER, Fines Pursuant to Opinion and Order dated 9/26/02 . (signed by Judge Harold Baer Jr.). (tp) (Entered: 08/18/2003)
09/30/2003	380	MANDATE OF USCA (certified copy) Re: [272-1] appeal by Catherine Abate, [288-1] appeal, [290-1] appeal by James Benjamin, [308-1] appeal. ORDERED ADJUDGED AND DECREED, that the orders of the district court are AFFIRMED in part, VACATED in part and REMANDED for further proceedings in accordance with the opinion of this court. ISSUED AS MANDATE 9/23/03, 01-7533(L),01-7876(CON),01-7934(XAP),02-7115(CON). MACKECHNIE, CLERK, USCA. (pr) (Entered: 09/30/2003)
10/08/2003	381	ORDER, Fines set forth purs. to Opinion and Order dated 9/26/02 . (signed by Judge Harold Baer Jr.) (sb) (Entered: 10/10/2003)
10/17/2003		Record on appeal files (01-7533(L),01-7876) returned from U.S. Court of Appeals: [288-1] appeal, [272-1] appeal by Catherine Abate (pr) (Entered: 10/21/2003)
11/04/2003	382	MEMO-ENDORSEMENT on Corrected Application by The Director of the Office of Compliance Consultants, for an order increasing the salary of the Deputy Director: I have read the papers and conclude that a raise of some sort is appropriate and too that Mr. Horowitz does not fit the role of an Assistant Corp. Counsel and those salary levels and, therefore, believe a raise to \$117,500 as of 1/1/04 is fair and appropriate. (signed by Judge Harold Baer Jr.); (sac) (Entered: 11/06/2003)
11/05/2003	383	ORDER, fines pursuant to Opinion and Order Dated 9/26/02 . (signed by Judge Harold Baer Jr.); (kw) (Entered: 11/09/2003)
11/14/2003	384	ORDER Re: testing and repair of ventilation systems as stated in this document. (signed by Judge Harold Baer Jr.); (sac) (Entered: 11/18/2003)
12/03/2003	385	ORDER Fines Pursuant to Opinion and Order Dated September 26, 2002 Medical Review: Notie: Medical reviews must be

		conducted within 48 hours of the date of the Notice of Authorization. James Lenons. (Signed by Judge Harold Baer on 12/04/2003) (mj,) (Entered: 06/25/2004)
12/18/2003	386	TRANSCRIPT of proceedings held on 10/07/2003 before Judge Harold Baer.(mj,) (Entered: 06/25/2004)
01/22/2004	387	STIPULATION AND ORDER RE: TERMINATION OF ORDER The parties stipulate and agree that the provision of the Court's April 26, 2001 Order re: Noise, as contained in paragraph 18, be terminated, as defendants have timely certified that the permanent power conversion project is complete and that diesel-powered generators at RMSC and ARDC are being used as emergency back-up only. (Signed by Judge Harold Baer on 01/20/2004) (mj,) (Entered: 06/25/2004)
03/11/2004	512	TRANSCRIPT of proceedings held on January 21, 2004 at 4:00 PM before Judge Harold Baer. (tp) (Entered: 01/21/2009)
07/28/2004	388	ORDER; that the Order of 4/26/01 is amended and supplemented as set forth in this Order. these procedures are in effect immediately by for ordered paragraphs 2 & 3. which is to be operational, if it is not already, on or before 8/2/04 with respect to intake examinations and with respect to the file review on or before 8/16/04. (Signed by Judge Harold Baer on 7/26/04) (pl,) (Entered: 07/30/2004)
08/05/2004	389	ORDER: no later than 8/13/04, defendants shall provide to the Court and OCC the number of inmates at defendants' facilities with heat-related illnesses as set forth in this order. (Signed by Judge Harold Baer on 8/4/04) (kw,) (Entered: 08/09/2004)
09/08/2004	390	STIPULATION AND ORDER; regarding termination of Red ID status and restraint due process order. (Signed by Judge Harold Baer on 9/7/2004) (jp,) (Entered: 09/09/2004)
10/15/2004	391	ENDORSED LETTER addressed to Judge Harold Baer from Chlarens Orsland dated 9/27/04 re: request that the Court allow the City two extra days to submit the letter concerning its efforts to provide a more comprehensive plan to alleviate heat conditions in CPSU. This is fine with me albeit that the time has come and gone and I have your submission. (Signed by Judge Harold Baer on 10/14/04) (kw,) (Entered: 10/20/2004)
10/19/2004	392	ENDORSED LETTER addressed to Judge Harold Baer from Chlarens Orsland dated 10/15/04 re: Defendants write to propose a modification of the current reporting schedule for quarterly

		reports. I'm fine with this arrangement. On another topic, I have problems with DOC's 12 hour transfer policy. While this letter and my frequent discussions are hardly indicative of a micro manager, 12 hours of 80 degrees or warmer climate for those at risk I may be called anything you like but it's too long. As to the age, if you talk to your expert I expect 60 is her preference and especially for those with diabetes type I and other chronic conditions. You might have a telephone conference with her and I'll abide by her thinking. Try and do it all and attempt a joint order with OCC's assistance. I will be away most of November. That should give you plenty of time. If you are unsuccessful, schedule a meeting with me for the first week in December. (Signed by Judge Harold Baer on 10/18/04) (kw,) (Entered: 10/26/2004)
11/17/2004	393	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Chlarens Orsland dated 11/16/04 re: granting Defendants' request for an extension to submit the fully briefed Third Quarterely Report until 11/19/04. (Signed by Judge Victor Marrero on 11/16/04) (sac,) (Entered: 11/23/2004)
12/22/2004	394	ENDORSED LETTER addressed to Judge Harold Baer from Florence A. Hutner dated 12/17/2004; counsel writes to supplement and amend portions of her letter to the Court of 12/7/2004. ENDORSEMENT: I think your plan sounds worthwhile. Not at all sure I get your reasoning about OCC. In any event, let me know what the meeting turned up, if you will. (Signed by Judge Harold Baer on 12/21/2004) (kkc,) (Entered: 12/28/2004)
12/23/2004	395	AMENDED ORDER Whereas this Court held hearings pursuant to the prison litigation reform act ("PLRA"), 18 U.S.C. Section 3626(b)(3) including a hearing conducted in May 2000 ("The May Hearing") as to the constitutionality of certain of the Consent Decree provisions. It is Ordered that OCC shall monitor defendant's compliance with the requirements of this Order. This Order shall automatically terminate on 10/15/2005, if OCC does not find any evidence of current or ongoing constitutional violations of plaintiff's federal rights. Ordered that this procedure is effective immediately, but for ordered paragraphs 3 and 4 which are to be operational, if they are not already, on or before 8/2/2004, with respect to intake examinations and with respect to the file review on or before 8/16/2004. Ordered that the contents of this Order will be disseminated to inmates:(a) at orientation for new inmates during the months of May, June, July August and September of each year; (b)By OCC staff members during their attendance at inmate counsel meetings (c) Any other method that OCC, in

		consultation with the Court and the parties deems appropriate. (Signed by Judge Harold Baer on 12/22/2004) (jsa,) (Entered: 12/29/2004)
01/20/2005	396	MANDATE of USCA WITHDRAWING APPEAL (Certified Copy) as to 208 Notice of Appeal,,,, filed by Catherine Abate, USCA Case Number 00-7023....that the appeal is hereby WITHDRAWN without costs, without attorneys fees and without prejudice, as indicated. MACKECHNIE, Clerk USCA. Certified: 1/14/05. (pr,) (Entered: 01/21/2005)
01/21/2005		Transmission of USCA Mandate/Order to the District Judge re: 396 USCA Mandate Withdrawing Appeal,. (pr,) (Entered: 01/21/2005)
02/16/2005	397	ENDORSED LETTER addressed to Judge Baer from John Hewson dated 2/14/05: granting the City request for an additional two days, until 2/16/05, to complete the report. Fine with me. (Signed by Judge Harold Baer on 2/15/05) (cd,) (Entered: 02/18/2005)
04/08/2005	398	TRANSCRIPT of proceedings held on 03/14/05 before Judge Harold Baer. (es,) (Entered: 04/08/2005)
05/19/2005	399	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from John Hewson dated 5/16/05 re: granting the City's rquests for an additional 4 days, until 5/20/05, to complete the report and compile documents. (Signed by Judge Harold Baer on 5/20/05) (pl,) (Entered: 05/20/2005)
09/07/2005	400	ORDER ; that Nicole N. Austin be appointed as Deputy Director of OCC nunc pro tunc, as of 8/22/05 at an annual salary of \$67,500 plus benefits, the salary and benefits to be paid by the N.Y.C. Department of Correction, upon invoices to be submitted by the Vera Institute of Justice. The DOC is ordered to make arrangements as soon as practicable for Ms. Austin to be provided with the DOC identification, credentials, and parking pass necessary to fulfill her duties. (Signed by Judge Harold Baer on 8/30/05) (kco,) (Entered: 09/08/2005)
10/17/2005	401	ORDER: The Amended Heat Order will not terminate until 12/1/2005 to give the parties an opportunity to respond to the OCC's report and recommendation; and it is further ordered that any responses to the OCC's report will be delivered to Chambers on or before 11/15/2005. (Signed by Judge Harold Baer on 10/14/2005) (lb,) (lb,) (Entered: 10/17/2005)

10/24/2005	402	ORDER: The Amended Heat Order will not terminate until 12/1/2005 to give the parties an opportunity to respond to the OCC's report and recommendation; and it is further ordered that any responses to the OCC's report will be delivered to Chambers on or before 11/15/2005. (Signed by Judge Harold Baer on 10/14/2005) (lb,) (Entered: 10/25/2005)
11/30/2005	403	AMENDED ORDER, that the automatic termination date of the Amended Heat Order is again extended until December 31,2005 to give the parties opportunity to meet and for this Court to fully evaluate all of the parties arguments with respect to termination.So Ordered. (Signed by Judge Harold Baer on 11/29/2005) (jmi,) (Entered: 12/01/2005)
12/22/2005	404	ORDER: The Department of Correction shall provide its complete responses to Legal Aid Society by 1/5/2006 and Legal Aid Society will respond on or before 1/20/2006; and it is further ordered that on or before 1/15/2006, DOC will report its plan to the Court with respect to the construction of adequate client visiting rooms in each institution, and if there are any which DOC concludes are currently adequate they will be included with an appropriate notation. The Court directs that the report contain a detailed timeline for completion as well as some clarity with respect to the quality of the material to be used; The outstanding ventilation report be delivered to chambers on or before 12/23/2005; An expert will inspect all the institutions no later than 1/31/2006; On or before 1/15/2006, the outstanding Fire Safety report will be delivered to chambers; On 1/25/2006 at 2:30 p.m., 1 representative from LAS and 1 representative from DOC, along with Office of Compliance Consultants representatives Nicole Austin, and John Doyle will meet in chambers to discuss the amended heat order. Submissions in contemplation of this conference should be no longer than 2 pages and should be delivered to the Court no later than 1/20/2006. So Ordered. (Signed by Judge Harold Baer on 12/21/2005) (lb,) (Entered: 12/22/2005)
12/23/2005	405	ORDER that the automatic termination date of the amended heat order is again extended until the date of the court's decision on OCC's recommendation to give the parties further opportunity to meet and for this court to fully evaluate all of the parties' arguments with respect to termination. (Signed by Judge Harold Baer on 12/22/05) (dle,) (Entered: 12/27/2005)
01/26/2006	406	ENDORSED LETTER addressed to Judge Harold Baer from Dale A. Wilker dated 1/20/06. ENDORSEMENT: This seems fine to me. Some of the areas at least to me should be resolved-many in

		the lighting area especially. I await proposed orders or if necessary proposed counter orders. (Signed by Judge Harold Baer on 1/26/06) (js,) (Entered: 01/27/2006)
03/06/2006	407	TRANSCRIPT of proceedings held on 2/14/06 before Judge Harold Baer. (jbe,) (Entered: 03/06/2006)
03/17/2006	408	MEMORANDUM OF LAW in Opposition TO Recommendation by Court Monitor to extend this Court's Amended Heat Order. Document filed by Catherine Abate. (dj,) (Entered: 03/20/2006)
03/17/2006	409	DECLARATION of Erik Berliner in Opposition to Court Monitor's Recommendation to Extend Amended Heat Order. (dj,) (Entered: 03/20/2006)
04/04/2006	410	MEMORANDUM OF LAW in Support re: 351 Motion to Amend/Correct. Document filed by James Benjamin, Juan Romero. (jco,) (Entered: 04/05/2006)
04/04/2006	411	DECLARATION of Dale A. Walker in Support re: 351 Motion to Amend/Correct. (jco,) (Entered: 04/05/2006)
04/10/2006	412	ORDER re: LIGHTING CONDITIONS; Defendants shall ensure that in all cells and dormitory housing areas in GMDC,RMSC, GRVC, NIC, OBCC, VCBVC and BBKC, no less than 20 foot-candles of light will be provided at bed or desk level for each inmate, except as provided in this document. (Signed by Judge Harold Baer on 4/7/06) (sac,) (Entered: 04/10/2006)
05/10/2006	413	ORDER, that the Department shall schedule an inspection by the Court, accompanied by OCC and the parties' counsel, to any attorney visiting room that plaintiffs' counsel believes is not adequate; such inspection shall take place within 20 days from the date of this order and to be scheduled by the DOC; and it is further Ordered, that the August 3, 2000 Order pertaining to attorney visiting times and attorney visiting rooms at AMKC, VCBC, and in any other facility pointed out to the Court on its visit and found to be noncompliant; and it is further Ordered, this single remaining aspect of the August 3, 2000 Order, i.e. the adequacy of certain attorney visiting rooms, will terminate 14 days after the inspection, subject only to the need for further renovation in accordance with the PLRA; and it is further Ordered, that notwithstanding any of the any of the above, all parties retain their right to petition this Court, and this Court will hear such petition, with regard to any breach or violation of the August 3,2000 Order. It Is So Ordered. (Signed by Judge Harold Baer on 5/9/2006) (jmi,) (Entered: 05/11/2006)

05/18/2006	414	OPINION; parties should settle proposed order that incorporate the concerns raised in this opinion and submit them to the Court at noon within eight days from the date hereof. (Signed by Judge Harold Baer on 5/18/06) (kco,) (Entered: 05/18/2006)
05/23/2006	415	ENDORSED LETTER addressed to Judge Harold Bear from Florence A. HUnter dated 5/18/06 re: a response to the letter of 5/4/06. ENDORSEMENT: It all sounds rosy-why I wonder aren't the CO's being punished for their wrongdoing last year, rather than waiting for this summer and the Wardens? (Signed by Judge Harold Baer on 5/22/06) (kco,) (Entered: 05/24/2006)
05/23/2006	416	ORDER Re: Red Id Status, that the August 10, 2000 Order is terminated subject only to the Defendants having develop and with the ability to implement a plan to accurately track inmates placed in and removed from Red ID/Enhance Restraint status, as recommended by OCC, within 120 days from the hereof; and is further Ordered, that Defendants shall provide a copy of the plan to Plaintiffs' counsel and OCC, which may comment on the plan within 10 days of receipt and at least 60 days prior to implementation; and it is further Ordered, that Defendants shall implement the plan, as soon as practicable after receiving and cosidering the comments of OCC and Plaintiff's counse. All parties retain their right to petition this Court, and this Court will hear such petition, with reard to may breach or violation of the August 10,2000 Order. It Is So Ordered. (Signed by Judge Harold Baer on 5/23/2006) (jmi,) (Entered: 05/24/2006)
05/24/2006	417	ORDER RE: MODULAR HOUSING UNITS (Signed by Judge Harold Baer on 2/19/06) (jco,) (Entered: 05/24/2006)
06/01/2006	418	ORDER that the New York City Department of Health and Mental Hygiene, or its vendor (collectively, "DOHMH") will continue to use its heat screening form containing notification of the need for air-condition housing during the initial medical intake exam for all new inmates and where one or of the conditions set out in the fourth ordered paragraph exist, and provide a copy of such form (omitting specific diagnosis or other confidential health information) to DOC, with a second copy for dissemination Occ. The forms shall contain the time of the heat-sensitive designative; and it is further sated in this order. (Signed by Judge Harold Baer on 5/31/2006) (jmi,) (Entered: 06/02/2006)
06/05/2006	419	MEMO ENDORSEMENT on APPLICATION BY THE DIRECTOR OF THE OFFICE OF COMPLIANCE CONSULTANTS FOR AN ORDER INCREASING THE

