

**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007**

**ROBERT A. KATZMANN**  
CHIEF JUDGE

Date: November 23, 2016

Docket #: 16-3935

Short Title: Chamberlain v. City of White Plains

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

DC Docket #: 12-cv-5142

DC Court: SDNY (WHITE  
PLAINS)

DC Judge: Seibel

**DOCKETING NOTICE**

A notice of appeal filed by Kenneth Chamberlain, Jr. in the above referenced case was docketed today as 16-3935. This number must appear on all documents related to this case that are filed in this Court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

**YOUR CORRECT CONTACT INFORMATION:** Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

**CHANGE IN CONTACT INFORMATION:** An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in CM/ECF must notify the Court of a change to the user's mailing address, business address, telephone number, or e-mail. To update contact information, a Filing User must access PACER's Manage

My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

**CAPTION:** In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

**APPELLATE DESIGNATIONS:** Please review whether appellant is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8503.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KENNETH CHAMBERLAIN JR., AS  
THE ADMINISTRATOR OF THE  
ESTATE OF KENNETH  
CHAMBERLAIN, SR.,

Plaintiff,

vs.

CITY OF WHITE PLAINS; WHITE  
PLAINS HOUSING AUTHORITY;  
P.O. ANTHONY CARELLI; P.O.  
STEPHEN HART; P.O. MAURICE  
LOVE; P.O. STEVEN DEMCHUK;  
P.O. MAREK MARKWOSKI;  
SERGEANT STEPHEN FOTTRELL;  
SERGEANT KEITH MARTIN;  
LIEUTENANT JAMES SPENCER,

Defendants.

Civil Action No. 12-CV-5142 (CS)

**NOTICE OF APPEAL IN A CIVIL CASE**

**NOTICE IS HEREBY GIVEN**, that Kenneth Chamberlain Jr., as the Administrator of the Estate of Kenneth Chamberlain, Sr., (“Plaintiff”) in the above-named case, hereby appeals to the United States Court of Appeals for the Second Circuit from every part of the jury verdict of November 17, 2016, declining liability against Defendants City of White Plains and White Plains Police Officer Anthony Carrelli on: 42 U.S.C. § 1983 Excessive Force Claim; Assault and Battery Claims under common law; and Conscious Pain and Suffering Claim.

Plaintiff further appeals in part from the Summary Judgment ruling of September 12, 2016, granting the Defendants’ summary judgment motion in part and denying in part, particularly from the Court’s ruling to dismiss Plaintiff’s claims against Defendants Sgt. Stephen Fottrell on: 42 U.S.C. § 1983 Excessive Force for second Taser discharge, Grossly Negligent Supervision, Conscious Pain and Suffering, and Assault and Battery, and Negligence; Sgt. Keith

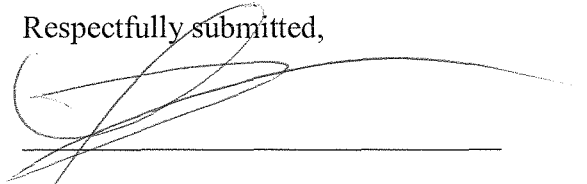
Martin on: Supervisory liability for his direction of Sgt. Fottrell, Grossly Negligent Supervision, Conscious Pain and Suffering, Assault and Battery, and Negligence; City of White Plains on: liability under 42 U.S.C. § 1983, Conscious Pain and Suffering, and Negligence; and P.O. Carelli on: Negligence.

Plaintiff further appeals in part from the Opinion and Order, dated on December 10, 2013, granting Defendants' motion to dismiss in part and denying in part, particularly from the Court's ruling to dismiss the Plaintiff's claims against Lt. James Spencer for: 42 U.S.C. § 1983 Excessive Force, 42 U.S.C. § 1983 Unlawful Entry, 42 U.S.C. § 1983 Conspiracy, Supervisory liability, Conscious Pain and Suffering, Assault and Battery, Negligence, and Wrongful Death; P.O. Steven Hart for: 42 U.S.C. § 1983 Unlawful Entry, 42 U.S.C. § 1983 Excessive Force, 42 U.S.C. § 1983 Conspiracy, Conscious Pain and Suffering, Assault and Battery, Negligence, and Wrongful Death; P.O. Steven Demchuk for: 42 U.S.C. § 1983 Unlawful Entry, 42 U.S.C. § 1983 Excessive Force, 42 U.S.C. § 1983 Conspiracy, Conscious Pain and Suffering, Assault and Battery, Negligence, and Wrongful Death; P.O. Marek Markowski for: 42 U.S.C. § 1983 Unlawful Entry, 42 U.S.C. § 1983 Excessive Force, 42 U.S.C. § 1983 Conspiracy, Conscious Pain and Suffering, Assault and Battery, Negligence, and Wrongful Death; P.O. Anthony Carelli for: 42 U.S.C. § 1983 Unlawful Entry, 42 U.S.C. § 1983 Conspiracy, and Wrongful Death; Sgt. Stephen Fottrell for: 42 U.S.C. § 1983 Unlawful Entry, 42 U.S.C. § 1983 Excessive Force for first Taser discharge, 42 U.S.C. § 1983 Conspiracy, and Wrongful Death; Sgt. Martin for: 42 U.S.C. § 1983 Unlawful Entry, 42 U.S.C. § 1983 Excessive Force, 42 U.S.C. § 1983 Conspiracy, and Wrongful Death; P.O. Maurice Love for 42 U.S.C. § 1983 Unlawful Entry, 42 U.S.C. § 1983 Excessive Force, 42 U.S.C. § 1983 Conspiracy, Conscious Pain and Suffering, Assault and Battery, Negligence, and Wrongful Death; and City of White Plains for: Wrongful Death claim.

True copies of the Opinion and Order on the Motion to Dismiss and the transcript of the oral decision on Summary Judgment are annexed hereto.

Dated: White Plains, New York  
November 18, 2016

Respectfully submitted,



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*Attorneys for Plaintiff*

**U.S. District Court  
Southern District of New York (White Plains)  
CIVIL DOCKET FOR CASE #: 7:12-cv-05142-CS**

Chamberlain v. City of White Plains et al  
Assigned to: Judge Cathy Seibel  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/02/2012  
Date Terminated: 11/22/2016  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Kenneth Chamberlain, Jr.**  
*as the Administrator of the Estate of  
Kenneth Chamberlain , Sr.*

represented by **Abdul-Wali Abdullah Muhammad**  
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V.

**Defendant**

**City of White Plains**

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*ATTORNEY TO BE NOTICED*

**Defendant**

**White Plains Housing Authority**  
*TERMINATED: 12/10/2013*

represented by **Jaelyn Gail Goldberg**  
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**Defendant**

**P.O. Anthony Carelli**

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**ATTORNEY TO BE NOTICED**

**Defendant**

**P.O. Steven Hart**  
*TERMINATED: 12/10/2013*

represented by **Albert William Cornachio, III**  
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**Defendant**

**P.O. Maurice Love**  
*TERMINATED: 12/10/2013*

represented by **John Martin Flannery**  
(See above for address)

**Lalit Kumar Loomba**  
(See above for address)

**Peter Alexander Meisels**  
(See above for address)

**Defendant**

**P.O. Steven Demchuk**  
*TERMINATED: 12/10/2013*

represented by **John Martin Flannery**  
(See above for address)

**Lalit Kumar Loomba**  
(See above for address)

**Peter Alexander Meisels**  
(See above for address)

**Defendant**

**P.O. Marek Markowski**  
*TERMINATED: 12/10/2013*

represented by **John Martin Flannery**  
(See above for address)

**Lalit Kumar Loomba**  
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**Peter Alexander Meisels**  
(See above for address)

**Defendant**

**Sgt Stephen Fottrell**  
*TERMINATED: 09/16/2016*

represented by **John Martin Flannery**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Lalit Kumar Loomba**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Peter Alexander Meisels**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Sargeant Keith Martin**  
*TERMINATED: 09/16/2016*

represented by **John Martin Flannery**  
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*ATTORNEY TO BE NOTICED*

**Lalit Kumar Loomba**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Peter Alexander Meisels**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Lt. James Spencer**  
*TERMINATED: 12/10/2013*

represented by **John Martin Flannery**  
(See above for address)

**Lalit Kumar Loomba**  
(See above for address)

**Peter Alexander Meisels**  
(See above for address)

Date Filed	#	Docket Text
07/02/2012	<u>1</u>	COMPLAINT against Anthony Carelli, City of White Plains, F/N/U Demchuk, Stephen Fottrell, Steven Hart, F/N/U Love, F/N/U Markowski, Peter Martin, James Spencer, White Plains Housing Authority. (Filing Fee \$ 350.00, Receipt Number 465401042468) Document filed by Kenneth Chamberlain, Jr.(cd) (ml). (Entered: 07/06/2012)
07/02/2012		SUMMONS ISSUED as to Anthony Carelli, City of White Plains, F/N/U Demchuk, Stephen Fottrell, Steven Hart, F/N/U Love, F/N/U Markowski, Peter Martin, James Spencer, White Plains Housing Authority. (cd) (Entered: 07/06/2012)
07/02/2012		Magistrate Judge Gabriel W. Gorenstein is so designated. (cd) (Entered: 07/06/2012)
07/02/2012		Case Designated ECF. (cd) (Entered: 07/06/2012)
07/10/2012	<u>2</u>	INITIAL PRETRIAL CONFERENCE: Initial Conference set for 8/14/2012 at 09:30 AM in Courtroom 21D, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge George B. Daniels, and as further set forth. (Signed by Judge George B. Daniels on 7/9/2012) (rjm) (Entered: 07/10/2012)

07/27/2012	<u>3</u>	NOTICE OF APPEARANCE by Lance H Klein on behalf of White Plains Housing Authority (Klein, Lance) (Entered: 07/27/2012)
07/31/2012	<u>4</u>	WAIVER OF SERVICE RETURNED EXECUTED. White Plains Housing Authority waiver sent on 7/2/2012, answer due 8/31/2012. Document filed by Kenneth Chamberlain, Jr. (McLaughlin, Randolph) (Entered: 07/31/2012)
07/31/2012	<u>5</u>	WAIVER OF SERVICE RETURNED EXECUTED. F/N/U Demchuk waiver sent on 7/2/2012, answer due 8/31/2012. Document filed by F/N/U Demchuk. (Loomba, Lalit) (Entered: 07/31/2012)
07/31/2012	<u>6</u>	WAIVER OF SERVICE RETURNED EXECUTED. Stephen Fottrell waiver sent on 7/2/2012, answer due 8/31/2012. Document filed by Stephen Fottrell. (Loomba, Lalit) (Entered: 07/31/2012)
07/31/2012	<u>7</u>	WAIVER OF SERVICE RETURNED EXECUTED. F/N/U Love waiver sent on 7/2/2012, answer due 8/31/2012. Document filed by F/N/U Love. (Loomba, Lalit) (Entered: 07/31/2012)
07/31/2012	<u>8</u>	WAIVER OF SERVICE RETURNED EXECUTED. F/N/U Markowski waiver sent on 7/2/2012, answer due 8/31/2012. Document filed by F/N/U Markowski. (Loomba, Lalit) (Entered: 07/31/2012)
07/31/2012	<u>9</u>	WAIVER OF SERVICE RETURNED EXECUTED. James Spencer waiver sent on 7/2/2012, answer due 8/31/2012. Document filed by James Spencer. (Loomba, Lalit) (Entered: 07/31/2012)
07/31/2012	<u>10</u>	WAIVER OF SERVICE RETURNED EXECUTED. City of White Plains waiver sent on 7/2/2012, answer due 8/31/2012. Document filed by City of White Plains. (Loomba, Lalit) (Entered: 07/31/2012)
08/01/2012	<u>11</u>	WAIVER OF SERVICE RETURNED EXECUTED. Peter Martin waiver sent on 7/2/2012, answer due 8/31/2012. Document filed by Peter Martin. (Loomba, Lalit) (Entered: 08/01/2012)
08/02/2012	<u>12</u>	WAIVER OF SERVICE RETURNED EXECUTED. Anthony Carelli waiver sent on 7/2/2012, answer due 8/31/2012. Document filed by Kenneth Chamberlain, Jr. (Norton, Jeffrey) (Entered: 08/02/2012)
08/02/2012	<u>13</u>	REQUEST FOR WAIVER OF SERVICE sent to Randolph M. McLaughlin Esq.. Document filed by Steven Hart. Request for Waiver Mailed on 8/3/2012. Waiver of Service due by 9/7/2012. (Cornachio, Albert) (Entered: 08/02/2012)
08/07/2012	<u>14</u>	NOTICE OF APPEARANCE by John Martin Flannery on behalf of City of White Plains, F/N/U Demchuk, Stephen Fottrell, F/N/U Love, F/N/U Markowski, Peter Martin, James Spencer (Flannery, John) (Entered: 08/07/2012)
08/07/2012	<u>15</u>	NOTICE OF APPEARANCE by Peter Alexander Meisels on behalf of City of White Plains, F/N/U Demchuk, Stephen Fottrell, F/N/U Love, F/N/U Markowski, Peter Martin, James Spencer (Meisels, Peter) (Entered: 08/07/2012)
08/07/2012	<u>16</u>	NOTICE OF APPEARANCE by Jaclyn Gail Bernstein on behalf of White Plains Housing Authority (Bernstein, Jaclyn) (Entered: 08/07/2012)
08/07/2012	<u>17</u>	NOTICE OF CHANGE OF ADDRESS by Jaclyn Gail Bernstein on behalf of White Plains Housing Authority. New Address: Keane & Beane, P.C., 445 Hamilton Avenue, 15th Floor, White Plains, New York, USA 10601, 914-946-4777. (Bernstein, Jaclyn) (Entered: 08/07/2012)
08/09/2012	<u>18</u>	ORDER: Given that the location of the parties and the location of this dispute are in the White Plains area, the Clerk of the Court is ordered to reassign this case to one of the District Judges located in the White Plains Courthouse pursuant to Local Rule 19. SO ORDERED. (Signed by Judge George B. Daniels on 8/08/2012) (ama) (Entered: 08/09/2012)
08/09/2012		Transmission to Case Assignment Clerk. Transmitted re: <u>18</u> Order to the Case Assignment Clerk for preparation of notice of case assignment/reassignment. (ama) (Entered: 08/09/2012)

