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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-04053-DLC-KNF**

Weisshaus v. The State of New York et al
Assigned to: Judge Denise L. Cote
Referred to: Magistrate Judge Kevin Nathaniel Fox
Demand: \$9,999,000
Cause: 42:1983 Civil Rights Act

Date Filed: 04/30/2008
Date Terminated: 07/18/2010
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Gizella Weisshaus

represented by **Freddie Jay Berg**
Fred J. Berg Law Office
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New York, NY 10276
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ATTORNEY TO BE NOTICED

V.

Defendant

The State of New York

represented by **Monica Anne Connell**
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ATTORNEY TO BE NOTICED

Defendant

The Office of Court Administration of the Unified Court System

represented by **Monica Anne Connell**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Thomas J. Cahill
in his official capacity

represented by **Monica Anne Connell**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Thomas J. Cahill
in his individual capacity

represented by **Monica Anne Connell**
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ATTORNEY TO BE NOTICED

Defendant

Judith N. Stein
in her official capacity

represented by **Monica Anne Connell**
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ATTORNEY TO BE NOTICED

Defendant

Judith N. Stein
in her individual capacity

represented by **Monica Anne Connell**
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Defendant

Hal R. Lieberman
in his official capacity

represented by **Monica Anne Connell**
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ATTORNEY TO BE NOTICED

Defendant

Hal R. Lieberman
in his individual capacity

represented by **Monica Anne Connell**
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Defendant

Edward D. Fagan

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PRO SE

Defendant

John Does
1-20

Defendant

Jane Does
1-20

Defendant

Alan W. Friedberg
in his official and individual capacity

represented by **Monica Anne Connell**
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ATTORNEY TO BE NOTICED

Defendant

Saul E. Feder
TERMINATED: 08/20/2009

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Defendant

Mel Urbach

TERMINATED: 08/20/2009

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Edward D. Fagan

represented by **Edward D. Fagan**
(See above for address)
PRO SE

V.

Counter Defendant

Gizella Weissshaus

represented by **Gizella Weissshaus**
203 Wilson Street
Brooklyn, NY 11211
PRO SE

Freddie Jay Berg
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Edward D. Fagan

represented by **Edward D. Fagan**
(See above for address)
PRO SE

V.

Counter Defendant

Gizella Weissshaus

represented by **Gizella Weissshaus**
(See above for address)
PRO SE

Freddie Jay Berg
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text

04/30/2008	1	COMPLAINT against Edward D. Fagan, John Does, Jane Does, The State of New York, The Office of Court Administration of the Unified Court System, Thomas J. Cahill(in his official capacity), Thomas J. Cahill(in his individual capacity), Judith N. Stein(in her official capacity), Judith N. Stein(in her individual capacity), Hal R. Lieberman(in his official capacity), Hal R. Lieberman(in his individual capacity). (Filing Fee \$ 350.00, Receipt Number 649405)Document filed by Gizella Weisshaus.(mbe) (Entered: 05/02/2008)
04/30/2008		SUMMONS ISSUED as to Edward D. Fagan, John Does, Jane Does, The State of New York, The Office of Court Administration of the Unified Court System, Thomas J. Cahill(in his official capacity), Thomas J. Cahill(in his individual capacity), Judith N. Stein(in her official capacity), Judith N. Stein(in her individual capacity), Hal R. Lieberman(in his official capacity), Hal R. Lieberman(in his individual capacity). (mbe) (Entered: 05/02/2008)
04/30/2008		CASE REFERRED TO Judge Shira A. Scheindlin as possibly related to 1:07-cv-9599. (mbe) (Entered: 05/02/2008)
05/09/2008	2	NOTICE OF CASE ASSIGNMENT to Judge Denise L. Cote. Judge Unassigned is no longer assigned to the case. (laq) (Entered: 05/12/2008)
05/09/2008		Magistrate Judge Douglas F. Eaton is so designated. (laq) (Entered: 05/12/2008)
05/12/2008		CASE DECLINED AS NOT RELATED. Case referred as related to 1:07-cv-9599 and declined by Judge Shira S. Scheindlin and returned to wheel for assignment. (laq) (Entered: 05/12/2008)
05/12/2008		Mailed notice to the attorney(s) of record. (laq) (Entered: 05/12/2008)
09/03/2008	3	ORDER: The Plaintiff shall communicate with the Court, in writing, as to why plaintiff has failed to serve the summons and complaint within the 120 days prescribed by Rule 4(m) of the F.R.C.P., or if you believe that the defendant(s) has/have been served, when and in what manner such service was made. If we do not receive any communication from you by 10/3/08, showing good cause why such service was not made within the 120 days, the Court will dismiss the case. In addition, in the event that your address changes, please be sure to inform the Court of your new address. Failure to do so may result in dismissal of your lawsuit. (Signed by Judge Denise L. Cote on 9/3/08) Copies Mailed By Chambers.(tro) (Entered: 09/04/2008)
09/29/2008	4	AMENDED COMPLAINT amending 1 Complaint,, against Alan W. Friedberg, Saul E. Feder, Mel Urbach, Edward D. Fagan, John Does, Jane Does, The State of New York, The Office of Court Administration of the Unified Court System, Thomas J. Cahill(in his official capacity), Thomas J. Cahill(in his individual capacity), Judith N. Stein(in her official capacity), Judith N. Stein(in her individual capacity), Hal R. Lieberman(in his official capacity), Hal R. Lieberman(in his individual capacity). Document filed by Gizella Weisshaus. Related document: 1 Complaint,, filed by Gizella Weisshaus.(dle) (Entered: 09/30/2008)
09/29/2008		MEMORANDUM TO THE DOCKET CLERK: an Amended Summons issued on 9/29/08, by the Pro Se Office. (cd) (Entered: 10/06/2008)
10/22/2008	5	ORDER: That plaintiff shall serve the summons and amended complaint on all defendants by December 19, 2008. IT IS FURTHER ORDERED that the defendants shall have until January 16, 2009 to answer, move to dismiss, or otherwise respond to the amended complaint. IT IS FURTHER ORDERED that failure to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, dismissal of the action, the entry of judgment by default, or such other action as may be just under the circumstances. Edward D. Fagan answer due 1/16/2009; John Does answer due 1/16/2009; Jane Does answer due 1/16/2009; The State of New York answer due 1/16/2009; Alan W. Friedberg answer due 1/16/2009; Saul E. Feder answer due 1/16/2009; Mel Urbach answer due 1/16/2009; The Office of Court Administration of the Unified Court System answer due 1/16/2009; Thomas J. Cahill(in his official capacity) answer due 1/16/2009; Thomas J. Cahill(in his individual capacity) answer due 1/16/2009; Judith N. Stein(in her official capacity) answer due 1/16/2009; Judith N. Stein(in her individual capacity) answer due 1/16/2009; Hal R. Lieberman(in his official capacity) answer due 1/16/2009; Hal R. Lieberman(in his individual capacity) answer due 1/16/2009.(Service due by 12/19/2008.) (Signed by Judge Denise L. Cote on 10/22/08) (db) (Entered: 10/22/2008)
10/22/2008	6	ORDER: Plaintiff shall serve the summons and amended complaint on all defendants by December 19, 2008. It is hereby ordered that the defendants shall have until January 16, 2009 to answer, move to dismiss, or otherwise respond to the amended complaint. It is further ordered that failure to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, dismissal of the action, the entry of judgment by default, or such other action as may be just under the circumstances. (Signed by Judge Denise L. Cote on 10/22/2008) Copies Mailed By Chambers.(jpo) (Entered: 10/23/2008)
12/09/2008	7	NOTICE OF APPEARANCE by Thomas Arthur Leghorn on behalf of Saul E. Feder (Leghorn, Thomas) (Entered: 12/09/2008)
12/11/2008	9	AFFIDAVIT OF SERVICE of Summons and Amended Complaint. Edward D. Fagan served on 12/10/2008, answer due 1/16/2009; Judith N. Stein(in her official capacity) served on 11/17/2008, answer due 1/16/2009; Judith N. Stein(in her individual capacity) served on 11/17/2008, answer due 1/16/2009. Service was accepted by Edward Fagan, Judith N. Stein, Monica Connell, Hall Lieberman, Saul N. Feder, Thomas J. Cahill, The Office of Court Administration, Alan W. Friedberg Dept. of Disciplinary Comm., Mel Urbach, Disciplinary Committee, NYS Office of Court Administration, Attorney General of the State of New York. Document filed by Gizella Weisshaus. (tro) (Entered: 12/16/2008)
12/12/2008	8	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 12/29/2008 at 10:00 AM in Courtroom 11B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 12/12/2008) (jfe) (Entered: 12/12/2008)
12/28/2008	10	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - ANSWER to Amended Complaint., COUNTERCLAIM against Gizella Weisshaus. Document filed by

