

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:02-cv-05118-ENV-MDG**

E.B. et al v. New York City Board of Education et al
Assigned to: Judge Eric N. Vitaliano
Referred to: Magistrate Judge Marilyn D. Go
Demand: \$0
Cause: 20:1400 Civil Rights of Handicapped Child

Date Filed: 09/20/2002
Date Terminated: 07/24/2015
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

N.T.

TERMINATED: 03/26/2004

represented by **Elisa F. Hyman**
Advocates for Children
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TERMINATED: 02/16/2009
ATTORNEY TO BE NOTICED

Plaintiff

S.M.
by and through his father K.M.

represented by **Elisa F. Hyman**
(See above for address)
TERMINATED: 04/02/2007
LEAD ATTORNEY
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Michael Stuart Scheinkman
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TERMINATED: 07/24/2007

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TERMINATED: 08/06/2008

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TERMINATED: 02/16/2009

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TERMINATED: 07/24/2007

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ATTORNEY TO BE NOTICED

Matthew S. Stewart

(See above for address)

ATTORNEY TO BE NOTICED

Sharon Katz

(See above for address)

ATTORNEY TO BE NOTICED

Shawn V. Morehead

(See above for address)

TERMINATED: 02/16/2009

ATTORNEY TO BE NOTICED

Plaintiff

B.N.

by and through his mother R.N.

TERMINATED: 03/26/2004

represented by **Elisa F. Hyman**

(See above for address)

TERMINATED: 04/02/2007

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Stuart Scheinkman

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Sarah B. Hechtman

(See above for address)

TERMINATED: 07/24/2007

LEAD ATTORNEY

Abigail M. Kagle
(See above for address)
TERMINATED: 08/06/2008

Bernard Dufresne
(See above for address)
ATTORNEY TO BE NOTICED

David J. Bloch
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TERMINATED: 07/24/2007
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Sharon Katz
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ATTORNEY TO BE NOTICED

Shawn V. Morehead
(See above for address)
TERMINATED: 02/16/2009
ATTORNEY TO BE NOTICED

Plaintiff

J.W.
*by and through his mother Y.C., on
behalf of themselves and all others
similarly situated*

represented by **Elisa F. Hyman**
(See above for address)
TERMINATED: 04/02/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Stuart Scheinkman
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Rebecca Caren Shore
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Sarah B. Hechtman
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TERMINATED: 07/24/2007
LEAD ATTORNEY

Abigail M. Kagle
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TERMINATED: 08/06/2008

Alexis Gena Stone
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Bernard Dufresne

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Sharon Katz
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ATTORNEY TO BE NOTICED

Shawn V. Morehead
(See above for address)
TERMINATED: 02/16/2009
ATTORNEY TO BE NOTICED

Plaintiff

EB
*by and through his mother and next
friend, V.P.*

represented by **Michael Stuart Scheinkman**
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LEAD ATTORNEY
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Rebecca Caren Shore
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LEAD ATTORNEY
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TERMINATED: 07/24/2007
LEAD ATTORNEY

Abigail M. Kagle
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TERMINATED: 08/06/2008

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TERMINATED: 02/16/2009
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Shawn V. Morehead
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TERMINATED: 02/16/2009
ATTORNEY TO BE NOTICED

Elisa F. Hyman
(See above for address)
TERMINATED: 04/02/2007
ATTORNEY TO BE NOTICED

Plaintiff

AJ
*by and through his guardian and next
friend, I.F.*

represented by **Michael Stuart Scheinkman**
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LEAD ATTORNEY
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Rebecca Caren Shore
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TERMINATED: 08/06/2008

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TERMINATED: 02/16/2009
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Elisa F. Hyman
(See above for address)
TERMINATED: 04/02/2007
ATTORNEY TO BE NOTICED

Plaintiff

LBI

represented by **Michael Stuart Scheinkman**
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LEAD ATTORNEY
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Rebecca Caren Shore
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TERMINATED: 07/24/2007
LEAD ATTORNEY

Abigail M. Kagle
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TERMINATED: 08/06/2008

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TERMINATED: 02/16/2009
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Bernard Dufresne
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Sharon Katz
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ATTORNEY TO BE NOTICED

Shawn V. Morehead
(See above for address)
TERMINATED: 02/16/2009
ATTORNEY TO BE NOTICED

V.