08/09/2012	<u>19</u>	NOTICE OF CASE REASSIGNMENT to Judge Cathy Seibel. Judge George B. Daniels is no longer assigned to the case. (pgu) (Entered: 08/09/2012)
08/09/2012		Magistrate Judge Paul E. Davison is so redesignated. (pgu) (Entered: 08/09/2012)
08/10/2012	<u>20</u>	NOTICE OF APPEARANCE by Andrew C Quinn on behalf of Anthony Carelli (Quinn, Andrew) (Entered: 08/10/2012)
08/14/2012	<u>21</u>	NOTICE OF APPEARANCE by Albert William Cornachio, III on behalf of Steven Hart (Cornachio, Albert) (Entered: 08/14/2012)
08/14/2012	<u>22</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 8/13/2012, re: Counsel for the City of White Plains, Police Officer Maurice Love, Police Officer Steven Demchuk, Police Officer Marek Markowski, Sergeant Stephen Fottrell, Det. Peter Martin and Lt. James Spencer writes to request a pre-motion conference to discuss the City Departments' motion to dismiss the complaint, in part. ENDORSEMENT: Pre-motion conference to be held on: 9/13/2012 at 11:15 a.m. Opposing counsel to state position (by letter not to exceed 3 pages) in writing one week in advance. So Ordered. (Pre-Motion Conference set for 9/13/2012 at 11:15 AM before Judge Cathy Seibel) (Signed by Judge Cathy Seibel on 8/14/2012) (lnl) (Entered: 08/15/2012)
08/16/2012	<u>23</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Andrew C. Quinn dated 8/14/2012 re: Counsel requests that the Court schedule a pre-motion conference. ENDORSEMENT: Pre-motion conference to be held on: 9/13/2012 at 11:15 AM. Opposing counsel to state position (by letter not to exceed 3 pages) in writing one week in advance. SO ORDERED. (Pre-Motion Conference set for 9/13/2012 at 11:15 AM before Judge Cathy Seibel.) (Signed by Judge Cathy Seibel on 8/15/2012) (mml) (Entered: 08/16/2012)
08/17/2012	<u>24</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Albert W. Cornachio dated 8/16/2012 re: Request to join in on Co Defendant City of White Plains request to schedule a pre-motion conference. ENDORSEMENT: Pre-motion conference to be held on 9/13/2012 at 11:15 am. Opposing counsel to state position (by letter not to exceed 3 pages) in writing one week in advance., ( Pre-Motion Conference set for 9/13/2012 at 11:15 AM before Judge Cathy Seibel.) (Signed by Judge Cathy Seibel on 8/17/2012) (fk) (Entered: 08/20/2012)
08/23/2012	<u>25</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lance H. Klein dated 8/22/2012 re: Defendant writes to join in the request of certain co defendants for permission to file a motion to dismiss the complaint against our client, Defendant White Plains Housing Authority. ENDORSEMENT: Premotion conference to be held on September 13, 2012 at 11:15 am. Opposing counsel to state position (by letter not to exceed 3 pages) in writing one week in advance., ( Pre-Motion Conference set for 9/13/2012 at 11:15 AM before Judge Cathy Seibel.) (Signed by Judge Cathy Seibel on 8/23/2012) (rj) (Entered: 08/24/2012)
09/06/2012	<u>26</u>	Letter addressed to Judge Cathy Seibel from Randolph M. McLaughlin, dated 9/5/2012, re: Counsel for the plaintiff writes in response to the request by Defendant Steven Hart for a pre-motion conference regarding a motion to dismiss. Document filed by Kenneth Chamberlain, Jr. (lnl) (Entered: 09/06/2012)
09/06/2012	<u>27</u>	Letter addressed to Judge Cathy Seibel from Randolph M. McLaughlin, dated 9/5/2012, re: Counsel for the Plaintiff writes in response to the request by Defendant Anthony Carelli for a pre-motion conference regarding a motion to dismiss. Document filed by Kenneth Chamberlain, Jr. (lnl) (Entered: 09/06/2012)
09/06/2012	<u>28</u>	Letter addressed to Judge Cathy Seibel from Randolph M. McLaughlin, dated 9/5/2012, re: Counsel for the plaintiff writes in response to the request by Defendant White Plains Housing Authority for a pre-motion conference regarding a motion to dismiss. Document filed by Kenneth Chamberlain, Jr. (lnl) (Entered: 09/06/2012)
09/06/2012	<u>29</u>	Letter addressed to Judge Cathy Seibel from Randolph M. McLaughlin, dated 9/5/2012, re: Counsel for the plaintiff writes in response to the request by Defendants City of White Plains, Love, Demchuk, Markowski, Fottrell, Martin, and Spencer for a pre-motion conference regarding a motion to dismiss. Document filed by Kenneth Chamberlain, Jr. (lnl) (Entered: 09/06/2012)

09/13/2012		Minute Entry for proceedings held before Judge Cathy Seibel: Pre-Motion Conference held on 9/13/2012. File amended complaint by 10/31/12. Motions by all defendants 12/14/12; opposition to all motions (one document) by 3/15/13; reply 4/15/13. Plaintiff's opposition papers not to exceed sixty (60) pages. Provide the Court with transcripts of tapes, agreed upon by both sides (or flad disagreements). Paper discovery is to go forward; remainder of schedule will be set after motions are decided. See transcript. Court Reporter: Albi Gorn. (Amended Pleadings due by 10/31/2012. Motions due by 12/14/2012. Replies due by 4/15/2013. Responses due by 3/15/2013.) (Inl) (Entered: 09/14/2012)
10/01/2012	<u>30</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 9/25/2012, re: Counsel for the City of White Plains, Police Officer Maurice Love, Police Officer Steven Demchuk, Police Officer Marek Markowski, Sergeant Stephen Fottrell, Det. Peter Martin and Lt. James Spencer (the "City Defendants") are writing to request more time to prepare a draft transcript of the Life Aid audio and Taser audio recordings of the November 19, 2011 incident underlying this case. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge Cathy Seibel on 9/28/2012) (Inl) (Entered: 10/02/2012)
10/18/2012	<u>31</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 9/13/2012 before Judge Cathy Seibel. Court Reporter/Transcriber: Albert Gorn, 914-390-4222. 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 11/13/2012. Redacted Transcript Deadline set for 11/26/2012. Release of Transcript Restriction set for 1/22/2013.(Moya, Goretti) (Entered: 10/18/2012)
10/18/2012	<u>32</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 9/13/2012 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...(Moya, Goretti) (Entered: 10/18/2012)
10/24/2012	<u>33</u>	NOTICE OF APPEARANCE by Lalit Kumar Loomba on behalf of City of White Plains, F/N/U Demchuk, Stephen Fottrell, F/N/U Love, F/N/U Markowski, Peter Martin, James Spencer (Loomba, Lalit) (Entered: 10/24/2012)
10/26/2012	<u>34</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Andrew C. Quinn, dated 10/25/2012, re: Counsel writes with the consent of all parties to request that the Court extend the date for production of the transcripts for one (1) week, to November 2, 2012. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge Cathy Seibel on 10/25/2012) (Inl) (Entered: 10/26/2012)
11/07/2012	<u>35</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Randolph M. McLaughlin, dated 11/2/2012, re: Counsel writes: We represent the Plaintiff in the above referenced matter. Pursuant to the endorsed letter of October 26, 2012, it was our understanding that the parties were to jointly produce the transcripts of the relevant video and audio recordings to the Court for its review and consideration on November 2, 2012. On October 25,2012, Defendant City of White Plains, Police Officer Maurice Love, Police Officer Steven Demchuk, Police Officer Marek Markowski, Sergent Stephen Fottrell, Det. Peter Martin, and Lt. James Spencer (the "City Defendants") produced to Plaintiff their draft transcript. On November 1, 2012 Plaintiff provided his corrections and additions to the transcript to all Defendants. Our review was delayed due to the hurricane. As we have not received any communication from the Defendants regarding their acceptance or rejection of our additions or corrections, we are requesting an extension of one week until November 8, 2012 for the parties to produce joint or alternative transcripts. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge Cathy Seibel on 11/5/2012) (Inl) (Entered: 11/07/2012)
11/20/2012	<u>36</u>	AMENDED COMPLAINT against Anthony Carelli, City of White Plains, Steven Demchuk, Stephen Fottrell, Steven Hart, Maurice Love, Marek Markowski, Keith Martin, James Spencer, White Plains Housing Authority with JURY DEMAND.Document filed by Kenneth Chamberlain, Jr.(rj) (Entered: 11/28/2012)



01/03/2013	<u>37</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Randolph M. McLaughlin, dated 1/2/2013, re: Counsel for the plaintiff writes in response to the request by Defendant Anthony Carelli ("Carelli") for an extension of time to respond to Plaintiff's amended complaint. This morning we received a letter, dated today, from counsel for Defendant Carelli requesting said extension. While ordinarily we would have consented to such a tardy request; none was proffered during the email exchange between counsel. If the Court is inclined to grant the request for Defendant Carelli to file his motion on or before January 11, 2013, Plaintiff would request that he be permitted to file his memorandum of law in opposition on or before April 12, 2013. Under the current schedule Plaintiff's memorandum is due on April 5, 2013. ENDORSEMENT: Application Granted. So Ordered. (Motions due by 1/11/2013. Responses due by 4/12/2013.) (Signed by Judge Cathy Seibel on 1/23/2013) (Inl) (Entered: 01/03/2013)
01/08/2013	<u>38</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 1/4/2013, re: Counsel for the City of White Plains, Police Officer Maurice Love, Police Officer Steven Demchuk, Police Officer Marek Markowski, Sergeant Stephen Fottrell, Sergeant Keith Martin and Lt. James Spencer writes: The Court recently endorsed a letter from plaintiffs counsel which adjusted the deadlines for serving defendant Carelli's motion to dismiss the amended complaint and the plaintiffs opposition. See Docket Entry #37. In response to that order, numerous e-mails were exchanged between and among counsel of record, the end result of which was a general agreement to extend the motion schedule for all parties by one week. Under this agreed schedule, motions would be served no later than January 11, 2013, oppositions would be served no later than April 12, 2013, and replies would be served no later than May 13, 2013. The bundling rule shall apply, and each party would electronically file their respective motion papers on May 13, 2013. ENDORSEMENT: Application Granted. So Ordered. (Motions due by 5/13/2013) (Signed by Judge Cathy Seibel on 1/7/2013) (Inl) (Entered: 01/08/2013)
04/11/2013	<u>39</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Randolph M. McLaughlin, dated 4/10/2013, re: Counsel for the plaintiff writes to seek the Court's permission to enlarge by fifteen pages Plaintiff's omnibus memorandum of law in opposition to the motions to dismiss filed by defendants. ENDORSEMENT: Application Denied without prejudice to renewal – please advise whether or not Defendants consent. So Ordered. (Signed by Judge Cathy Seibel on 4/10/2013) (Inl) (Entered: 04/11/2013)
04/16/2013	<u>40</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lance H. Klein, dated 4/11/2013, re: Counsel for the City of White Plains Housing Authority writes in response to Your Honor's Endorsement dated April 10, 2013 denying (without prejudice) plaintiff's application seeking the Court's permission to enlarge by fifteen pages plaintiff's omnibus memorandum of law in opposition to the motions to dismiss filed by defendants and seeking defendant's position regarding plaintiffs request. ENDORSEMENT: I meant that Plaintiff should advise whether defendants consent, but it was nice of Mr. Klein to respond. Plaintiff may have no more than 10 extra pages. So Ordered. (Signed by Judge Cathy Seibel on 4/16/2013) (Inl) (Entered: 04/17/2013)
05/06/2013	<u>41</u>	Letter addressed to Judge Cathy Seibel from Randolph M. McLaughlin dated 5/6/2013 re: We represent the Plaintiff in the above referenced matter. This is in response to the request by the City Defendants' request for permission to file a reply brief of no more than 20 pages. (jty) (Entered: 05/06/2013)
05/06/2013	<u>42</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lalit Loomba dated 5/6/2013 re: We are writing to request permission to file a reply brief of no more than 20 pages in further support of the City Defendants' motion to dismiss plaintiff's amended complaint, The brief is due on or before May 13, 2013. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge Cathy Seibel on 5/6/2013) (jty) (Entered: 05/07/2013)
05/13/2013	<u>43</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION to Dismiss. Document filed by Steven Hart. Return Date set for 5/13/2013 at 05:00 PM. (Attachments: # <u>1</u> Affidavit Declaration of Albert W. Cornachio, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B)(Cornachio, Albert) Modified on 5/14/2013 (ldi).