		Edward D. Fagan. Related document: 4 Amended Complaint,, filed by Gizella Weissshaus.(Fagan, Edward) Modified on 2/19/2009 (jar). (Entered: 12/28/2008)
12/28/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Edward Fagan to MANUALLY RE-FILE Document Answer, Document No. 10. This case is not ECF. (jar) (Entered: 02/19/2009)
12/29/2008	11	ORDER: Because there is no affidavit of service stating that the OTSC was served on defendants, it is hereby ordered that the OTSC is returned to plaintiff unsigned. (Signed by Judge Denise L. Cote on 12/29/2008) Copies Mailed By Chambers.(jpo) (Entered: 12/29/2008)
12/29/2008		Minute Entry for proceedings held before Judge Denise L. Cote: Pretrial Conference held on 12/29/2008. (mro) (Entered: 12/30/2008)
12/29/2008	27	ANSWER to Complaint., COUNTERCLAIM against Gizella Weissshaus. Document filed by Edward D. Fagan.(djc) (Entered: 02/02/2009)
01/05/2009	12	NOTICE OF APPEARANCE by Jonathan Robert Harwood on behalf of Mel Urbach (Harwood, Jonathan) (Entered: 01/05/2009)
01/07/2009	13	PRETRIAL SCHEDULING ORDER IN PRO SE ACTION: Defendants' motion to dismiss shall be submitted by 1/16/09. Plaintiff's opposition papers must be submitted by 2/13/09, and reply papers, if any, must be submitted by 2/27/09. Defendant Fagan's identification of experts and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), F.R.C.P., must occur by 4/17/09. Plaintiff's disclosure of rebuttal expert testimony must occur by 5/8/09. All fact discovery and expert discovery pertaining to the claims between the plaintiff and defendant Fagan must be completed by 6/26/09. Any summary judgment motion regarding the claims between the plaintiff and defendant Fagan shall be submitted by 7/17/09. If a motion is filed, opposition papers must be submitted by 8/14/09, and reply papers, if any, must be submitted by 9/4/09. A Notice for Pro Se Litigants Regarding Opposition to a Summary Judgment Motion is attached. If no motion for summary judgment is filed, plaintiff shall file a concise, written Pretrial Statement by 7/17/09 of her claims against defendant Fagan. Failure to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, dismissal of the action, the entry of judgment by default, or such other action as may be just in the circumstances. (Signed by Judge Denise L. Cote on 1/6/09) Copies Mailed By Chambers. (tro) (Entered: 01/07/2009)
01/14/2009	14	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> . Document filed by Saul E. Feder. (Attachments: # 1 Affidavit In support, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Affidavit of Service)(Leghorn, Thomas) Modified on 1/15/2009 (db). (Entered: 01/14/2009)
01/14/2009	15	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - MEMORANDUM OF LAW in Support re: 14 MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> . Document filed by Saul E. Feder. (Attachments: # 1 Affidavit of service)(Leghorn, Thomas) Modified on 1/15/2009 (db). (Entered: 01/14/2009)
01/14/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Thomas Arthur Leghorn to MANUALLY RE-FILE Document Motion to Dismiss, Document No. 14. This case is not ECF. (db) (Entered: 01/15/2009)
01/14/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Thomas Arthur Leghorn to MANUALLY RE-FILE Document Memorandum of Law in Support of Motion, Document No. 15. This case is not ECF. (db) (Entered: 01/15/2009)
01/16/2009	16	DECLARATION of Jonathan R. Harwood in Support re: 14 MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> . Document filed by Mel Urbach. (jmi) (Entered: 01/20/2009)
01/16/2009	17	MOTION to Dismiss. Document filed by The State of New York, Alan W. Friedberg, The Office of Court Administration of the Unified Court System, Thomas J. Cahill(in his official capacity), Thomas J. Cahill(in his individual capacity), Judith N. Stein(in her official capacity), Judith N. Stein(in her individual capacity), Hal R. Lieberman(in his official capacity), Hal R. Lieberman(in his individual capacity).(db) (Entered: 01/20/2009)
01/16/2009	18	MEMORANDUM OF LAW in Support re: 17 MOTION to Dismiss. Document filed by The State of New York, Alan W. Friedberg, The Office of Court Administration of the Unified Court System, Thomas J. Cahill(in his official capacity), Thomas J. Cahill(in his individual capacity), Judith N. Stein(in her official capacity), Judith N. Stein(in her individual capacity), Hal R. Lieberman(in his official capacity), Hal R. Lieberman(in his individual capacity). (db) (Entered: 01/20/2009)
01/16/2009	19	MEMORANDUM OF LAW in Support of Motion to Dismiss of Mel Urbach. Document filed by Mel Urbach. (jmi) (Entered: 01/21/2009)
01/16/2009	21	MEMORANDUM OF LAW in Support re: 17 MOTION to Dismiss. Document filed by Saul E. Feder. (ae) (Entered: 01/23/2009)
01/16/2009	24	NOTICE OF APPEARANCE by Monica Anne Connell on behalf of The State of New York, Alan W. Friedberg, Thomas J. Cahill(in his official capacity), Thomas J. Cahill(in his individual capacity), Judith N. Stein(in her official capacity), Judith N. Stein(in her individual capacity), Hal R. Lieberman(in his official capacity), Hal R. Lieberman(in his individual capacity) (jmi) (Entered: 01/29/2009)
01/16/2009	30	MOTION to Dismiss the plaintiff's amended complaint purs to FRCP 12(b)(5) and 12(b)(6); ad Motion dismissing the plaintiff's Amended complaint as the applicable statute of limitations has expired. MOTION holding that the defense of laches bars any injunctive relief. Attached is Affidavit in Support. Document filed by Saul E. Feder.(djc) (Entered: 02/11/2009)
01/21/2009	23	MOTION to Dismiss purs to Rule 12(b)(6) of the FRCP; MOTION awarding defendants the costs and disbursements of this action. Attached is Declaration of Jonathan R. Harwood. Document filed by Mel Urbach.(djc) (Entered: 01/28/2009)