Defendant

New York City Board of Education

represented by **Carolyn Michelle Wolpert**
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TERMINATED: 11/03/2005
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*TERMINATED: 02/12/2009
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Defendant

**New York City Department of
Education**

represented by **Carolyn Michelle Wolpert**
(See above for address)
*TERMINATED: 11/03/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Janice L. Birnbaum
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Lisa Fleming Grumet
(See above for address)
*TERMINATED: 02/12/2009
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Andrew James Rauchberg
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Chevon Andre Brooks
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*TERMINATED: 01/07/2010
ATTORNEY TO BE NOTICED*

Eamonn Francis Foley
(See above for address)
*TERMINATED: 02/12/2009
ATTORNEY TO BE NOTICED*

Defendant

Joel Klein
*in his official capacity as Chancellor of
the New York City School District*

represented by **Carolyn Michelle Wolpert**
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*TERMINATED: 11/03/2005
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Chevon Andre Brooks
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*TERMINATED: 01/07/2010
ATTORNEY TO BE NOTICED*

Eamonn Francis Foley
(See above for address)

Defendant

KSG

by and through his mother and next friend ,DP;

Defendant

IP

by and through his mother and next friend, DP;

| Date Filed | # | Docket Text |
|------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/20/2002 | <u>1</u> | Complaint filed and summons issued as to defendant(s) Joel Klein, New York City Board of Education, New York City Department of Education. Filing fee \$150.00. Receipt number: 267028.. Filed by Elisa F. Hyman on behalf of B.N., J.W., N.T., S.M.. (Attachments: # <u>1</u> Civil Cover Sheet)(Bowens, Priscilla) (Entered: 09/20/2002) |
| 09/24/2002 | <u>2</u> | By Mag Go Order to Show Cause dtd. 9/20/02 plttf. may proceed under the pseudonyms N.T.; S.M., by and through his father K.M.; B.N., by and through his mother R.N.; and J.W. by and through his mother Y.C.;. (Jackson, Ramona) (Entered: 09/24/2002) |
| 09/24/2002 | <u>3</u> | Declaration <i>in support of plttf's motion to proceed under pseudonyms</i> filed by Elisa F. Hyman on behalf of B.N., J.W., N.T., S.M.. (Jackson, Ramona) (Entered: 09/24/2002) |
| 09/24/2002 | <u>4</u> | Declaration <i>Memo. of Law in support of motion to proceed under pseudonyms</i> filed by Elisa F. Hyman on behalf of B.N., J.W., N.T., S.M.. (Jackson, Ramona) (Entered: 09/24/2002) |
| 10/24/2002 | <u>5</u> | Order extending time Answer due by 12/10/2002. On ltr. dtd. 10/9/02 from Janice Birnbaum(Jackson, Ramona) (Entered: 10/24/2002) |
| 11/05/2002 | <u>6</u> | AMENDED COMPLAINT against all defendants, filed by EB, AJ.(Hyman, Elisa) (Entered: 11/05/2002) |
| 12/05/2002 | <u>7</u> | Letter from Janice Birnbaum. (Birnbaum, Janice) (Entered: 12/05/2002) |
| 12/10/2002 | | ORDER endorsed on <u>7</u> Letter: Dfts' time to respond to the plttf's amended complaint is extended to 1/31/03. Signed by Judge Charles P. Sifton on 12/9/02. C/M.(Fahey, Lauren) (Entered: 12/10/2002) |
| 01/29/2003 | <u>8</u> | Letter from Janice Birnbaum. (Birnbaum, Janice) (Entered: 01/29/2003) |
| 02/04/2003 | <u>9</u> | ORDER Extension of time to respond to amended complaint to Feb. 7,2003. On ltr. dtd. 1/29/03 from Janice Birnbaum.. Signed by Judge Charles P. Sifton on 1/30/03. (Jackson, Ramona) (Entered: 02/04/2003) |
| 02/10/2003 | <u>10</u> | ANSWER to Amended Complaint by New York City Board of Education.(Birnbaum, Janice) (Entered: 02/10/2003) |
| 02/12/2003 | <u>11</u> | Initial conference scheduled for 3/19/2003 at 3:00 p.m. as per attached order. Signed by Judge Marilyn D. Go on 02/12/03. (DeVeaux, Yvonne) (Entered: 02/12/2003) |
| 03/19/2003 | <u>12</u> | Letter from Janice L.Birnbaum to Mag. Go request adjn. of conf. to March 31,2003 @ 3:00.. (Jackson, Ramona) (Entered: 03/19/2003) |
| 03/19/2003 | | ORDER re <u>12</u> Letter, granting adjournment to 3/31/03 at 3:00 p.m.. Signed by Judge Marilyn D. Go on 3/19/03. (Go, Marilyn) (Entered: 03/19/2003) |
| 03/31/2003 | | Minute Entry for proceedings held before Marilyn D. Go : Initial Conference Hearing held on 3/31/2003. Appearances by counsel of record. Counsel for defendants should promptly confer with plaintiffs' counsel regarding her contemplated motion to dismiss. With defendants' consent, plaintiffs are given leaven to file an amended complaint by 4/28/03. Any motion to dismiss must be filed by 5/19/03. Opposing papers are due |

