

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

**NOTICE OF MOTION
FOR PARTIAL
SUMMARY JUDGMENT**

10-CV-6005 (RWS)

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOUGH, Tax Id. 919124, Individually and in his Official Capacity, SGT. FREDERICK SAWYER, Shield No. 2576, Individually and in his Official Capacity, SERGEANT KURT DUNCAN, Shield No. 2483, Individually and in his Official Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id. 915354, Individually and in his Official Capacity, LT. TIMOTHY CAUGHEY, Tax Id. No. 885374, Individually and in his Official Capacity, SERGEANT SHANTEL JAMES, Shield No. 3004, Individually and in her Official Capacity, SERGEANT RICHARD WALL, Shield No. 3099, Individually and in his Official Capacity, SERGEANT ROBERT W. O'HARE, Tax Id. 916960, Individually and in his Official Capacity, SERGEANT SONDR A WILSON, Shield No. 5172, Individually and in her Official Capacity, LIEUTENANT THOMAS HANLEY, Tax Id. 879761, Individually and in his Official Capacity, CAPTAIN TIMOTHY TRAINOR Tax Id. 899922, Individually and in his Official Capacity, and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "City Defendants"), FDNY LIEUTENANT ELISE HANLON, individually and in her official capacity as a lieutenant with the New York City Fire Department, JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, Individually and in his Official Capacity, DR. LILIAN ALDANA-BERNIER, Individually and in his Official Capacity and JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEE'S "JOHN DOE" # 1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown),

Defendants.

-----X


PLEASE TAKE NOTICE that upon Defendants' City of New York, Deputy Chief Michael Marino, Assistant Chief Gerald Nelson, Captain Theodore Lauterborn, Lieutenant William Gough, Sergeant Frederick Sawyer, Sergeant Kurt Duncan, Lieutenant Christopher Broschart, Lieutenant Timothy Caughey, Lieutenant Shantel James, Sergeant Richard Wall, Sergeant Robert W. O'Hare, Sergeant Sondra Wilson, Lieutenant Thomas Hanley, Captain Timothy Trainor, and FDNY Lieutenant Elise Hanlon (collectively "City Defendants") Memorandum of Law dated December 22, 2014, the Declaration of Senior Counsel Suzanna Publicker Mettham dated December 22, 2014, and the exhibits annexed thereto, the annexed Local Rule 56.1 Statement, and upon all prior pleadings and proceedings had herein, City Defendants will move this Court, before the Honorable Robert W. Sweet, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, as soon as counsel may be heard, for an Order, pursuant to Fed. R. Civ. P. 56 granting partial summary judgment in favor of City Defendants on the grounds that no genuine issue of material facts exist to warrant a trial on plaintiff's (1) claims of unlawful search and entry; (2) claims of false arrest and imprisonment; (3) First Amendment claims; (4) all claims against defendants Wilson, Wall, O'Hare, Trainor, Hanley, and Nelson; (4) claim of "deprivation of federal rights under 42 U.S.C. § 1983"; (5) claims of Conspiracy; claim of Intentional Infliction of Emotional Distress; (6) claims of common law negligence; (7) negligent disclosure of IAB complaints; (8) claims of malicious abuse of process; and (9) claims of municipal liability, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that plaintiffs' opposition papers, if any, should be served on the undersigned on or before January 21, 2015; and

PLEASE TAKE FURTHER NOTICE that City Defendants' reply papers, if any, shall be served on or before January 28, 2015.

Dated: New York, New York
December 22, 2014

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for City Defendants
100 Church Street, Room 3-200
New York, New York 10007
(212) 356-2372

By: 
Suzanna Publicker Mettham
Senior Counsel
Special Federal Litigation Division

cc: Nathaniel Smith (By ECF)
Attorneys for Plaintiff

Gregory John Radomisli (By ECF)
MARTIN CLEARWATER & BELL LLP
Attorneys for Jamaica Hospital Medical Center

Brian Lee (By ECF)
IVONE, DEVINE & JENSEN, LLP
Attorneys for Dr. Isak Isakov

Paul Callan (By ECF)
CALLAN, KOSTER, BRADY & BRENNAN, LLP
Attorneys for Lillian Aldana-Bernier

Walter Kretz (By ECF)
SCOPPETTA SEIFF KRETZ & ABERCROMBIE
Attorney for Defendant Mauriello

Docket No 10-CV-6005 (RWS)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

NOTICE OF MOTION

ZACHARY W. CARTER

*Corporation Counsel of the City of New York
Attorney for City Defendants
100 Church Street, Room 3-200
New York, New York 10007*

*Of Counsel: Suzanna Publicker Mettham
Tel: (212) 356-2372*

Due and timely service is hereby admitted.

New York, N.Y., 2014

..... Esq.

Attorney for