01/22/2009	20	ORDER: It is hereby ORDERED that the OTSC is denied, without prejudice to refile following a decision on any motions to dismiss filed by defendants. (Signed by Judge Denise L. Cote on 1/21/2009) Copies Mailed By Chambers.l.(jfe) (Entered: 01/22/2009)
01/26/2009	22	NOTICE OF CHANGE OF ADDRESS by Edward Davis Fagan on behalf of Edward D. Fagan. New Address: Edward D. Fagan, 10 Ferncliff Terrace, Short Hills, NJ, USA 07078, (917) 239-4989. (Fagan, Edward) (Entered: 01/26/2009)
01/29/2009	25	NOTICE of Clerk's Certificate of Default of Plaintiff Weissshaus as to Defendant Fagan's Counterclaim re: 10 Answer to Amended Complaint, Counterclaim. Document filed by Edward D. Fagan. (Fagan, Edward) (Entered: 01/29/2009)
01/29/2009	26	REQUEST TO ENTER DEFAULT against Gizella Weissshaus (Plaintiff / Counter Defendant). Document filed by Edward D. Fagan.(Fagan, Edward) (Entered: 01/29/2009)
02/02/2009	28	ORDER: It is hereby ordered that Fagan shall file an Order to Show Cause for a default judgment by February 13, 2009. The order to show cause shall be made returnable for Friday, February 27, 2009 at 12:00 p.m. It is further ordered that the parties will direct all correspondence relating to this case to the Pro Se Clerk's Office at 500 Pearl Street, Room 230, New York, N.Y. 10007. (Signed by Judge Denise L. Cote on 2/2/2009) Copies Mailed By Chambers.(jpo) (Entered: 02/02/2009)
02/11/2009	29	ORDER: It is hereby ORDERED that plaintiff's opposition to defendants' motions to dismiss must be submitted by March 13, 2009. It is hereby ordered that reply papers, if any, must be filed by March 27, 2009. It is further ordered that if Fagan brings an Order to Show Cause for Entry of Default, he must submit a letter of no more than two pages by February 20, 2009, explaining 1) how service of his answer and counterclaims was made to plaintiff and 2) why his service method was sufficient under the law. (Signed by Judge Denise L. Cote on 2/11/2009) Copies Mailed By Chambers.(jpo) (Entered: 02/11/2009)
02/11/2009	32	NOTICE OF APPEARANCE by Thomas Arthur Leghorn on behalf of Saul E. Feder (dle) (Entered: 02/13/2009)
02/13/2009	31	ORDER TO SHOW CAUSE FOR REQUEST FOR ENTRY OF DEFAULT JUDGMENT filed by Edward D. Fagan. Gizella Weissshaus shall show cause as to why Default Judgment should not be issued on counterclaims, and as further set forth in this document. Other parties will be served by mail by 2/20/09. Show Cause Hearing set for 2/27/2009 at 12:00 PM in Courtroom 11B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 2/13/09) (cd) (Entered: 02/13/2009)
02/19/2009	35	DECLARATION of Edward D. Fagan re: 28 Order, Set Deadlines/Hearings,, 31 Order to Show Cause,. Document filed by Edward D. Fagan. (jmi) (Entered: 03/04/2009)
02/20/2009	33	ORDER IT IS HEREBY ORDERED that the hearing currently scheduled for 12:00 p.m. on Friday, February 27, 2009 shall instead occur at 11:00 a.m. on Thursday, February 26, 2009. IT IS FURTHER ORDERED that the parties will direct all correspondence relating to this case to the Pro Se Clerk's Office at 500 Pearl Street, Room 230, New York, NY 10007. IT IS FURTHER ORDERED that all future requests for extensions shall reflect whether the adversary consents to the request. Requests which do not comply may be refused. (Signed by Judge Denise L. Cote on 2/20/09) Copies Mailed By Chambers.(mme) (Entered: 02/20/2009)
02/26/2009	34	ORDER: that Fagan's application for entry of a default judgment against Weissshaus is denied. Weissshaus shall answer, move, or otherwise respond to Fagan's answer and counterclaims by March 20, 2009. Weissshaus must include with any submission an affidavit of service stating that all parties have already been served with the submission. The parties will direct all submissions relating to this case to the Pro Se Clerk's Office at 500 Pearl Street, Room 230, New York, NY 10007. Failure to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, return of correspondence to plaintiff without further examination, dismissal of the action, the entry of judgment by default, or such other action as may be just under the circumstances. SO ORDERED. (Signed by Judge Denise L. Cote on 2/26/2009) (tve) Modified on 3/12/2009 (tve). (Entered: 02/26/2009)
03/27/2009	36	ORDER: that Weissshaus must file her opposition(s) to all currently pending motions to dismiss and answer, move, or otherwise respond to Fagan's counterclaims by April 17, 2009. There shall be no further extensions of this date. Defendants must file any reply supporting their motions to dismiss by May 1, 2009. Future requests for extensions must reflect whether all adversaries consent to the request. Failure to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, return of correspondence to plaintiff without further examination, dismissal of the action, the entry of judgment by default, or such other action as may be just under the circumstances. SO ORDERED. (Signed by Judge Denise L. Cote on 3/27/2009) Copies Mailed By Chambers.(tve) (Entered: 03/30/2009)
04/14/2009	38	ANSWER to Counterclaim titled Reply to Defendant and Counterclaimant's Counterclaim Request for Oral Argument. Document filed by Gizella Weissshaus.(tro) (Entered: 04/28/2009)
04/17/2009	37	AFFIRMATION of Gizella Weissshaus in Opposition re: 30 MOTION to Dismiss. MOTION holding that the defense of laches bars any injunctive relief., 17 MOTION to Dismiss., 23 MOTION to Dismiss. MOTION awarding defenednats the costs and disbursements of this action.. Document filed by Gizella Weissshaus. (pl) (Entered: 04/23/2009)
05/01/2009	39	REPLY MEMORANDUM OF LAW in Further Support re: 30 MOTION to Dismiss. MOTION holding that the defense of laches bars any injunctive relief.. Document filed by Saul E. Feder. (djc) (Entered: 05/04/2009)
05/01/2009	40	REPLY MEMORANDUM OF LAW in Further Support re: 30 MOTION to Dismiss. MOTION holding that the defense of laches bars any injunctive relief.. Document filed by The State of New York, Alan W. Friedberg, The Office of Court Administration of the Unified Court System, Thomas J. Cahill(in his official capacity), Judith N. Stein(in her official capacity), Hal R. Lieberman(in his individual capacity). (djc) (Entered: 05/04/2009)