		SALARY OF DEPUTY DIRECTOR. The Court grants increasing Ms. Austin's salary to \$76,112.19, plus benefits to be paid by the City of New York, DOC through the Vera Institute of Justice, and directing that the DOC reimburse Ms. Austin in the amount of \$882.17 for costs incurred by her in the performance of her duties, the future reimbursements of expenses are to be paid quarterly upon presentation of supporting documentation beginning 6/30/2006. SO ORDERED. (Signed by Judge Harold Baer on 6/2/06) (kco,) (Entered: 06/05/2006)
08/04/2006	420	ENDORSED LETTER: addressed to Judge Harold Baer, Jr. from John H. Doyle, II dated 7/11/2006 re: application for salary increase and reimbursement of expenses for Deputy Director Office of Compliance Consultants. ENDORSEMENT: On our recent trip to Rikers, I was happily surprised at Nicole's apparent value to OCC and to me. The problem for me, as evidenced by Ms. Hutner's letter, is that as you say, the hallmark of this position is impartiality and diplomacy. If one party or more feel her conduct does not evidence these traits--her work cannot be effective. While I appreciate all she has done, I believe additional time and additional reports from her and responses from the parties are necessary before any raise can be approved by the Court. I am, as well, concerned with some of the expenses and will not authorize all of them. I suggest, after talking to Nicole, that you pare the expenses starting 8/1/2006, we defer the expenses and raise for several months and reexamine on or about 11/30/2006. Let me hear from both parties at that time. So Ordered. (Signed by Judge Harold Baer on 7/29/2006) (lb,) (Entered: 08/07/2006)
08/10/2006	421	ORDER RE: TERMINATION OF ATTORNEY VISITS ORDER; the 8/3/00 order pertaining to attorney visiting times and attorney visit rooms is hereby terminated, but for the inspection and results thereof of the attorney visit rooms at AMKC. This single remaining aspect of the 8/3/00 order will terminate 14 days after reinspection and approval by LAS, subject only to the need for further renovation in accordance with the PLRA. (Signed by Judge Harold Baer on 8/8/06) (kco,) (Entered: 08/10/2006)
11/15/2006	422	ORDER RE:HEAT CONDITIONS The 5/31/2006 Heat Order shall be extended 1 more year from the date of this order, and that the OCC shall continue to monitor defendants compliance with the requirements of the Heat Order; The OCC shall submit a report to the Court and the parties with regard to termination on or before 10/1/2007... (Signed by Judge Harold Baer on 11/15/2006) (lb,) (Entered: 11/16/2006)

01/23/2007	423	ORDER RE TIME TABLE FOR SUBMISSION OF OCC PROGRESS REPORTS; that OCC shall submit a draft of its progress report to counsel for the parties fifteen business days before it is due in Chambers; counsel for the parties shall provide their comments on the draft report to OCC w/in 10 business days of receipt; OCC shall incorporate the comments of the parties into its final report to be submitted on or before the fifteenth day of January, May and September of each calendar year. (Signed by Judge Harold Baer on 1/19/07) (ae) (Entered: 01/25/2007)
04/16/2007	424	ENDORSED LETTER addressed to Mr. Elwick from Chuck Orsland dated 4/11/07. ENDORSEMENT: Soon the Court will take an even dimmer view of what I believe are years of feet dragging and will my way or another be bringing this decree to a screeching halt if it continues as it has on both sides- but primarily the defendants, but extending your time here will matter little in the scheme of things, and April 30th is fine. (Signed by Judge Harold Baer on 4/13/07) (js) (Entered: 04/17/2007)
05/31/2007	425	ORDER RE: TRANSMISSION OF DATA CONCERNING HEAT SENSITIVE PRISONERS TO THE OFFICE OF COMPLIANCE CONSULTANTS AND HOUSING OF HEAT SENSITIVE PRISONERS DURING AIR CONDITIONING FAILURES: dfts shall comply with the requirements of the order re: Heat Conditions (5/31/06) and in particular with the requirements of paragraph 8(a-c) of that order; dfts shall not house any inmate who is "heat-sensitive" as defined by the court's order of 5/31/06 in any housing area that lacks working air-conditioning at any time on any day when the temperature exceeds 85 degrees F. or is forecast to exceed 85 degrees F. within the next 48 hours("high heat day"); on high heat days, dfts shall immediately remove any heat sensitive inmate who is placed in an air conditioned housing area where the air-conditioning units have failed and shall immediately relocate such heat-sensitive inmates to housing areas with working air-conditioning; dfts shall pay \$20 an hour (or fraction thereof), increasing to \$50 an hour (or fraction thereof) after 24 hours and \$100 an hour (or fraction thereof) after 48 hours to each heat sensitive inmate who is held for any length of time on any day in any area wherein the temperature reaches or exceeds 85 degrees F; fines shall be assessed based on documentation provided to the Court by OCC; dfts shall be allowed five days to contest any such documentation; fines shall be payable into the registry of the court, with the exception of those fines specified herein as payable to individual heat sensitive inmates; (Signed by Judge Harold Baer on 5/31/07) (dle) (Entered: 06/05/2007)

05/31/2007	426	ORDER RE REPAIRING OF AIR-CONDITIONING UNITS: that dft's shall inspect, test, repair and replace to working order all housing area air-conditioning units no later than 6/16/07. The City inspector will be accompanied by the Assist. Director from OCC, Nicole Austin, or her representative, and dft's will alert OCC as to the date, time, and location of such inspecting. Additional relief as set forth in this Order. (Signed by Judge Harold Baer on 5/31/07) (pl) (Entered: 06/06/2007)
06/22/2007	427	NOTICE OF APPEAL from 425 Order. Document filed by Catherine Abate. Filing fee \$ 455.00, receipt number E 619137. Copies of Notice of Appeal mailed to attorney(s) of record: The Legal Aid Society. (nd) (Entered: 06/25/2007)
06/22/2007	429	MEMORANDUM OF LAW in Opposition to Plaintiffs' Motion for Enforcement. Document filed by Catherine Abate. (djc) (Entered: 06/26/2007)
06/22/2007	430	DECLARATION of Martin Horn, Elias Dagher, Jason Hershberger and Counsel in Opposition to Plaintiffs' Motion for Enforcement. Document filed by Catherine Abate, et al. (djc) (Entered: 06/28/2007)
06/25/2007		Transmission of Notice of Appeal to the District Judge re: 427 Notice of Appeal. (nd) (Entered: 06/25/2007)
06/25/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 427 Notice of Appeal. (nd) (Entered: 06/25/2007)
06/26/2007	428	TRANSCRIPT of proceedings held on 5/17/07 before Judge Harold Baer. (jbe) (Entered: 06/26/2007)
06/27/2007	431	MEMORANDUM OF LAW in Support of Plts' Motion for Enforcement. Document filed by James Benjamin, Juan Romero. (jar) (Entered: 07/03/2007)
06/27/2007	432	DECLARATION of John Boston in Support of Plts' Motion for Enforcement. Document filed by James Benjamin, Juan Romero. (jar) (Entered: 07/03/2007)
06/27/2007	433	PLAINTIFFS' REPLY MEMORANDUM OF LAW in Support of their Motion for Enforcement. Document filed by James Benjamin, Juan Romero. (jar) (Entered: 07/03/2007)
07/03/2007	434	NOTICE OF APPEAL from 426 Order. Document filed by Blake Wingate, Catherine Abate, William Fraser, George Harris, Herman

		Johnson, Joseph Torres, Donald Morris, George Leeper. Filing fee \$ 455.00, receipt number E 619842. Copies sent to The Legal Aid Society. (tp) (Entered: 07/05/2007)
07/05/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 434 Notice of Appeal. (tp) (Entered: 07/05/2007)
07/05/2007		Transmission of Notice of Appeal to the District Judge re: 434 Notice of Appeal. (tp) (Entered: 07/05/2007)
07/06/2007	435	DECLARATION of Robert Miterko RE: Certification of Air-Conditioning Operability. (jco) (Entered: 07/11/2007)
07/17/2007	436	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Chlarens Orslan dated 7/16/07 re: informing the court of the status of the plan for ventilation. ENDORSEMENT: This sounds like there is now some valuable movement on the "adequate ventilation and cooling in the punitive segregation areas" front. I look forward to the final ventilation and cooling plan on or before 9/15/2007 as per your representation at our last conference. (Signed by Judge Harold Baer on 7/17/07) (kco) (Entered: 07/19/2007)
07/27/2007	437	ORDER of USCA WITHDRAWING APPEAL (Certified Copy) as to 427 Notice of Appeal filed by Catherine Abate, 434 Notice of Appeal, filed by George Leeper, Herman Johnson, Catherine Abate, Blake Wingate, Donald Morris, George Harris, William Fraser, Joseph Torres. The undersigned counsel for the parties hereby stipulate that the appeal is hereby withdrawn without costs and without attorneys' fees and without prejudice, subject to reactivation of the appeal by appellants' counsel by written notice to the Clerk of this Court by 1/15/08. If not thus reactivated, the appeal shall be deemed withdrawn with prejudice. Catherine O'Hagen Wolfe, Clerk USCA. Certified: 7/26/07. (tp) Modified on 7/27/2007 (tp). (Entered: 07/27/2007)
08/10/2007	438	MEMO ENDORSEMENT on application by the Director of the Office of Compliance Consultants for an order increasing the salary of the deputy director. I agree with the substance and conclusion of this application - effective 9/15/07. (Signed by Judge Harold Baer on 8/6/07) (dle) (Entered: 08/16/2007)
10/09/2007	445	ENDORSED LETTER addressed to Judge Harold Baer from Chlarens Orslan dated 10/2/07 re: Assistant Corporation Counsel Chlarens Orslan proposes the Department have until 10/22/07 to submit a comprehensive response. If this is not acceptable to the Court, it is requested that the Court allow a brief conference call to

		discuss an alternative schedule. ENDORSEMENT: The 22nd and the 5th of November respectively for answer and response is granted on consent. (Signed by Judge Harold Baer on 10/3/07) (tro) (Entered: 10/22/2007)
10/10/2007	439	SUPPLEMENTAL DECLARATION of John Boston in Support of Plaintiffs' Motion for Enforcement. Document filed by James Benjamin, Juan Romero. (djc) (Entered: 10/11/2007)
10/12/2007	440	MEMORANDUM OF LAW in Support of Plaintiffs' Motion to Grant OCC's Expert Access to Medical Records. Document filed by James Benjamin, Juan Romero. (djc) (Entered: 10/16/2007)
10/12/2007	441	MEMORANDUM OF LAW in Support of Plaintiffs' Motion to Grant OCC"s Expert access to Medical Records. Document filed by James Benjamin, Juan Romero. (djc) (Entered: 10/16/2007)
10/12/2007	442	MOTION for an order granting access to certain medical records by the medical expert of the Office of Compliance Consultants. Attached is Declaration in support of John Boston. Document filed by James Benjamin, Juan Romero.(djc) (Entered: 10/16/2007)
10/12/2007	443	MEMORANDUM OF LAW in Opposition re: 442 MOTION for an order granting access to certain medical records by the medical expert of the Office of Compliance Co nsultants. Document filed by Catherine Abate. (djc) (Entered: 10/16/2007)
10/12/2007	444	DECLARATION of Jason Hershberger in Opposition re: 442 MOTION for an order granting access to certain medical records by the medical expert of the Office of Compliance Consultants. Document filed by Catherine Abate. (djc) (Entered: 10/16/2007)
10/30/2007	446	ORDER that the City will respond on or before 11/10/07 in ten pages or less to the single open item addressed in the Plaintiffs' Supplemental filing, i.e. cooling in the punitive segregation units and how it is addressed in the Plan or in any way so as to comply with the Court's orders. Plaintiffs will submit any reply on or before 11/15/07 and oral argument will be held on 11/19/07 at 10:00 am. The other open items raised in Defendants' letter of 10/9/07 or otherwise will be the subject of a conference or endorsement. (Signed by Judge Harold Baer on 10/29/07) (cd) (Entered: 10/31/2007)
10/30/2007	447	ENDORSED LETTER addressed to Judge Harold Baer from Chlarens Orsland dated 10/3/07 re: The May 31, 2007 Order and the underlying Heat Order do not have a cut-off date for the provision of air-conditioning reports. Thus, we believe that the

		April 26, 2001 now governs, and accordingly, have begun preparing for the provision of heat for the current heat season. If our interpretation of the Court's orders are in error, we trust that OCC or Legal Aid will make their position known to us. ENDORSEMENT: This is fine with me; just keep in mind as I know you will, that your obligation to heat sensitive inmates is not reduced because winter approaches. Your obligation to heat sensitive inmates is a continuing one. So Ordered. (Signed by Judge Harold Baer on 10/29/07) (js) (Entered: 10/31/2007)
10/30/2007	448	ORDER: The Defendants shall within 10 days from the date hereof provide the OCC, for review by Dr. Vassallo, copies of all medical charts, and any other medical records that reflect medical treatment and/or examination, and designation and revocation of designation as heat-sensitive, of such present or past class members whose heat-sensitive designation was revoked within 48 hours of issuance. OCC shall make these documents available to Plaintiffs' counsel upon request. Dr. Vassallo shall review the said medical charts and other records and shall report to the Court via OCC, with copies to the Defendants and to Plaintiffs' counsel within 30 days from the receipt of said records. (Signed by Judge Harold Baer on 10/30/2007) (jar) (Entered: 11/01/2007)
11/05/2007	449	ENDORSED LETTER addressed to Judge Harold Baer from John Doyle dated 11/1/07 re: Motion was served but not yet filed by defendants for a Termination of the heat order. The OCC will be preparing a Supplemental Report and provide it to the parties and the Court by December 17, 2007. ENDORSEMENT: This sounds fine but certainly longer than seems necessary. Your Supplemental Report can hardly take close to 6 weeks- I'll leave this extended schedule in place but urge you to file by December 3, 2007. (Signed by Judge Harold Baer on 11/2/07) (tro) (Entered: 11/06/2007)
11/15/2007	450	ENDORSED LETTER addressed to Judge Baer from Chlarens Orsland dated 11/13/07. ENDORSEMENT: Lets talk about it on 11/19 but this is the plaintiff's application apparently bought into by OCC and Nicole or vice versa they are to be equally ready that's spelled PREPARED to tell me the problem etc. (Signed by Judge Harold Baer on 11/14/07) (tp) (Entered: 11/20/2007)
12/13/2007	451	ORDER RE: PLAINTIFFS' MOTION TO ENFORCE THE COURT'S PRIOR HEAT ORDERS RE: ADEQUATE COOLING IN PUNITIVE SEGREGATION: plaintiff's motion for enforcement shall be denied without prejudice to renew in the event that defendants' CPSU Rehabilitation Plan, upon execution