		(Entered: 05/13/2013)
05/13/2013	<u>44</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MEMORANDUM OF LAW in Support re: <u>43</u> MOTION to Dismiss.. Document filed by Steven Hart. (Cornachio, Albert) Modified on 5/14/2013 (Idi). (Entered: 05/13/2013)
05/13/2013	<u>45</u>	MOTION to Dismiss <i>Amended Complaint</i> . Document filed by City of White Plains, Steven Demchuk, Stephen Fottrell, Maurice Love, Marek Markowski, Keith Martin, James Spencer.(Loomba, Lalit) (Entered: 05/13/2013)
05/13/2013	<u>46</u>	AFFIRMATION of Lalit K. Loomba in Support re: <u>45</u> MOTION to Dismiss <i>Amended Complaint</i> .. Document filed by City of White Plains, Steven Demchuk, Stephen Fottrell, Maurice Love, Marek Markowski, Keith Martin, James Spencer. (Attachments: # <u>1</u> Exhibit A (part 1 of 2), # <u>2</u> Exhibit A (part 2 of 2), # <u>3</u> Exhibit B, # <u>4</u> Exhibit C (part 1 of 2), # <u>5</u> Exhibit C (part 2 of 2), # <u>6</u> Exhibit D, # <u>7</u> Exhibit E)(Loomba, Lalit) (Entered: 05/13/2013)
05/13/2013	<u>47</u>	MEMORANDUM OF LAW in Support re: <u>45</u> MOTION to Dismiss <i>Amended Complaint</i> .. Document filed by City of White Plains, Steven Demchuk, Stephen Fottrell, Maurice Love, Marek Markowski, Keith Martin, James Spencer. (Loomba, Lalit) (Entered: 05/13/2013)
05/13/2013	<u>48</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION to Dismiss. Document filed by Anthony Carelli. (Attachments: # <u>1</u> Affidavit Declaration of Andrew C. Quinn, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F)(Quinn, Andrew) Modified on 5/14/2013 (Idi). (Entered: 05/13/2013)
05/13/2013	<u>49</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MEMORANDUM OF LAW in Support re: <u>48</u> MOTION to Dismiss.. Document filed by Anthony Carelli. (Quinn, Andrew) Modified on 5/14/2013 (Idi). (Entered: 05/13/2013)
05/13/2013	<u>50</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION to Dismiss. Document filed by White Plains Housing Authority. (Attachments: # <u>1</u> Affidavit Declaration of Lance H. Klein, Esq., # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B)(Goldberg, Jaclyn) Modified on 5/14/2013 (Idi). (Entered: 05/13/2013)
05/13/2013	<u>51</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MEMORANDUM OF LAW in Support re: <u>50</u> MOTION to Dismiss.. Document filed by White Plains Housing Authority. (Goldberg, Jaclyn) Modified on 5/14/2013 (Idi). (Entered: 05/13/2013)
05/13/2013	<u>52</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MEMORANDUM OF LAW in Opposition re: <u>48</u> MOTION to Dismiss., <u>45</u> MOTION to Dismiss <i>Amended Complaint</i> ., <u>50</u> MOTION to Dismiss., <u>43</u> MOTION to Dismiss.. Document filed by Kenneth Chamberlain, Jr. (McLaughlin, Randolph) Modified on 5/14/2013 (Idi). (Entered: 05/13/2013)
05/13/2013	<u>53</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> DECLARATION of Randolph M. McLaughlin in Opposition re: <u>48</u> MOTION to Dismiss., <u>45</u> MOTION to Dismiss <i>Amended Complaint</i> ., <u>50</u> MOTION to Dismiss., <u>43</u> MOTION to Dismiss.. Document filed by Kenneth Chamberlain, Jr. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(McLaughlin, Randolph) Modified on 5/14/2013 (Idi). (Entered: 05/13/2013)
05/13/2013	<u>54</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> REPLY MEMORANDUM OF LAW in Support re: <u>43</u> MOTION to Dismiss.. Document filed by Steven Hart. (Cornachio, Albert) Modified on 5/14/2013 (Idi). (Entered: 05/13/2013)
05/13/2013	<u>55</u>	REPLY MEMORANDUM OF LAW in Support re: <u>45</u> MOTION to Dismiss <i>Amended Complaint</i> .. Document filed by City of White Plains, Steven Demchuk, Stephen Fottrell, Maurice Love, Marek Markowski, Keith Martin, James Spencer. (Loomba, Lalit) (Entered: 05/13/2013)
05/13/2013	<u>56</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> REPLY MEMORANDUM OF LAW in Support re: <u>50</u> MOTION to Dismiss.. Document filed by White Plains Housing Authority. (Goldberg, Jaclyn) Modified on

		5/14/2013 (Idi). (Entered: 05/13/2013)
05/13/2013	<u>57</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY – REPLY</b> MEMORANDUM OF LAW in Support re: <u>48</u> MOTION to Dismiss.. Document filed by Anthony Carelli. (Quinn, Andrew) Modified on 5/14/2013 (Idi). (Entered: 05/13/2013)
05/13/2013		<b>***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Albert William Cornachio to RE–FILE Document <u>43</u> MOTION to Dismiss. ERROR(S): Supporting documents must be filed separately, each receiving their own document number. Declaration in Support of Motion is found under the event list Replies, Opposition and Supporting Documents. (Idi)</b> (Entered: 05/14/2013)
05/13/2013		<b>***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Albert William Cornachio to RE–FILE Document <u>44</u> Memorandum of Law in Support of Motion, <u>54</u> Reply Memorandum of Law in Support of Motion. ERROR(S): Documents linked to filing error. (Idi)</b> (Entered: 05/14/2013)
05/13/2013		<b>***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Andrew C Quinn to RE–FILE Document <u>48</u> MOTION to Dismiss. ERROR(S): (1) No signature or s/. (2) Supporting documents must be filed separately, each receiving their own document number. Declaration in Support of Motion is found under the event list Replies, Opposition and Supporting Documents. You must sign all documents before re–filing. (Idi)</b> (Entered: 05/14/2013)
05/13/2013		<b>***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Andrew C Quinn to RE–FILE Document <u>49</u> Memorandum of Law in Support of Motion, <u>57</u> Reply Memorandum of Law in Support of Motion. ERROR(S): Documents linked to filing error. NOTE: You must sign the Memorandum of Law before re–filing. (Idi)</b> (Entered: 05/14/2013)
05/13/2013		<b>***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Jaclyn Gail Goldberg to RE–FILE Document <u>50</u> MOTION to Dismiss. ERROR(S): Supporting documents must be filed separately, each receiving their own document number. Declaration in Support of Motion is found under the event list Replies, Opposition and Supporting Documents. (Idi)</b> (Entered: 05/14/2013)
05/13/2013		<b>***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Jaclyn Gail Goldberg to RE–FILE Document <u>51</u> Memorandum of Law in Support of Motion, <u>56</u> Reply Memorandum of Law in Support of Motion. ERROR(S): Documents linked to filing error. (Idi)</b> (Entered: 05/14/2013)
05/13/2013		<b>***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Randolph M. McLaughlin to RE–FILE Document <u>52</u> Memorandum of Law in Opposition to Motion, <u>53</u> Declaration in Opposition to Motion. ERROR(S): Wrong case number indicated on documents. (Idi)</b> (Entered: 05/14/2013)
05/14/2013	<u>58</u>	MOTION to Dismiss <i>Amended Complaint</i> . Document filed by White Plains Housing Authority.(Goldberg, Jaclyn) (Entered: 05/14/2013)
05/14/2013	<u>59</u>	DECLARATION of Lance H. Klein, Esq. in Support re: <u>58</u> MOTION to Dismiss <i>Amended Complaint</i> .. Document filed by White Plains Housing Authority. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Goldberg, Jaclyn) (Entered: 05/14/2013)
05/14/2013	<u>60</u>	MEMORANDUM OF LAW in Support re: <u>58</u> MOTION to Dismiss <i>Amended Complaint</i> .. Document filed by White Plains Housing Authority. (Goldberg, Jaclyn) (Entered: 05/14/2013)
05/14/2013	<u>61</u>	REPLY MEMORANDUM OF LAW in Support re: <u>58</u> MOTION to Dismiss <i>Amended Complaint</i> .. Document filed by White Plains Housing Authority.

		(Goldberg, Jaclyn) (Entered: 05/14/2013)
05/14/2013	<u>62</u>	MOTION to Dismiss <i>the Plaintiffs Complaint</i> . Document filed by Steven Hart. Responses due by 5/13/2013 Return Date set for 5/13/2013 at 05:00 PM. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Affidavit Affidavit of Service)(Cornachio, Albert) (Entered: 05/14/2013)
05/14/2013	<u>63</u>	DECLARATION of Albert W. Cornachio III in Support re: <u>62</u> MOTION to Dismiss <i>the Plaintiffs Complaint</i> .. Document filed by Steven Hart. (Cornachio, Albert) (Entered: 05/14/2013)
05/14/2013	<u>64</u>	MEMORANDUM OF LAW in Opposition re: <u>62</u> MOTION to Dismiss <i>the Plaintiffs Complaint</i> .. Document filed by Steven Hart. (Cornachio, Albert) (Entered: 05/14/2013)
05/14/2013	<u>65</u>	MOTION to Dismiss. Document filed by Anthony Carelli.(Quinn, Andrew) (Entered: 05/14/2013)
05/14/2013	<u>66</u>	DECLARATION of Andrew C. Quinn in Support re: <u>65</u> MOTION to Dismiss.. Document filed by Anthony Carelli. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Quinn, Andrew) (Entered: 05/14/2013)
05/14/2013	<u>67</u>	MEMORANDUM OF LAW in Support re: <u>65</u> MOTION to Dismiss.. Document filed by Anthony Carelli. (Quinn, Andrew) (Entered: 05/14/2013)
05/14/2013	<u>68</u>	AMENDED MEMORANDUM OF LAW in Support re: <u>62</u> MOTION to Dismiss <i>the Plaintiffs Complaint</i> .. Document filed by Steven Hart. (Cornachio, Albert) (Entered: 05/14/2013)
05/14/2013	<u>69</u>	MEMORANDUM OF LAW in Opposition re: <u>65</u> MOTION to Dismiss., <u>62</u> MOTION to Dismiss <i>the Plaintiffs Complaint</i> ., <u>58</u> MOTION to Dismiss <i>Amended Complaint</i> ., <u>45</u> MOTION to Dismiss <i>Amended Complaint</i> .. Document filed by Kenneth Chamberlain, Jr. (McLaughlin, Randolph) (Entered: 05/14/2013)
05/14/2013	<u>70</u>	DECLARATION of Randolph M. McLaughlin in Opposition re: <u>65</u> MOTION to Dismiss., <u>62</u> MOTION to Dismiss <i>the Plaintiffs Complaint</i> ., <u>58</u> MOTION to Dismiss <i>Amended Complaint</i> ., <u>45</u> MOTION to Dismiss <i>Amended Complaint</i> .. Document filed by Kenneth Chamberlain, Jr. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(McLaughlin, Randolph) (Entered: 05/14/2013)
05/14/2013	<u>71</u>	REPLY MEMORANDUM OF LAW in Support re: <u>62</u> MOTION to Dismiss <i>the Plaintiffs Complaint</i> . and in Opposition to <i>PLAINTIFFS OMNIBUS MEMORANDUM OF LAW IN OPPOSITION</i> . Document filed by Steven Hart. (Cornachio, Albert) (Entered: 05/14/2013)
07/11/2013	<u>72</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Randolph M. McLaughlin, dated 7/8/2013, re: Counsel for the Plaintiff writes to request an informal conference with the Court to discuss a discovery dispute. ENDORSEMENT: Conference to be held on: 7/17/13 at 4 pm. So Ordered. (Status Conference set for 7/17/2013 at 04:00 PM before Judge Cathy Seibel) (Signed by Judge Cathy Seibel on 7/10/2013) (Inl) (Entered: 07/11/2013)
07/11/2013	<u>73</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 7/10/2013, re: Counsel for the City of White Plains, Police Officer Maurice Love, Police Officer Steven Demchuk, Police Officer Marek Markowski, Sergeant Stephen Fottrell, Sergeant Keith Martin and Lt. James Spencer writes in response to the letter of plaintiff's counsel, dated July 8, 2013, requesting a discovery conference. Document filed by City of White Plains, Steven Demchuk, Stephen Fottrell, Maurice Love, Marek Markowski, Keith Martin, James Spencer. (Inl) (Entered: 07/11/2013)
07/22/2013		Minute Entry for proceedings held before Judge Cathy Seibel: Discovery Hearing held on 7/22/2013. The Court makes discovery rulings. White Plains is to turn over the requested documents by July 22, 2013 and flag those it really thinks need to be confidential. As to those Plaintiff's counsel will not make them available to anyone outside Plaintiff's legal team, temporarily. By July 22, 2013, City of White Plains



		should send Plaintiff's counsel a brief explanation along the lines of a privilege log explaining the City's reasoning as to why the documents should be confidential. As to any documents to which Plaintiff's counsel does not agree, advise Mr. Loomba and he will write the Court so the Court or Magistrate Judge can make rulings. The Court makes rulings as to personnel records and other document demands. See transcript. (Court Reporter Christina Arends Dieck) (Inl) (Entered: 07/22/2013)
10/15/2013	<u>74</u>	LETTER addressed to Judge Cathy Seibel from Debra S. Cohen, dated 10/11/2013, re: Counsel for the plaintiff writes this letter with regard to the pending Motion to Dismiss of Defendant Steven Hart in the above referenced matter. I write to bring to the Court's attention the attached news report stating that Defendant City of White Plains has terminated Defendant Police Officer Steven Hart. Upon information and belief, Defendant Hart was terminated due to his use of a racial slur during his encounter with Mr. Chamberlain. Accordingly, we believe that his termination supports the underlying action and may be relevant to the Court's decision on the pending motions; particularly the sufficiency of the allegations and the issue of qualified immunity. Document filed by Kenneth Chamberlain, Jr. (Inl) (Entered: 10/16/2013)
10/16/2013	<u>75</u>	FIRST LETTER addressed to Judge Cathy Seibel from Albert W. Cornachio III dated 10/16/13 re: Plaintiffs 10/15/13 letter regarding harts dismissal. Document filed by Steven Hart. (Attachments: # <u>1</u> Exhibit)(Cornachio, Albert) (Entered: 10/16/2013)
10/18/2013	<u>76</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 10/16/2013, re: Counsel for the City of White Plains, Maurice Love, Steven Demchuk, Marek Markowski, Stephen Fottrell, Keith Martin and James Spencer writes to respond briefly to the October 11, 2013 letter of Plaintiff's counsel concerning the termination of Officer Hart. Document filed by City of White Plains, Steven Demchuk, Stephen Fottrell, Maurice Love, Marek Markowski, Keith Martin, James Spencer. (Inl) (Entered: 10/18/2013)
12/02/2013	<u>77</u>	NOTICE OF COURT CONFERENCE: A conference will be held before the Hon. Cathy Seibel, U.S.D.J. on December 13, 2013 at 4:00 p.m. at the Charles L. Briant United States Courthouse, 300 Quarropas Street, White Plains, NY 10601, Courtroom 621. Status Conference set for 12/13/2013 at 04:00 PM in Courtroom 621, 300 Quarropas Street, White Plains, NY 10601 before Judge Cathy Seibel. (Inl) (Entered: 12/03/2013)
12/10/2013	<u>78</u>	OPINION AND ORDER: I have considered Defendants' remaining arguments and find them to be unpersuasive. For the reasons stated above, the City Defendants' Motion to Dismiss is GRANTED IN PART and DENIED IN PART, WPHA's Motion to Dismiss is GRANTED, Carelli's Motion to Dismiss is GRANTED IN PART and DENIED IN PART, and Hart's Motion to Dismiss is GRANTED. The Clerk of Court is directed to terminate the pending Motions, (Docs. 45, 58, 62, 65), and terminate the following parties as Defendants: White Plains Housing Authority, Steven Hart, Maurice Love, Steven Demchuk, Marek Markowski, and James Spencer. The remaining claims in this case are as follows: City of White Plains: Claim III (Monell liability); Claims V, VII, VIII (state law claims other than wrongful death). Sergeant Stephen Fottrell: Claim I (excessive force for second Taser discharge); Claim IV (grossly negligent supervision regarding use of lethal force); Claims V, VII, VIII (state law claims other than wrongful death). Sergeant Keith Martin: Claim IV (directing Fottrell to discharge Taser the second time; grossly negligent supervision regarding use of lethal force); Claims V, VII, VIII (state law claims other than wrongful death). Officer Anthony Carelli: Claim I (excessive force for use of lethal force); Claims V, VII, VIII (state law claims other than wrongful death). The remaining parties are directed to appear before me on December 13, 2013 at 4:00 p.m. for a status conference. SO ORDERED. (Status Conference set for 12/13/2013 at 04:00 PM before Judge Cathy Seibel) Maurice Love, Marek Markowski, James Spencer, White Plains Housing Authority, Steven Demchuk and Steven Hart terminated. (Signed by Judge Cathy Seibel on 12/10/2013) (Inl) (Entered: 12/10/2013)
12/10/2013	<u>79</u>	LETTER addressed to Judge Cathy Seibel from Randolph M. McLaughlin, dated 12/6/2013, re: Counsel for the plaintiff writes to request a pre-motion discovery conference, pursuant to Section 2(A) of Your Honor's Individual Practices and

