

# Reply Memorandum on Behalf of Defendant Vincent R. Mancusi on the Rulr 50 Post Trial Motions and the Pending Res Judicata Summary Judgment Motion in the matter of Akil Al-Jundi, et al. vs Oswald, et al.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

AKIL AL-JUNDI, a/k/a Herbert Scott  
Deane, et al.  
Plaintiffs,

vs.

KURT G. OSWALD, as Administrator  
of the Estate of Russell G. Oswald,  
JOHN S. KELLER, as Administrator  
of the Estate of John Monahan,  
VINCENT MANCUSI and  
KARL PFEIL,  
Defendants.

REPLY MEMORANDUM ON  
BEHALF OF DEFENDANT  
VINCENT R. MANCUSI ON THE  
RULE 50 POST TRIAL MOTIONS  
AND THE PENDING RES  
JUDICATA SUMMARY  
JUDGMENT MOTION

Civil No. 75-132E

PENDING MOTIONS

Following the jury's incomplete verdict on the submitted questions, Defendants Oswald and Monahan, by administrators of their estates, and Defendants Mancusi and Pfeil moved for a directed verdict of dismissal. In the alternative, Defendant Pfeil moved for a new trial on the finding of liability and the other Defendants moved to set aside the special findings that reprisals had taken place in the event a new trial was required. The plaintiffs moved to set aside the verdict, and in the alternative, for a new trial on the jury's finding of no liability on the part of the estate of Oswald with respect to medical care.

Prior to the trial, on July 8, 1991, Defendant Mancusi renewed his motion for summary judgment of dismissal on the grounds of res judicata based upon Judge Curtis's March 10, 1978 Order of Dismissal and the District Court's record and

Reply Memorandum on Behalf of Defendant Vincent R. Mancusi on the Rulr 50 Post Trial Motions and the Pending Res Judicata Summary Judgment Motion, in the matter of Akil Al-Jundi, a/k/a Herbert Scott Deane, et al. vs Kurt G. Oswald, as Administrator of the Estate of Russell G. Oswald, John S. Keller, as the Administrator of the Estate of John Monahan, Vincent Mancusi and Karl Pfeil, United States District Court, Western District of New York. The Reply Memorandum, dated April 16, 1992, was prepared by Richard E. Moot of Damon & Morey. The Appendix includes a copy of an Amended Complaint and a Memorandum and Order from Inmates v. Rockefeller, Civil No. 1971-410.

## Identifier

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## Alternate Identifier

Case Files: 75-132

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