		does not result in adequate ventilation and cooling in punitive segregation units on or before 9/1/2008. (Signed by Judge Harold Baer on 12/12/07) (kco) (Entered: 12/18/2007)
01/02/2008	452	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Lisa Freeman and John Boston dated 12/27/07 re: Plaintiffs request additional time until 1/15/08 to communicate with staff about investigating the circumstances surrounding the maintenance of Red ID restraints on prisoners brought into the courtroom before the court decides to terminating the order. ENDORSEMENT: I'll give you until 1/15/08, but frankly my view is that not only is this old news but that its OCA's call - don't come by with anything less than clear and convincing proof to the contrary. (Signed by Judge Harold Baer on 12/27/07) (db) (Entered: 01/04/2008)
01/11/2008	453	TRANSCRIPT of proceedings held on 11/19/07 @ 9:40am before Judge Judge Harold Baer. (pr) (Entered: 01/11/2008)
01/16/2008	454	DECLARATION of Chlarens Orsland in Opposition to Court Monitor's Recommendation to conduct Expert Review of all Heat-Sensitive Revocations in 2007. Document filed by Catherine Abate. (dj) (Entered: 01/22/2008)
01/23/2008	455	SUPPLEMENTAL MEMORANDUM OF LAW in Support re: 442 MOTION for an order granting access to certain medical records by the medical expert of the Office of Compliance Consultants. Document filed by James Benjamin, Juan Romero. (jar) (Entered: 01/25/2008)
02/04/2008	456	TRUE COPY ORDER of USCA as to 427 Notice of Appeal filed by Catherine Abate USCA Case Number 07-2748-cv. Stipulation withdrawing appeal from active consideration, without prejudice, with leave to reactivate. It not thus timely reactivated, the appeal shall be subject to dismissal. Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under F.R.A.P. 42(b). Catherine O'Hagan Wolfe, Clerk USCA. Certified: 1/22/2008. (nd) (Entered: 02/04/2008)
02/04/2008		Transmission of USCA Mandate/Order to the District Judge re: 456 USCA Order,. (nd) (Entered: 02/04/2008)
02/08/2008	457	ENDORSED LETTER addressed to Judge Harold Baer from Lisa Freeman dated 2/4/2008 re: Counsel for the Plaintiffs therefore ask that the Department communicate with the Office of Court Administration about this policy and its limited purposes, and required that OCA change its policy of automatically restraining

		all Red ID prisoners in the courtroom. Nonetheless, because we recognize that this issue does not fall comfortably within the Benjamin purview, we withdraw our objection to the termination of the Red ID order. ENDORSEMENT: I think this is right but keep me posted. SO ORDERED. (Signed by Judge Harold Baer on 2/8/2008) (jmi) (Entered: 02/11/2008)
02/19/2008	458	ORDER RE: ADDITIONAL SAMPLE TO SUPPLEMENT OCC'S SUPPLEMENTAL HEAT REPORT. The OCC shall review the transfer and housing of an attitional 100 inmates who were designated heat-sensitive as of June 30, 2007 (or, alternatively, should the number of inmates be less than 100, the maximum number of inmates available who were designated heat-sensitive as of 6/30/07). On or before 2/29/08, the OCC will submit to the parties and to this Court the results of its supplemental review. On or before 3/17/08, the Defendants will supplement the motion to vacate with any response to the OCC's conclusions. On or before 3/31/08, the plaintiffs will respond to Defendants' motion to vacate and supplemental materials. On or before noon this on 4/4/08, the Defendants will submit any reply and the fully briefed motion directly to chambers. This Court will hear oral argument on Defendants' motion to vacate on 4/11/08 at 10:00 a.m. in courtroom 23B. (Signed by Judge Harold Baer on 2/13/08) (dle) (Entered: 02/19/2008)
02/19/2008	459	AMENDED ORDER RE: ADDITIONAL SAMPLE TO SUPPLEMENT OCC'S SUPPLEMENTAL HEAT REPORT: The OCC shall review the transfer and housing of an additional 100 inmates who were designated heat-sensitive in August 2007. On or before 2/29/08, the OCC will submit to the parties and to this court the results of its supplemental review. On or before 3/17/08, the Defendants will supplement the motion to vacate with any response to the OCC's conclusions. On or before 3/31/08, the Plaintiffs will respond to Defendants' motion to vacate and supplemental materials. On or before noon on 4/4/08, the Defendants will submit any reply and the fully briefed motion directly to chambers. This Court will hear oral argument on Defendants' motion to vacate on 4/11/08 at 10:00 a.m. in courtroom 23B. (Signed by Judge Harold Baer on 2/15/08) (dle) (Entered: 02/19/2008)
03/14/2008	460	ENDORSED LETTER addressed to Judge Harold Baer from Chlarens Orsland dated 3/11/08 re: Counsel for Defendants request a one week extension of the current briefing schedule as follows: Defendant's Response due by 3/24/08; Plaintiff's Reply due by 4/7/08; Defendant's Reply due by 4/11/08; Oral Argument:

		Friday, April 16,17, or 18th or after April 28th. ENDORSEMENT: Thursday April 16 if I'm not on trial is OK for O/A. The other proposed dates are OK too, i.e., fully briefed motions by 4/11/08. (Signed by Judge Harold Baer on 3/14/08) (tro) (Entered: 03/14/2008)
03/26/2008	461	ENDORSED LETTER addressed to Judge Harold Baer from Chlarens Orsland dated 3/24/2008 re: Requesting the Court to adopt a proposed discovery schedule. ENDORSEMENT: This seems far too long- my preference would be to hear this motion along with the motion to vacate the heat order which will be heard on April 16. That would move things along and promote judicial economy. If you can't do this and I'm really not sure there is a need for discovery at all, I will give you another 30 days tops and it will be heard or you will resolve the matter without the Court's help on Thursday May 15, 2008 at 10:30 a.m. (Signed by Judge Harold Baer on 3/26/2008) (jpo) (Entered: 03/26/2008)
04/08/2008	462	ORDER: Defendant need not respond to the discovery requests in the categories numbered two and four in Plaintiffs' 4/2/08 letter. Defendants need not produce any emails in response to any of Plaintiffs' discovery requests. Within ten days of this Order, i.e., by 4/18/08, Defendants will respond to the discovery requests by Plaintiffs as set forth in this Order. (Responses due by 4/18/2008) (Signed by Judge Harold Baer on 4/8/08) (tro) (Entered: 04/09/2008)
04/14/2008	463	MOTION to Vacate 418 Order, 425 Order. Document filed by Catherine Abate.(jmi) (Entered: 04/14/2008)
04/14/2008	464	DECLARATION of Chlares Orsland in Opposition to Court Monitor's Recommendation to Extend Heat Order. Document filed by Catherine Abate. (jmi) (Entered: 04/14/2008)
04/14/2008	465	DECLARATION of Erik Berliner in Opposition to Court Monitor's Recommendation to Extend Heat Order. Document filed by Catherine Abate. (jmi) (Entered: 04/14/2008)
04/14/2008	466	DECLARATION of Dr. Jason Hershberger in Opposition to Court Monitor's Recommendation to Extend Heat Order. Document filed by Catherine Abate. (jmi) (Entered: 04/14/2008)
04/14/2008	467	DECLARATION of Warden William Thomas in Opposition to Court Monitor's Recommendation to Extend Heat Order. Document filed by Catherine Abate. (jmi) (Entered: 04/14/2008)

04/14/2008	468	SUPPLEMENTAL DECLARATION of Erik Berliner in Further Opposition to Court Monitor's Recommendation to Extend Heat Order. Document filed by Catherine Abate. (jmi) (Entered: 04/14/2008)
04/14/2008	469	SECOND SUPPLEMENTAL DECLARATION of Erik Berliner in Opposition to Court Monitor's Recommendation to Extend Heat Order. Document filed by Catherine Abate. (jmi) (Entered: 04/14/2008)
04/14/2008	470	MEMORANDUM OF LAW in Support re: 463 MOTION to Vacate 418 Order, 425 Order. Document filed by Catherine Abate. (jmi) (Entered: 04/14/2008)
04/14/2008	471	REPLY DECLARATION of Erik Berliner in REPLY to Plaintiffs' Opposition to Termination of the Heat Order. Document filed by Catherine Abate. (jmi) (Entered: 04/14/2008)
04/14/2008	472	REPLY MEMORANDUM OF LAW in Further Support of Motion to Termination of the Heat Order. Document filed by Catherine Abate. (jmi) (Entered: 04/14/2008)
04/14/2008	473	DECLARATION of Jason Hershberger in Response to OCC Report Dated February 29, 2008. Document filed by Herman Johnson. (jmi) (Entered: 04/15/2008)
04/14/2008	474	DECLARATION of DOC Assistant Commisioner Patricia Feeney in Further Support of Defendants' Motion to Terminate the Heat Order and in Response to OCC Report Dated February 29, 2008. Document filed by William Fraser. (jmi) (Entered: 04/15/2008)
04/14/2008	475	DECLARATION of William Beiersdorfer in Support of Defendants' Motion to Terminate the Heat Order and in Response to OCC Report Dated February 29, 2008. Document filed by William Fraser. (jmi) (Entered: 04/15/2008)
04/14/2008	476	DECLARATION of Leanna Stiefel in Opposition to Court Monitor's Recommendation to Extend Heat Order. (jmi) (Entered: 04/15/2008)
04/14/2008	477	PLAINTIFFS' MEMORANDUM OF LAW in Opposition to Defendants Motion to Terminate the Heat Orders. Document filed by Juan Romero. (jmi) (Entered: 04/15/2008)
04/14/2008	478	DECLARATION of Dale A. Wilker in Opposition to Motion to Vacate the Heat Order and Related Orders. Document filed by James Benjamin, Juan Romero. (jmi) (Entered: 04/15/2008)

04/28/2008	479	TRANSCRIPT of proceedings held on 4/16/2008 before Judge Harold Baer. (ama) (Entered: 04/28/2008)
05/02/2008	480	TRANSCRIPT of proceedings held on 4/16/08 before Judge Harold Baer. (ama) (Entered: 05/02/2008)
05/13/2008	481	MOTION for an order to enforce its prior orders and granting further relief concerning sanitary conditions, w/ attch. declaration in support. Document filed by James Benjamin, Juan Romero.(pl) (Entered: 05/14/2008)
05/13/2008	483	EXHIBIT I. Document filed by James Benjamin, Juan Romero.(pl) (Entered: 05/14/2008)
05/13/2008	484	EXHIBIT 2. Document filed by James Benjamin, Juan Romero.(pl) (Entered: 05/14/2008)
05/13/2008	485	CROSS-MOTION for an order terminating the environmental and related provisions of this Court's 4/26/07 Order, w/ attch. Declaration in support. Document filed by Catherine Abate. Return Date set for 3/15/2008 at 10:00 AM.(pl) (Entered: 05/14/2008)
05/13/2008	486	MEMORANDUM OF LAW in support of re: 485 MOTION for an order terminating the environmental and related provisions of this Court's 4/26/07 Order. Opposition to 481 MOTION to enforce its prior orders and granting further relief concerning sanitary conditions. Document filed by Catherine Abate. (pl) (Entered: 05/14/2008)
05/13/2008	487	REPLY MEMORANDUM OF LAW in Support re: 485 MOTION for an order terminating the environmental and related provisions of this Court's 4/26/07 Order, in opposition of 481 MOTION to enforce its prior orders and granting further relief concerning sanitary conditions. Document filed by James Benjamin, Juan Romero. (pl) Modified on 5/14/2008 (pl). (Entered: 05/14/2008)
05/13/2008	488	REPLY Declaration of Project Director of the Prisoners' Rights Project of the Legal Aid Society, OF LAW in opposition re: 485 MOTION for an order terminating the environmental and related provisions of this Court's 4/26/07 Order, in support of 481 MOTION to enforce its prior orders and granting further relief concerning sanitary conditions. Document filed by James Benjamin, Juan Romero. (pl) (Entered: 05/14/2008)
05/13/2008	489	REPLY MEMORANDUM OF LAW in Support re: 481 MOTION to enforce its prior orders and granting further relief concerning

		sanitary conditions. in opposition of 485 MOTION for an order terminating the environmental and related provisions of this Court' 4/26/07 Order. Document filed by James Benjamin, Juan Romero. (pl) (Entered: 05/14/2008)
05/14/2008	482	MEMORANDUM OF LAW in Support re: 481 MOTION to enforce its prior orders and granting further relief concerning sanitary conditions. Document filed by James Benjamin, Juan Romero. (pl) (Entered: 05/14/2008)
05/14/2008	490	REPLY DECLARATION of Patricia Feeney in Support re: 485 MOTION for an order terminating the enviornmental and related prvisions fo this Corut's 4/26/07 Order. Document filed by Catherine Abate. (dle) (Entered: 05/15/2008)
05/14/2008	491	REPLY MEMORANDUM OF LAW in Support re: 485 MOTION for an order terminating the enviornmental and related prvisions fo this Corut's 4/26/07 Order. Document filed by Catherine Abate. (dle) (Entered: 05/15/2008)
05/14/2008	492	DECLARATION OF CHLARENS ORSLAND in Support re: 485 MOTION for an order terminating the enviornmental and related prvisions fo this Corut's 4/26/07 Order. Document filed by Catherine Abate. (dle) (Entered: 05/15/2008)
05/20/2008	493	MANDATE of USCA WITHDRAWING APPEAL (Certified Copy) as to 427 Notice of Appeal filed by Catherine Abate USCA Case Number 07-2748. The undersigned counsel for the parties hereby stipulate that the above-captioned appeal is hereby withdrawn without costs and without attorneys' fees and without prejudice subject to reactivation of the appeal by appellants' counsel by written notice to the Clerk of this Court by September 15, 2008. If not thus reactivated, the appeal shall be deemed withdrawn with prejudice. Catherine O'Hagan Wolfe, Clerk USCA. Certified: 5/19/08. (tp) (Entered: 05/20/2008)
05/20/2008		Transmission of USCA Mandate/Order to the District Judge re: 493 USCA Mandate Withdrawing Appeal.(tp) (Entered: 05/20/2008)
05/20/2008	494	ORDER RE: RED ID TERMINATION; that the August 10, 2000 Order is terminated with prejudice. (Signed by Judge Harold Baer on 5/18/08) (pl) Modified on 5/20/2008 (pl). (Entered: 05/20/2008)
06/04/2008	495	TRANSCRIPT of proceedings held on 5/15/08 before Judge Harold Baer. (ama) (Entered: 06/04/2008)

06/18/2008	496	OPINION #96149 AND ORDER; Defendants motion to terminate the Heat Orders is DENIED, and the Heat orders shall remain in effect, with the modifications provided in this order, until this Court, hopefully in the not too distant future, finds termination proper. The parties shall settle proposed orders on notice by 6/30/08. Last, it should be emphasized that while the parties and the OCC have focused largely on the summer months, the Heat Orders are in place year-round until they are terminated. (Signed by Judge Harold Baer on 6/18/08) (pl) (Entered: 06/18/2008)
08/06/2008	497	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Chlarens Orsland dated 8/4/08 re: Request for the following briefing schedule - Defendants response to Motion served by 9/8/08; Plaintiff's reply served by 9/19/08; Motions filed with courtesy copies to chambers by 9/22/08. ENDORSEMENT: On Consent. SO ORDERED. (Motions due by 9/22/2008.) (Signed by Judge Harold Baer on 8/6/08) (db) (Entered: 08/06/2008)
08/11/2008	498	ORDER RE: HEAT CONDITIONS; the DOHMH shall develop and utilize a special form that is signed by the medical staff member who determines that a detainee's heat-sensitive status should be revoked. The OCC shall monitor Defendants' compliance with the requirements of this Order. This order shall not automatically terminate on October 15, 2008, unless the OCC finds no evidence of current and ongoing constitutional violations of Plaintiffs' federal rights. The OCC shall submit a report with regard to termination to the court and parties no later than January 15, 2009. This Order shall be subject to review and to further order of this Court; the contents of this Order shall be disseminated to detainees as set forth herein. This Order replaces the Order Re: Heat Conditions dated May 31, 2006 and will take effect immediately. (Signed by Judge Harold Baer on 8/11/08) (djc) Modified on 8/11/2008 (djc). Modified on 8/11/2008 (djc). (Entered: 08/11/2008)
08/28/2008	499	ORDER: It is hereby ordered that the provisions of the April 26, 2001 Order that pertain to mattresses and food storage containers are terminated; and is further ordered that the plaintiffs may apply to this Court for reinstatement of such provisions of the April 26, 2001 Order if the OCC finds, six months hence, that the Defendants have not achieved a 90% level of compliance in each facility of the New York City jails OBCC and AMKC are each one "facility"). (Signed by Judge Harold Baer on 8/28/08) (js) (Entered: 08/28/2008)