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| | | 6/9/03 and a reply by 6/23/03. The remainder of the scheduling order will be discussed at the next conference scheduled for May 20, 2003 at 2:00 p.m. (Go, Marilyn) (Entered: 03/31/2003) |
| 04/25/2003 | | ORDER granting letter request of Elisa Hyman, plaintiff's counsel. The schedule previously set is extended as follows: amended complaint must be filed by 5/5/03. Any motion to dismiss must be filed by 5/27/03. Opposing papers are due 6/10/03 and a reply by 7/1/03. THE PARTIES ARE REMINDED THAT THIS CASE IS DESIGNATED FOR ELECTRONIC CASE FILING ("ECF"). THE COURT MAY DISREGARD FUTURE SUBMISSIONS NOT FILED VIA ECF. Signed by Judge Marilyn D. Go on 4/25/03. (Go, Marilyn) (Entered: 04/25/2003) |
| 05/02/2003 | <u>13</u> | AMENDED DOCUMENT by N.T.. <i>Second Amended Class Action Complaint for Injunctive, Declaratory and Other Relief.</i> (Hyman, Elisa) (Entered: 05/02/2003) |
| 05/16/2003 | <u>14</u> | Letter from C.Wolpert (via J. Birnbaum) to Mag. Go Regarding upcoming conference, assignment of C. Wolpert as defense counsel, and scheduling. (Birnbaum, Janice) (Entered: 05/16/2003) |
| 05/16/2003 | | ORDER granting <u>14</u> Letter from C. Wolpert. The time for defendants' motion to dismiss is extended as follows: motion must be filed by 6/27/03; opposing papers are due 7/10/03 and a reply is due by 8/1/03. Signed by Judge Marilyn D. Go on 5/16/03. (Go, Marilyn) (Entered: 05/16/2003) |
| 05/29/2003 | | Email Test (Guzzi, Roseann) (Entered: 05/29/2003) |
| 05/29/2003 | | Email Test (Permaul, Jenny) (Entered: 05/29/2003) |
| 06/16/2003 | <u>15</u> | Letter from Carolyn Wolpert to Mag Go Regarding confirm conf. for July 9,2003.. (Jackson, Ramona) (Entered: 06/16/2003) |
| 06/18/2003 | <u>16</u> | Letter from Carolyn Wolpert to The Honorable Marilyn Dolan Go Regarding Request for an extension of the current briefing schedule for defendants' motion to dismiss. (Wolpert, Carolyn) (Entered: 06/18/2003) |
| 06/18/2003 | | ORDER granting re <u>16</u> Letter application extending the motion schedule. Signed by Judge Marilyn D. Go on 6/18/03. (Go, Marilyn) (Entered: 06/18/2003) |
| 07/09/2003 | | Status Conference held on 7/9/2003 at 10:00 a.m. before Marilyn D. Go : Appearances by telephone by Elisa Hyman and Carolyn Wolpert. There being no opposition, plaintiffs are given leave to file a third amended complaint which streamlines the claims in this action. The prior schedule for the motion to dismiss remains unchanged. Plaintiffs' motion for class certification must be filed by 8/15/03. Defendants' counsel must be prepared to discuss the question of discovery needed at the next scheduled conference. If the parties cannot resolve the dispute over disclosure of plaintiffs' records in light of FERPA, plaintiffs must make a prompt application. Next conference scheduled for August 25, 2003 at 9:45 a.m. (by tel).(DeVeaux, Yvonne) (Entered: 07/09/2003) |
| 07/15/2003 | <u>17</u> | AMENDED DOCUMENT by N.T.. <i>Third Amended Class Action Complaint for Injunctive, Declaratory and Other Relief.</i> (Hyman, Elisa) (Entered: 07/15/2003) |
| 07/25/2003 | <u>18</u> | MOTION to Dismiss for Lack of Jurisdiction by Joel Klein, New York City Board of Education, New York City Department of Education. Responses due by 8/15/2003 (Wolpert, Carolyn) (Entered: 07/25/2003) |
| 07/25/2003 | <u>19</u> | MOTION to Dismiss for Lack of Jurisdiction (<i>Memorandum of Law in Support</i>) by Joel Klein, New York City Board of Education, New York City Department of Education. Responses due by 8/15/2003 (Wolpert, Carolyn) (Entered: 07/25/2003) |
| 07/31/2003 | <u>20</u> | Notice of MOTION to Dismiss (<i>Amended</i>) by Joel Klein, New York City Board of Education, New York City Department of Education. Responses due by 8/15/2003 (Wolpert, Carolyn) (Entered: 07/31/2003) |
| 08/13/2003 | <u>21</u> | Letter from E. Hyman to Magistrate Judge Go Regarding Request for Extension. (Hyman, Elisa) (Entered: 08/13/2003) |
| 08/15/2003 | | ORDER re <u>16</u> Letter, <u>21</u> Letter. Plaintiffs' time to file their opposition to the motion to dismiss is extended to 8/21/03. The schedule for defendants' reply and the class |