05/01/2009	41	REPLY MEMORANDUM OF LAW in Further Support re: 23 MOTION to Dismiss. MOTION awarding defendants the costs and disbursements of this action. Document filed by Mel Urbach. (djc) (Entered: 05/04/2009)
05/01/2009	42	DECLARATION of Carmen Chapman in Further Support re: 30 MOTION to Dismiss. MOTION holding that the defense of laches bars any injunctive relief. Document filed by Saul E. Feder. (djc) (Entered: 05/04/2009)
05/04/2009	43	ORDER For the reasons set forth in this order, it is hereby ORDERED that should Feder file an additional motion to dismiss, such a motion shall be filed by May 15, 2009. IT IS FURTHER ORDERED that, should Feder file the additional motion to dismiss, plaintiff's opposition is due June 26, 2009 and any reply is due July 10, 2009. IT IS FURTHER ORDERED that at the time any reply is served, the moving party shall supply two courtesy copies of all motion papers to the Pro Se Clerks' Office. IT IS FURTHER ORDERED that this Order shall not be construed to limit the arguments that plaintiff may make in her opposition to any additional motion to dismiss that Feder may file. (Signed by Judge Denise L. Cote on 5/4/09) Copies Mailed By Chambers.(mme) (Entered: 05/04/2009)
05/19/2009	44	MEMORANDUM OF LAW in Support of Saul Feder's Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to FRCP 12(b)(6) based upon collateral Estoppel. Document filed by Saul E. Feder. (djc) (Entered: 05/19/2009)
05/19/2009	45	MOTION to Dismiss amended complaint purs to FRCP 12(b)(6) based upon collateral estoppel. Attached is Declaration of Carmen Chapman in support Document filed by Saul E. Feder.(djc) (Entered: 05/19/2009)
06/26/2009	46	AFFIRMATION of Gizella Weissshaus in Opposition re: 45 MOTION to Dismiss. Document filed by Gizella Weissshaus. (db) (Entered: 06/29/2009)
07/14/2009	47	REPLY MEMORANDUM OF LAW in FURTHER Support OF Saul Feder's re: 45 MOTION to Dismiss. (djc) Modified on 7/15/2009 (djc). (Entered: 07/15/2009)
07/16/2009	48	ORDER: Accordingly, it is hereby ORDERED that Fagan's request to file a motion to compel is denied. IT IS FURTHER ORDERED that Fagan may represent to the judicial officer in New Jersey that this Court will accept the motion if it is referred. (Signed by Judge Denise L. Cote on 7/16/2009) Copies Mailed By Chambers.(jpo) (Entered: 07/16/2009)
07/22/2009	49	ORDER: Defendant Edward Fagan submitted a letter on July 17, 2009, requesting that the discovery period for the litigation between plaintiff Weissshaus and Fagan be extended until October 30, 2009. Fagan's letter does not indicate that he conferred with the plaintiff regarding this request or obtained her consent. Fagan's request for an extension is denied without prejudice to its renewal after he confers with the plaintiff regarding his request. All requests for extensions shall request whether the adversary consents to the request. The parties must meet and confer regarding any discovery disputes that may arise before raising them in a letter to the Court. (Signed by Judge Denise L. Cote on 7/22/09) Copies Mailed By Chambers.(tro) (Entered: 07/23/2009)
08/20/2009	50	OPINION AND ORDER re:#97941 30 MOTION to Dismiss. MOTION holding that the defense of laches bars any injunctive relief. filed by Saul E. Feder, 45 MOTION to Dismiss. filed by Saul E. Feder, 23 MOTION to Dismiss. MOTION awarding defendants the costs and disbursements of this action. filed by Mel Urbach.The State Defendants' January 16, 2009 motion to dismiss is granted. The January 16, 2009, January 21, 2009 and May 19, 2009 motions to dismiss filed by Feder and Urbach are granted. The State Defendants, Feder, and Urbach are thus dismissed as defendants in this lawsuit. The surviving parts of the amended complaint are the breach of contract claim against Fagan in Count 2 and the allegations in Count 3 that Fagan breached fiduciary duties owed to Weissshaus. A separate scheduling order shall issue governing the ongoing litigation between Fagan and Weissshaus. SO ORDERED (Signed by Judge Denise L. Cote on 8/20/2009) Copies Mailed By Chambers Modified on 8/21/2009 (jmi). Modified on 8/24/2009 (eef). (Entered: 08/21/2009)
08/20/2009	51	PRETRIAL SCHEDULING ORDER IN PRO SE ACTION: Summary judgment motions due by 12/11/2009. Responses due by 1/8/2010 Replies due by 1/29/2010. All fact and expert Discovery due by 10/30/2009, see document for other deadlines and as further set forth in this document. (Signed by Judge Denise L. Cote on 8/20/09) Copies sent by chambers.(cd) (Entered: 08/21/2009)
09/28/2009	52	ORDER: Accordingly, it is hereby ORDERED that there shall be no expert discovery. IT IS FURTHER ORDERED that pursuant to the pretrial scheduling order of 8/20/09, the parties shall complete all fact discovery by 10/30/09. IT IS FURTHER ORDERED that any request for an extension of any deadline must reflect whether the adversary consents to the requests. (Signed by Judge Denise L. Cote on 9/28/09) Copies Mailed By Chambers.(tro) (Entered: 09/28/2009)
10/27/2009	53	MOTION for Protective Order. Document filed by Gizella Weissshaus.(djc) (Entered: 10/29/2009)
11/02/2009	54	ORDER denying 53 Motion for Protective Order. It is hereby ORDERED that plaintiff's motion is denied. IT IS FURTHER ORDERED that plaintiff's deposition shall take place before Magistrate Judge Douglas Eaton during the week of November 9, 2009. The parties shall contact the Pro Se Clerk's Office by November 6 to arrange a date for plaintiff's deposition which accords with Magistrate Judge Eaton's schedule. (Signed by Judge Denise L. Cote on 11/2/09) Copies Mailed By Chambers. (tro) Modified on 11/9/2009 (tro). (Entered: 11/03/2009)
11/02/2009		Set Deadlines/Hearings: Deposition due by 11/9/2009. (tro) (Entered: 11/03/2009)
11/02/2009	55	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). Referred to Magistrate Judge Douglas F. Eaton. (Signed by Judge Denise L. Cote on 11/2/09) (tro) (Entered: 11/03/2009)