09/23/2008	500	REPLY DECLARATION/AFFIDAVIT of John Boston in Support OF PLAINTIFFS' MOTION FOR FURTHER RELIEF RE; VENTILATION. Document filed by James Benjamin, Juan Romero. (djc) (Entered: 09/24/2008)
09/23/2008	501	REPLY Memorandum of Law in Support of their Motion for Further Relief Re: Ventilation. Document filed by James Benjamin, Juan Romero. (djc) (Entered: 09/24/2008)
09/23/2008	502	MEMORANDUM OF LAW in Opposition to plaintiffs' Motion for Further Relief Concerning Ventilation. Document filed by Catherine Abate. (djc) (Entered: 09/24/2008)
09/23/2008	503	DECLARATION of Elias Dagher in Opposition to Plaintiffs' Motion for Further Relief Re: Ventilation. Document filed by Catherine Abate. (djc) (Entered: 09/24/2008)
09/23/2008	504	DECLARATION of Valerie Oliver in Opposition to Plaintiffs' Motion for Further Relief Re: Ventilation. Document filed by Catherine Abate. (djc) (Entered: 09/24/2008)
09/23/2008	505	DECLARATION of Counsel Chlarens Orsland in Opposition to Plaintiffs' Motion for Further Relief Re: Ventilation. Document filed by Catherine Abate. (djc) (Entered: 09/24/2008)
09/23/2008	506	MEMORANDUM OF LAW in Support of their motion for Further Relief Re: Ventilation. Document filed by James Benjamin, Juan Romero. (djc) (Entered: 09/24/2008)
09/23/2008	507	MOTION for an order granting further relief concerning jail ventilation. Attached is Declaration of John Boston in support. Document filed by James Benjamin, Juan Romero.(djc) (Entered: 09/24/2008)
09/30/2008	508	MANDATE of USCA WITHDRAWING APPEAL (Certified Copy) as to 434 Notice of Appeal, filed by George Leeper, Herman Johnson, Catherine Abate, Blake Wingate, Donald Morris, George Harris, William Fraser, Joseph Torres USCA Case Number 07-2748-cv and 07-2940-cv....that the appeal is hereby WITHDRAWN pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. Catherine O'Hagan Wolfe, Clerk USCA. Certified: 9/29/2008. (nd) (Entered: 09/30/2008)
10/06/2008	509	ENDORSED LETTER addressed to Judge Harold Baer from Chlarens Orsland dated 9/22/08 re: Counsel writes in regards to the April 26, 2001 order which now governs, and accordingly, the Department will begin preparing for the provision of heat for the

		current heat season. ENDORSEMENT: Aside from the fact that your dates are reversed I have heard or received no response to this 9/22/08 letter and I will assume all parties are in accord. (Signed by Judge Harold Baer on 10/5/08) (mme) (Entered: 10/06/2008)
10/07/2008	510	OPINION & ORDER #96617: For the reasons set forth herein, Plaintiffs' motion for additional relief is DENIED, and Defendants' motion to terminate certain paragraphs of the Environmental Order is GRANTED, conditioned on a six-month review as set forth above. (Signed by Judge Harold Baer on 10/6/08) (tro) Modified on 10/7/2008 (rw). (Entered: 10/07/2008)
11/05/2008	511	NOTICE OF APPEAL from 510 Memorandum & Opinion,. Document filed by James Benjamin, Juan Romero. Filing fee \$ 455.00, receipt number E 667997. Copies of Notice of Appeal mailed to attorney(s) of record: Corporation Counsel of City of New York. (nd) (Entered: 11/05/2008)
11/05/2008		Transmission of Notice of Appeal to the District Judge re: 511 Notice of Appeal,. (nd) (Entered: 11/05/2008)
11/05/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 511 Notice of Appeal,. (nd) (Entered: 11/05/2008)
01/21/2009	513	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 511 Notice of Appeal, filed by Juan Romero, James Benjamin USCA Case Number 08-5421, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp) (tp). (Entered: 01/22/2009)
01/28/2009	514	SUPPLEMENTARY ORDER REPAIR AND RENOVATION OF VENTILATION SYSTEMS: It is hereby ordered that Assessment of all existing ventilation equipment in the covered areas will be completed by March 31,2009, as set forth herein. The VTFT shall repair units, replace belts/bearings, motors. etc., as necessary, lubricate equipment, clean coils, adjust pulleys, catalogue all pieces of equipment, trace the dampers to ensure they are in the appropriate position (dampers should be in full "open" position), and ensure that all units are properly labeled. Within two weeks of receipt of the assessment of the equipment in each housing area and its bathrooms, the Supervising Senior Stationary Engineer will determine whether the unacceptable units can be repaired or upgraded or must be replaced. Defendants shall promptly schedule the repair work and order replacement units. Replacement or repair

		of the existing units that remained in unacceptable working order at the conclusion of the assessment shall be completed by September 17, 2010, except those that must be replaced through capital projects, which shall be completed by the end of 2011. In addition to repair and replacement of the existing ventilation units found to be inadequate, the Department will carry out a series of in-house and capital projects, as set forth herein. The Department will develop a facility-based, unit-specific, preventive maintenance plan. Based on the record made on this motion, as well as the prior record and findings in this proceeding, the Court finds that this Order, based on Defendants' proposed remedy, is narrowly drawn and is the least intrusive measure necessary to correct the constitutional violation previously found with respect to jail ventilation and will have no adverse impact on public safety or on the operation of the criminal justice system. (Signed by Judge Harold Baer on 1/28/2009) (jpo) (Entered: 01/28/2009)
02/11/2009	515	AMENDED SUPPLEMENTARY ORDER RE: REPAIR AND RENOVATION OF VENTILATION SYSTEMS that assessment of all existing ventilation equipment in the covered areas will be completed by 3/31/09 and as further set forth in this document. (Signed by Judge Harold Baer on 2/11/09) (cd) (Entered: 02/11/2009)
02/23/2009	516	NOTICE OF APPEAL from 515 Order. Document filed by Catherine Abate. Filing fee \$ 455.00, receipt number E 678463. Copies mailed to attorney(s) of record: The Legal Aid Society. (tp) (Entered: 02/24/2009)
02/24/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 516 Notice of Appeal. (tp) (Entered: 02/24/2009)
02/24/2009		Transmission of Notice of Appeal to the District Judge re: 516 Notice of Appeal. (tp) (Entered: 02/24/2009)
03/24/2009	517	STIPULATION FOR ENTRY OF AN ORDER AMENDING THE CASE CAPTION: The parties HEREBY STIPULATE that the Court may enter an order directing the Clerk's, Office of the Southern District of New York to amend the case caption to reflect the current alignment of parties, as reflected in the above caption to this stipulation, and in the attached document. (Signed by Judge Harold Baer on 3/24/2009) (jfe) (Entered: 03/24/2009)
05/21/2009	518	ENDORSED LETTER addressed to Judge Harold Baer, Jr from Chlarens Orsland dated 5/14/2009 re: Counsel respectfully request that the Court immediately suspend the reporting requirements of

		the Heat Orders, including the air-conditioning reporting requirements of the two supplemental orders (and its attendant fine provisions), as well as immediately terminate paragraph "6" of the Heat Order, as recommended by OCC at p.1 of its report. ENDORSEMENT: I am, in accordance with your letter (5/14), and do hereby terminate paragraph 6 of the Heat order. As to your letter in general, I can describe it only as Chutzpah. The City and the DOC have had any number of opportunities to help out OCC and accelerate its work on the heat report and you have declined to do so each time. There is enough fault to go around but you deserve the lion's share. John Doyle continues to scramble to get the work done and may be nearing a solution no thanks to you. All other requests are denied. (Signed by Judge Harold Baer on 5/20/2009) (jfe) (Entered: 05/21/2009)
06/30/2009	519	ORDER that the automatic stay provision of the PLRA will be suspended until September 30, 2009, for good cause shown; and it is further ORDERED that Defendants will continue to carry out all terms of the Heat Orders, including the air-conditioning reporting requirements of the two supplemental Heat Orders, until that time. SO ORDERED. (Signed by Judge Harold Baer on 6/30/2009) (jmi) (Entered: 06/30/2009)
08/21/2009	520	MOTION to terminate Prospective Relief set forth in this Court's Heat Orders, for the Order terminating the prospective relief set forth in this Court's Order Re: Heat Conditions, dated August 18, 2008, on the grounds that (1) defendants are in substantial compliance with the orders, and (2) there is no ongoing violation of Plaintiffs' Federal rights, pursuant to the Prison Litigation Reform Act, 18 U.S.C. 3626(b)(1)(i). Document filed by Catherine Abate.(mbe) (Entered: 08/24/2009)
08/21/2009	521	MEMORANDUM OF LAW in Support re: 520 MOTION to terminate Prospective Relief set forth in this Court's Heat Orders, for the Order terminating the prospective relief set forth in this Court's Order Re: Heat Conditions, dated August 18, 2008, on the grounds that (1) defendants are in substantial compliance with the orders, and (2) there is no ongoing violation of Plaintiffs' Federal rights, pursuant to the Prison Litigation Reform Act, 18 U.S.C. 3626(b)(1)(i). Document filed by Catherine Abate. (mbe) (Entered: 08/24/2009)
08/21/2009	522	SUPPLEMENTAL DECLARATION of Erik Berliner in further Support re: 520 MOTION to terminate Prospective Relief set forth in this Court's Heat Orders, for the Order terminating the prospective relief set forth in this Court's Order Re: Heat

		Conditions, dated August 18, 2008, on the grounds that (1) defendants a re in substantial compliance with the orders, and (2) there is no ongoing violation of Plaintiffs' Federal rights, pursuant to the Prison Litigation Reform Act, 18 U.S.C. 3626(b)(1)(i). Document filed by Catherine Abate. (mbe) (Entered: 08/24/2009)
08/21/2009	523	DEFENDANTS' SUPPLEMENTAL MEMORANDUM OF LAW in response to (1) OCC Supplemental Report and (2) Plaintiffs' Opposition to Defendants' motion to terminate the 2008 Heat Order. Document filed by Catherine Abate. (mbe) (Entered: 08/24/2009)
08/21/2009	524	DECLARATION of Chlarens Orsland in Support of defendants' Cross-Motion to terminate 2008 Heat Orders. Document filed by Catherine Abate. (mbe) (Entered: 08/24/2009)
08/21/2009	525	MEMORANDUM OF LAW in Opposition re: 520 MOTION to terminate Prospective Relief set forth in this Court's Heat Orders, for the Order terminating the prospective relief set forth in this Court's Order Re: Heat Conditions, dated August 18, 2008, on the grounds that (1) defendants a re in substantial compliance with the orders, and (2) there is no ongoing violation of Plaintiffs' Federal rights, pursuant to the Prison Litigation Reform Act, 18 U.S.C. 3626(b)(1)(i). Document filed by James Benjamin, Juan Romero. (mbe) (Entered: 08/24/2009)
08/21/2009	526	DECLARATION of Dale A. Wilker in Opposition re: 521 Memorandum of Law in Support of Motion to terminate Prospective Relief set forth in this Court's Heat Orders, for the Order terminating the prospective relief set forth in this Court's Order Re: Heat Conditions, dated August 18, 2008, on the grounds that (1) defendants a re in substantial compliance with the orders, and (2) there is no ongoing violation of Plaintiffs' Federal rights, pursuant to the Prison Litigation Reform Act, 18 U.S.C. 3626(b)(1)(i). (mbe) (Entered: 08/24/2009)
08/21/2009	527	APPENDIX: Heat Orders and Opinion. (To the Declaration and Memorandum of Law in Opposition to Defendants Motion to Terminate the Heat Order.) Document filed by James Benjamin, Juan Romero.(mbe) (Entered: 08/24/2009)
08/21/2009	528	PLAINTIFFS' EXHIBITS. (To the Declaration and Memorandum of Law in Opposition to Defendants Motion to Terminate the Heat Order.) Document filed by James Benjamin, Juan Romero.(mbe) (Entered: 08/24/2009)

09/24/2009	529	TRANSCRIPT of proceedings held on 8/31/09 before Judge Harold Baer. (ama) (Entered: 09/25/2009)
10/26/2009	530	OPINION & ORDER:# 98185 For the foregoing reasons, Plaintiffs' requests for additional relief are DENIED, and Defendants' motion to terminate the Heat Order is GRANTED, subject to review one year hence following the 2010 Heat Season. As the Defendants were not specifically required under my previous orders to monitor allegedly air-conditioned dormitories at 80F or less, I am constrained to look forward with respect to this unfortunate happenstance. Accordingly, OCC will not be required to submit a report on Defendants' compliance following the 2009 Heat Season, as originally discussed at the August 31, 2009 conference. Instead, OCC shall submit a report on, or if reasonable, before November 1,2010 as to Defendants' compliance with all aspects of the newly clarified Heat Orders during the 2010 Heat Season. Any motion to reinstate the Heat Orders based on OCC's 2010 report shall be fully briefed by December 15, 2010. The Clerk of this Court is instructed to close this motion (Docket No. 520). (Signed by Judge Harold Baer on 10/26/2009) (jpo) Modified on 10/30/2009 (eef). (Entered: 10/26/2009)
11/23/2009	531	NOTICE OF APPEAL from 530 Memorandum & Opinion. Document filed by Catherine Abate. Filing fee \$ 455.00, receipt number E 707008. Copies of Notice of Appeal mailed to attorney(s) of record: Legal Aid Society. (nd) (Entered: 11/24/2009)
11/24/2009		Transmission of Notice of Appeal to the District Judge re: 531 Notice of Appeal. (nd) (Entered: 11/24/2009)
11/24/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 531 Notice of Appeal. (nd) (Entered: 11/24/2009)
12/04/2009	532	MANDATE of USCA (Certified Copy) as to 511 Notice of Appeal, filed by Juan Romero, James Benjamin USCA Case Number 08-5421-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED, the case REMANDED to the district court for further proceedings consistent with this opinion. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 12/3/2009. (nd) (Entered: 12/04/2009)
12/04/2009		Transmission of USCA Mandate/Order to the District Judge re: 532 USCA Mandate,. (nd) (Entered: 12/04/2009)

