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U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:06-cv-05169-DLI-CLP

McNamara v. Kaye et al
Assigned to: Chief Judge Dora Lizette Irizarry
Referred to: Magistrate Judge Cheryl L. Pollak
Cause: 42:1983 Civil Rights Act

Date Filed: 09/25/2006
Date Terminated: 08/18/2008
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Maureen McNamara

represented by **Michael D. Diederich , Jr.**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Chief Judge Judith Kaye
New York Court of Appeals

represented by **Monica Anne Connell**
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Defendant

Presiding Justice A. Gail Prudenti
Appellate Division of the N.Y.S. Supreme Court (Second Department)

represented by **Monica Anne Connell**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Amy L. Abramowitz
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Grievance Committee 9th Judicial District**

represented by **Monica Anne Connell**
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*LEAD ATTORNEY
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Amy L. Abramowitz
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Gloria Bunze**

represented by **Monica Anne Connell**
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Amy L. Abramowitz
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Defendant**Gary L. Casella***its Attorneys "John Doe and Jane Doe" individually*

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Defendant**State of New York**

represented by **Monica Anne Connell**
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Amy L. Abramowitz
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/25/2006	1	COMPLAINT against Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York \$ 350, filed by Maureen McNamara. (Attachments: # 1 Civil Cover Sheet)(Bowens, Priscilla) (Entered: 09/26/2006)
09/25/2006		Summons Issued as to Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York. (Bowens, Priscilla) (Entered: 09/26/2006)

		09/26/2006)
01/17/2007	2	STATUS REPORT ORDER: No action has been taken by any party in this case since SEPTEMBER 25, 2006. The parties are directed to provide a status report to this Court within thirty (30) days of the date of this Order. If no such report is received, this Court will recommend that the case be dismissed for lack of prosecution. Ordered by Judge Cheryl L. Pollak on 1/17/07. (Caggiano, Diana) (Entered: 01/17/2007)
01/19/2007		ORDER. Plaintiff's request for an additional 5 months to effectuate service upon defendants is denied. Plaintiff's counsel is directed to file via ECF the underlying request that he faxed on January 18, 2007. Ordered by Judge Nina Gershon on 1/19/07. (O'Neill, Melissa) (Entered: 01/19/2007)
01/22/2007	3	MOTION for Extension of Time to File <i>to Serve Complaint FRCP Rule 4(m)</i> by Maureen McNamara. (Diederich, Michael) (Entered: 01/22/2007)
02/09/2007	4	NOTICE of Appearance by Monica Anne Connell on behalf of all defendants (Connell, Monica) (Entered: 02/09/2007)
02/09/2007	5	Letter MOTION for Extension of Time to File Answer <i>or Motion to Dismiss</i> by all defendants. (Connell, Monica) (Entered: 02/09/2007)
02/09/2007	6	NOTICE of Appearance by Monica Anne Connell on behalf of all defendants (Connell, Monica) (Entered: 02/09/2007)
02/09/2007	7	ENDORSED LETTER ORDER granting 5 RULING - Request Granted. Ordered by JudgeCheryl L. Pollak on 2/9/07. (Caggiano, Diana) (Entered: 02/09/2007)
02/28/2007	8	SCHEDULING ORDER: An initial conference has been scheduled in the above-captioned case on APRIL 10, 2007 at 10:00 a.m., before the Honorable Cheryl L. Pollak. Ordered by Judge Cheryl L. Pollak on 2/28/07. (Caggiano, Diana) (Entered: 02/28/2007)
03/19/2007	9	Letter MOTION for Extension of Time to File Answer re 1 Complaint by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York. (Connell, Monica) (Entered: 03/19/2007)
03/20/2007	10	ENDORSED LETTER ORDER granting 9 RULING - Request Granted. Conference adjourned to 4/23/07 @ 10:00 AM. Ordered by Judge Cheryl L. Pollak on 3/20/07. (Caggiano, Diana) (Entered: 03/20/2007)
03/21/2007		Judge Dora Lizette Irizarry added. Judge Nina Gershon no longer assigned to case. (Brown, Marc) (Entered: 03/21/2007)
04/04/2007	11	Letter MOTION for Leave to File <i>Motion to Dismiss/Requesting Pre-Motion Conference</i> by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York. (Connell, Monica) (Entered: 04/04/2007)
04/05/2007		ELECTRONIC ORDER denying 11 Motion for Leave to File: The Court notes that as of March 21, 2007 this case was reassigned from Judge Gershon to the undersigned district judge; Judge Gershon is no longer assigned to this case. Per this Court's Individual Rules a premotion conference is not needed for a 12(b) motion to dismiss in lieu of answer. Therefore, the request for a premotion conference is denied. The parties are hereby ordered to confer with one another and to reach an agreement as to a briefing schedule. That proposed schedule must be submitted to the Court, via ecf, for approval no later than April 19, 2007. So Ordered by JudgeDora Lizette Irizarry on 4/5/2007. (Irizarry, Dora) (Entered: 04/05/2007)
04/13/2007	12	Letter <i>setting forth briefing schedule for defendants' motion to dismiss, pursuant to April 5, 2007 direction of the Court</i> by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York (Connell, Monica) (Entered: 04/13/2007)
04/17/2007		ELECTRONIC ORDER re 12 Letter, filed by A. Gail Prudenti, Grievance Committee 9th Judicial District, Gary L. Casella, State of New York, Judith Kaye, Gloria Bunze -- The proposed briefing schedule is approved. So Ordered by Judge Dora Lizette Irizarry on 4/17/2007. (Irizarry, Dora) (Entered: 04/17/2007)
04/18/2007	13	MOTION to Dismiss by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York.Responses due by 5/18/2007 (Attachments: # 1 Exhibit A# 2 Exhibit B-H) (Connell, Monica) (Entered: 04/18/2007)
04/18/2007	14	MEMORANDUM in Support re 13 MOTION to Dismiss by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York. (Connell, Monica) (Entered: 04/18/2007)
04/18/2007		ORDER terminating 3 Motion for Extension of Time to File -- motion was denied by Hon. Nina Gershon on January 19, 2007. Ordered by Judge Dora Lizette Irizarry on 04/18/07. (Irizarry, Dora) (Entered: 04/18/2007)
04/18/2007		ORDER striking Defendants' 13 Motion to Dismiss --- Defendants' motion to dismiss is stricken from the record without prejudice to refile in adherence to the Individual Rules and Practices of the undersigned, which may be found on the court's website. With limited exceptions not applicable here, all parties must follow the bundle rule when filing motions. Movant is responsible for filing all motion papers, including the adversary's responses, on the final date of the motion schedule. All motions must be filed electronically, via ECF, and a hard courtesy copy of all papers provided to chambers. All parties are required to familiarize themselves with and adhere to the court's Individual Rules and Practices. SO ORDERED by Judge Dora Lizette Irizarry on 04/18/07. (Irizarry, Dora) (Entered: 04/18/2007)
06/14/2007	15	Letter <i>advising of case status</i> by Maureen McNamara (Diederich, Michael) (Entered: 06/14/2007)