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|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | certification motion will be discussed at the next scheduled conference on August 25, 2003 at 9:45 a.m. Signed by Judge Marilyn D. Go on 8/15/03. (Go, Marilyn) (Entered: 08/15/2003) |
| 08/20/2003 | <u>22</u> | RESPONSE in Opposition re <u>18</u> MOTION to Dismiss for Lack of Jurisdiction, <u>19</u> MOTION to Dismiss for Lack of Jurisdiction (<i>Memorandum of Law in Support</i>), <u>20</u> Notice of MOTION to Dismiss (<i>Amended</i>) filed by N.T.. (Hyman, Elisa) (Entered: 08/20/2003) |
| 08/22/2003 | <u>23</u> | RESPONSE in Opposition re <u>18</u> MOTION to Dismiss for Lack of Jurisdiction, <u>19</u> MOTION to Dismiss for Lack of Jurisdiction (<i>Memorandum of Law in Support</i>), <u>20</u> Notice of MOTION to Dismiss (<i>Amended</i>) <i>Declaration of Elisa Hyman in Support of Opposition to Motion to Dismiss</i> filed by N.T.. (Hyman, Elisa) (Entered: 08/22/2003) |
| 08/25/2003 | | Calendar Entry for proceedings held before Marilyn D. Go on 8/25/2003. Appearances by Carolyn Wolpert and Elisa Hyman. Defendants' reply to plaintiffs' opposition to motion to dismiss is due 9/17/03. The parties should work to submit a set of joint exhibits with respect to documents referenced in the motion. Plaintiffs' motion for class certification must be filed 9/29/03; opposing papers by 10/21/03 and a reply by 11/3/03. Defendants should engage in discovery with respect to the class certification motion, to the extent apparent from plaintiffs' submissions in opposition to the motion to dismiss. (DeVeaux, Yvonne) (Entered: 08/25/2003) |
| 09/05/2003 | <u>24</u> | Letter from Carolyn Wolpert to Judge Sifton Regarding Rescheduling Oral Argument of Defendants' Motion to Dismiss. (Wolpert, Carolyn) (Entered: 09/05/2003) |
| 09/10/2003 | | ORDER re <u>24</u> Motion to dismiss to Oct. 8,2003. On ltr. dtd. 9/5/03 from Carolyn Wolpert.. Signed by Judge Charles P. Sifton on 9/8/03. (Jackson, Ramona) (Entered: 09/10/2003) |
| 09/17/2003 | <u>25</u> | REPLY to Response to Motion re <u>18</u> MOTION to Dismiss for Lack of Jurisdiction, <u>19</u> MOTION to Dismiss for Lack of Jurisdiction (<i>Memorandum of Law in Support</i>), <u>20</u> Notice of MOTION to Dismiss (<i>Amended</i>) <i>Defendants' Reply Memorandum of Law</i> filed by Joel Klein, New York City Board of Education, New York City Department of Education. (Wolpert, Carolyn) (Entered: 09/17/2003) |
| 09/17/2003 | <u>26</u> | REPLY to Response to Motion re <u>18</u> MOTION to Dismiss for Lack of Jurisdiction, <u>19</u> MOTION to Dismiss for Lack of Jurisdiction (<i>Memorandum of Law in Support</i>), <u>20</u> Notice of MOTION to Dismiss (<i>Amended</i>) <i>Declaration of Carolyn Wolpert</i> filed by Joel Klein, New York City Board of Education, New York City Department of Education. (Wolpert, Carolyn) (Entered: 09/17/2003) |
| 09/25/2003 | <u>27</u> | Letter from Elisa Hyman to Magistrate Judge Go Regarding Request for Extension. (Hyman, Elisa) (Entered: 09/25/2003) |
| 09/26/2003 | | ORDER: <u>27</u> Letter request for extension of the deadlines for submissions regarding the class certification motion granted. Signed by Judge Marilyn D. Go on 9/26/03. (Go, Marilyn) (Entered: 09/26/2003) |
| 10/03/2003 | <u>28</u> | First MOTION to Certify Class by N.T.. Responses due by 10/24/2003 (Hyman, Elisa) (Entered: 10/03/2003) |
| 10/03/2003 | <u>29</u> | First MOTION to Certify Class <i>Memorandum of Law and Declaration in Support</i> by N.T.. Responses due by 10/24/2003 (Attachments: # <u>1</u> Affidavit Declaration of E. Hyman)(Hyman, Elisa) (Entered: 10/03/2003) |
| 10/06/2003 | <u>30</u> | AFFIDAVIT in Opposition re <u>20</u> Notice of MOTION to Dismiss (<i>Amended</i>) <i>Supplemental Declaration of Elisa Hyman</i> filed by N.T.. (Hyman, Elisa) (Entered: 10/06/2003) |
| 10/07/2003 | 31 | EXHIBIT Volume 1 Exhibits to the Declaration of Elisa Hyman Esq. in support of plttf's motion for class Certification(Jackson, Ramona) (Entered: 10/07/2003) |
| 10/07/2003 | 32 | EXHIBIT Volume 11 Exhibits to the Declaration of Elisa Hyman Esq. in support of plttf's motion for class certification.(Jackson, Ramona) (Entered: 10/07/2003) |
| 10/07/2003 | 33 | EXHIBIT Volume 111 Exhibits to the Declaration of Elisa Hyman Esq. in support of plttf's motion for class certification(Jackson, Ramona) (Entered: 10/07/2003) |