11/03/2009	56	NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Kevin Nathaniel Fox, for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Magistrate Judge Douglas F. Eaton no longer referred to the case. (ldi) (Entered: 11/03/2009)
11/03/2009		Mailed notice to the attorney(s) of record. (ldi) (Entered: 11/03/2009)
11/06/2009	57	ORDER: Plaintiff's request for reconsideration is denied. Pursuant to the November 2 Order, the parties must contact the Pro Se Clerk's Office by November 6 at 5:00pm to arrange a date for defendant Fagan to take plaintiff's deposition before Magistrate Judge Fox during the week of November 9. (Signed by Judge Denise L. Cote on 11/6/09) Copies Mailed by Chambers.(db) (Entered: 11/06/2009)
11/12/2009	58	ORDER: To the extent plaintiff's November 3 letter requests reconsideration of the August 20 Opinion, her request is denied as untimely and without merit. (Signed by Judge Denise L. Cote on 11/12/09) Copies Mailed by Chambers.(db) (Entered: 11/12/2009)
11/12/2009	59	NOTICE OF APPEARANCE by Freddie Jay Berg on behalf of Gizella Weissshaus. (dle) (Entered: 11/13/2009)
11/13/2009	60	ORDER: It is hereby ORDERED that counsel for plaintiff, Mr. Berg, and pro se defendant Fagan shall appear for a conference with the Court on November 19, 2009 at 2:00 pm in Courtroom 11B, United States Courthouse, 500 Pearl Street, New York, New York. IT IS FURTHER ORDERED that any future request for an extension of any deadline must reflect whether the adversary consents to the request. IT IS FURTHER ORDERED that in any correspondence with the Court, the parties shall confirm how the adversary was served. (Signed by Judge Denise L. Cote on 11/12/2009) Copies Mailed By Chambers.(jfe) (Entered: 11/13/2009)
11/19/2009	61	ORDER: It is hereby ordered that defendant Fagan's response to plaintiff's motion to disqualify shall be filed by November 23. Plaintiff's response shall be filed by November 25. It is further ordered that plaintiff shall respond to defendant Fagan's document production requests by November 30. Ms. Weissshaus shall make herself available, subject to necessary medical restrictions, for her deposition before Magistrate Judge Fox by December 18. Any motion for summary judgment must be filed by January 22, 2010. The opposition shall be due February 19. Any reply shall be filed by March 5. At the time any reply is filed, each party shall provide one courtesy copy of its motion papers to the Pro Se Clerk's Office, United States Courthouse, 500 Pearl Street, New York, New York (Signed by Judge Denise L. Cote on 11/19/2009) Copies Mailed By Chambers.(jpo) (Entered: 11/19/2009)
11/20/2009	72	REQUEST that the Court take "Judicial Notice of Adjudicative Facts" of Combined Motion moving this court for the Disqualification of Honorable Denise L. Cote as The Judge and as a Amicus Curiae from this Case and all its proceedings in Support of facts pursuant to The United States Codes. Document filed by Gizella Weissshaus. * Accepted for filing by the Chambers of the Honorable Denise L. Cote on 11/30/09. (tro) (Entered: 12/02/2009)
11/20/2009	74	MOTION to Disqualify Judge. Document filed by Gizella Weissshaus.(mbe) (Entered: 12/09/2009)
11/24/2009	64	MOTION moving this Court detailing the Disqualification of Honorable Denise L. Cote as the Judge and as a Amicus curiae from this case and all its proceedings in support of facts pursuant to the United States codes. Document filed by Gizella Weissshaus.(mro) (Entered: 11/25/2009)
11/24/2009	67	AFFIRMATION OF SERVICE of Rebuttal To Dft. Edward D. Fagan's opposition served on Jonathan Robert Harwood, Traub Lieberman Straus & Shrewsbury LLP on 11/25/09. Service was made by certified mail. Document filed by Joel Weissshaus. (pl) (Entered: 11/30/2009)
11/24/2009	68	AFFIRMATION OF SERVICE of Motion to Disqualifrication of Honorable Denise L. Cote as the Judge and as Amicus Curiae served on Thomas A. Leghorn, Wilson Elser Moskowitz Edeirnan & Dicker on 11/18/09. Service was made by express mail. Postal Service. Document filed by Gizella Weissshaus. (pl) (Entered: 11/30/2009)
11/24/2009	69	AFFIRMATION OF SERVICE of Motion to Disqualifrication of Honorable Denise L. Cote as the Judge and as Amicus Curiae served on Thomas A. Leghorn, Wilson Elser Moskowitz Edeirnan & Dicker on 11/18/09. Service was made by express mail. Postal Service. Document filed by Gizella Weissshaus. (pl) (Entered: 11/30/2009)
11/24/2009	71	DECLARATION of Edward D. Fagan in Opposition re: 64 MOTION to Disqualify Judge. Document filed by Edward D. Fagan. (mbe) (Entered: 12/01/2009)
11/25/2009	62	MOTION to Compel Defendant Fagan to Comply with Subpoena of Initial Disclosure and In addition, plaintiff seeks reimbursement of all legal costs involved in making this motion pursuant to FRCP Rule 26. Document filed by Gizella Weissshaus.(mro) (Entered: 11/25/2009)
11/25/2009	63	Rebuttal to defendant Edward D. Fagan's opposition to: Combined Motion moving this court detailing the disqualification of Honorable Denise L. Cote as the judge and as a Amicus curiae from this case and all its proceedings in support of facts. Document filed by Gizella Weissshaus. (mro) (Entered: 11/25/2009)
11/25/2009	65	AFFIRMATION OF SERVICE of Letter in response served on Edward Fagan on 11/25/09. Service was made by certified mail. Document filed by Yoel Weissshaus. (pl) (Entered: 11/30/2009)
11/25/2009	66	AFFIRMATION OF SERVICE of Motion to Compel served on Edward Fagan on 11/25/09. Service was made by express mail. Postal Service. Document filed by Gizella Weissshaus. (pl) (Entered: 11/30/2009)
11/25/2009	70	AFFIRMATION OF SERVICE of Rebuttal to Dft. Edward D. Fagan's opposition served on Dft. Edward Fagan on 11/25/09. Service was made by express mail. Postal Service. Document filed by Yoel Weissshaus. (pl) (Entered: 11/30/2009)