06/15/2007	16	ENDORSED LETTER ORDER re 15 RULING - Conference scheduled for 7/25/07 @ 9:30 AM. Ordered by Judge Cheryl L. Pollak on 6/15/07. (Caggiano, Diana) (Entered: 06/15/2007)
06/21/2007	17	AMENDED COMPLAINT against all defendants, filed by Maureen McNamara. (Diederich, Michael) (Entered: 06/21/2007)
07/25/2007	18	Minute Entry: Initial Conference Hearing held on 7/25/2007 before MJ Cheryl L. Pollak. Defendant to file supplement to original briefs on motion to dismiss to deal with amended Complaint issues by 8/31. Plaintiff to respond by 9/28. Reply 10/19. (Capobianco, Jean) (Entered: 07/25/2007)
08/29/2007	19	NOTICE of Appearance by Amy L. Abramowitz on behalf of all defendants (aty to be noticed) (Abramowitz, Amy) (Entered: 08/29/2007)
08/29/2007	20	First MOTION for Extension of Time to File Response/Reply as to 18 Initial Conference Hearing, <i>Letter requesting extension of time to respond to Amended Complaint and setting forth briefing schedule</i> by all defendants. (Abramowitz, Amy) (Entered: 08/29/2007)
08/31/2007	21	ENDORSED LETTER ORDER granting 20 Motion for Extension of Time to File Papers due 9/28/07. Responses due by 10/26/2009. Replies due by 11/16/2007. Ordered by Judge Cheryl L. Pollak on 8/30/07. (Caggiano, Diana) (Entered: 08/31/2007)
09/26/2007	22	STIPULATION re 18 Initial Conference Hearing, <i>Letter stipulation, on behalf of all parties, extending briefing schedule regarding Amended Complaint</i> by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York (Abramowitz, Amy) (Entered: 09/26/2007)
09/28/2007	23	ENDORSED LETTER ORDER re 22 RULING - Request Granted. Ordered by Judge Cheryl L. Pollak on 9/27/07. (Caggiano, Diana) (Entered: 09/28/2007)
12/21/2007	24	First MOTION for Extension of Time to File Response/Reply <i>State Defendants' Reply Memorandum of Law in Further Support of Their Motion to Dismiss the Amended Complaint</i> by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York. (Abramowitz, Amy) (Entered: 12/21/2007)
12/28/2007		ORDER granting in part and denying in part 24 Motion for Extension of Time to File State Defendants' Reply Memorandum of Law in Further Support of Their Motion to Dismiss the Amended Complaint - On consent, defendant's request for an extension until January 8, 2008 to serve their reply to plaintiff's opposition to defendant's motion to dismiss is GRANTED. HOWEVER, the request for leave to file a reply brief in excess of ten pages is DENIED. Moreover, despite the fact that the parties have previously been admonished to abide by the undersigned's Individual Rules and Practices, the parties continue to disregard them. Requests for extensions of briefing schedules are to be made by LETTER NOT MOTION. In addition, the parties waited until the eve of a major holiday to file a request for an extension when it should have been apparent when plaintiff undertook to unilaterally and without permission of the court to ignore the deadline, that defendants might need more time to reply. Were it not for the availability of electronic access and filing, the request could not have been responded to as the undersigned is not sitting until January 7. The request to file an oversized reply brief is denied as defendants could have and should have anticipated any such arguments. Defendants shall file the fully briefed motion and provide hard courtesy copies thereof to chambers on or before January 9, 2008. SO ORDERED by Judge Dora Lizette Irizarry on 12/28/07. (Irizarry, Dora) (Entered: 12/28/2007)
01/08/2008	25	Notice of MOTION to Dismiss <i>the Amended Complaint</i> by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York. (Abramowitz, Amy) (Entered: 01/08/2008)
01/08/2008	26	AFFIDAVIT in Support of <i>Defendants' Motion to Dismiss the Amended Complaint with Exhibits A - H</i> by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York. (Attachments: # 1 Exhibit A - Amended Complaint, # 2 Exhibits B - H) (Abramowitz, Amy) (Entered: 01/08/2008)
01/08/2008	27	MEMORANDUM in Support of <i>Defendants' Motion to Dismiss the Amended Complaint</i> filed by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York. (Abramowitz, Amy) (Entered: 01/08/2008)
01/08/2008	28	MEMORANDUM in Opposition to <i>Defendants' Motion to Dismiss the Amended Complaint</i> filed by Maureen McNamara. (Abramowitz, Amy) (Entered: 01/08/2008)
01/08/2008	29	REPLY in Support of <i>Defendants' Motion to Dismiss the Amended Complaint</i> filed by Judith Kaye, A. Gail Prudenti, Grievance Committee 9th Judicial District, Gloria Bunze, Gary L. Casella, State of New York. (Abramowitz, Amy) (Entered: 01/08/2008)
08/13/2008	30	ORDER GRANTING Defendant's 25 Motion to Dismiss -- For the reasons set forth in the ATTACHED WRITTEN MEMORANDUM AND ORDER, defendants' motion to dismiss is granted in its entirety. Accordingly, this action is DISMISSED with prejudice and without attorneys' fees or costs to any party. The Clerk of the Court is directed to close the file maintained in this matter. SO ORDERED by Judge Dora Lizette Irizarry on 08/13/08. (Irizarry, Dora) (Entered: 08/13/2008)
08/18/2008	31	CLERK'S JUDGMENT in favor of Grievance Committee 9th Judicial District, A. Gail Prudenti, Gary L. Casella, Gloria Bunze, Judith Kaye against Maureen McNamara. ORDERED and ADJUDGED that plaintiff take nothing of the defts.; that defts' motion to dismiss is granted in its entirety; that the complaint is dismissed. (So Ordered by Robert C. Heinemann, Clerk of Court on 8/14/08). C/M-w/Appeals pkg. (Layne, Monique) (Entered: 08/18/2008)
09/17/2008	32	NOTICE OF APPEAL by Maureen McNamara. Filing fee \$ 455, receipt number 0207000000003140630. (Diederich, Michael) (Entered: 09/17/2008)
09/17/2008	33	Subsequent NOTICE OF APPEAL as to 31 Clerk's Judgment, by Maureen McNamara. Filing fee paid - \$455.00 For receipt# see entry 32. NOA filed electronically. Service done via ECF. (McGee, Mary Ann) (Entered: 09/17/2008)