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| 10/07/2003 | 34 | EXHIBIT Volume 1V Exhibits to the Declaration of Elisa Hyman Esq. in support of plttf's motion for class certification(Jackson, Ramona) (Entered: 10/07/2003) |
| 10/07/2003 | 35 | Declaration of CAROLYN WOLPERT re <u>18</u> Exhibits to MOTION to Dismiss for Lack of Jurisdiction by New York City Board of Education, New York City Department of Education. (Jackson, Ramona) (Entered: 10/07/2003) |
| 10/09/2003 | <u>36</u> | Letter from Carolyn Wolpert to Magistrate Go Regarding Briefing Schedule for plaintiffs' motion for class certification. (Wolpert, Carolyn) (Entered: 10/09/2003) |
| 10/09/2003 | <u>37</u> | Letter from E. Hyman to Magistrate Go Regarding Plaintiffs' Opposition to Defendants' Requests for (i) an Extension and (ii) Order Regarding Discovery. (Hyman, Elisa) (Entered: 10/09/2003) |
| 10/10/2003 | | ORDER: Magistrate Judge Marilyn D. Go will hold a conference immediately following your oral argument before Judge Sifton on 10/15/2003. The schedule for class discovery, if any, and for submissions on the class certification motion will be discussed. If there is any change in the date or time, please notify us.Signed by Judge Marilyn D. Go on 10/10/03. (DeVeaux, Yvonne) (Entered: 10/10/2003) |
| 10/14/2003 | <u>38</u> | Letter from Carolyn Wolpert to Magistrate Go Regarding plaintiffs' letter of October 9, 2003. (Wolpert, Carolyn) (Entered: 10/14/2003) |
| 10/15/2003 | 39 | Minute Entry for proceedings held before Charles P. Sifton : Motion Hearing held on 10/15/2003 Case called. Motion of def't's for summary judgment argued. Decision RESERVED. (Entered: 10/21/2003) |
| 10/16/2003 | | Calendar entry for proceedings held before Marilyn D. Go on 10/15/2003: Appearances by Elisa Hyman, Randi Waldman, Carolyn Wolpert and Alexandra Michalos. Counsel should discuss defendants' discovery requests concern the class certification motion prior to the next conference. NEXT CONFERENCE SCHEDULED FOR October 23, 2003 at 4:00 p.m. (DeVeaux, Yvonne) (Entered: 10/16/2003) |
| 10/24/2003 | | Calendar Entry for proceedings held before Marilyn D. Go on 10/23/2003: Appearances by counsel of record. The parties are given two weeks to engage in discussions to see if they can settle this case. If they are not close to agreement by the next conference, a schedule will be issued on class discovery. Next conference scheduled for Nov. 5, 2003 at 9:45 a.m. (DeVeaux, Yvonne) (Entered: 10/24/2003) |
