

RECEIVED

2014 JAN 21 AM 9:18

CLERK'S OFFICE
U.S. COURT OF APPEALS

13-3123, 13-3088

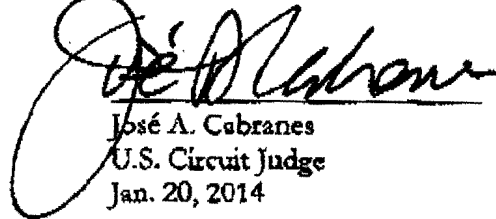
ERRATA for *Ligon v. City of New York*, 736 F.3d 231 (2d Cir. 2013)

<u>Page</u>	<u>Line</u>	<u>Delete</u>	<u>Insert</u>
231	caption	party names	replace with caption on page titled "Attachment p. 1"
231	Holding	The Court of Appeals held . . . to oppose City's motion to vacate.	The Court of Appeals held that (1) City's motion to vacate was moot, and (2) disqualified District Judge was not entitled to appear in order to oppose motion to vacate.

Copies have been sent by chambers to:

- Panel Members
- West Publishing
- Clerk

So ordered:



José A. Cabranes
U.S. Circuit Judge
Jan. 20, 2014

ATTACHMENT P. 1
ERRATA FOR 736 F.3d 231 (2d Cir. 2013)

Jaenean Ligon, individually and on behalf of her minor son, J.G.,
Fawn Bracy, individually and on behalf of her minor son, W.B.,
Jacqueline Yates, individually and on behalf of a class of all others
similarly situated, Letitia Ledan, individually and on behalf of a class
of all others similarly situated, Roshea Johnson, individually and on
behalf of a class of all others similarly situated, Kieron Johnson,
individually and on behalf of a class of all others similarly situated,
Jovan Jefferson, individually and on behalf of a class of all others
similarly situated, A.O., by his parent Dinah Adames, Abdullah
Turner, individually and on behalf of a class of all others similarly
situated, Fernando Moronta, individually and on behalf of a class of
all others similarly situated, Charles Bradley, individually and on
behalf of a class of all others similarly situated,

Plaintiffs-Appellees,

- v. -

City of New York, Raymond W. Kelly, Commissioner of the New
York City Police Department, Police Officer Johnny Blasini, Police
Officer Gregory Lomangino, Police Officer Joseph Koch, Police
Officer Kieron Ramdeen, Joseph Bermudez, Police Officer Miguel
Santiago, Police Officers John Does, 1-12,

Defendants-Appellants,

Captains' Endowment Association of New York, Detectives
Endowment Association, Police Department, City of New York,
Inc., Lieutenants Benevolent Association of the City of New York,
Inc., Patrolmen's Benevolent Association of the City of New York,
Inc.,

Proposed Intervenor-Appellants.

David Floyd, Lalit Clarkson, Deon Dennis, David Ourlicht,
Individually and on behalf of all others similarly situated,

Plaintiffs-Appellees,

- v. -

City of New York,
Defendant-Appellant,

Sergeants Benevolent Association,
Proposed Intervenor-Appellant,

New York City Police Officer Rodriguez, in his official capacity,
New York City Police Officer Goodman, in his official capacity, New
York City Police Officer Salmerson, Shield #7116, in her official
capacity, New York City Police Officer Pichardo, Shield #00794, in
his official capacity, New York City Police Sergeant Kelly, Shield
#92145, in his individual capacity, New York City Police Officer
Joyce, Shield #31274, in his individual capacity, New York Police
Officer Moran, in his individual capacity, New York City Police
Officers John and Jane Does, New York City Police Officer
Hernandez, Shield #15957, in his individual capacity, Michael
Bloomberg, Mayor in his official capacity and individually, Raymond
Kelly, Commissioner New York City Police, in his individual and
official capacity,
Defendants.

SERIES

LIGON v. CITY OF NEW YORK

231

Cite as 736 F.3d 231 (2nd Cir. 2013)

case until Morris eventually and stipulated to entry of judgment. The court's decision in *Doyle v. Midland Management, Inc.*, 722 F.3d 78, 813 (3d Cir. 2013), is not to the contrary. The court held that an offer of judgment satisfied a claim under Rule 68 and did not conform to the form of Rule 68 in order to motion. In *Doyle*, however, the court offered judgment, rather than without judgment, resolving the dispute and leaving no question of "nature and form" of settlement. The offer from the formal offer of Rule 68 was that the defendant made its offer orally. The court held that an offer of judgment, "the technical procedural requirements of Rule 68 is nevertheless not equivalent to the offer of an informal settlement is equivalent to a judgment."

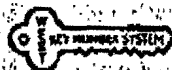
Ethical Violations
The court contends that various lapses by Faulkner in de provide a further reason y's fees. We note that made no finding of an e we need not discuss the ged lapses to reject M

s. It is not inconsistent w we need not address w t with *McCauley*, which *Doyle* court. It is suffic to note that in all of the urt has even considered or treating a non-con ying Rule 68, the argu on the offer, or entry o of plaintiff, something refused to tender until on had already been

the argument: Any alleged dereliction by Faulkner has no bearing on the reasonableness of the fees awarded here because attorney's fees in an FDCPA action are awarded to the prevailing party, not to his former attorney, 15 U.S.C. § 1692k(a)(3); (2) the proper forum for resolving the parties' dispute regarding whether Faulkner had an obligation to communicate defendant's earlier settlement offers to Cabala, and whether her alleged failure to do so was an appropriately self-interested, is an attorney disciplinary proceeding or a proceeding pursuant to 28 U.S.C. § 1927, not fee litigation; and (3) we identify no error in the district court's factual determination that Faulkner's fees were reasonable for the work performed. We therefore find no abuse of discretion in the district court's conclusion that allegations of unethical behavior by Faulkner do not preclude the award of fees to Cabala.

CONCLUSION

Because Morris's initial offer to settle did not include an offer of judgment, it did not fully resolve the dispute between the parties, and thus further litigation by Cabala was not *per se* unreasonable. We find no abuse of discretion in the district court's award of full attorney's fees to the plaintiff. Accordingly, the judgment of the district court is **AFFIRMED**.



Janean LIGON, et al., Plaintiffs-Appellants,
v.
CITY OF NEW YORK, et al., Defendants-Appellees.

Replace with party names from "Attachment p. 1"

David Floyd, et al., Plaintiffs-Appellees,
v.
City of New York, Defendant-Appellant,
Sergeants Benevolent Association, Proposed Intervenor-Appellant,
New York City Police Officer Rodriguez, in his official capacity, et al., Defendants.

Replace with party names from "Attachment p. 1"

Docket Nos. 13-3123-cv, 13-3088-cv

United States Court of Appeals, Second Circuit.

Nov. 22, 2013.

Background: African-American and Latino residents filed § 1983 actions in the United States District Court for the Southern District of New York alleging that city police department's stop and frisk policy violated their constitutional rights. City moved to vacate prior orders, and District Judge who had been sua sponte disqualified for appearance of partiality, through counsel, moved to appear in order to oppose City's motions.

Holding: The Court of Appeals held that disqualified District Judge was not entitled to appear before appellate court in order to oppose City's motions to vacate.

Replace

Motions denied.

Judges 5-56

District judge who had been disqualified from civil rights cases due to appearance of partiality was not entitled to appear before appellate court in order to oppose City's motions to vacate.