09/17/2008	Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. 16 Order, 4 Notice of Appearance, 13 Motion to Dismiss, 31 Clerk's Judgment, 5 Motion for Extension of Time to File Answer, 30 Order on Motion to Dismiss, 15 Letter, 32 Notice of Appeal, 7 Order on Motion for Extension of Time to Answer, 3 Motion for Extension of Time to File, 21 Order on Motion for Extension of Time to File Response/Reply, 10 Order on Motion for Extension of Time to Answer, 14 Memorandum in Support, 17 Amended Complaint, 27 Memorandum in Support, 1 Complaint, 20 Motion for Extension of Time to File Response/Reply, 12 Letter, 26 Affidavit in Support, 25 Motion to Dismiss, 8 Scheduling Order, 28 Memorandum in Opposition, 33 Subsequent Notice of Appeal, 11 Motion for Leave to File, 24 Motion for Extension of Time to File Response/Reply, 6 Notice of Appearance, 9 Motion for Extension of Time to File Answer, 22 Stipulation, 2 Status Report Order, 29 Reply in Support, 19 Notice of Appearance, 18 Initial Conference Hearing, 23 Order (McGee, Mary Ann) (Entered: 09/17/2008)
12/18/2009	34 MANDATE of USCA as to 32 Notice of Appeal filed by Maureen McNamara, 33 Subsequent Notice of Appeal filed by Maureen McNamara. It is Ordered that the judgment of the District Court is affirmed. Issued as Mandate: 12/07/98. USCA#08-4561-cv. (McGee, Mary Ann) (Entered: 12/29/2009)

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