		Local Civil Rule 37.2. Document filed by Kenneth Chamberlain, Jr. (Inl) (Entered: 12/11/2013)
12/10/2013	<u>80</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 12/6/2013, re: Counsel for the City of White Plains, Maurice Love, Steven Demchuk, Marek Markowski, Stephen Fottrell, Keith Martin and James Spencer writes to respond briefly to the December 6, 2013 letter of plaintiff's counsel concerning plaintiff's request for production of documents concerning the termination of Officer Hart. Document filed by City of White Plains. (Inl) (Entered: 12/11/2013)
12/10/2013	<u>81</u>	LETTER addressed to Judge Cathy Seibel from Albert W. Cornachio, dated 12/6/2013, re: Counsel for defendant PO Steven Hart writes in response to plaintiff attorney's correspondence dated December 6, 2013 demanding production of documents relating to the investigation, hearing and termination of Defendant Hart's employment. Document filed by Steven Hart. (Inl) (Entered: 12/11/2013)
12/13/2013		Minute Entry for proceedings held before Judge Cathy Seibel: Status Conference held on 12/13/2013. The Court sets dates for production of certain requested documents. Depositions may begin regarding persons other than the police officers whose records are yet to be reviewed by the Court. Fact discovery by end of August 2014. Status conference 9/5/14 at 1100 a.m.; Premotion letter by 8/22, opposition 8/29. Case Management Plan is signed. Defendant requests transcript of hearing and expert report regarding contents of the tape. White Plains should turn over what McLaughlin has asked for, pursuant to a protective order to be submitted by defendants. Defendants agree to go forward with the depositions and will contact the Court if any issues arise. See transcript. (Status Conference set for 9/5/2014 at 11:00 AM before Judge Cathy Seibel) (Court Reporter Angela O'Donnell) (Inl) (Entered: 12/18/2013)
12/18/2013	<u>82</u>	CIVIL CASE DISCOVERY PLAN AND SCHEDULING AND SCHEDULING ORDER: The case is to be tried to a jury. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any pre-motion conference in connection with a motion to amend or join additional parties must be requested by 1/31/2014. All Fact Discovery due by 8/30/2014. Depositions due by 6/30/2014. All Expert Discovery due by 10/31/2014. Next Case Management Conference set for 9/5/2014 at 11:00 AM before Judge Cathy Seibel. This case has been designated to the Honorable Paul E. Davison, United States Magistrate Judge, for discovery disputes if the Court is unavailable. SO ORDERED. (Signed by Judge Cathy Seibel on 12/13/2013) (Inl) (Entered: 12/19/2013)
12/23/2013	<u>83</u>	NOTICE of Notice of Entry re: <u>78</u> Memorandum & Opinion, Set Deadlines/Hearings, Add and Terminate Parties,,,,,,,,,,,,,,,,,,,,, Document filed by Steven Hart. (Attachments: # <u>1</u> Opinion and Order)(Cornachio, Albert) (Entered: 12/23/2013)
12/23/2013	<u>84</u>	NOTICE OF APPEARANCE by Anthony J. DiFiore on behalf of Anthony Carelli. (DiFiore, Anthony) (Entered: 12/23/2013)
12/23/2013	<u>85</u>	ANSWER to <u>36</u> Amended Complaint, with JURY DEMAND. Document filed by Anthony Carelli.(Quinn, Andrew) (Entered: 12/23/2013)
12/24/2013	<u>86</u>	ANSWER to <u>36</u> Amended Complaint,. Document filed by City of White Plains, Stephen Fottrell, Keith Martin.(Loomba, Lalit) (Entered: 12/24/2013)
01/10/2014	<u>87</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 1/9/2014, re: Counsel for the City of White Plains, Maurice Love, Steven Demchuk, Marek Markowski, Stephen Fottrell, Keith Martin and James Spencer writes to request an extension until no later than January 31, 2014 in which to complete the process of gathering the disciplinary and training records of Officer Carelli, Sergeant Martin and Sergeant Fottrell, and to submit them to the Court. ENDORSEMENT: I don't think I ordered that the Hart disciplinary hearing transcript be submitted for in camera review; I think I ordered that the City turn over to Plaintiff, pursuant to a protective order, the interviews, transcript, and expert reports regarding the recordings. I'm also not sure I need to review training records in camera; unless the City or the officers have particular concerns, training records (whether in personnel files or elsewhere) should be be turned over. I will

		review the personnel files in camera, and they may be submitted by 1/31/14. So Ordered. (Signed by Judge Cathy Seibel on 1/10/2014) (Inl) (Entered: 01/10/2014)
02/24/2014	<u>88</u>	CONFIDENTIALITY STIPULATION AND ORDER...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge Cathy Seibel on 2/21/2014) (Inl) (Entered: 02/24/2014)
06/25/2014	<u>89</u>	LETTER addressed to Judge Cathy Seibel from Debra S. Cohen dated June 25, 2014 re: deposition deadline adjournment. Document filed by Kenneth Chamberlain, Jr.(McLaughlin, Randolph) (Entered: 06/25/2014)
06/27/2014	<u>90</u>	MEMO ENDORSEMENT on <u>89</u> LETTER addressed to Judge Cathy Seibel from Debra S. Cohen dated June 25, 2014 re: deposition deadline adjournment. ENDORSEMENT: Application Granted. Schedule approved. Case Management conference moved to: 10/31/14 at 10:30 a.m. In the future I expect such requests to contain an explanation of why extra time is necessary. So Ordered. (Deposition due by 8/29/2014. Expert Discovery due by 12/30/2014. Fact Discovery due by 10/30/2014. Case Management Conference set for 10/31/2014 at 10:30 AM before Judge Cathy Seibel.) (Signed by Judge Cathy Seibel on 6/26/2014) (Inl) (Entered: 06/27/2014)
08/25/2014	<u>91</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba dated 8/22/2014 re: Counsel requests that the deadline to complete depositions be extended until October 17, 2014. ENDORSEMENT: Application granted, Pursuant to the scheduling order, the parties may agree in writing to extend the interim deadlines without court approval. SO ORDERED. (Deposition due by 10/17/2014.) (Signed by Judge Cathy Seibel on 8/25/2014) (mml) (Entered: 08/25/2014)
09/16/2014		Minute Entry for proceedings held before Judge Cathy Seibel: Discovery Hearing held on 9/16/2014. Discovery dispute arose during deposition. Court rules the deposition should go forward, and Chief Bradley may have to come back if the Court decides that the report or portions of it should have been disclosed. Defendants to submit letter brief, not more than 4 pages, and a copy of the Report by October 1, 2014; Plaintiff's letter brief in response by October 8, 2014. See transcript. (Court Reporter Angela O'Donnell) (Inl) (Entered: 09/17/2014)
10/10/2014	<u>92</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 9/22/2014, re: Counsel for the City of White Plains, Stephen Fottrell and Keith Martin writes: Further to the conference held on September 17, 2014, we are writing to address the privilege issues surrounding a report prepared by the White Plains Police Department concerning the underlying incident in this case (the "Report"). Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Inl) (Entered: 10/10/2014)
10/10/2014	<u>93</u>	LETTER addressed to Judge Cathy Seibel from Debra S. Cohen, dated 9/29/2014, re: Counsel for the Plaintiff writes in response to Defendants' letter to the Court dated September 22, 2014. Defendants attempt to narrowly frame the issue as to whether the "After Action Report" (hereafter "Report") submitted by Assistant Chief Anne Fitzsimmons to Chief James Bradley is entitled to a "self critical analysis privilege" and thus exempt, in whole or part, from disclosure to Plaintiffs. As discussed below, Plaintiff does not believe that the Defendants have properly invoked the aforementioned privilege. In addition to the failure to disclose the existence of the Report until the deposition of Chief Bradley, Defendants have engaged in a pattern of withholding documents and other discovery materials until after the depositions of key witnesses. Document filed by Kenneth Chamberlain, Jr. (Inl) (Entered: 10/10/2014)
10/10/2014	<u>94</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 10/1/2014, re: Counsel for the City of White Plains, Stephen Fottrell and Keith Martin writes in response to the letter from plaintiff's counsel dated September 29, 2014 relating to the City's assertion of the self-critical evaluation privilege and plaintiffs request to separately move for discovery sanctions pursuant to Rule 26(g) and/or Rule 37(c)(1) of the Federal Rules. With respect to the application of the self-critical evaluation privilege, we rest on the arguments set forth in our letter dated September 22, 2014. As set forth therein, the City has withdrawn its assertion of privilege with respect to parts 1, 2 and 6 of the report, but maintains that parts 3, 4 and 5 are covered by the privilege. Document filed by City of White Plains,

		Stephen Fottrell, Keith Martin. (Inl) (Entered: 10/10/2014)
10/10/2014	<u>95</u>	LETTER addressed to Judge Cathy Seibel from Debra S. Cohen, dated 10/3/2014, re: Counsel for the Plaintiff writes in response to Defendants' letter to the Court dated October 1, 2014. Despite Defendants' protestations, their disregard of their discovery obligations is well documented. Up until now, Plaintiff has attempted to resolve these issues without Court intervention. But the latest violation, i.e. the failure to disclose the existence of the After Action Report until seven depositions had been completed, has caused cumulative prejudice to Plaintiff necessitating a request for appropriate sanctions. Document filed by Kenneth Chamberlain, Jr. (Inl) (Entered: 10/10/2014)
10/10/2014	<u>96</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 10/7/2014, re: Counsel for the City of White Plains, Stephen Fottrell and Keith Martin writes in brief response to the letter from plaintiff's counsel dated October 3, 2011. As we stated in our letter dated October 1, 2014, we continue to stand ready to cooperate with plaintiffs in the discovery process. For the reasons herein and in our October 1 letter, we submit that discovery sanctions are not warranted. Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Inl) (Entered: 10/10/2014)
10/10/2014	<u>97</u>	LETTER addressed to Judge Cathy Seibel from Debra S. Cohen, dated 10/8/2014, re: Counsel for the Plaintiff writes: We regret burdening the Court with additional correspondence but are compelled to respond to, and correct, assertions in Defendants' letter to the Court of October 7, 2014. Document filed by Kenneth Chamberlain, Jr.(Inl) (Entered: 10/10/2014)
10/14/2014	<u>98</u>	ORDER: On September 17, 2014, during a break in the deposition of Police Chief James Bradley in this case, the parties appeared before me requesting resolution of a privilege issue. Specifically, Chief Bradley's deposition testimony had demonstrated that the White Plains Police Department had conducted an internal investigation into the events that form the basis of this action. That investigation resulted in the preparation of an "After Action Report," dated October 10, 2012 (the "Report"), which was submitted by Assistant Chief Anne Fitzsimmons to Chief Bradley. The Report had not been produced during discovery in response to Plaintiff's requests for production. Counsel for Defendants <sup>1</sup> indicated that, although they had not reviewed the approximately 100–page report, they would instruct Chief Bradley not to answer questions about the content of the Report on the basis of the self–critical analysis privilege. I requested letter briefs on the privilege issue and that Defendants submit a full copy of the Report to me for in camera review. The deposition of Chief Bradley then continued with the understanding that if the Report were later to be ordered produced, Chief Bradley might need to sit for an additional deposition. By letter dated September 22, 2014, Defendants notified me that they had withdrawn their privilege objection to three factual sections of the report but maintained it as to three evaluative portions. (Doc. 92 at 2.) They also set forth their legal arguments for application of the self–critical analysis privilege to the three withheld sections. Plaintiff responded by letter dated September 29, 2014, arguing that the Second Circuit may not recognize the self–critical analysis privilege at all, and that the few courts that have recognized it have only applied it in narrow circumstances and with considerable limitations. (Doc. 93 at 2–3.) The Court finds that the self–critical analysis privilege, if it exists, does not apply in this circumstance. First, Defendants are correct that the existence of this privilege in this Circuit is questionable. <sup>2</sup> See <i>Zikianda v. Cnty. of Albany</i> , No. 12–CV–1194, 2013 WL 936446, at *3 (N.D.N.Y. Mar. 8, 2013) ("[T]he majority of the cases within this Circuit that have addressed the presence of the self–critical analysis privilege have declared its existence doubtless and accordingly have not recognized it."). Even supposing that it does exist, however, the privilege would not apply to the Report. One of the five requirements of the putative privilege is that discovery of the material would have a chilling effect on the free flow of information necessary to effectively undertake the analysis in question. See <i>Mitchell v. Fishbein</i> , 227 F.R.D. 239, 252 (S.D.N.Y. 2005); <i>Wimer v. Sealand Serv., Inc.</i> , No. 96–CV–8730, 1997 WL 375661, at *1 (S.D.N.Y. July 3, 1997). Defendants, who bear the burden to establish that the privilege applies, have failed to demonstrate that the police department would be less likely to undertake this type of internal investigation in the future if the resulting after–action reports were discoverable in litigation. See <i>MacNamara v. City of</i>