12/08/2009	73	ORDER that a hearing with plaintiff and defendant Fagan shall be held on 12/15/09 at 10:00 a.m. in courtroom 11B, 500 Pearl Street, New York, NY. Plaintiff Gizella Weisshaus must appear in person with her attorney to show cause why she should not be held in contempt and fined or imprisoned for failure to comply with the November 19 order, specifically her failure to schedule her deposition before Magistrate Judge Fox and her failure to respond to defendant Fagan's document production requests. The parties shall also be prepared to address plaintiff's November 25 motion to compel defendant Fagan to comply with the October 12 subpoena. (Signed by Judge Denise L. Cote on 12/8/09) Copies sent by chambers.(dle) (Entered: 12/09/2009)
12/08/2009	75	TRANSCRIPT of proceedings held on 11/19/2009 before Judge Denise L. Cote. (tve) (Entered: 12/10/2009)
12/15/2009	76	OPINION AND ORDER:#98357 Denying, re: 74 MOTION to Disqualify Judge, filed by Gizella Weisshaus. (Signed by Judge Denise L. Cote on 12/15/09) (ae) Modified on 12/17/2009 (eef). (Entered: 12/15/2009)
12/23/2009	77	ORDER: Weisshaus must respond to Fagan's outstanding document requests in accordance with Rule 34, FRCP, by December 29, 2009 at noon. IT IS FURTHER ORDERED that Weisshaus must appear in person with her attorney at a hearing on December 30, 2009 at 11:00am in Courtroom 11B, united States Courthouse, 500 Pearl Street, New York, New York to show cause why her claims against Fagan should not be dismissed, all evidence in her defense against Fagan's counterclaims should not be stricken, or other appropriate relief entered. (Response to Request to Production of Documents due by 12/29/2010. Show Cause Hearing set for 12/30/2009 at 11:00 AM in Courtroom 11B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote.) (Signed by Judge Denise L. Cote on 12/23/09) Copies Mailed by Chambers.(db) (Entered: 12/23/2009)
01/13/2010	78	LETTER addressed to Judge Denise L. Cote from Edward Fagan dated 11/13/09 re: I write because of problems that occurred when plaintiff Weisshaus failed to appear for her Nov 12th Court Ordered Deposition; I request a Pre-Motion Conference, or permission to move without a Pre-Motion conference, for relief including but not limited to imposition of appropriate sanctions for Mrs. Weisshaus' apparent violation of Court Orders, her discovery violations and her vexatious/dilatory conduct in this litigation. Document filed by Edward D. Fagan.(mro) (Entered: 01/13/2010)
01/13/2010	79	LETTER addressed to Judge Denise L. Cote from Edward Fagan dated 12/7/09 re: Defendant writes for 3 reasons: (1) plaintiff Gizella Weisshaus has failed to cooperate in the scheduling of her deposition, contrary to the directives set forth at the November 19, 2009 conference; (2) Weisshaus has violated the Court's November 19th Order that by Nov 30th Weisshaus respond to defendant Fagan's document production request, (3) Weisshaus' Nov 25th Discovery Motion (#62) was filed in violation of Your Honor's Individual Rule 2A, without certificate of service and is without merit. Document filed by Edward D. Fagan.(mro) (Entered: 01/13/2010)
01/13/2010	80	LETTER addressed to Judge Denise L. Cote from Edward Fagan dated 12/22/09 re: Defendant Fagan writes with a summary of relevant facts; Fagan hopes that the Court will permit him to hold Weisshaus in civil contempt, for a Contempt hearing, and for entry of the harshest sanctions possible. Document filed by Edward D. Fagan.(mro) (Entered: 01/13/2010)
01/13/2010	81	MOTION to Strike Defendant's Counter Claim and Responses to the Complaint for Failure to Comply with Discovery; Motion for Court to Dismiss false statements and Accusations made to this court by defendant; Motion for Court to bar and strike any evidence defendant may have gained in oral interrogation for failure to provide copies of the documents presented at the depositions and its transcript. Document filed by Gizella Weisshaus.(mro) (Entered: 01/13/2010)
01/13/2010	82	LETTER addressed to Judge Denise L. Cote from Freddie J. Berg dated 12/30/09 re: Plaintiff is submitting this letter in support of plaintiff's combined motion to strike; Listed herein are examples of defendant's misconduct, and manipulative and dishonest behavior. Document filed by Gizella Weisshaus.(mro) (Entered: 01/13/2010)
01/25/2010	83	ORDER: It is hereby ORDERED that any motion for summary judgment shall be served by February 12, 2010. Opposition shall be served by March 12, 2010. Any reply shall be served by March 26, 2010. At the time each brief is served, the party shall supply one (1) courtesy copy to Chambers by delivering it to the Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York. IT IS FURTHER ORDERED that if no motion for summary judgment is filed, the Joint Pretrial Order must be filed by February 12, 2010. As described in greater detail in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Voir Dire, Requests to Charge, and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due February 19, 2010. At the time the pretrial documents are filed, the parties shall supply one (1) courtesy copy to Chambers by delivering it to the Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York. (Signed by Judge Denise L. Cote on 1/25/2010) Copies Mailed By Chambers.(jfe) (Entered: 01/25/2010)
02/16/2010	84	MOTION for Summary Judgment in Complaint and Counterclaim by plaintiff and counter-defendant with Memorandum of Law and MOTION to Dismiss Counterclaim for failure to prove claim. Document filed by Gizella Weisshaus. (Received in the night deposit box on 2/16/10 at 5:23pm)(mro) (Entered: 02/18/2010)
02/19/2010	85	ORDER denying 84 Motion for Summary Judgment; denying 84 Motion to Dismiss. Plaintiff's February 12, 2010 motion for summary judgment is denied without prejudice. Plaintiff must serve and re-file a motion for summary judgment that complies with Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rules 56.1 and 56.2 by February 26, 2010. IT IS FURTHER ORDERED that at the time plaintiff serves and files the motion for summary judgment, plaintiff shall provide one (1) courtesy copy of her motion papers to Chambers by delivering it to the Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York. SO ORDERED. (Signed by Judge Denise L. Cote on 2/19/2010) Copies Mailed By Chambers.(tve) (Entered: 02/19/2010)
03/01/2010	86	ORDER: It is hereby ORDERED that plaintiff's motion for summary judgment must be served by March 8, 2010. Opposition shall be served by March 26, 2010. Any reply shall be served by April 9, 2010. At the time each brief is served, the party shall supply one (1) courtesy copy to Chambers by delivering it to the Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York. (Signed by Judge Denise L. Cote on 3/1/2010) Copies Mailed By Chambers.(jfe) (Entered: 03/02/2010)