12/21/2009	534	DISCOVERY ORDER RE: SANITATION: Defendants shall respond to Plaintiffs' Request for Documents Re: Sanitation and Related Issues (dated December 2, 2009) by February 15, 2010, and produce documents as they become available before that date. Under the auspices of the Office of Compliance Consultants ("OCC"), an expert tour of Rikers Island facilities will be conducted in the first half of April,2010. Expert reports will be exchanged no later than May 15, 2010. Expert depositions, if any, will be conducted within 30 days of the receipt of the expert's report. Any other discovery will be completed by May 31, 2010. The parties will review their respective positions following discovery and advise the Court by May 31, 2010 whether or not summary judgment motions are appropriate, or whether the matter should be scheduled for a hearing. (Signed by Judge Harold Baer on 12/20/2009) (jpo) (Entered: 12/21/2009)
12/21/2009		***DELETED DOCUMENT. Deleted document number 533 ENDORSED LETTER. The document was incorrectly filed in this case. (ae) (Entered: 12/22/2009)
12/30/2009	535	ORDER that the scope of plaintiffs' request for documents re: Sanitation and Related Issues (dated 12/2/09) shall be limited to matters relating to sanitation. The scope of the documents referenced in the preceding paragraph may include documents relating to vermin as that issue is related to sanitation concerns, but may not include documents relating to vermin as taht issue is related to sanitation concerns but may not include any other concern such as but not limited to ventilation or lighting which are the subject of separate orders and that appear to be moving along smoothly. Defendants' request to limit the time period for which they must produce EHO/PHS reports is denied, and plaintiffs may discover all reports for March 2009 and from September through November 2009 as requested. Defendants' request to limit the time period for the remaining request for documents is granted, but only to the extent that plaintiffs may discover documents from any six months between March and November 2009. Pursuant to the immediately preceding paragraph, plaintiffs' request for documents for the entire period from March 2009 to present is denied. All deadlines set forth in this Court's 12/21/09 discovery order re:sanitation shall remain the same, i.e. document discovery will be completed on or before 2/15/10 and all other discovery will be completed by 5/31/10. (Signed by Judge Harold Baer on 12/29/09) (dle) (Entered: 12/30/2009)
02/23/2010	536	TRUE COPY ORDER of USCA as to 531 Notice of Appeal filed by Catherine Abate USCA Case Number 09-4888-cv. The

		undersigned counsel for the parties stipulate that the above-captioned case is withdrawn without costs or attorneys' fees and pursuant to Local Rule 42.1. Appellant may reinstate the case by filing written notice with the clerk, and serving such notice upon the undersigned appellee by May 27, 2010. Catherine O'Hagan Wolfe, Clerk USCA. Certified: 2/23/2010. (nd) (Entered: 02/23/2010)
03/24/2010	537	MOTION to Modify Opinion and Order dated October 26, 2009. Document filed by Catherine Abate.(mro) (Entered: 03/25/2010)
03/24/2010	538	MEMORANDUM OF LAW in Support re: 537 MOTION to Modify Opinion and Order dated October 26, 2009. Document filed by Catherine Abate. (mro) (Entered: 03/25/2010)
03/24/2010	539	DECLARATION of John Boston consenting to defendants' re: 537 MOTION to Modify Opinion and Order dated October 26, 2009. Document filed by James Benjamin and Juan Romero. (mro) (Entered: 03/25/2010)
03/24/2010	540	REPLY DECLARATION of Chlarens Orsland in Further Support of Rule 60(b) Motion re: 537 MOTION to Modify Opinion and Order dated October 26, 2009. Document filed by Catherine Abate. (mro) (Entered: 03/25/2010)
03/24/2010	541	PLAINTIFFS' MEMORANDUM OF LAW CONSENTING TO DEFENDANTS' MOTION TO MODIFY OPINION AND ORDER DATED OCTOBER 26, 2009. Document filed by James Benjamin, Juan Romero. (mro) (Entered: 03/25/2010)
03/24/2010	542	CERTIFICATE OF SERVICE of Memorandum of Law and Declaration served on Chlarens Orsland on 3/18/10. Service was made by First Class Mail.Document filed by plaintiffs. (mro) (Entered: 03/25/2010)
04/26/2010	543	MANDATE of USCA (Certified Copy) as to 516 Notice of Appeal filed by Catherine Abate USCA Case Number 09-0793-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 04/23/2010. (nd) (Entered: 04/26/2010)
04/26/2010		Transmission of USCA Mandate/Order to the District Judge re: 543 USCA Mandate,. (nd) (Entered: 04/26/2010)
04/27/2010	544	ORDER that following the 4/19/10 status conference, the parties shall comply with deadlines re fire safety, heat, and lighting as

		further set forth in this document. (Signed by Judge Harold Baer on 4/26/10) (cd) (Entered: 04/27/2010)
04/28/2010	545	DISCOVERY ORDER RE: SANITATION (AMENDED): Defendants shall respond to Plaintiffs' Request for Documents Re: Sanitation and Related Issues (dated December 2, 2009) by February 15,2010, and produce documents as they become available before that date. Under the auspices of the Office of Compliance Consultants ("OCC"), an expert tour of Rikers Island facilities will be conducted in the first half of April, 2010. Expert reports will be exchanged no later than May 27. Any other discovery will be completed by June 15, 2010. The parties will review their respective positions following discovery and advise the Court by June 15, 2010 whether or not summary judgment motions are appropriate, or whether the matter should be scheduled for a hearing. (Signed by Judge Harold Baer on 4/28/2010) (jpo) (Entered: 04/28/2010)
05/05/2010	546	TRANSCRIPT of proceedings held on 4/19/10 before Judge Harold Baer. (ama) (Entered: 05/05/2010)
05/06/2010	547	ENDORSED LETTER addressed to Judge Harold Baer from Dale A. Wilker dated 5/5/2010 re: Plaintiff's write concerning the City's voluntary submission of 5/3/2010 detailing its plan for monitoring heat conditions and the protection of heat sensitive inmates in Department of Correction custody during the 2010 season. ENDORSEMENT: I trust this signals a new day, a dawning - In any event the accord is also applauded by OCC and is hereby applauded by the Court and its implementation approved. (Signed by Judge Harold Baer on 5/6/2010) (tro) Modified on 5/7/2010 (tro). (Entered: 05/06/2010)
05/06/2010	548	STIPULATION RE: ATTORNEY'S FEES: Plaintiffs intend to seek attorneys' fees in connection with recent proceedings concerning ventilation. The parties shall attempt to come to an agreement on attorneys' fees. If the parties are unable to agree, within sixty (60) days of the date this Stipulation is signed, or such additional time as the parties agree to, plaintiffs shall move the Court, pursuant to Rule 54 of the Federal Rules of Civil Procedure, for an Order awarding reasonable costs, fees and disbursements to plaintiffs pursuant to 42 U.S.C. 1988. ENDORSEMENT: Either its agree to in 60 days or I do it pursuant to 1988 and any papers will be in Chambers by or before August 1, 2010. (Signed by Judge Harold Baer on 5/6/2010) (jpo) Modified on 5/24/2010 (jpo). (Entered: 05/12/2010)

06/07/2010	<u>549</u>	ORDER RE:STAY OF DISCOVERY: It is hereby ordered: 1. The discovery schedule set forth in the April 28, 2010 order is stayed for forty-five days; 2. On or before July 19, 2010, the parties shall advise the Court of the status of settlement discussions. So Ordered (Signed by Judge Harold Baer on 6/7/2010) (js) (Entered: 06/07/2010)
09/15/2010	<u>550</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE RE: VENTILATION ATTORNEYS' FEE MOTION the above-referenced Fee Request is now settled with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below. Defendant City of NY hereby agrees to pay plaintiffs the sum of \$34,458.45, as further set forth in this document. (Signed by Judge Harold Baer on 9/15/10) (cd) (Entered: 09/15/2010)
10/08/2010	<u>551</u>	AMENDED ORDER RE: LIGHTING CONDITIONS: It is hereby Ordered Defendants shall ensure that in all cells and dormitory housing areas in GMDC, RMSC, GRVC, NIC, OBCC, VCBC, and BBKC ("the affected areas"), no less than 20 foot-candles of light will be provided at bed or desk level for each inmate, except as provided in paragraph "2" below. In areas in which the defendants believe it will be unduly burdensome to comply with the 20 foot-candle requirement, the defendants may provide no less than 15 foot-candles of light, at bed or desk level for each inmate. However, defendants will make reasonable good faith efforts to provide a higher minimum amount of footcandles, including the use of "daylight" lightbulbs, all of which are to be installed within 30 days from the date hereof. The defendants shall replace all fluorescent bulbs in the affected areas after 8,000 hours of use, and shall replace any bulbs before 8,000 hours of use if they are visibly dimmed, flickering, or otherwise not functioning correctly. In addition, the defendants shall replace ballasts as needed. (Signed by Judge Harold Baer on 10/7/2010) (jfe) (Entered: 10/08/2010)
10/18/2010	<u>552</u>	STIPULATION AND ORDER withdrawing 537 Motion. Plaintiffs' pending Motion for Enforcement and Further Relief re: Sanitary Conditions and defendants' cross-motion to terminate certain provisions of the Environmental Order are withdrawn without prejudice. For a one-year period from entry of this stipulation, neither party will engage in motion practice based on the sanitation provisions of the Environmental Order or subsequent sanitation Provisions related to that Order, except to correct an imminent danger to life or health. (Signed by Judge Harold Baer on 10/14/2010) (jar) (Entered: 10/18/2010)

10/25/2010	<u>553</u>	ORDER RE AMKC FIRE SAFETY CONTRACT that DOC shall promptly enter into a contract with Simplex Grinnell for the installation of a fire alarm system and provision of maintenance services and other fire safety work at AMKC, pursuant to which Simplex Grinnell shall commence work no later than 12/15/10, and as further set forth in this document. (Signed by Judge Harold Baer on 10/22/10) (cd) (Entered: 10/25/2010)
12/06/2010	<u>554</u>	ENDORSED LETTER: addressed to Judge Harold Baer from Chlarens Orsland dated 11/24/2010 re: Counsel for defendant request that the Court extend the period for the installation of such daylight bulbs to December 31, 2010. ENDORSEMENT: The period of installation is extended from 30 days following the October 7, 2010 order to December 30, 2010. So Ordered. (Signed by Judge Harold Baer on 12/6/2010) (js) (Entered: 12/06/2010)
12/15/2010	<u>555</u>	ORDER RE: POWER WASHING: IT IS HEREBY ORDERED: The mandate in Paragraph "11(a)" of the Environmental Order to the effect that "Showers shall be steam cleaned quarterly" is suspended pending further order of the Court, to allow the Department of Correction to use steam cleaning or other alternative measure that does not damage tile surfaces. (Signed by Judge Harold Baer on 12/14/10) (mro) (Entered: 12/15/2010)
12/15/2010	<u>556</u>	ORDER RE: MAINTENANCE PLAN: It is hereby ORDERED that: The meeting to be held among the experts, OCC and the parties to discuss the results of beta testing of the MIL 105E Standard in GMDC shall take place or or before February 1, 2011 (See Plan, p. 1). The revised sanitation-related training and instructional materials, including a new housekeeping manual with training videos, to be supplemented by the adoption of new Directives, shall be provided to the experts, OCC and the parties as soon as available and no later than December 20, 2010 (See Plan, p. 2). The training of area captains concerning the identification and correction of vermin entry points shall be completed by January 14, 2011 (See Plan, p. 2). The adoption of other management reforms as referred to in Paragraph 5.A of the Stipulation, so ordered on October 14, 2010, shall take place on or before February 15, 2011 (See Plan p. 3). The process of assessing the feasibility of discarding and replacing mop heads weekly, or in the alternative the feasibility of adopting washable micro fiber mop heads, shall be completed by February 15, 2011(See Plan, p. 3). The trial test of a procedure to allow inmates access to their cells upon request during lock-out periods in order to use the toilet, and then allowing them to leave their cells for the duration of the lock-out period, and the process of exploring the feasibility

		of providing toilets in the day rooms as a permanent solution, shall be completed by February 4, 2011. If another alternative needs to be developed, that alternative will be developed by March 1, 2011. The adequacy of lighting in all toilets, shower areas and janitor closets shall be assessed by OCC on a monthly basis commencing on January 4, 2011 and further assessed by the experts in an inspection that shall take place on or before August 18, 2011, set forth at p. 4 of the Maintenance Plan. (Signed by Judge Harold Baer on 12/15/2010) (jfe) (Entered: 12/15/2010)
02/01/2011	<u>557</u>	ORDER RE: MAINTENANCE PLAN. IT IS HEREBY ORDERED that the time for the meeting among the experts and parties shall be and the same hereby is, extended from 2/1/2011 up to and including 3/4/2011. (Signed by Judge Harold Baer on 2/1/2011) (ab) (Entered: 02/01/2011)
03/21/2011	<u>558</u>	ORDER RE: BKHD FIRE ALARM CONTRACT: DOC shall promptly enter into a contract with Simplex Grinnell for the installation of a fire alarm system and provision of maintenance services at BKHD, pursuant to which Simplex Grinnell shall commence work no later than May 1, 2011 ; DOC shall work with Simplex Grinnell to assure substantial compliance with the completion date of August 31, 2011; OCC shall arrange for monthly inspections by Hughes Associates, Inc. of progress under the contract beginning in June 2011, reports on such inspections to be submitted to the Court and parties within 10 days of completion of each inspection. (Signed by Judge Harold Baer on 3/21/2011) (jpo) (Entered: 03/21/2011)
05/16/2011	<u>559</u>	AMENDED ORDER RE: BKHD FIRE ALARM CONTRACT, 1. DOC shall continue to take all steps required to implement the contract with Simplex Grinnell for the installation of a fire alarm system and provision of maintenance services at BKHD, pursuant to which Simplex Grinnell shall now commence work no later than June 15, 2011; 2. DOC shall work with Simplex Grinnell to assure substantial compliance with the completion date of October 15, 2011; and, 3. OCC shall arrange for monthly inspections by Hughes Associates, Inc., of progress under the contract beginning in July, 2011, reports on such inspections to be submitted to this Court and parties within 10 days of completion of each inspection. (Signed by Judge Harold Baer on 5/15/11) (pl) (Entered: 05/16/2011)
08/09/2011	<u>560</u>	ORDER MODIFYING "SO ORDERED" ENVIRONMENTAL STIPULATION (DATED OCTOBER 14, 2010): By or about December 19, 2011, the expert consultants shall inspect the DOC

		facilities that the parties and OCC agree upon for inspection, and shall report their findings to the parties and OCC. All other provisions of the Sanitation Order remain in effect. (Signed by Judge Harold Baer on 8/9/2011) (ab) (Entered: 08/09/2011)
10/20/2011	561	SUPPLEMENTAL ORDER RE: CONSTRUCTION PROJECTS REQUIRED BY AMENDED SUPPLEMENTARY VENTILATION ORDER: Duct work extensions to the ceiling and the installation of ventilation registers in RNDC shall be completed by the end of December 2013. Automatic Temperature Control systems in all applicable covered areas shall be in good working order by the end of October 2012. NIC shall be completely air conditioned~ and suitable for heat sensitive inmates, by the end of December 2012. All other provisions of the Amended Ventilation Order remain in effect. Mr. Orsland or his representative will write to OCC with a copy to me on the 15th of each month reporting on the progress of the work re: duct work, Automatic Temperature Control systems and the NIC air conditioning project. (Signed by Judge Harold Baer on 10/20/2011) (ft) (Entered: 10/20/2011)
11/01/2011	562	ENDORSED LETTER(E-Mail) addressed to Jackie Harrington from John H. Doyle, III dated 10/25/11 re: Listed herein is an agreed upon four step plan to move forward on ventilation. ENDORSEMENT: John This is fine we need timetables and a start date. Can you make that happen within the next 10 days. What are you doing with memo from Nicole unless you have a doubt about it in which case call me tomorrow (Wednesday) let's send it you to parties also tomorrow. (Signed by Judge Harold Baer on 11/1/2011) (mro) (Entered: 11/01/2011)
11/23/2011	563	TRUE COPY ORDER of USCA as to 531 Notice of Appeal filed by Catherine Abate USCA Case Number 09-4888-cv. The undersigned counsel for the parties stipulate that the above-captioned case is withdrawn without costs or attorneys' fees and pursuant to Local Rule 42.1. Appellant may reinstate the case by filing written notice with the clerk, and serving such notice upon the undersigned appellee by May 14, 2012. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 11/22/2011. (nd) (Entered: 11/23/2011)
12/21/2011	564	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from John H. Doyle, III dated 12/19/2011 re: The parties and consultants have advised that they will be able to complete the reports by January 4, 2012 and request that the Court set that date for submission of their reports. ENDORSEMENT: January 4 is set