		<p>New York, No. 04–CV–9612, 2007 WL 755401, *3–4 (S.D.N.Y. Mar. 14, 2007) (rejecting application of privilege to police after–action report). A police department's obligations to the public give it a strong incentive to evaluate the effectiveness of its strategies and conduct that would not be deterred by disclosure; at the least, a conclusory assertion that it would which is all Defendants have offered here is insufficient. See <i>id.</i> at *4; <i>Haus v. City of New York</i>, No. 03–CV–4915, 2005 WL 1705291, at *3–4 (S.D.N.Y. July 21, 2005) (rejecting claim of privilege for police department "critique reports" where defendants offered only "formulaic assertion" but no real reason to expect disclosure would lead officials to be less candid in the future), <i>aff'd</i>, 2006 WL 1062134 (S.D.N.Y. Apr. 20, 2006); <i>Skibo v. City of New York</i>, 109 F.R.D. 58, 64 (E.D.N.Y. 1985) ("The police department needs to continue to monitor itself to ensure that department procedures are effective and that officers are complying with these procedures. It is unlikely that production of the [internal affairs procedures] manual and evaluations would halt this self analysis process."). Instead, "the facts of this case are akin to the many cases in which courts have rejected assertions of the privilege on the ground that the self–critical analysis function would occur irrespective of whether the court required that analysis to be disclosed in litigation." <i>Mitchell</i>, 227 F.R.D. at 252. Accordingly, the privilege does not shield any portion of the Report from disclosure and Defendants are ordered to produce a full, unredacted copy of the Report to Plaintiff in a timely briefing the privilege issue, Plaintiff's September 29, 2014 letter requested leave to file a motion for sanctions against Defendants for an alleged "pervasive pattern of discovery abuses occurring throughout the course of discovery" in this case. (Doc. 93 at 4.) Additional letters by the parties on October 1, 3, 7 and 8 further addressed the sanctions issue. (See Docs. 94–97.) The Court refers this issue, as well as the supervision of the remaining discovery (including any additional or continued depositions that the disclosure of the Report may warrant), to Magistrate Judge Davison. SO ORDERED. (Signed by Judge Cathy Seibel on 10/14/2014) (lnl) (Entered: 10/14/2014)</p>
10/14/2014	<u>99</u>	<p>ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non–dispositive pretrial motions, and settlement). Specific non–dispositive motion, including discovery disputes: Plaintiff's 9/29/14 letter Doc. 93, letters of 10/1, 10/3, 10/7, 10/8, as well as the supervision of the remaining discovery, including any additional or continued depositions that the disclosure of the Report may warrant. Referred to Magistrate Judge Paul E. Davison. (Signed by Judge Cathy Seibel on 10/14/2014) (lnl) (Entered: 10/15/2014)</p>
10/15/2014	<u>100</u>	<p>ORDER: In order to facilitate the progress of pre–trial discovery of this litigation in a just, speedy and inexpensive manner, to insure compliance with the case management plan, and to prevent the accumulation of unresolved discovery issues, the following procedures will be followed for the resolution of discovery disputes as set forth in this order. (Signed by Magistrate Judge Paul E. Davison on 10/15/2014) (rj) (Entered: 10/15/2014)</p>
10/15/2014	<u>101</u>	<p>SCHEDULING ORDER: The Court has scheduled an in person conference before the Honorable Paul E. Davison, United States Magistrate Judge, on October 31, at 11:00 am in Courtroom 420. In Person Conference set for 10/31/2014 at 11:00 AM in Courtroom 420, 300 Quarropas Street, White Plains, NY 10601 before Magistrate Judge Paul E. Davison. (Signed by Magistrate Judge Paul E. Davison on 10/15/2014) (rj) (Entered: 10/16/2014)</p>
10/31/2014	<u>102</u>	<p>ORDER: ORDERED that the following attorney(s) are authorized to bring the Personal Electronic Device(s) and/or the General Purpose Computing Device(s) (collectively, "Devices") listed below into the Courthouse for use in a proceeding or trial in the action captioned <i>Chamberlain v. City of White Plains, etal</i>. The dates for which such authorization is provided are November 5, 7, and 12. Attorneys: Debra S. Cohen, Esq. – Laptop for use in Depositions. Randolph M. McLaughlin, Esq. – Laptop for use in Depositions. (Signed by Judge Cathy Seibel on 10/31/2014) (lnl) (Entered: 10/31/2014)</p>

10/31/2014		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Discovery hearing held. The Court made rulings on the record; all disputes have been resolved. See Courtflow. Counsel's joint application for an extension of discovery is granted: fact depositions shall be completed by 12/30/14; all fact discovery shall be completed by 1/30/15; all expert discovery shall be completed by 3/30/15. Counsel shall appear in person for a conference on December 1, 2014 at 11:00 a.m. in Courtroom 420. (rj) (Entered: 10/31/2014)
11/17/2014		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Discovery Hearing held on 11/17/2014. Issue during deposition resolved. See Courtflow. (mml) (Entered: 11/17/2014)
12/01/2014		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Telephone conference held. Plaintiff Kenneth Chamberlain, Jr. will NOT testify at trial. Telephone conference scheduled for January 5, 2015 at 11:00 a.m. (rj) (Entered: 12/01/2014)
12/30/2014	<u>103</u>	LETTER addressed to Judge Cathy Seibel from Debra S. Cohen dated 12/30/14 re: Application for electronic device to courthouse. Document filed by Kenneth Chamberlain, Jr.(Cohen, Debra) (Entered: 12/30/2014)
12/30/2014	<u>104</u>	ORDER: ORDERED that the following attorneys are authorized to bring the Personal Electronic Devices and/or the General Purpose Computing Devices (collectively, "Devices") listed below into the Courthouse for use in a proceeding or trial in the action captioned Chamberlain v. City of White Plains. (Signed by Judge Cathy Seibel on 12/30/2014) (See ORDER as set forth) (Inl) (Entered: 12/30/2014)
01/05/2015		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Telephone conference held. Telephone conference scheduled for February 10, 2015 at 11:00 a.m. (rj) (Entered: 01/05/2015)
01/09/2015		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Dispute during deposition resolved. See Courtflow. (rj) (Entered: 01/13/2015)
02/09/2015	<u>105</u>	ORDER: ORDERED that the following attorneys are authorized to bring the Personal Electronic Devices and/or the General Purpose Computing Devices (collectively, "Devices") listed below into the Courthouse for use in a proceeding or trial in the action captioned Chamberlain v. City of White Plains, No. 12cv5142. The date for which such authorization is provided is February 10, 2015. (Signed by Judge Cathy Seibel on 2/9/2015) (See ORDER as set forth) (Inl) (Entered: 02/10/2015)
02/10/2015		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Status conference held. Expert discovery schedule is extended as follows: Pl's expert reports by 4/30/15; Defendants' rebuttal reports by 6/12/15; Expert depositions by 7/31/15. NO FURTHER EXTENSIONS. Telephone conference scheduled for May 11, 2015 at 9:30 a.m. (rj) (Entered: 02/10/2015)
02/10/2015		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison:Rulings issued on disputes during deposition. See Courtflow. (rj) (Entered: 02/11/2015)
05/11/2015		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Telephone Conference held on 5/11/2015. Telephone conference scheduled for June 25, 2015 at 9:30 a.m. (ld) (Entered: 05/11/2015)
06/25/2015		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Telephone Conference held on 6/25/2015. Telephone conference scheduled for August 3, 2015 at 5:00 p.m. (ld) (Entered: 06/25/2015)
08/05/2015		Minute Entry for proceedings held before Magistrate Judge Paul E. Davison: Telephone Conference held on 8/5/2015. Discovery is complete. Defendants shall submit pre-motion letters to Judge Seibel no later than August 28, 2015. Reference concluded. (ld) (Entered: 08/05/2015)
08/26/2015	<u>106</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba dated August 26, 2015 re: Premotion conference. Document filed by City of White Plains, Stephen

		Fottrell, Keith Martin.(Loomba, Lalit) (Entered: 08/26/2015)
08/26/2015	<u>107</u>	LETTER addressed to Judge Cathy Seibel from Andrew Quinn dated August 26, 2015 re: Pre-Motion Conference. Document filed by Anthony Carelli.(Quinn, Andrew) (Entered: 08/26/2015)
08/26/2015	<u>108</u>	MEMO ENDORSEMENT on re: <u>106</u> Letter filed by City of White Plains, Keith Martin, Stephen Fottrell. ENDORSEMENT: Pre-motion conference to be held on 9/8/15 at 3:30 pm. Plaintiff to state its position by letter, not to exceed three pages, by 9/2/15. SO ORDERED. (Pre-Motion Conference set for 9/8/2015 at 03:30 PM before Judge Cathy Seibel.) (Signed by Judge Cathy Seibel on 8/26/2015) (mml) (Entered: 08/27/2015)
08/26/2015	<u>109</u>	MEMO ENDORSEMENT on re: <u>107</u> Letter filed by Anthony Carelli. ENDORSEMENT: Pre-motion conference to be held on 9/8/15 at 3:30 pm. Plaintiff to state his position, by letter not to exceed three pages, by 9/2/15. SO ORDERED. (Signed by Judge Cathy Seibel on 8/26/2015) (mml) (Entered: 08/27/2015)
09/02/2015	<u>110</u>	FIRST LETTER MOTION for Conference <i>re Defendants' Summary Judgment Motions</i> addressed to Judge Cathy Seibel from Debra S. Cohen dated 9/2/15. Document filed by Kenneth Chamberlain, Jr.(Cohen, Debra) (Entered: 09/02/2015)
09/08/2015		Minute Entry for proceedings held before Judge Cathy Seibel: Pre-Motion Conference held on 9/8/2015. Serve summary judgment motion 10/23/15; opposition 1/22/16; reply 2/22/16. See transcript. (Court Reporter Albi Gorn) (aca) (Entered: 09/08/2015)
10/05/2015	<u>111</u>	TRANSCRIPT of Proceedings re: Conference held on 9/8/2015 before Judge Cathy Seibel. Court Reporter/Transcriber: Albert Gorn, 914-390-4222. 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 10/29/2015. Redacted Transcript Deadline set for 11/9/2015. Release of Transcript Restriction set for 1/6/2016.(Grant, Patricia) (Entered: 10/05/2015)
10/05/2015	<u>112</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 09/08/2015 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...(Grant, Patricia) (Entered: 10/05/2015)
10/08/2015	<u>113</u>	LETTER MOTION for Leave to File Excess Pages addressed to Judge Cathy Seibel from Lalit K. Loomba dated October 8, 2015. Document filed by City of White Plains, Stephen Fottrell, Keith Martin.(Loomba, Lalit) (Entered: 10/08/2015)
10/08/2015	114	ORDER granting <u>113</u> Letter Motion for Leave to File Excess Pages: The City Defendants may have up to 30 pages for their opening brief. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 10/08/2015)
10/16/2015	<u>115</u>	TRANSCRIPT of Proceedings re: conference held on 10/31/2014 before Magistrate Judge Paul E. Davison. Court Reporter/Transcriber: Mary Staten, (914) 390-4027. 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 11/9/2015. Redacted Transcript Deadline set for 11/19/2015. Release of Transcript Restriction set for 1/17/2016.(Staten, Mary) (Entered: 10/16/2015)
10/16/2015	<u>116</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 10/31/2014 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...(Staten, Mary) (Entered: 10/16/2015)
01/15/2016	<u>117</u>	FIRST LETTER MOTION for Leave to File Excess Pages <i>for Plaintiff's Opposition to Defendants' Motion for Summary Judgment</i> addressed to Judge Cathy Seibel from Debra S. Cohen dated January 15, 2015. Document filed by Kenneth Chamberlain, Jr.(McLaughlin, Randolph) (Entered: 01/15/2016)
01/19/2016	<u>118</u>	MEMO ENDORSEMENT granting <u>117</u> Letter Motion for Leave to File Excess Pages. ENDORSEMENT: Plaintiff may have up to 45 pages for a joint opposition brief. So Ordered. (Signed by Judge Cathy Seibel on 1/15/16) (yv) (Entered: 01/19/2016)
02/10/2016	<u>119</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba dated 2/8/16 re: request permission to serve and file a reply memorandum of law of no more than 20 pages. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge Cathy Seibel on 2/10/16) (yv) (Entered: 02/11/2016)
02/22/2016	<u>120</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY – FILER ERROR –</b> MOTION for Summary Judgment <i>by City Defendants</i> . Document filed by City of White Plains, Steven Demchuk, Stephen Fottrell.(Loomba, Lalit) Modified on 2/22/2016 (lb). (Entered: 02/22/2016)
02/22/2016	<u>121</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY – (LINKED TO A DEFICIENT DOCKET ENTRY)–</b> DECLARATION in Support re: <u>120</u> MOTION for Summary Judgment <i>by City Defendants</i> .. Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X)(Loomba, Lalit) Modified on 2/22/2016 (lb). (Entered: 02/22/2016)
02/22/2016	<u>122</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY – (LINKED TO A DEFICIENT DOCKET ENTRY)–</b> AFFIDAVIT of Todd Faulkner in Support re: <u>120</u> MOTION for Summary Judgment <i>by City Defendants</i> .. Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Attachments: # <u>1</u> Supplement, # <u>2</u> Supplement)(Loomba, Lalit) Modified on 2/22/2016 (lb). (Entered: 02/22/2016)
02/22/2016	<u>123</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY – (LINKED TO A DEFICIENT DOCKET ENTRY)–</b> MEMORANDUM OF LAW in Support re: <u>120</u> MOTION for Summary Judgment <i>by City Defendants</i> . . Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Loomba, Lalit) Modified on 2/22/2016 (lb). (Entered: 02/22/2016)
02/22/2016	<u>124</u>	RULE 56.1 STATEMENT. Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Loomba, Lalit) (Entered: 02/22/2016)
02/22/2016	<u>125</u>	MOTION for Summary Judgment <i>by City Defendants</i> . Document filed by City of White Plains, Stephen Fottrell, Keith Martin.(Loomba, Lalit) (Entered: 02/22/2016)
02/22/2016	<u>126</u>	RULE 56.1 STATEMENT. Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Loomba, Lalit) (Entered: 02/22/2016)
02/22/2016	<u>127</u>	AFFIDAVIT in Support re: <u>125</u> MOTION for Summary Judgment <i>by City Defendants</i> .. Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Attachments: # <u>1</u> Supplement (part 2 of 3), # <u>2</u> Supplement (part 3 of 3))(Loomba, Lalit) (Entered: 02/22/2016)
02/22/2016	<u>128</u>	DECLARATION in Support re: <u>125</u> MOTION for Summary Judgment <i>by City Defendants</i> .. Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X)(Loomba, Lalit)