03/08/2010	87	MOTION for Summary Judgment and Motion to Dismiss Counterclaim without prejudice for failure to State a Claim upon which relief can be granted. Document filed by Gizella Weisshaus.(mro) (Entered: 03/09/2010)
03/08/2010	88	MEMORANDUM OF LAW in Support re: 87 MOTION to Dismiss the Counterclaim and MOTION for Summary Judgment. Document filed by Gizella Weisshaus. (mro) (Entered: 03/09/2010)
03/08/2010	89	STATEMENT OF MATERIAL FACTS AS TO WHICH PLAINTIFF CONTENDS THERE IS NO GENUINE ISSUE FOR TRIAL. Document filed by Gizella Weisshaus. (mro) (Entered: 03/09/2010)
03/08/2010	90	NOTICE TO PRO SE LITIGANT WHO OPPOSES A MOTION OF SUMMARY JUDGMENT SERVED WITH SUMMARY JUDGMENT. Document filed by Gizella Weisshaus. (mro) (Entered: 03/09/2010)
03/08/2010	91	AFFIDAVIT OF SERVICE of Motion to Dismiss/Summary Judgment; Memorandum in Support; Statement of Facts; Notice to Pro Se Litigant served on Edward D. Fagan on 3/8/10. Service was made by USPS. Document filed by Gizella Weisshaus. (mro) (Entered: 03/09/2010)
03/08/2010	92	EXHIBITS for Motion for Summary Judgment and Motion to Dismiss Counterclaim. Document filed by Gizella Weisshaus. ***Accepted for filing by the Honorable Denise L. Cote on 3/10/10.(mro) (Entered: 03/11/2010)
03/23/2010	93	NOTICE OF CHANGE OF ADDRESS by Freddie Jay Berg on behalf of Gizella Weisshaus. New Address: P.O. box 87, New York, NY, 10276, (fax) 201-625-6313. (mro) (Entered: 03/24/2010)
03/23/2010	94	AFFIDAVIT OF SERVICE of Notice of Change of Address served on Jonathan Harwood on 3/14/10. Service was made by USPS. (mro) (Entered: 03/24/2010)
03/23/2010	95	AFFIDAVIT OF SERVICE of Notice of Change of Address served on Thomas Arthur Leghorn on 3/14/10. Service was made by USPS. (mro) (Entered: 03/24/2010)
03/23/2010	96	AFFIDAVIT OF SERVICE of Notice of Change of Address served on Edward D. Fagan on 3/14/10. Service was made by USPS. (mro) (Entered: 03/24/2010)
03/23/2010	97	AFFIDAVIT OF SERVICE of Notice of Change of Address served on Carmen Suzanna Chapman on 3/14/10. Service was made by USPS. (mro) (Entered: 03/24/2010)
03/23/2010	98	AFFIDAVIT OF SERVICE of Notice of Change of Address served on Monica Anne Connell on 3/14/10. Service was made by USPS. (mro) (Entered: 03/24/2010)
03/26/2010	99	AFFIRMATION of Freddie J. Berg in Opposition with Facts and Law to Defendants Motion for Summary Judgment and other relief. Document filed by Gizella Weisshaus. (mro) (Entered: 03/29/2010)
03/26/2010	100	MOTION for Dismissal of Defendant's Summary Judgment and other relief. Document filed by Gizella Weisshaus.(mro) (Entered: 03/29/2010)
03/26/2010	101	AFFIRMATION OF SERVICE of Affirmation in Opposition of defendants Motion for Summary Judgment served on Mr. Edward D. Fagan on 3/26/10. Service was made by United States Postal Service via certified mail. (mro) (Entered: 03/29/2010)
03/29/2010	103	EXHIBITS for Affirmation in Opposition to Defendant's Pleading of Summary Judgment for Exhibits A-N. Document filed by Gizella Weisshaus. *Accepted for filing by the Chambers of the Honorable Denise L. Cote on 4/6/2010. (tro) (Entered: 04/07/2010)
03/29/2010	104	EXHIBIT for Affirmation in Opposition to Defendant's Pleading of Summary Judgment for Exhibits O-U. Document filed by Gizella Weisshaus. *Accepted for filing by the Chambers of the Honorable Denise L. Cote on 4/6/2010. (tro) (Entered: 04/07/2010)
04/06/2010	102	ORDER: It is hereby ORDERED that Fagan must file his previously served motion for summary judgment with the Clerk of Court no later than April 9, 2010. Fagan must serve and file his opposition to Weisshaus' motion for summary judgment by April 16, 2010. The parties must serve and file their replies, if any, by April 23, 2010. IT IS FURTHER ORDERED that at the time either party files any motion papers, the party shall supply one (1) courtesy copy to Chambers by mailing or delivering it to the Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York. (Signed by Judge Denise L. Cote on 4/6/2010) Copies Mailed By Chambers.(jpo) Modified on 4/15/2010 (jpo). (Entered: 04/06/2010)
04/13/2010	105	MOTION for Summary Judgment dismissing claims and certain affirmative defenses of plaintiff/counter-defendant Gizella Weisshaus and for other related relief. Document filed by Edward D. Fagan.(mbe) (Entered: 04/16/2010)
04/27/2010	106	ORDER: It is hereby ordered that the parties' cross-motions for summary judgment and plaintiff's motion to dismiss the counterclaim shall be considered fully submitted. It is further ordered that the Clerk of Court shall docket and file defendant's April 4 letter so that is available in the public record. So Ordered. (Signed by Judge Denise L. Cote on 4/27/2010) (js) (Entered: 04/28/2010)
04/28/2010	107	LETTER addressed to Judge Denise L. Cote from Edward D. Fagan dated 4/4/2010 re: Pro Se Defendant/Counter-claimant submits this letter regarding the present Motion schedule and a proposed adjustment to the present Motion schedule as follows: 4/14/2010 as the date for responses to previously served motions and 4/22/2010 as the date for any replies. Document filed by Edward D. Fagan.(tro) (Entered: 04/29/2010)