		for submission of completed reports re sanitation concerns. (Signed by Judge Harold Baer on 12/21/2011) (rjm) (Entered: 12/21/2011)
05/09/2012	565	TRUE COPY ORDER of USCA as to 531 Notice of Appeal filed by Catherine Abate USCA Case Number 09-4888-cv. The undersigned counsel for the parties stipulate that the above-captioned case is withdrawn without costs or attorneys' fees and pursuant to Local Rule 42.1. Appellant may reinstate the case by filing written notice with the clerk, and serving such notice upon the undersigned appellee by October 15, 2012. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 05/09/2012. (nd) (Entered: 05/10/2012)
09/19/2012		Minute Entry for proceedings held before Judge Harold Baer: In Chambers Conference held on 9/19/2012. (lmb) (Entered: 09/24/2012)
11/09/2012	566	TRUE COPY ORDER of USCA as to 531 Notice of Appeal filed by Catherine Abate USCA Case Number 09-4888-cv. The undersigned counsel for the parties stipulate that the above-captioned case is withdrawn without costs or attorneys' fees and pursuant to Local Rule 42.1. Appellant may reinstate the case by filing written notice with the clerk, and serving such notice upon the undersigned appellee by March 15, 2013. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 11/06/2012. (nd) (Entered: 11/09/2012)
12/05/2012	567	TRANSCRIPT of Proceedings re: CONFERENCE held on 9/19/2012 before Judge Harold Baer. Court Reporter/Transcriber: Steven Greenblum, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/2/2013. Redacted Transcript Deadline set for 1/10/2013. Release of Transcript Restriction set for 3/8/2013.(Rodriguez, Somari) (Entered: 12/05/2012)
12/05/2012	568	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 9/19/2012 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available

		to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 12/05/2012)
12/10/2012	569	ORDER: IT IS HEREBY ORDERED that (1) the pending civil cases noted in the attachment to this Order are designated as cases to the Electronic Case Filing database (ECF); and (2) The Clerk of Court shall docket a copy of this Order in each case and designate the case as an ECF case. IT IS FURTHER ORDERED that,Counsel to any party who is not a registered user of this Court's ECF database is directed to register immediately and obtain a log in and password to this Court's ECF database. Attorneys appearing as counsel for plaintiff(s) or defendant(s) shall file their pleading(s) and other permitted papers using the ECF system. SO ORDERED. (Signed by Judge Harold Baer on 12/10/2012) (ama) (Entered: 12/10/2012)
12/10/2012		Case Designated ECF. (ama) (Entered: 12/10/2012)
12/19/2012	570	SUPPLEMENTAL ORDER MODIFYING AMENDED ORDER RE: LIGHTING CONDITIONS: IT IS HEREBY ORDERED: 1. Paragraph "3" of the Amended Light Order is modified to the extent that the Department of Correction shall replace florescent light bulbs after 8,000 hours of use only when T -12 light bulbs are being utilized. 2. When using T-8 light bulbs, the Department shall replace those bulbs after 36,000 hours of use, unless they are visibly dimmed, flickering, or otherwise not functioning properly, at which time the bulbs shall be replaced as soon as practicable. (Signed by Judge Harold Baer on 12/18/2012) (dj) Modified on 12/19/2012 (dj). (Entered: 12/19/2012)
12/19/2012	571	ORDER RE: NIC FIRE SAFETY CONTRACT: IT IS HEREBY ORDERED that: 1. DOC shall promptly enter into a contract with SimplexGrinnell for the upgrade of the fire alarm system and provision of maintenance services and other fire life safety work at the Main Building of NIC, to be completed by May 31, 2013. 2. OCC shall arrange for periodic inspections by Hughes Associates, Inc. of progress under the contract, report on such inspections to be submitted to the Court in conjunction with reports on progress of all fire safety projects, consistent with current practice. 3. This relief is narrowly drawn, extends no further than necessary to correct the violation of the plaintiffs' federal right to adequate fire protection, and is the least intrusive means necessary to correct the violation of that federal right. (Signed by Judge Harold Baer on 12/18/2012) (dj) (Entered: 12/19/2012)

12/19/2012	572	SECOND SUPPLEMENTAL ORDER RE: CONSTRUCTION PROJECTS REQUIRED BY AMENDED SUPPLEMENTARY VENTILATION ORDER: IT IS HEREBY ORDERED that: 1. NIC shall be completely air conditioned, and suitable for heat sensitive inmates, by the end of May 2013. 2. All other provisions of the Amended Ventilation Order remain in effect. (Signed by Judge Harold Baer on 12/18/2012) (djc) (Entered: 12/19/2012)
03/19/2013	573	ORDER of USCA (Certified Copy) as to 531 Notice of Appeal filed by Catherine Abate USCA Case Number 09-4888-cv. The undersigned counsel for the parties stipulate that the above-captioned case is withdrawn without costs or attorneys' fees and pursuant to Local Rule 42.1. Appellant may reinstate the case by filing written notice with the clerk, and serving such notice upon the undersigned appellee by June 14, 2013. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 03/18/2013. (nd) (Entered: 03/19/2013)
03/22/2013		Minute Entry for proceedings held before Judge Harold Baer: Telephone Conference held on 3/22/2013. (pl) (Entered: 03/25/2013)
06/06/2013	574	ORDER RE: OCC FUNDING: IT IS HEREBY ORDERED: 1. John H. Doyle III, an attorney with the law firm of Reed Smith, LLP, shall continue as OCC director, and Nicole Austin Best shall continue as OCC Deputy Director. 2. Compensation shall be provided by the Department to the OCC Director at the rate of \$430 per hour.3. The annual rate of compensation of the OCC Deputy Director shall continue at \$137,500, including fringe benefits. And as set forth herein. SO ORDERED. (Signed by Judge Harold Baer on 6/06/2013) (ama) (Entered: 06/06/2013)
06/24/2013	575	TRUE COPY ORDER of USCA as to 531 Notice of Appeal filed by Catherine Abate USCA Case Number 09-4888-cv. The undersigned counsel for the parties stipulate that the above-captioned case is withdrawn without costs or attorneys' fees and pursuant to Local Rule 42.1. Appellant may reinstate the case by filing written notice with the clerk, and serving such notice upon the undersigned appellee by October 7, 2013. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 06/24/2013. (nd) (Entered: 06/24/2013)
06/24/2013	576	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - MOTION to Enforce Judgment re: 451 Order, <i>re: ventilation and cooling in punitive segregation units.</i>

		Document filed by James Benjamin.(Vela, Veronica) Modified on 6/25/2013 (ldi). (Entered: 06/24/2013)
06/24/2013	<u>577</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Enforce Judgment re: 451 Order, <i>re: ventilation and cooling in punitive segregation units</i> . Document filed by James Benjamin. (Attachments: # <u>1</u> Declaration in Support of Plaintiffs' Motion for Enforcement, # <u>2</u> Exhibit Exhibits to Declaration in Support of Plaintiffs' Motion for Enforcement, # <u>3</u> Exhibit Exhibits to Declaration in Support of Plaintiffs' Motion for Enforcement)(Vela, Veronica) Modified on 6/25/2013 (ldi). (Entered: 06/24/2013)
06/24/2013		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Veronica Vela to RE-FILE Document <u>576</u> MOTION to Enforce Judgment re: 451 Order, <i>re: ventilation and cooling in punitive segregation units</i>. MOTION to Enforce Judgment re: 451 Order, <i>re: ventilation and cooling in punitive segregation units</i>. Use the event type Memorandum of Law in Support of Motion found under the event list Replies, Opposition and Supporting Documents. NOTE: You must indicate a signature or s/ on the document before re-filing. (ldi) (Entered: 06/25/2013)
06/24/2013		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Veronica Vela to RE-FILE Document <u>577</u> MOTION to Enforce Judgment re: 451 Order, <i>re: ventilation and cooling in punitive segregation units</i>. MOTION to Enforce Judgment re: 451 Order, <i>re: ventilation and cooling in punitive segregation units</i>. MOTION to Enforce Judgment re: 451 Order, <i>re: ventilation and cooling in punitive segregation units</i>. ERROR(S): (1) No signature or s/. (2) Supporting documents must be filed separately, each receiving their own document number. NOTE: You must indicate a signature or s/ on both documents before re-filing. Declaration in Support of Motion is found under the event list Replies, Opposition and Supporting Documents. Re-File the Motion first, then re-file and link supporting documents. (ldi) (Entered: 06/25/2013)
06/25/2013	<u>578</u>	MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units</i> . Document filed by James Benjamin.(Vela, Veronica) (Entered: 06/25/2013)
06/25/2013	<u>579</u>	MEMORANDUM OF LAW in Support re: <u>578</u> MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and</i>

		<i>cooling in punitive segregation units..</i> Document filed by James Benjamin. (Vela, Veronica) (Entered: 06/25/2013)
06/25/2013	580	DECLARATION of John Boston in Support re: 578 MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by James Benjamin. (Attachments: # 1 Exhibit to Declaration in Support of Plaintiffs' Motion for Enforcement, part 1 of 2, # 2 Exhibit to Declaration in Support of Plaintiffs' Motion for Enforcement, part 2 of 2)(Vela, Veronica) (Entered: 06/25/2013)
07/17/2013	581	DECLARATION of Dora B. Schriro in Opposition re: 578 MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by Catherine Abate. (Orsland, Chlarens) (Entered: 07/17/2013)
07/17/2013	582	DECLARATION of Homer Venters in Opposition re: 578 MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by Catherine Abate. (Orsland, Chlarens) (Entered: 07/17/2013)
07/17/2013	583	DECLARATION of Patricia Feeney in Opposition re: 578 MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by Catherine Abate. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Orsland, Chlarens) (Entered: 07/17/2013)
07/17/2013	584	DECLARATION of Frank Eilam, A.I.A. in Opposition re: 578 MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by Catherine Abate. (Orsland, Chlarens) (Entered: 07/17/2013)
07/17/2013	585	DECLARATION of Chlarens Orsland in Opposition re: 578 MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by Catherine Abate. (Attachments: # 1 Exhibit A)(Orsland, Chlarens) (Entered: 07/17/2013)
07/17/2013	586	MEMORANDUM OF LAW in Opposition re: 578 MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by Catherine Abate. (Orsland, Chlarens) (Entered: 07/17/2013)

07/19/2013	587	DECLARATION of Nathan Graber in Opposition re: 578 MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by Catherine Abate. (Orsland, Chlarens) (Entered: 07/19/2013)
07/23/2013	588	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from John Boston dated 7/21/2013 re: Counsel for Plaintiffs request that the Court hold that date in abeyance pending making the necessary arrangements with Dr. Vassallo and Mr. Golaszewski, including the inspections by Dr. Vassallo that the Court has requested, also the return date for this motion will need to be adjourned, and the length of the adjournment cannot be determined yet. ENDORSEMENT: Plaintiffs' request to reply on a date after inspections is granted. SO ORDERED. (Signed by Judge Harold Baer on 7/23/2013) (rsh) (Entered: 07/23/2013)
08/14/2013	589	NOTICE OF APPEARANCE by Charles Edward Carey on behalf of Catherine Abate. (Carey, Charles) (Entered: 08/14/2013)
08/27/2013	590	ENDORSED LETTER: addressed to Rini from Nicole Austin Best dated 8/23/2013 re: This letter is written to inform you that the Benjamin defendants have requested an extension of time to respond to the draft progress report I submitted to the parties yesterday. The parties were slated to respond to the draft no later than Friday, September 6 (pursuant to the Order re: Timetable for Submission of OCC Progress Reports) so that the report could be completed and delivered by Monday, September 16 (pursuant to the Environmental Order) The defendants request that September 16 be the new reply date for the parties (and plaintiff's counsel have no objection), so the report would be completed and delivered to you on Tuesday, September 24. ENDORSEMENT: Fine with me. So Ordered. (Signed by Judge Harold Baer on 8/27/2013) (js) (Entered: 08/27/2013)
10/01/2013		***DELETED DOCUMENT. Deleted document number 591 STANDING ORDER M10-468. The document was incorrectly filed in this case. (jar) (Entered: 10/02/2013)
10/24/2013		Minute Entry for proceedings held before Judge Harold Baer: Telephone Conference held on 10/24/2013. (js) (Entered: 10/25/2013)
01/17/2014	591	DECLARATION of Homer Venters (Supplemental) in Opposition re: 578 MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by Catherine Abate. (Carey, Charles) (Entered: 01/17/2014)

01/17/2014	<u>592</u>	DECLARATION of Frank Eliam, A.I.A. (supplemental) in Opposition re: <u>578</u> MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by Catherine Abate. (Carey, Charles) (Entered: 01/17/2014)
01/17/2014	<u>593</u>	DECLARATION of Patricia Feeney (Supplemental) in Opposition re: <u>578</u> MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by Catherine Abate. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Carey, Charles) (Entered: 01/17/2014)
03/31/2014	<u>594</u>	ENDORSED LETTER addressed to Judge Harold Baer from John Boston dated 3/31/2014 re: As you are probably aware, Legal Aid's Attorney-in-Chief, Steven Banks, is leaving the Legal Aid Society to take a position with the City. His new position commences tomorrow. Accordingly, we request that his name be removed from the docket of this case since he is no longer affiliated with plaintiffs' counsel. ENDORSEMENT: Do it!!, Attorney Steven R. Banks terminated. (Signed by Judge Harold Baer on 3/31/2014) (lmb) (Entered: 03/31/2014)
04/08/2014	<u>595</u>	MANDATE of USCA (Certified Copy) as to <u>531</u> Notice of Appeal filed by Catherine Abate USCA Case Number 09-4888-cv....that the appeal is hereby mandated pursuant to Rule 41 of the Federal Rules of Appellate Procedure. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 11/21/2013. (nd) Modified on 4/8/2014 (nd). (Entered: 04/08/2014)
04/14/2014	<u>596</u>	REPLY AFFIDAVIT of John Boston in Support re: <u>578</u> MOTION to Enforce Judgment re: 451 Order, <i>concerning ventilation and cooling in punitive segregation units..</i> Document filed by James Benjamin. (Attachments: # <u>1</u> Exhibit)(Vela, Veronica) (Entered: 04/14/2014)
04/18/2014	<u>597</u>	FILING ERROR - ELECTRONIC FILING OF NON-ECF DOCUMENT - MOTION to Strike Document No. <u>596</u> <i>in part.</i> Document filed by Catherine Abate.(Orsland, Chlarens) Modified on 4/21/2014 (db). (Entered: 04/18/2014)
04/21/2014		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Chlarens Orsland. Document No. <u>597</u> Letter. This document is not filed via ECF. The Court permits the filing of letters including certain types of letter motions, a Motion to Strike must be formally filed. (db) (Entered: 04/21/2014)

04/21/2014	<u>598</u>	MOTION to Strike Document No. <u>596</u> , <i>in part</i> . Document filed by Catherine Abate.(Orsland, Chlarens) (Entered: 04/21/2014)
04/21/2014	<u>599</u>	DECLARATION of Chlarens Orsland in Support re: <u>598</u> MOTION to Strike Document No. <u>596</u> , <i>in part</i> .. Document filed by Catherine Abate. (Orsland, Chlarens) (Entered: 04/21/2014)
04/21/2014	<u>600</u>	AMENDED MOTION to Strike Document No. <u>596</u> , <i>in part (notice correcting missing pages from original motion)</i> . Document filed by Catherine Abate.(Orsland, Chlarens) (Entered: 04/21/2014)
04/22/2014	<u>601</u>	DECLARATION of John Boston in Opposition re: <u>600</u> AMENDED MOTION to Strike Document No. <u>596</u> , <i>in part (notice correcting missing pages from original motion)</i> .. Document filed by James Benjamin. (Boston, John) (Entered: 04/22/2014)
05/14/2014	<u>602</u>	NOTICE OF APPEARANCE by Omar Hani Tuffaha on behalf of Catherine Abate. (Tuffaha, Omar) (Entered: 05/14/2014)
05/14/2014		Minute Entry for proceedings held before Judge Harold Baer: Bench Trial held on 5/14/2014. (mro) (Entered: 06/05/2014)
05/15/2014	<u>603</u>	ORDER TO PRODUCE INMATE FOR TESTIMONY AT HEARING: YOU ARE HEREBY ORDERED to produce the inmate Jarrett Frost, B&C # 241-11-00416, NYSID # 00066021R, presently housed at the Manhattan Detention Complex ("MDC"), so that he may testify at a hearing in the above-captioned case before this Court, located at Courtroom 23B, 500 Pearl Street, New York, NY 10007 on May 20, 2014 at 10 am. YOU ARE FURTHER HEREBY ORDERED to return the aforementioned inmate, Jarrett Frost, to MDC (or wherever else the Department may house him) immediately following his testimony at the hearing. (Signed by Judge Harold Baer on 5/15/2014) (lmb) (Entered: 05/15/2014)
05/15/2014		Set/Reset Hearings: Status Conference set for 5/20/2014 at 10:00 AM in Courtroom 23B, 500 Pearl Street, New York, NY 10007 before Judge Harold Baer. (lmb) (Entered: 05/16/2014)
05/15/2014		Minute Entry for proceedings held before Judge Harold Baer: Bench Trial held on 5/15/2014. (mro) (Entered: 06/05/2014)