		(Entered: 02/22/2016)
02/22/2016	<u>129</u>	MEMORANDUM OF LAW in Support re: <u>125</u> MOTION for Summary Judgment <i>by City Defendants</i> . . Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Loomba, Lalit) (Entered: 02/22/2016)
02/22/2016	<u>130</u>	MOTION for Summary Judgment <i>by Anthony Carelli</i> . Document filed by Anthony Carelli.(Quinn, Andrew) (Entered: 02/22/2016)
02/22/2016	<u>131</u>	MEMORANDUM OF LAW in Support re: <u>130</u> MOTION for Summary Judgment <i>by Anthony Carelli</i> . <i>by Anthony Carelli</i> . Document filed by Anthony Carelli. (Quinn, Andrew) (Entered: 02/22/2016)
02/22/2016	<u>132</u>	RULE 56.1 STATEMENT. Document filed by Anthony Carelli. (Quinn, Andrew) (Entered: 02/22/2016)
02/22/2016	<u>133</u>	DECLARATION of Andrew C. Quinn, Esq. in Support re: <u>130</u> MOTION for Summary Judgment <i>by Anthony Carelli</i> .. Document filed by Anthony Carelli. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit H, # <u>8</u> Exhibit J, # <u>9</u> Exhibit K)(Quinn, Andrew) (Entered: 02/22/2016)
02/22/2016	<u>134</u>	DECLARATION of Randolph M. McLaughlin in Opposition re: <u>130</u> MOTION for Summary Judgment <i>by Anthony Carelli</i> ., <u>125</u> MOTION for Summary Judgment <i>by City Defendants</i> .. Document filed by Kenneth Chamberlain, Jr. (Attachments: # <u>1</u> Exhibit Hart Dep Excerpts, # <u>2</u> Exhibit Fitzsimmons Dep Excerpts, # <u>3</u> Exhibit Fuerst Dep Excerpts, # <u>4</u> Exhibit Medical Records, # <u>5</u> Exhibit Amended Complaint, # <u>6</u> Exhibit Fottrell Dep Excerpts, # <u>7</u> Exhibit Love Dep Excerpts, # <u>8</u> Exhibit Demchuk Dep Excerpts, # <u>9</u> Exhibit Carelli Dep Excerpts, # <u>10</u> Exhibit Martin Dep Excerpts, # <u>11</u> Exhibit Markowski Dep Excerpts, # <u>12</u> Exhibit Battaglia Dep Excerpts, # <u>13</u> Exhibit Radio Calls & LifeAid Transcripts, # <u>14</u> Exhibit John Jay College Curriculum Excerpts, # <u>15</u> Exhibit WPPD EDP Policy, # <u>16</u> Exhibit NYPD EDP Policy, # <u>17</u> Exhibit Revised WPPD EDP Policy, # <u>18</u> Exhibit WPPD Barricade Policy, # <u>19</u> Exhibit Spencer Dep Excerpts, # <u>20</u> Exhibit Cianci Dep Excerpts, # <u>21</u> Exhibit Kitchen Photographs, # <u>22</u> Exhibit LifeAid Calls Transcripts, # <u>23</u> Exhibit Police Equipment Photographs, # <u>24</u> Exhibit Bunker Photograph, # <u>25</u> Exhibit Castelli Dep Excerpts, # <u>26</u> Exhibit Greenhill Dep Excerpts, # <u>27</u> Exhibit Bradley Dep Excerpts, # <u>28</u> Exhibit Bedroom Window Photograph, # <u>29</u> Exhibit Door Photograph, # <u>30</u> Exhibit Living Room Window Photograph, # <u>31</u> Exhibit Taser Transcript, # <u>32</u> Exhibit Autopsy Report, # <u>33</u> Exhibit Autopsy Photograph, # <u>34</u> Exhibit Autopsy Photograph, # <u>35</u> Exhibit Autopsy Photograph, # <u>36</u> Exhibit Demchuk Incident Report, # <u>37</u> Exhibit Taser Curriculum, # <u>38</u> Exhibit Hart Incident Report, # <u>39</u> Exhibit Markowski Incident Report, # <u>40</u> Exhibit Dr. Baden Report, # <u>41</u> Exhibit LifeAid Order Form, # <u>42</u> Exhibit Marine Photograph, # <u>43</u> Exhibit LifeAid Box Photograph, # <u>44</u> Exhibit Murphy Dep Excerpts, # <u>45</u> Exhibit Hallway Photograph, # <u>46</u> Exhibit Doorway Photograph, # <u>47</u> Exhibit Carelli Interview from After Action Report, # <u>48</u> Exhibit Less Lethal Curriculum, # <u>49</u> Exhibit Family Photograph, # <u>50</u> Exhibit Bible Photograph, # <u>51</u> Exhibit Building Photographs, # <u>52</u> Exhibit Bullet Hole Photographs, # <u>53</u> Exhibit Autopsy Photographs, # <u>54</u> Exhibit WPPD AllCall Emails)(McLaughlin, Randolph) (Entered: 02/22/2016)
02/22/2016	<u>135</u>	FIRST MEMORANDUM OF LAW in Opposition re: <u>130</u> MOTION for Summary Judgment <i>by Anthony Carelli</i> ., <u>125</u> MOTION for Summary Judgment <i>by City Defendants</i> . . Document filed by Kenneth Chamberlain, Jr. (McLaughlin, Randolph) (Entered: 02/22/2016)
02/22/2016	<u>136</u>	RULE 56.1 STATEMENT. Document filed by Kenneth Chamberlain, Jr. (McLaughlin, Randolph) (Entered: 02/22/2016)
02/22/2016	<u>137</u>	RULE 56.1 STATEMENT. Document filed by Kenneth Chamberlain, Jr. (McLaughlin, Randolph) (Entered: 02/22/2016)
02/22/2016	<u>138</u>	CERTIFICATE OF SERVICE of Plaintiff's Memo of Law in Opposition, 56.1 Counterstatements and Declaration of Randolph M. McLaughlin served on City of White Plains and Anthony Carelli on January 22, 2016. Service was made by MAIL. Document filed by Kenneth Chamberlain, Jr. (McLaughlin, Randolph)

		(Entered: 02/22/2016)
02/22/2016	<u>139</u>	REPLY MEMORANDUM OF LAW in Support re: <u>125</u> MOTION for Summary Judgment by <i>City Defendants</i> . . Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Loomba, Lalit) (Entered: 02/22/2016)
02/22/2016	<u>140</u>	REPLY AFFIRMATION in Support re: <u>125</u> MOTION for Summary Judgment by <i>City Defendants</i> .. Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Attachments: # <u>1</u> Exhibit Exhibit Y – Pg. 92 from the deposition of P.O. Steven Demchuk, # <u>2</u> Exhibit Exhibit Z – Pgs. 149–155 from the deposition of Anthony Carelli, # <u>3</u> Exhibit Exhibit – AA Pgs. 55–60 from the deposition of Steven Hart, # <u>4</u> Exhibit Exhibit BB Pg. 180 from the deposition of Stephen Fottrell, # <u>5</u> Exhibit Exhibit CC Pgs. 72–74 from the deposition of P.O. Marek Markowski)(Loomba, Lalit) (Entered: 02/22/2016)
02/22/2016	<u>141</u>	REPLY MEMORANDUM OF LAW in Support re: <u>130</u> MOTION for Summary Judgment by <i>Anthony Carelli</i> . by <i>Anthony Carelli</i> . Document filed by Anthony Carelli. (Quinn, Andrew) (Entered: 02/22/2016)
02/22/2016	<u>142</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – RESPONSE</b> in Support of Motion re: <u>125</u> MOTION for Summary Judgment by <i>City Defendants</i> . . Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Loomba, Lalit) Modified on 2/23/2016 (db). (Entered: 02/22/2016)
02/23/2016		<b>***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Lalit Kumar Loomba to RE-FILE Document <u>142</u> Response in Support of Motion. Use the event type Response (non-motion) found under the event list Other Answers. (db)</b> (Entered: 02/23/2016)
02/23/2016	<u>143</u>	RESPONSE re: <u>137</u> Rule 56.1 Statement, <u>136</u> Rule 56.1 Statement <i>Response to Plaintiff's Statement of Additional Facts</i> . Document filed by City of White Plains, Stephen Fottrell, Keith Martin. (Loomba, Lalit) (Entered: 02/23/2016)
08/26/2016	<u>144</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY (SEE <u>146</u> Rule 56.1 Statement) – RULE 56.1 STATEMENT</b> . Document filed by Kenneth Chamberlain, Jr. (Cohen, Debra) Modified on 8/29/2016 (db). (Entered: 08/26/2016)
08/26/2016	<u>145</u>	RULE 56.1 STATEMENT. Document filed by Kenneth Chamberlain, Jr. (Cohen, Debra) (Entered: 08/26/2016)
08/26/2016	<u>146</u>	RULE 56.1 STATEMENT. Document filed by Kenneth Chamberlain, Jr. (Cohen, Debra) (Entered: 08/26/2016)
09/06/2016	<u>147</u>	NOTICE of COURT CONFERENCE: A bench ruling will be issued by the Hon. Cathy Seibel, U.S.D.J. on September 12, 2016 at 3:45 p.m. at the Charles L. Briant United States Courthouse, 300 Quarropas Street, White Plains, NY 10601, Courtroom 621. (Status Conference set for 9/12/2016 at 03:45 PM in Courtroom 621, 300 Quarropas Street, White Plains, NY 10601 before Judge Cathy Seibel.) (yv) (Entered: 09/06/2016)
09/07/2016	<u>148</u>	NOTICE OF APPEARANCE by Danielle Brittany Sullivan on behalf of Kenneth Chamberlain, Jr. (Sullivan, Danielle) (Entered: 09/07/2016)
09/12/2016		Minute EntryThe Court issues oral decision on Motions Docs. No. 125 and 130. For the reasons stated on the record, Martin's and Fottrell's Motion for Summary Judgment is Granted; Carelli's Motion for Summary Judgment is Denied, except as to the state law claim for negligence, and the City of White Plains Motion for Summary Judgment is Granted as to the Monell claim, Denied as to assault and battery, Granted as to negligence. Martin and Fottrell are terminated as defendants. Jury selection and trial are scheduled for November 7, 2016. Final pre-trial conference is scheduled for November 3, 2016 at 11:00 a.m. Motions in limine to be submitted by 10/7/16; opposition 10/17/16; opposition 10/17/16; requests to charge and voir dire 10/17/16; joint pre-trial order 10/3/16. See transcript. Court Reporter: Angela O'Donnell. Modified on 9/16/2016 (lnl). Modified on 11/21/2016 (lnl). (Entered: 09/16/2016)

10/03/2016	<u>149</u>	NOTICE OF APPEARANCE by Matthew Kelly Schieffer on behalf of Anthony Carelli. (Schieffer, Matthew) (Entered: 10/03/2016)
10/04/2016	<u>150</u>	JOINT PRE-TRIAL ORDER. Plaintiff has demanded a jury trial. Plaintiffs anticipate that ten (10) trial days are needed. Defendants anticipate that five (5) days are needed. The parties have not consented to try the case before the Magistrate Judge. Plaintiff consents to a less than unanimous verdict. Defendants do not consent to a less than unanimous verdict. So Ordered. (Signed by Judge Cathy Seibel on 10/4/16) (yv) (Entered: 10/04/2016)
10/05/2016	<u>151</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba dated October 5, 2016 Document filed by City of White Plains.(Loomba, Lalit) (Entered: 10/05/2016)
10/06/2016	<u>152</u>	LETTER addressed to Judge Cathy Seibel from Randolph M. McLaughlin dated October 6, 2016 re: Response to Defendants' October 5, 2016 letter. Document filed by Kenneth Chamberlain, Jr.(McLaughlin, Randolph) (Entered: 10/06/2016)
10/07/2016	<u>153</u>	FIRST MOTION in Limine . Document filed by Anthony Carelli. Return Date set for 10/17/2016 at 09:30 AM.(Quinn, Andrew) (Entered: 10/07/2016)
10/07/2016	<u>154</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU –</b> FIRST MOTION in Limine <i>with Memorandum of Law in Support of Defendant's Motion in Limine</i> . Document filed by Anthony Carelli.(Quinn, Andrew) Modified on 10/11/2016 (db). (Entered: 10/07/2016)
10/07/2016	<u>155</u>	MOTION in Limine . Document filed by Kenneth Chamberlain, Jr.(Sullivan, Danielle) (Entered: 10/07/2016)
10/07/2016	<u>156</u>	MEMORANDUM OF LAW in Support re: <u>155</u> MOTION in Limine . . Document filed by Kenneth Chamberlain, Jr. (Sullivan, Danielle) (Entered: 10/07/2016)
10/07/2016	<u>157</u>	MOTION in Limine . Document filed by City of White Plains.(Loomba, Lalit) (Entered: 10/07/2016)
10/07/2016	<u>158</u>	MEMORANDUM OF LAW in Support re: <u>157</u> MOTION in Limine . . Document filed by City of White Plains. (Loomba, Lalit) (Entered: 10/07/2016)
10/11/2016		<b>***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Andrew C Quinn to RE-FILE Document <u>154</u> FIRST MOTION in Limine with Memorandum of Law in Support of Defendant's Motion in Limine. Use the event type Memorandum in Support of Motion found under the event list Replies, Opposition and Supporting Documents. (db)</b> (Entered: 10/11/2016)
10/11/2016	<u>159</u>	MEMORANDUM OF LAW in Support re: <u>153</u> FIRST MOTION in Limine . . Document filed by Anthony Carelli. (Quinn, Andrew) (Entered: 10/11/2016)
10/14/2016	<u>160</u>	LETTER MOTION for Leave to File joint opposition to Defendants' motions in limine addressed to Judge Cathy Seibel from Debra S. Cohen dated October 14, 2016. Document filed by Kenneth Chamberlain, Jr.(Cohen, Debra) (Entered: 10/14/2016)
10/14/2016	161	ORDER granting <u>160</u> Letter Motion for Leave to File Document: Application granted. Joint opposition makes sense to the Court. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 10/14/2016)
10/17/2016	<u>162</u>	PROPOSED JURY INSTRUCTIONS. Document filed by Kenneth Chamberlain, Jr.(Sullivan, Danielle) (Entered: 10/17/2016)
10/17/2016	<u>163</u>	PROPOSED VOIR DIRE QUESTIONS. Document filed by Kenneth Chamberlain, Jr. (Attachments: # <u>1</u> Exhibit A)(Sullivan, Danielle) (Entered: 10/17/2016)
10/17/2016	<u>164</u>	PROPOSED JURY INSTRUCTIONS. Document filed by Kenneth Chamberlain, Jr.(Sullivan, Danielle) (Entered: 10/17/2016)
10/17/2016	<u>165</u>	MEMORANDUM OF LAW in Opposition re: <u>153</u> FIRST MOTION in Limine ., <u>157</u> MOTION in Limine . . Document filed by Kenneth Chamberlain, Jr. (Sullivan, Danielle) (Entered: 10/17/2016)