05/19/2010	108	MOTION Striking of the Plaintiff/Counter-Defendant's Motion for Summary Judgment; Striking of Plaintiff/Counter-Defendant's Opposition to Defendant/Counter-Claimant's Motion for Summary Judgment; Striking of Plaintiff/Counter-Defendant's Declarations and purported Rule 56.1 Statements of Uncontested Facts, MOTION Precluding Plaintiff/Counter-Defendant's Offering of Evidence, MOTION Compelling Plaintiff/Counter-Defendant to submit to deposition, MOTION Permitting Defendant/Counterclaimant to Amend his Counterclaim, MOTION Convening a Status Conference at the Court's earliest convenience, Scheduling of Oral Argument on the instant and all Pending Motions. Document filed by Edward D. Fagan.(vn) (Entered: 05/20/2010)
05/24/2010	109	AFFIRMATION of Freddie J. Berg in Opposition to defendant's pleadings of FCRP Rule 12(f)(1)-(2); FRCP 15; FRCP 16; FRCP 26(e)(1)(A); FRCP Rule 37 (b)(2)(A)(1)-(v); and FRCP Rule 37(c)(1)(A) to (C). Document filed by Gizella Weisshaus. (mro) (Entered: 05/25/2010)
05/24/2010	110	AFFIRMATION OF SERVICE of AFFIRMATION of Freddie J. Berg in Opposition to defendant's pleadings of FCRP Rule 12(f)(1)-(2); FRCP 15; FRCP 16; FRCP 26(e)(1)(A); FRCP Rule 37 (b)(2)(A)(1)-(v); and FRCP Rule 37(c)(1)(A) to (C). served on Edward D. Fagan on 5/24/10. Service was made by certified mail. Document filed by Gizella Weisshaus. (mro) Modified on 5/25/2010 (mro). (Entered: 05/25/2010)
05/25/2010	111	SUPPLEMENTAL DECLARATION of Edward D. Fagan in Further Support of Defendant/Counter claimant's May 17, 2010 Notice of Motion for Miscellaneous Relief pursuant to FRCP Rule 12(f)(1)-(2); FRCP Rule 15; FRCP Rule 16; FRCP Rule 26(e)(1)(A); FRCP Rule 37(b)(2)(A)(1)-(v); and FRCP Rule 37(c)(1)(A)-(C). Document filed by Edward D. Fagan. (mro) (Entered: 05/26/2010)
06/01/2010	112	REPLY AFFIDAVIT of Edward D. Fagan in Opposition to May 24, 2010 declaration by Fred J. Berg Esq. counsel for plaintiff and in further support of Defendant counterclaimant's May 17, 2010 notice of motion for miscellaneous relief pursuant to FRCP Ruel 12(f)(1)-(2); FRCP 15; FRCP 16; FRCP Rule 26(e)(1)(A); FRCP Rule 37(b)(2)(A)(1)-(v); and FRCP Rule 37(c)(1)(A)-(C). Document filed by Edward D. Fagan. (mro) (Entered: 06/09/2010)
07/15/2010	113	OPINION AND ORDER: #99191 For the foregoing reasons, Weisshaus' March 8, 2010 motion for summary judgment is denied and Fagan's March 8, 2010 motion for summary judgment is granted. Weisshaus' March 26, 2010 motion styled "Motion for Dismissal of Defendant's Summary Judgment" is denied. weisshaus' claims are dismissed with prejudice. Weisshaus' March 8, 2010 motion to dismiss Fagan's counterclaim is granted and Fagan's May 19, 2010 motion to amend his counterclaim is denied. Fagan's counterclaim is dismissed with prejudice. Fagan's additional requests in the May 19, 2010 motion are denied as moot. The Clerk of Court shall close the case. (Signed by Judge Denise L. Cote on 7/15/2010) (jpo) Modified on 7/16/2010 (ajc). (Entered: 07/15/2010)
07/15/2010		Transmission to Judgments and Orders Clerk. Transmitted re: 113 Opinion and Order to the Judgments and Orders Clerk. (jpo) (Entered: 07/15/2010)
07/18/2010	114	CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated July 15, 2010, Weisshaus' March 8, 2010 motion for summary judgment is denied; Fagan's March 8, 2010 motion for summary judgment is granted; Weisshaus' March 26, 2010 motion styled "Motion for Dismissal of Defendant's Summary Judgment" is denied; Weisshaus' claims are dismissed with prejudice; Weisshaus' March 8, 2010 motion to dismiss Fagan's counterclaim is granted; Fagan's May 19, 2010 motion to amend his counterclaim is denied; Fagan's counterclaim is dismissed with prejudice; and Fagan's additional requests in the May 19, 2010 motion are denied as moot; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 7/18/10) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 07/18/2010)
07/18/2010		Transmission to Docket Assistant Clerk. Transmitted re: 114 Clerk's Judgment,,, to the Docket Assistant Clerk for case processing. (ml) (Entered: 07/18/2010)
07/18/2010		Mailed notice of Right to Appeal re: 114 Clerk's Judgment, to Pro Se Litigant(s): Edward D. Fagan, Gizella Weisshaus and to Attorney(s) of Record: Freddie Jay Berg, Carmen Suzanne Chapman, Monica Anne Connell, Jonathan Robert Harwood, Thomas Arthur Leghorn. (eef) (Entered: 07/20/2010)
07/30/2010	115	NOTICE OF APPEAL from 76 Memorandum & Opinion, 50 Memorandum & Opinion, 113 Memorandum & Opinion, 114 Clerk's Judgment. Document filed by Gizella Weisshaus. Filing fee \$ 455.00, receipt number E 910751. (tp) (Entered: 08/03/2010)
08/03/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 115 Notice of Appeal. (tp) (Entered: 08/03/2010)
08/03/2010		Transmission of Notice of Appeal to the District Judge re: 115 Notice of Appeal. (tp) (Entered: 08/03/2010)
08/05/2010		Received returned mail: Mail was addressed to Thomas Arthur Leghorn of Wilson Elser Moskowitz Edelman & Dicker LLP at 177 Broad Street, Stamford, Ct 06901 and was returned for the following reason(s): Return to Sender. (ajc) (Entered: 08/05/2010)
08/06/2010	116	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 115 Notice of Appeal filed by Gizella Weisshaus 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (nd) (js). (Entered: 08/06/2010)
08/06/2010		Appeal Record Sent to USCA (File) [4 vols.]. Indexed record on Appeal Files for 115 Notice of Appeal filed by Gizella Weisshaus were transmitted to the U.S. Court of Appeals. (nd) (Entered: 08/06/2010)
02/21/2012	117	MANDATE of USCA (Certified Copy) as to 115 Notice of Appeal filed by Gizella Weisshaus USCA Case Number 10-3199-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 02/21/2012. (nd) (Entered: 02/21/2012)
02/21/2012		Transmission of USCA Mandate/Order to the District Judge re: 117 USCA Mandate,. (nd) (Entered: 02/21/2012)

07/11/2012	Appeal Record Returned. [4 vols.] Indexed record on Appeal Files for Appeal Record Sent to USCA - File USCA Case Number 10-3199, returned from the U.S. Court of Appeals. (nd) (Entered: 07/11/2012)
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