05/16/2014		Minute Entry for proceedings held before Judge Harold Baer: Bench Trial completed on 5/16/2014. Reserved Decision. (mro) (Entered: 06/05/2014)
05/19/2014	604	ORDER PERMITTING OFFICIAL WITNESSES TO MAINTAIN POSSESSION OF MOBILE PHONES. IT IS HEREBY ORDERED THAT the following employees of the New York City Department of Correction may maintain possession of their mobile telephones while in the Daniel Patrick Moynihan Courthouse, located at 500 Pearl Street, New York, New York, 10007, for the duration of the evidentiary proceeding in the above-captioned case beginning on May 20, 2014 and extending (if necessary) to May 21, 2014: Assistant Commissioner Patricia Feeney, Assistant Commissioner Frank Eilam, Deputy Warden Kenneth Stukes. These individuals must maintain their mobile phones in a non-disruptive manner at all times while in the courthouse and comply with all other provisions of Standing Order M10-468 (last revised Feb. 27, 2014). (Signed by Judge Harold Baer on 5/19/2014) (rjm) (Entered: 05/20/2014)
06/02/2014	605	TRIAL BRIEF <i>Post-hearing brief in support of plaintiffs' motion to enforce</i> . Document filed by James Benjamin.(Boston, John) (Entered: 06/02/2014)
06/02/2014	606	POST TRIAL MEMORANDUM. Document filed by Catherine Abate.(Carey, Charles) (Entered: 06/02/2014)
06/03/2014		NOTICE OF CASE REASSIGNMENT to Judge Loretta A. Preska. Judge Harold Baer is no longer assigned to the case. (pgu) (Entered: 06/03/2014)
06/03/2014		Magistrate Judge Ronald L. Ellis is so designated. (pgu) (Entered: 06/03/2014)
06/09/2014	607	TRANSCRIPT of Proceedings re: HEARING held on 5/20/2014 before Judge Harold Baer. Court Reporter/Transcriber: Martha Drevis, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/3/2014. Redacted Transcript Deadline set for 7/14/2014. Release of Transcript Restriction set for 9/11/2014.(McGuirk, Kelly) (Entered: 06/09/2014)
06/09/2014	608	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a HEARING proceeding held on 5/20/2014 has been filed by the court reporter/transcriber

		in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 06/09/2014)
06/09/2014	609	TRANSCRIPT of Proceedings re: HEARING held on 5/21/2014 before Judge Harold Baer. Court Reporter/Transcriber: Alena Lynch, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/3/2014. Redacted Transcript Deadline set for 7/14/2014. Release of Transcript Restriction set for 9/11/2014.(McGuirk, Kelly) (Entered: 06/09/2014)
06/09/2014	610	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a HEARING proceeding held on 5/21/2014 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 06/09/2014)
06/09/2014	611	TRANSCRIPT of Proceedings re: HEARING held on 5/22/2014 before Judge Harold Baer. Court Reporter/Transcriber: Martha Drevis, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/3/2014. Redacted Transcript Deadline set for 7/14/2014. Release of Transcript Restriction set for 9/11/2014.(McGuirk, Kelly) (Entered: 06/09/2014)
06/09/2014	612	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a HEARING proceeding held on 5/22/2014 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 06/09/2014)

09/03/2014	613	ORDER. Counsel shall appear for a conference on September 11, 2014 at 10:30 a.m. (Conference set for 9/11/2014 at 10:30 AM before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 9/3/2014) (rjm) (Entered: 09/03/2014)
09/11/2014		Minute Entry for proceedings held before Judge Loretta A. Preska: Interim Pretrial Conference held on 9/11/2014. Next conference scheduled for November 6, 2014 at 10:00 a.m. (mph) (Entered: 09/11/2014)
11/06/2014		Minute Entry for proceedings held before Judge Loretta A. Preska: Interim Pretrial Conference held on 11/6/2014. Next conference scheduled for November 24, 2014 at 11:00 a.m. (mph) (Entered: 11/06/2014)
11/06/2014		Set/Reset Hearings: Pretrial Conference set for 11/24/2014 at 11:00 AM in Courtroom 12A, 500 Pearl Street, New York, NY 10007 before Judge Loretta A. Preska. (mph) (Entered: 11/06/2014)
11/24/2014		Minute Entry for proceedings held before Judge Loretta A. Preska: Interim Pretrial Conference held on 11/24/2014. (mph) (Entered: 11/25/2014)
12/22/2014		Minute Entry for proceedings held before Judge Loretta A. Preska: Telephone Conference held on 12/22/2014. (mph) (Entered: 01/13/2015)
01/21/2015		Minute Entry for proceedings held before Judge Loretta A. Preska: Interim Pretrial Conference held on 1/21/2015. (mph) (Entered: 02/19/2015)
03/05/2015	614	ORDER denying 578 Motion to Enforce Judgment ; denying 600 Motion to Strike. In light of the parties' good faith on-going settlement talks, the motions reflected in docket numbers 578, 598, and 600 are DENIED as premature subject to reinstatement by letter. (Signed by Judge Loretta A. Preska on 3/5/2015) (lmb) (Entered: 03/05/2015)
06/25/2015	615	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/25/2015)
06/25/2015	616	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/25/2015)
06/25/2015	617	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/25/2015)

06/25/2015	618	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/25/2015)
06/25/2015	619	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/25/2015)
06/25/2015	620	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/25/2015)
06/25/2015	621	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/25/2015)
06/25/2015	622	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/25/2015)
06/25/2015	623	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/25/2015)
07/01/2015		Minute Entry for proceedings held before Judge Loretta A. Preska: Telephone Conference held on 7/1/2015. (mph) (Entered: 08/04/2015)
07/21/2015	624	SEALED DOCUMENT placed in vault.(mps) Modified on 7/24/2015 (mps). (Entered: 07/24/2015)
08/27/2015	625	ORDER. It is hereby ORDERED that counsel in the above-captioned matter are directed to appear in courtroom 12A, United States Courthouse, 500 Pearl Street, New York, New York 10007 on September 4, 2015 at 10:00 a.m. for an conference. (Conference set for 9/4/2015 at 10:00 AM before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 8/27/2015) (rjm) (Entered: 08/27/2015)
09/02/2015	626	ORDER. It is hereby ORDERED that counsel in the above-captioned matter are directed to appear in courtroom 12A, United States Courthouse, 500 Pearl Street, New York, New York 10007 on September 10, 2015 at 3:00 p.m. for an conference. So ordered. (Conference set for 9/10/2015 at 03:00 PM in Courtroom 12A, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 9/1/2015) (rjm). (Entered: 09/02/2015)
09/09/2015	627	ORDER. It is hereby ORDERED that counsel in the above-captioned matter are directed to appear in courtroom 12A, United States Courthouse, 500 Pearl Street, New York, New York 10007 on September 10, 2015 at 2:00 p.m. for an conference. So ordered. (Conference set for 9/10/2015 at 02:00 PM in Courtroom 12A,

		U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 9/1/2015) (rjm) (Entered: 09/09/2015)
09/10/2015		Minute Entry for proceedings held before Judge Loretta A. Preska: Interim Pretrial Conference held on 9/10/2015. (mph) (Entered: 09/25/2015)
09/22/2015	628	ENDORSED LETTER (email) addressed to Mr. Jacob Gutwillig from OCC-Nicole Austin Best dated 9/11/2015 re: I respectfully seek the Court's permission to permanently amend the deadline for OCC to submit the progress report to chambers to the last business day of January, May, and September of each year, and as further specified in this letter. ENDORSEMENT: Granted. So ordered. (Signed by Judge Loretta A. Preska on 9/20/2015) (rjm) (Entered: 09/22/2015)
10/06/2015	629	SEALED DOCUMENT placed in vault.(rz) (Entered: 10/06/2015)
10/06/2015	630	SEALED DOCUMENT placed in vault.(rz) (Entered: 10/06/2015)
10/06/2015	631	SEALED DOCUMENT placed in vault.(rz) (Entered: 10/06/2015)
10/07/2015	632	LETTER addressed to Judge Loretta A. Preska from John H. Doyle dated October 7, 2015 re: Convene a meeting of the parties. Document filed by Office of Compliance Consultants.(Doyle, John) (Entered: 10/07/2015)
10/30/2015	633	MOTION for Charles Edward Carey to Withdraw as Attorney . Document filed by Catherine Abate. (Attachments: # 1 Declaration of Charles Carey in Support of Motion)(Carey, Charles) (Entered: 10/30/2015)
06/06/2016	634	MEMO ENDORSEMENT granting 633 Motion for Charles Edward Carey to Withdraw as Attorney. ENDORSEMENT: The motion to withdraw is granted. So ordered. Attorney Charles Edward Carey terminated. (Signed by Judge Loretta A. Preska on 6/6/2016) (kl) (Entered: 06/06/2016)
08/30/2016	635	ENDORSED LETTER addressed to Judge Loretta A. Preska from Chlarens Orsland and Omar H. Tuffaha dated 8/29/2016 re: I respectfully request that that we be allowed to submit a formal response to Mr. Doyle's proposal and proposed order on or before September 12, 2016. ENDORSEMENT: SO ORDERED. (Signed by Judge Loretta A. Preska on 8/30/2016) (kl) (Entered: 08/30/2016)

09/12/2016	636	LETTER addressed to Judge Loretta A. Preska from Omar H. Tuffaha dated 9/12/2016 re: Response to Court Monitor's Email regarding Payments. Document filed by Catherine Abate. (Attachments: # 1 Exhibit August 25, 2016 Email of OCC Director, # 2 Exhibit 2001 Order (J. Baer), # 3 Exhibit 2013 Order (J. Baer), # 4 Exhibit 2002 Order (J. Baer))(Tuffaha, Omar) (Entered: 09/12/2016)
10/04/2016	637	LETTER addressed to Judge Loretta A. Preska from Plaintiffs' Counsel, The Legal Aid Society dated October 4, 2016 re: Office of Compliance Consultants. Document filed by James Benjamin.(Vela, Veronica) (Entered: 10/04/2016)
10/18/2016	638	ORDER: Counsel shall appear for a conference to discuss the future of OCC on November 4 at 10 A.M. Also counsel shall inform the Court of their views on the bench trial conducted by Judge Baer in May of 2014 and on which he did not rule. SO ORDERED. (Status Conference set for 11/4/2016 at 10:00 AM before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 10/18/2016) (kl) (Entered: 10/18/2016)
10/28/2016	639	FIRST LETTER MOTION to Adjourn Conference <i>scheduled for November 4, 2016</i> addressed to Judge Loretta A. Preska from Mary Lynne Werlwas dated October 28, 2016. Document filed by James Benjamin.(Vela, Veronica) (Entered: 10/28/2016)
11/03/2016	640	ORDER granting 639 Letter Motion to Adjourn Conference. The conference is adjourned to November 22, 2016 at 2:30 p.m. Status Conference set for 11/22/2016 at 02:30 PM before Judge Loretta A. Preska. (Signed by Judge Loretta A. Preska on 11/2/2016) (mro) (Entered: 11/03/2016)
11/18/2016	641	SECOND LETTER MOTION to Adjourn Conference <i>scheduled for November 22, 2016</i> addressed to Judge Loretta A. Preska from Veronica Vela, The Legal Aid Society dated November 18, 2016. Document filed by James Benjamin.(Vela, Veronica) (Entered: 11/18/2016)
11/18/2016	642	ORDER granting 641 Letter Motion to Adjourn Conference scheduled for November 22, 2016. The November 22 conference is adjourned. So ordered. (Signed by Judge Loretta A. Preska on 11/18/2016) (cla) (Entered: 11/18/2016)
12/13/2016	643	ORDER RE: OCC DEPUTY DIRECTOR COMPENSATION: IT IS HEREBY ORDERED: That the compensation of the new DD shall be the annual sum of \$150,000 including benefits ("salary"); to avoid any misunderstanding, the DD shall receive payments

		twice a month equal to 1/24 of \$150,000. (As further set forth in this Order.) The DD shall submit a timesheet indicating the hours worked on a weekly basis to OCC. OCC shall submit copies of these timesheets to the DOC Legal Division, attn.: General Counsel, on a weekly basis. (Signed by Judge Loretta A. Preska on 12/13/2016) (cf) (Entered: 12/13/2016)
03/30/2017	644	ORDER OF CONFERENCE: It is hereby ORDERED that counsel are directed to appear in courtroom 12A, or such other courtroom as may be designated, United States Courthouse, 500 Pearl Street, New York, NY 10007 on April 17, 2017 at 9:00 a.m. for a conference in the above action. (Status Conference set for 4/17/2017 at 09:00 AM in Courtroom 12A, 500 Pearl Street, New York, NY 10007 before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 3/30/2017) (ras) (Entered: 03/30/2017)
04/11/2017	645	ORDER OF CONFERENCE: It is hereby ORDERED that the conference scheduled for April 17, 2017 at 9:00 a.m. in the above action is adjourned to April 24, 2017 at 9:00 a.m. (Status Conference set for 4/24/2017 at 09:00 AM before Judge Loretta A. Preska.) (Signed by Judge Loretta A. Preska on 4/11/2017) (jwh) (Entered: 04/13/2017)
04/24/2017		Minute Entry for proceedings held before Judge Loretta A. Preska: Interim Pretrial Conference held on 4/24/2017. (mph) (Entered: 05/08/2017)
05/04/2017	646	LETTER addressed to Judge Loretta A. Preska from Omar Tuffaha dated 5/4/17 re: alternatives to punitive segregation housing. Document filed by Catherine Abate.(Tuffaha, Omar) (Entered: 05/04/2017)
05/05/2017	647	AMENDED LETTER addressed to Judge Loretta A. Preska from Omar Tuffaha dated 5/5/17 re: alternatives to punitive segregation housing. Document filed by Catherine Abate.(Tuffaha, Omar) (Entered: 05/05/2017)
05/31/2017	648	LETTER addressed to Judge Loretta A. Preska from MARY LYNNE WERLWAS dated May 31, 2017 re: Cooling and Restrictive Housing Units. Document filed by James Benjamin.(Vela, Veronica) (Entered: 05/31/2017)
06/22/2017	649	LETTER addressed to Judge Loretta A. Preska from Chlarens Orsland and Omar Tuffaha dated June 22, 2017 re: Heat Orders. Document filed by Catherine Abate. (Attachments: # 1 Exhibit Order of Hon. Harold Baer, Jr. dated December 22, 2004, # 2 Exhibit Order of Hon. Harold Baer, Jr. dated May 31, 2006,