10/17/2016	<u>166</u>	PROPOSED JURY INSTRUCTIONS. Document filed by City of White Plains.(Loomba, Lalit) (Entered: 10/17/2016)
10/17/2016	<u>167</u>	PROPOSED VOIR DIRE QUESTIONS. Document filed by City of White Plains.(Loomba, Lalit) (Entered: 10/17/2016)
10/17/2016	<u>168</u>	PROPOSED JURY INSTRUCTIONS. Document filed by City of White Plains.(Loomba, Lalit) (Entered: 10/17/2016)
10/17/2016	<u>169</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba dated October 17, 2016 re: Plaintiff's motion in limine. Document filed by City of White Plains.(Loomba, Lalit) (Entered: 10/17/2016)
10/17/2016	<u>170</u>	LETTER addressed to Judge Cathy Seibel from Andrew C. Quinn dated October 17, 2016 re: Plaintiff's Motion In Limine. Document filed by Anthony Carelli.(Schieffer, Matthew) (Entered: 10/17/2016)
10/17/2016	<u>171</u>	PROPOSED JURY INSTRUCTIONS. Document filed by Anthony Carelli.(Schieffer, Matthew) (Entered: 10/17/2016)
10/17/2016	<u>172</u>	PROPOSED VOIR DIRE QUESTIONS. Document filed by Anthony Carelli.(Schieffer, Matthew) (Entered: 10/17/2016)
10/17/2016	<u>173</u>	PROPOSED JURY INSTRUCTIONS. Document filed by Anthony Carelli.(Schieffer, Matthew) (Entered: 10/17/2016)
10/18/2016	<u>174</u>	LETTER addressed to Judge Cathy Seibel from Randolph M. McLaughlin & Debra S. Cohen dated October 18, 2016 re: pretrial conference. Document filed by Kenneth Chamberlain, Jr.(McLaughlin, Randolph) (Entered: 10/18/2016)
10/18/2016	<u>175</u>	LETTER addressed to Judge Cathy Seibel from Andrew C. Quinn, Esq. dated October 18, 2016 re: pretrial conference. Document filed by Anthony Carelli.(Quinn, Andrew) (Entered: 10/18/2016)
10/18/2016	<u>176</u>	MEMO ENDORSEMENT on re: <u>174</u> Letter seeking clarification as to the issues to be addressed at the final pretrial conference, filed by Kenneth Chamberlain, Jr. ENDORSEMENT: The final pre-trial conference is moved to Monday, October 31, 2016 at 9:45 a.m. If that will not allow enough advance notice for certain subpoenas, the Parties should issue the necessary subpoenas and can always withdraw them, depending on the rulings. At the final pre-trial conference the motions in limine will be ruled on and trial logistics will be discussed. I will not require formal argument, but if I have questions I will pose them at the final pre-trial conference. The Parties can let me know if they would like to make formal arguments on any of the motions. I will let the parties know if I need copies of any of the exhibits that the Parties seek to preclude in the motions. So Ordered., (Final Pretrial Conference set for 10/31/2016 at 09:45 AM before Judge Cathy Seibel.) (Signed by Judge Cathy Seibel on 10/18/16) (yv) (Entered: 10/19/2016)
10/24/2016	<u>177</u>	ORDER: To assist the Court in ruling on the pending motions in limine, the parties are directed to submit, by 5 pm on October 26, 2015, letters of no more than 4 pages (excluding attached exhibits) addressing the following issues.I.Plaintiff is to address the following: A. In light of: (1) Second Circuit law that the reasonableness of Carellis use of deadly force is to be judged based on the circumstances facing him immediately prior to and at the moment he used that force, see Salim v. Proulx, 93 F.3d 86, 92 (2d Cir. 1996) (Officer Proulx's actions leading up to the shooting are irrelevant to the objective reasonableness of his conduct at the moment he decided to employ deadly force. The reasonableness inquiry depends only upon the officer's knowledge of circumstances immediately prior to and at the moment that he made the split-second decision to employ deadly force.), and that it is irrelevant if the police earlier made mistakes that ultimately led to the need for deadly force, see id. ([E]vidence that [the officers] created the need to use [deadly] force by their actions prior to the moment of seizure is irrelevant....) (quoting Schulz v. Long, 44 F.3d 643, 649 (8th Cir.1995); (2) the fact that (the Court presumes) there will be no dispute for purposes of the assault and battery claims that Carellis use of force was intentional; (3) the Courts prior decision that the entry into the apartment was reasonable; and (4) the fact that liability may be found based only on Carellis acts and there are no remaining claims relating to the actions of Martin, Fottrell, etc., for what purpose does Plaintiff wish to prove up all of the



events preceding the removal of the door in other words, what arguments could Plaintiff make to the jury from those events that would not run afoul of the principles set forth above? C. Is the Court correct that Plaintiffs position is that he is offering no evidence on compensatory damages that would not be coming in on liability anyway? Is the same true for punitive damages? D. What other bad acts (discipline, other uses of force, etc.) of Carelli or other police witnesses does Plaintiff plan to offer, and what will the evidence of those acts be (in other words, what is the allegation and how does Plaintiff plan to prove it)? What such acts does Plaintiff believe are admissible to impeach? II.Plaintiff is also directed to provide the following: A. Copy of Maloney expert report.B. Copies of the 9 autopsy photographs Plaintiff would like to offer, along with a brief description of the relevance of each (e.g., shows angle of entry). C. Copies of any disclosures of Dr. Lerner or Dr. Wilditz as witnesses (on April 22, 2015 or otherwise) and if voluminous, specify pages where disclosure was made. D. Copy of portions of Carellis deposition testimony regarding his status with the WPPD. III.Defendants are to address the following:A. Is there any authority for the proposition that the Court can inform the jury of facts by way of a prologue? Is not Plaintiff entitled to prove up the events leading up to the removal of the door at least to some extent, so that the jury has context for the events after the door was removed? If the Court is not going to give a factual prologue as Defendants request, would Defendants still wish to preclude any evidence regarding the events before the removal of the door? If not, what would their position be? B. I understand that Defendants position is that the shooting of Mr. Chamberlain was justified,but do Defendants dispute (as mentioned in item I.A.2 above) that Defendant Carelli acted intentionally in aiming at and shooting Mr. Chamberlain? C. On what subjects are Defendants planning to call experts? D. Do Defendants have a medical expert who would rebut Dr. Lerner or Dr. Wilditz if they are permitted to testify? E. What evidence do Defendants believe Plaintiff may offer on compensatory damages that is not coming in on liability anyway? Do Defendants plan to offer any evidence on compensatory damages that would not be admissible on liability? Apart from evidence as to Carellis financial situation, is there any evidence on punitive damages that would not be coming in on liability anyway? What is the City of White Plains policy with respect to indemnification for punitive F. What is Carellis current status with the WPPD and what was it at the time of his deposition? IV.Defendants are to provide the following: A.Copies of WPPD CID worksheets P wishes to offer and to which Ds object. B.Copies of WPPD incident reports P wishes to offer and to which Ds object. C.Copy of WPPD Major Case Worksheet D.Copies of expert reports of Dr. Wetli and Mr. Monaghan damages? B. When did Dr. Lerner and Dr. Wilditz last see Mr. Chamberlain before his death? C. Is the Court correct that Plaintiffs position is that he is offering no evidence on compensatory damages that would not be coming in on liability anyway? Is the same true for punitive damages?D. What other bad acts (discipline, other uses of force, etc.) of Carelli or other police witnesses does Plaintiff plan to offer, and what will the evidence of those acts be (in other words, what is the allegation and how does Plaintiff plan to prove it)? What such acts does Plaintiff believe are admissible to impeach? II.Plaintiff is also directed to provide the following: A. Copy of Maloney expert report. B. Copies of the 9 autopsy photographs Plaintiff would like to offer, along with a brief description of the relevance of each (e.g., shows angle of entry). C. Copies of any disclosures of Dr. Lerner or Dr. Wilditz as witnesses (on April 22, 2015 or otherwise) and if voluminous, specify pages where disclosure was made. D. Copy of portions of Carellis deposition testimony regarding his status with the WPPD. III.Defendants are to address the following: A. Is there any authority for the proposition that the Court can inform the jury of facts by way of a prologue? Is not Plaintiff entitled to prove up the events leading up to the removal of the door at least to some extent, so that the jury has context for the events after the door was removed? If the Court is not going to give a factual prologue as Defendants request, would Defendants still wish to preclude any evidence regarding the events before the removal of the door? If not, what would their position be?B. I understand that Defendants position is that the shooting of Mr. Chamberlain was justified,but do Defendants dispute (as mentioned in item I.A.2 above) that Defendant Carelli acted intentionally in aiming at and shooting Mr. Chamberlain? C. On what subjects are Defendants planning to call experts?D. Do Defendants have a medical expert who would rebut Dr. Lerner or Dr. Wilditz if they are permitted to testify? E. What evidence do Defendants believe Plaintiff may offer

		on compensatory damages that is not coming in on liability anyway? Do Defendants plan to offer any evidence on compensatory damages that would not be admissible on liability? Apart from evidence as to Carellis financial situation, is there any evidence on punitive damages that would not be coming in on liability anyway? What is the City of White Plains policy with respect to indemnification for punitive damages? F. What is Carellis current status with the WPPD and what was it at the time of his deposition? IV. Defendants are to provide the following: A. Copies of WPPD CID worksheets P wishes to offer and to which Ds object. B. Copies of WPPD incident reports P wishes to offer and to which Ds object. C. Copy of WPPD Major Case Worksheet D. Copies of expert reports of Dr. Wetli and Mr. Monaghan. (Signed by Judge Cathy Seibel on 10/24/2016) (fk) (Entered: 10/24/2016)
10/24/2016	<u>178</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY (SEE <u>179</u> Letter Motion)</b> – LETTER MOTION for Extension of Time <i>to file oppositions</i> addressed to Judge Cathy Seibel from Debra S. Cohen & Randolph M. McLaughlin dated October 24, 2016. Document filed by Kenneth Chamberlain, Jr. (Cohen, Debra) Modified on 10/26/2016 (db). (Entered: 10/24/2016)
10/24/2016	<u>179</u>	LETTER MOTION for Extension of Time <i>to file oppositions</i> addressed to Judge Cathy Seibel from Debra S. Cohen & Randolph M. McLaughlin dated October 24, 2016. Document filed by Kenneth Chamberlain, Jr. (Cohen, Debra) (Entered: 10/24/2016)
10/24/2016	180	ORDER granting <u>179</u> Letter Motion for Extension of Time: I don't need objections to proposed voir dire questions. In a day or two I will be sending the parties the questions I intend to ask, and if there's anything in there (or not in there) about which the parties feel strongly, they can raise it at the final pre-trial conference which is now Oct. 31. As for objections to proposed requests to charge, brief letters could be helpful, but I don't need them tomorrow. I think it makes sense to wait until I rule on the motions in limine, so the parties should submit brief letters (if they wish) on the other side's proposed jury instructions by Nov. 2. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 10/24/2016)
10/24/2016	181	ORDER granting <u>178</u> Letter Motion for Extension of Time: I don't need objections to proposed voir dire questions. In a day or two I will be sending the parties the questions I intend to ask, and if there's anything in there (or not in there) about which the parties feel strongly, they can raise it at the final pre-trial conference which is now Oct. 31. As for objections to proposed requests to charge, brief letters could be helpful, but I don't need them tomorrow. I think it makes sense to wait until I rule on the motions in limine, so the parties should submit brief letters (if they wish) on the other side's proposed jury instructions by Nov. 2. (HEREBY ORDERED by Judge Cathy Seibel)(Text Only Order) (Seibel, Cathy) (Entered: 10/24/2016)
10/26/2016	<u>182</u>	LETTER MOTION for Leave to File Amended Joint Pretrial Order addressed to Judge Cathy Seibel from Debra S. Cohen & Randolph M. McLaughlin dated October 26, 2016. Document filed by Kenneth Chamberlain, Jr. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Cohen, Debra) (Entered: 10/26/2016)
10/26/2016	<u>183</u>	LETTER addressed to Judge Cathy Seibel from Debra S. Cohen & Randolph M. McLaughlin dated October 26, 2016 re: Court's Order re pending motions in limine. Document filed by Kenneth Chamberlain, Jr. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Cohen, Debra) (Entered: 10/26/2016)
10/26/2016	<u>184</u>	RESPONSE to Motion re: <u>157</u> MOTION in Limine . <i>Response to Court's 10-24-16 Order</i> . Document filed by City of White Plains. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Loomba, Lalit) (Entered: 10/26/2016)
10/26/2016	<u>185</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU –</b> MOTION in Limine <i>Letter addressed to Judge Cathy Seibel in re support of motion in limine</i> . Document filed by Anthony Carelli. (Quinn, Andrew) Modified on 10/27/2016 (db). (Entered: 10/26/2016)

10/26/2016	<u>186</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Randolph M. McLaughlin dated 10/25/16 re: raising concerns regarding the Court's draft Voir Dire Form and Summary of Case document. ENDORSEMENT: We will discuss these issues at the final pre-trial conference. My rulings on the motions as to what evidence may be introduced and what arguments may be made may well inform the parties' positions regarding the voir dire, or at least will enable them to better understand my proposed questions. So Ordered. (Signed by Judge Cathy Seibel on 10/26/16) (yv) (Entered: 10/27/2016)
10/26/2016	<u>187</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Debra S. Cohen dated 10/26/16 re: request to file a revised Joint Pretrial Order. ENDORSEMENT: Defendants are directed to respond to this letter by Friday morning. Plaintiff is requested to send the Court a copy of the 9/12/16 transcript (by email is fine). So Ordered. (Signed by Judge Cathy Seibel on 10/26/16) (yv) (Entered: 10/27/2016)
10/27/2016		<b>***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Andrew C Quinn to RE-FILE Document <u>185</u> MOTION in Limine Letter addressed to Judge Cathy Seibel in re support of motion in limine. Use the event type Letter found under the event list Other Documents. (db)</b> (Entered: 10/27/2016)
10/27/2016	<u>188</u>	LETTER addressed to Judge Cathy Seibel from Andrew C. Quinn dated 10/27/2016 re: pending motions in limine. Document filed by Anthony Carelli.(Quinn, Andrew) (Entered: 10/27/2016)
10/28/2016	<u>189</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba dated October 28, 2016 re: plaintiff's letter motion to amend pre-trial order. Document filed by City of White Plains.(Loomba, Lalit) (Entered: 10/28/2016)
10/28/2016	<u>190</u>	LETTER addressed to Judge Cathy Seibel from Andrew C. Quinn, Esq. dated October 28, 2016 re: Plaintiff's Letter motion to Amend Joint Pretrial Order. Document filed by Anthony Carelli.(Quinn, Andrew) (Entered: 10/28/2016)
10/28/2016	<u>191</u>	LETTER addressed to Judge Cathy Seibel from Debra S. Cohen & Randolph M. McLaughlin dated October 28, 2016 re: Defendant City's response to Plaintiff's letter motion to amend pretrial order. Document filed by Kenneth Chamberlain, Jr.(Cohen, Debra) (Entered: 10/28/2016)
10/28/2016	<u>192</u>	SUPPLEMENTAL LETTER addressed to Judge Cathy Seibel from Debra S. Cohen & Randolph M. McLaughlin dated October 28, 2016 re: Defendant City's response to Plaintiff's letter motion to amend pretrial order. Document filed by Kenneth Chamberlain, Jr.(Cohen, Debra) (Entered: 10/28/2016)
10/31/2016	<u>193</u>	TRANSCRIPT of Proceedings re: Motion Hearing held on 9/12/2016 before Judge Cathy Seibel. Court Reporter/Transcriber: Angela O'Donnell, (914) 390-4025. 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 11/25/2016. Redacted Transcript Deadline set for 12/5/2016. Release of Transcript Restriction set for 2/1/2017.(yv) (Entered: 11/01/2016)
11/01/2016	<u>194</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba dated 10/27/2016 re: Mr. Applebaum and two associates will be visiting the Courthouse tomorrow per an arrangement made with Ms. Cama. They will be bringing the following list of equipment for tomorrow: (i) 4200 Lumen projector with short throw lens; (ii) projection screen; (iii) 8 Channel Audio Mixer; (iv) Anchor-powered speaker system; (v) 7 16inch HD Monitors; (vi) 2 1x4 HDMI Powered Splitters; (vii) Roland V-40HD Computer/Video Switcner w/ monitor, and (viii) general back up equipment. ENDORSEMENT: Application Granted. (Signed by Judge Cathy Seibel on 11/1/2016) (rj) (Entered: 11/01/2016)
11/01/2016	<u>195</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Debra S. Cohen dated 11/1/16 re: request that the Court So Order letter to provide authority for Ms. Sullivan to bring her laptop into the Courthouse on November 2, 2016. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge Cathy Seibel on 11/1/16) (yv) (Entered: 11/02/2016)

11/02/2016	<u>196</u>	LETTER addressed to Judge Cathy Seibel from Debra S. Cohen & Randolph M. McLaughlin dated November 2, 2016 re: requested letter re spectator attire and site visit. Document filed by Kenneth Chamberlain, Jr. (Attachments: # <u>1</u> Exhibit 1)(Cohen, Debra) (Entered: 11/02/2016)
11/02/2016	<u>197</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba dated November 2, 2016 Document filed by City of White Plains.(Loomba, Lalit) (Entered: 11/02/2016)
11/02/2016	<u>198</u>	LETTER addressed to Judge Cathy Seibel from Andrew C. Quinn dated November 2, 2016 re: Courtroom attire and jury site visit. Document filed by Anthony Carelli.(Quinn, Andrew) (Entered: 11/02/2016)
11/04/2016	<u>199</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Andrew C. Quinn, dated 11/4/2016, re: Counsel for Defendant Police Officer Anthony Carelli writes to request that the Court allow Officer Carelli to enter the Courthouse via an alternative entrance to be determined by the judgment of the US Marshal's Service. ENDORSEMENT: I am not authorizing any special arrangements for Officer Carelli at this time. If it turns out that he cannot get in and out of the building safely, I will revisit. (Having to go past protestors will not suffice – only if there is a safety issue, which I do not anticipate, as thus far all spectators and protesters have been peaceful – and I expect that to continue to be the case.) (Signed by Judge Cathy Seibel on 11/4/2016) (Inl) (Entered: 11/04/2016)
11/04/2016	<u>200</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba, dated 11/4/2016, re: Counsel writes to request that the Court So Order this letter to provide authority for Mr. Appelbaum and his team to bring the equipment listed in this letter into the Courthouse. ENDORSEMENT: SO ORDERED. (Signed by Judge Cathy Seibel on 11/4/2016) (Inl) (Entered: 11/04/2016)
11/04/2016	<u>201</u>	ORDER re: <u>197</u> Letter filed by City of White Plains, <u>196</u> Letter, filed by Kenneth Chamberlain, Jr., <u>198</u> Letter filed by Anthony Carelli. The parties have submitted letters on the issue of attire and expression of courtroom spectators, and on the issue of a visit to the site of the shooting. (Docs.196–198.) On the issue of spectator attire, I cannot formulate a ruling that will cover every possibility, but rather will consider issues in context as they arise. To my knowledge, no spectator has worn anything depicting Mr. Chamberlain, Sr. or expressing any political or social view, and I would not expect anyone who has not seen fit to do so in previous visits to Court to begin doing so once the jury is present. If they or others do wear something that risks influencing the jury, I will require them to take it off or leave the courtroom. But there is a large range between, for example, a small black lapel ribbon that indicates mourning and a shirt or hat with a liability–assuming message in large letters. Therefore I will not try to micromanage the issue in advance, particularly because it may well not even come up. On the issue of a site visit, the parties should be prepared to show me (on Monday, November 7, 2016, if time permits) or to give me copies of, the photos, videos, floor plans, etc. of the hallway and apartment that will be available to the jury. I may then schedule a visit to the area myself to determine if seeing it in person would add anything helpful to the jury. SO ORDERED. (Signed by Judge Cathy Seibel on 11/4/16) (yv) (Entered: 11/04/2016)
11/07/2016		Minute Entry for proceedings held before Judge Cathy Seibel: Voir Dire held on 11/7/2016. (Court Reporter Sabrina D'Emidio and Angela O'Donnell) (fk) (Entered: 11/18/2016)
11/07/2016		Minute Entry for proceedings held before Judge Cathy Seibel: Jury Selection held on 11/7/2016 and Jury Trial Begun. (Court Reporter Sabrina D'Emidio and Angela O'Donnell) (fk) (Entered: 11/18/2016)
11/09/2016		Minute Entry for proceedings held before Judge Cathy Seibel: Jury Trial held on 11/9/2016. (Court Reporter Sabrina D'Emidio and Christina Arends–Deick) (fk) (Entered: 11/18/2016)
11/10/2016		Minute Entry for proceedings held before Judge Cathy Seibel: Jury Trial held on 11/10/2016. (Court Reporter Sabrina D'Emidio and Christina Arends–Dieck) (fk) (Entered: 11/18/2016)



11/11/2016	<u>202</u>	LETTER addressed to Judge Cathy Seibel from Debra S. Cohen dated November 11, 2016 re: Assault claim. Document filed by Kenneth Chamberlain, Jr. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Cohen, Debra) (Entered: 11/11/2016)
11/13/2016	<u>203</u>	LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba dated November 13, 2016 re: Opposition to plaintiff's letter motion. Document filed by City of White Plains.(Loomba, Lalit) (Entered: 11/13/2016)
11/14/2016	<u>204</u>	ENDORSED LETTER addressed to Judge Cathy Seibel from Lalit K. Loomba dated 11/8/16 re: request that the Court So Order this letter to provide authority for Mr. Guidry to bring his Verizon 4GLTE (hotspot) cellphone into the Courthouse. ENDORSEMENT: Mr. Guidry shall be bound by the requirements of Standing Order 14MISC47 dated 2/27/14. So Ordered. (Signed by Judge Cathy Seibel on 11/8/16) (yv) (Entered: 11/14/2016)
11/14/2016		Minute Entry for proceedings held before Judge Cathy Seibel: Jury Trial held on 11/14/2016. (Court Reporter Angela O'Donnell) (fk) (Entered: 11/18/2016)
11/15/2016	<u>205</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 10/31/2016 before Judge Cathy Seibel. Court Reporter/Transcriber: Albert Gorn, 914-390-4222. 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 12/9/2016. Redacted Transcript Deadline set for 12/19/2016. Release of Transcript Restriction set for 2/16/2017.(McGuirk, Kelly) (Entered: 11/15/2016)
11/15/2016	<u>206</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 10/31/16 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: 11/15/2016)
11/15/2016	<u>207</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 11/1/2016 before Judge Cathy Seibel. Court Reporter/Transcriber: Albert Gorn, 914-390-4222. 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 12/9/2016. Redacted Transcript Deadline set for 12/19/2016. Release of Transcript Restriction set for 2/16/2017.(McGuirk, Kelly) (Entered: 11/15/2016)
11/15/2016	<u>208</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 11/1/16 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: 11/15/2016)
11/15/2016		Minute Entry for proceedings held before Judge Cathy Seibel: Jury Trial held on 11/15/2016. (Court Reporter Angela O'Donnell) (fk) (Entered: 11/18/2016)
11/16/2016		Minute Entry for proceedings held before Judge Cathy Seibel: Jury Trial held on 11/16/2016. (Court Reporter Angela O'Donnell) (fk) (Entered: 11/18/2016)
11/17/2016	<u>209</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 11/3/2016 before Judge Cathy Seibel. Court Reporter/Transcriber: Albert Gorn, 914-390-4222. 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 12/12/2016. Redacted Transcript Deadline set for 12/22/2016. Release of Transcript Restriction set for 2/18/2017.(McGuirk, Kelly) (Entered: 11/17/2016)
11/17/2016	<u>210</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 11/3/16 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: 11/17/2016)
11/17/2016		Minute Entry for proceedings held before Judge Cathy Seibel: Jury Trial completed on 11/17/2016. The jury returns a verdict in favor of defendants. (Court Reporter Angela O'Donnell) (fk) (Entered: 11/18/2016)
11/17/2016		JURY VERDICT. The jury returned a verdict in favor of Defendants. The Clerk of the Court is respectfully directed to enter Judgment in favor of Defendants.(fk) (Entered: 11/18/2016)
11/18/2016	<u>211</u>	<b>FILING ERROR – NO ORDER SELECTED FOR APPEAL – NOTICE OF APPEAL.</b> Document filed by Kenneth Chamberlain, Jr. Filing fee \$ 505.00, receipt number 0208–13007145. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Attachments: # <u>1</u> Exhibit Opinion and Order on Motion to Dismiss, # <u>2</u> Exhibit Transcript of oral decision on Summary Judgment)(McLaughlin, Randolph) Modified on 11/21/2016 (tp). (Entered: 11/18/2016)
11/21/2016		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT APPEAL. Notice to attorney McLaughlin, Randolph to RE–FILE Document No. <u>211</u> Notice of Appeal. The filing is deficient for the following reason(s): the order/judgment being appealed was not selected. Re–file the appeal using the event type Corrected Notice of Appeal found under the event list Appeal Documents – attach the correct signed PDF – select the correct named filer/filers – select the correct order/judgment being appealed.</b> (tp) (Entered: 11/21/2016)
11/22/2016	<u>212</u>	JUDGMENT: ORDERED, ADJUDGED AND DECREED: That judgment is hereby entered in favor of defendants Anthony Carelli and the City of White Plains, and the Complaint be and it is hereby dismissed. (Signed by Judge Cathy Seibel and Clerk of Court Ruby Krajick on 11/21/2016) (mml) (Entered: 11/22/2016)
11/22/2016	<u>213</u>	CORRECTED NOTICE OF APPEAL re: <u>211</u> Notice of Appeal, <u>212</u> Clerk's Judgment, <u>78</u> Memorandum & Opinion, Set Deadlines/Hearings, Add and Terminate Parties,,,,,,,,,,,,,,,,,,,,,. Document filed by Kenneth Chamberlain, Jr. (Attachments: # <u>1</u> Exhibit Opinion and Order on Motion to Dismiss, # <u>2</u> Exhibit Transcript of oral decision on Summary Judgment, # <u>3</u> Exhibit Judgment)(McLaughlin, Randolph) (Entered: 11/22/2016)
11/22/2016		Appeal Fee Paid electronically via Pay.gov: for <u>213</u> Corrected Notice of Appeal. Filing fee \$ 505.00. Pay.gov receipt number 0208–13007145, paid on 11/18/2016. (tp) (Entered: 11/22/2016)
11/22/2016		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>213</u> Corrected Notice of Appeal. (tp) (Entered: 11/22/2016)
11/22/2016		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>213</u> Corrected Notice of Appeal, filed by Kenneth Chamberlain, Jr. were transmitted to the U.S. Court of Appeals. (tp) (Entered: 11/22/2016)