		# 3 Exhibit Order of Hon. Harold Baer, Jr., dated December 12, 2007)(Orsland, Chlarens) (Entered: 06/22/2017)
08/16/2017	650	ORDER re: 648 Letter filed by James Benjamin, 647 Letter filed by Catherine Abate, 649 Letter, filed by Catherine Abate: Following the status conference on Monday, April 24, counsel have updated the Court as to the Department of Correction's ("DOC") current punitive segregation policies and, more specifically, as to air conditioning available to inmates in punitive segregation (dkt. nos. 647, 648, and 649). In its last filing, DOC concluded by stating "The fact is that as of now, and for the last year and two months, all inmates held in 23-hour punitive segregation lock-in are in air-conditioned housing during high heat days. We believe this ends the dispute. There is clearly no continuing and ongoing violation of any federal right and this chapter should be closed, as we believe the record before the Court is sufficient for this purpose." (Dkt. no. 649 at p. 6.) The Court will consider the parties' papers as DOC's motion to end the Heat Orders issued by the late Judge Harold Baer, Jr., and close the case. To the extent that either party wishes to supplement its papers it shall do so no later than September 1. (Signed by Judge Loretta A. Preska on 8/16/2017) (jwh) (Entered: 08/16/2017)
08/17/2017	651	FIRST LETTER addressed to Judge Loretta A. Preska from Veronica Vela dated August 17, 2017 re: Request for Adjournment. Document filed by James Benjamin.(Vela, Veronica) (Entered: 08/17/2017)
08/18/2017	652	MEMO ENDORSEMENT on re: 651 Letter filed by James Benjamin: SO ORDERED. (Signed by Judge Loretta A. Preska on 8/18/2017) (jwh) (Entered: 08/18/2017)
09/11/2017	653	LETTER addressed to Judge Loretta A. Preska from Veronica Vela dated September 11, 2017 re: Defendants' Motion to Terminate Heat Orders. Document filed by James Benjamin. (Attachments: # 1 Exhibit Chart ESH Hours In/Out of Cell, # 2 Exhibit ESH Affidavits)(Vela, Veronica) (Entered: 09/11/2017)
09/25/2017	654	LETTER addressed to Judge Loretta A. Preska from Chlarens Orsland dated 9/25/17 re: Legal Aid's 9/11/17 letter. Document filed by Catherine Abate. (Attachments: # 1 Exhibit 1 - Canty Declaration, # 2 Exhibit 2 - MacDonald Declaration)(Orsland, Chlarens) (Entered: 09/25/2017)
10/16/2017	655	LETTER addressed to Judge Loretta A. Preska from Proposed Supplemental Order Re: Deputy Director Compensation dated

		10/16/2017 re: Proposed Supplemental Order re: Deputy Director Compensation. Document filed by Catherine Abate. (Attachments: # 1 Exhibit Sample Invoice, # 2 Exhibit Proposed Supplemental Order)(Tuffaha, Omar) (Entered: 10/16/2017)
10/17/2017	656	FIRST LETTER addressed to Judge Loretta A. Preska dated October 17, 2017 re: Response to Defendants' Letter Regarding OCC Appointment. Document filed by James Benjamin.(Werlwas, Mary) (Entered: 10/17/2017)
10/24/2017	657	LETTER addressed to Judge Loretta A. Preska from John H Doyle III dated 10/19/2017 re: James Benjamin, et al v. Cynthia Brann, et al., 75 Civ. 3073 (LAP). Document filed by Office of Compliance Consultants. (Attachments: # 1 Attachment to letter to Judge Preska)(Doyle, John) (Entered: 10/24/2017)
05/09/2018	658	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU/DEFICIENT DOCKET ENTRY - MOTION to Amend/Correct <i>October 20, 2011 Supplemental Order</i> . Document filed by Catherine Abate. (Attachments: # 1 Exhibit A 10/20/2011 Supplement Order, # 2 Exhibit B Punch List, # 3 Exhibit c Proposed Order)(Orsland, Chlarens) Modified on 5/10/2018 (db). (Entered: 05/09/2018)
05/10/2018		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Notice to Attorney Chlarens Orsland to RE-FILE Document 658 MOTION to Amend/Correct <i>October 20, 2011 Supplemental Order</i>. (1) Use the event type Letter found under the event list Other Documents. (2) Wrong Case Number on PDF. (db) (Entered: 05/10/2018)
05/10/2018	659	FIRST LETTER addressed to Judge Loretta A. Preska from Chlarens Orsland dated May 9, 2018 re: Motion to Amend Order. Document filed by Catherine Abate. (Attachments: # 1 Exhibit A Motion to Amend October 20, 2011 Supplemental Order, # 2 Exhibit B Punch List, # 3 Exhibit C Proposed Order)(Orsland, Chlarens) (Entered: 05/10/2018)
05/23/2018	660	ORDER RE: REPORTING OF VENTILATION PROJECTS AT RNDC: IT IS HERBY ORDERED: The October 20, 2011 Supplemental Order is modified to the extent that DOC is no longer required to submit monthly updates to the Court; DOC shall file a report in or before November, 2018 describing the status of the remaining punch list items; DOC shall continue to informally update Plaintiffs' counsel and the Office of Compliance

		Consultants as needed, concerning any question they may have concerning the status of the remaining ventilation project. SO ORDERED. (Signed by Judge Loretta A. Preska on 5/23/2018) (anc) (Entered: 05/23/2018)
10/01/2018	<u>661</u>	NOTICE OF CHANGE OF ADDRESS by Charles Edward Carey on behalf of Catherine Abate. New Address: New York City Mayor's Office of Housing Recovery Operations, 250 Broadway, 24th Floor, New York, NY, USA 10007, 212-615-8357. (Carey, Charles) (Entered: 10/01/2018)
10/22/2018	<u>662</u>	NOTICE OF APPEARANCE by Robert Matthew Quackenbush on behalf of James Benjamin, Juan Romero. (Quackenbush, Robert) (Entered: 10/22/2018)
10/22/2018	<u>663</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - FIRST MOTION respectfully requesting that the Court resolve the pending dispute between DOC and OCC (ECF Nos. 655-657) re: <u>656</u> Letter, <u>657</u> Letter, <u>655</u> Letter, . Document filed by James Benjamin, Juan Romero.(Quackenbush, Robert) Modified on 11/20/2018 (Idi). (Entered: 10/22/2018)
11/20/2018		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Notice to Attorney Robert Matthew Quackenbush to RE-FILE Document <u>663</u> FIRST MOTION respectfully requesting that the Court resolve the pending dispute between DOC and OCC (ECF Nos. 655-657) re: <u>656</u> Letter, <u>657</u> Letter, <u>655</u> Letter, . Use the event type Letter found under the event list Other Documents. (Idi) (Entered: 11/20/2018)
11/26/2018	<u>664</u>	LETTER addressed to Judge Loretta A. Preska from Robert M. Quackenbush of The Legal Aid Society dated October 22, 2018 re: request that the Court resolve the fully briefed, pending dispute between DOC and OCC (ECF Nos. 655-657). Document filed by James Benjamin, Juan Romero.(Quackenbush, Robert) (Entered: 11/26/2018)
11/28/2018	<u>665</u>	FIRST LETTER addressed to Judge Loretta A. Preska from Chlarens Orsland dated 11/28/2018 re: report updating Court about status of ventilation order.. Document filed by Catherine Abate.(Orsland, Chlarens) (Entered: 11/28/2018)
12/17/2018	<u>666</u>	SUPPLEMENTAL ORDER RE: OCC DEPUTY DIRECTOR COMPENSATION: IT IS HEREBY ORDERED: 1. In conjunction with the submission of weekly timesheets as required by the Payment Order, OCC shall include a copy of a weekly log

		listing the tasks performed by the Deputy Director and amount of time expended on each task for each day. 2. OCC may re-hire Nicole Austin-Best as Deputy Director effective the week of October 16, 2017. (Signed by Judge Loretta A. Preska on 12/17/2018) (jwh) (Entered: 12/17/2018)
12/18/2018	667	ORDER: Counsel shall confer and inform the Court by letter of any outstanding motions. (Signed by Judge Loretta A. Preska on 12/18/2018) (jwh) (Entered: 12/18/2018)
01/07/2019	668	JOINT LETTER addressed to Judge Loretta A. Preska from Robert M. Quackenbush of The Legal Aid Society dated January 7, 2019 re: the Court's order directing the parties to confer and inform the Court of any pending motions (ECF No. 667). Document filed by James Benjamin.(Quackenbush, Robert) (Entered: 01/07/2019)
04/12/2019	669	LETTER addressed to Judge Loretta A. Preska from Chlarens Orsland dated 4/12/2019 re: Status of Monitor. Document filed by Catherine Abate. (Attachments: # 1 Exhibit A Proposed Oder, # 2 Exhibit B Prior Related Orders)(Orsland, Chlarens) (Entered: 04/12/2019)
04/16/2019	670	ORDER RE: OCC INTERIM FUNDING: IT IS HEREBY ORDERED: 1. The current OCC Deputy Director, Nicole Austin Best, shall provide copies of her weekly time sheets directly to DOC. 2. DOC shall pay the appropriate amount to Ms. Austin Best pursuant to the provisions of the December 13, 2016 Order. 3. The OCC Deputy Director shall similarly forward invoices of current OCC consultants Eugene B. Pepper (sanitation), Mario Antonetti (fire safety), Lawless & Mangione (ventilation), and Susi Vassallo, M.D. (heat/medical) directly to DOC for payment, in accordance with the terms of the June 6, 2013 Order. 4. Any billing disputes will be the subject of a good faith attempt at reconciliation by DOC and the individuals named above; if the dispute cannot be resolved, the matter may be referred to the Court. (Signed by Judge Loretta A. Preska on 4/15/2019) (jwh) (Entered: 04/16/2019)
05/22/2019	671	LETTER MOTION to Adjourn Conference <i>scheduled for May 24, 2019</i> addressed to Judge Loretta A. Preska from Chlarens Orsland dated May 22, 2019. Document filed by Catherine Abate.(Orsland, Chlarens) (Entered: 05/22/2019)
05/28/2019	672	ORDER granting 671 Letter Motion to Adjourn Conference. The proposed schedule is approved. SO ORDERED. (Signed by Judge Loretta A. Preska on 5/23/2019) (mml) (Entered: 05/28/2019)

07/22/2019	673	LETTER addressed to Judge Loretta A. Preska from The Legal Aid Society Prisoners' Rights Project dated July 22, 2019 re: pending cooling motion (see Dkt. No. 668 (indexing outstanding motion paper)). Document filed by James Benjamin.(Quackenbush, Robert) (Entered: 07/22/2019)
07/24/2019	674	LETTER addressed to Judge Loretta A. Preska from Chlarens Orsland dated July 24, 2019 re: in response to Plaintiff's letter of July 22, 2019 (Dkt no 673). Document filed by Catherine Abate. (Attachments: # 1 Exhibit A)(Orsland, Chlarens) (Entered: 07/24/2019)
07/26/2019	675	SUPPLEMENTAL LETTER addressed to Judge Loretta A. Preska from Chlarens Orsland dated July 26, 2019 re: heat order. Document filed by Catherine Abate.(Orsland, Chlarens) (Entered: 07/26/2019)
08/14/2019	676	LETTER addressed to Judge Loretta A. Preska from John H. Doyle, III Office of Compliance Consultants dated July 25, 2019 re: Letter of Resignation. Document filed by Office of Compliance Consultants.(Doyle, John) (Entered: 08/14/2019)
10/02/2019	677	LETTER addressed to Judge Loretta A. Preska from The Legal Aid Society Prisoners' Rights Project dated October 2, 2019 re: supplementing evidentiary record regarding conditions in the Otis Bantum Correction Center. Document filed by James Benjamin.(Quackenbush, Robert) (Entered: 10/02/2019)
01/28/2020	678	ENDORSED LETTER addressed to Judge Loretta A. Preska from Nicole N. Austin-Best dated 1/27/2020 re: Benjamin v. Brann, 75 Civ, 3073 (LAP) re: OCC progress report. ENDORSEMENT: Granted. So ordered. (Signed by Judge Loretta A. Preska on 1/28/2020) (va) (Entered: 01/28/2020)
03/23/2020	679	LETTER MOTION to Reopen <i>Amend Prior Order dated April 26, 2002</i> addressed to Judge Loretta A. Preska from Chlarens Orsland dated March 23, 2020. Document filed by Catherine Abate. (Attachments: # 1 Exhibit A, # 2 Exhibit B).(Orsland, Chlarens) (Entered: 03/23/2020)
03/24/2020	680	ORDER RE: TEMPORARY SUSPENSION OF DOHMH ENVIRONMENTAL INSPECTIONS. IT IS HEREBY ORDERED: 1. Paragraph "6" of the April 26, 2001 Order on Environmental Conditions is suspended during the current public health crisis; 2. DOC shall continue to conduct its own mandated inspections of the City jails; 3. Defendants' counsel shall notify Plaintiffs' counsel and the Office of Compliance Consultants when

		the DOHMH inspections can be resumed. SO ORDERED. (Signed by Judge Loretta A. Preska on 3/24/2020) (va) (Entered: 03/24/2020)
05/20/2020	<u>681</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply <i>from May 22, 2020 to June 12, 2020</i> addressed to Judge Loretta A. Preska from Chlarens Orsland dated 5/20/2020. Document filed by Catherine Abate..(Orsland, Chlarens) (Entered: 05/20/2020)
05/21/2020	<u>682</u>	ORDER granting <u>681</u> Letter Motion for Extension of Time to File Response/Reply. The request for a 3-week extension is granted. SO ORDERED. (Signed by Judge Loretta A. Preska on 5/21/2020) (va) (Entered: 05/21/2020)
06/25/2020	<u>683</u>	LETTER addressed to Judge Loretta A. Preska from Robert M. Quackenbush of The Legal Aid Society Prisoners' Rights Project, dated June 25, 2020 re: pending cross motions regarding cooling of punitive segregation areas. Document filed by James Benjamin..(Quackenbush, Robert) (Entered: 06/25/2020)
06/26/2020	<u>684</u>	LETTER addressed to Judge Loretta A. Preska from Chlarens Orsland dated 6/26/2020 re: in Response to LAS letter dated 6/25/2020 (doc 683). Document filed by Catherine Abate. (Attachments: # <u>1</u> Exhibit A Summer Heat Plan 2020).(Orsland, Chlarens) (Entered: 06/26/2020)
07/14/2020	<u>685</u>	NOTICE OF APPEARANCE by Brian Joseph Krist on behalf of Catherine Abate..(Krist, Brian) (Entered: 07/14/2020)
09/16/2020	<u>686</u>	NOTICE OF APPEARANCE by David Billingsley on behalf of James Benjamin..(Billingsley, David) (Entered: 09/16/2020)
09/17/2020	<u>687</u>	JOINT LETTER MOTION for Extension of Time to File <i>Office of Compliance Consultants' Report on Environmental Conditions for the May - August 2020 reporting period</i> addressed to Judge Loretta A. Preska from Robert M. Quackenbush of The Legal Aid Society Prisoners' Rights Project, dated September 17, 2020. Document filed by James Benjamin..(Quackenbush, Robert) (Entered: 09/17/2020)
09/18/2020	<u>688</u>	ORDER granting <u>687</u> Letter Motion for Extension of Time to File. The extension request is approved. SO ORDERED. (Signed by Judge Loretta A. Preska on 9/18/2020) (va) (Entered: 09/18/2020)
01/14/2021	<u>689</u>	FIRST LETTER MOTION for Extension of Time to File <i>or Request Modification of Prior Order</i> addressed to Judge Loretta

		A. Preska from Chlarens Orsland, Brian Krist dated 1/14/21. Document filed by Catherine Abate. (Attachments: # 1 Text of Proposed Order).(Orsland, Chlarens) (Entered: 01/14/2021)
01/14/2021	690	REVISED ORDER RE: TIME TABLE FOR SUBMISSION OF OCC PROGRESS REPORTS granting 689 Letter Motion for Extension of Time to File. It is hereby 1. ORDERED that OCC shall submit a draft of its progress report to counsel in January, May, and September within 10 business days after the previous monitoring period ends; and it is further 2. ORDERED that counsel for the parties shall provide to OCC their comments on the draft report within 15 business days of receipt of the draft report; and it is further 3. ORDERED that OCC shall incorporate the comments of the parties into its final report and submit it to the Court within 15 business days of receiving comments from the parties. IT IS SO ORDERED. (Signed by Judge Loretta A. Preska on 1/14/2021) (va) (Entered: 01/14/2021)
03/26/2021	691	ORDER: Counsel shall confer and inform the Court, by no later than April 16, 2021, of their views on the bench trial conducted by Judge Baer in May 2014 and on which he did not rule. So Ordered. (Signed by Judge Loretta A. Preska on 3/26/2021) (js) (Entered: 03/26/2021)

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