| 11/03/2003 | <u>40</u> | Letter from Elisa Hyman to Magistrate Judge Go Regarding Conference. (Hyman, Elisa) (Entered: 11/03/2003) |
| 11/03/2003 | | ORDER granting <u>40</u> Letter request for an adjournment. The next conference is adjourned to November 18, 2003 at 12:00 noon. Signed by Judge Marilyn D. Go on 11/3/03. (Go, Marilyn) (Entered: 11/03/2003) |
| 11/05/2003 | 41 | TRANSCRIPT of motion hearing held on 10/15/03 before Judge Sifton. Court Reporter: Fiore Transcription Service. (Jackson, Ramona) (Entered: 11/05/2003) |
| 11/10/2003 | <u>42</u> | Letter from Carolyn Wolpert to The Honorable Charles P. Sifton Regarding rescheduling oral argument of plaintiffs' motion for class certification. (Wolpert, Carolyn) (Entered: 11/10/2003) |
| 11/18/2003 | | Minute Entry for telephone Conference held before Marilyn D. Go on 11/18/2003: Appearances by Elisa Hyman and Carolyn Wolpert. Settlement discussions are progressing, as well as narrowing of issues re class discovery. Next conference scheduled for Nov. 26, 2003 at 9:45 a.m. (by telephone) (DeVeaux, Yvonne) (Entered: 11/18/2003) |
| 11/26/2003 | | Minute Entry for proceedings held before Marilyn D. Go: Discovery Hearing held on 11/26/2003. Class discovery must be completed by 1/30/04. No extensions will be granted. Plaintiffs must promptly completion production of requested documents so depositions may proceed. Defendants' opposition to the class certification motion is due 2/26/04 and plaintiffs' reply is due 3/18/04. (Go, Marilyn) (Entered: 11/26/2003) |
| 11/26/2003 | <u>43</u> | Letter from Carolyn Wolpert to Judge Sifton Regarding adjourning oral argument of plaintiffs' motion for class certification. (Wolpert, Carolyn) (Entered: 11/26/2003) |

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| 12/04/2003 | <u>44</u> | ORDER request adjournment of argument to 12/12/03. On ltr. dtd. 11/10/03 from Carolyn Wolpert.. Signed by Judge Charles P. Sifton on 11/18/03. (Jackson, Ramona) (Entered: 12/04/2003) |
| 12/10/2003 | 45 | ORDER Oral argument adjourned to march 30,2004. On ltr. dtd. 11/26/03 from Carolyn Wolpert.. Signed by Judge Charles P. Sifton on 12/4/03. (Jackson, Ramona) (Entered: 12/10/2003) |
| 01/27/2004 | <u>46</u> | Letter from Carolyn Wolpert to Magistrate Go Regarding Class Discovery. (Wolpert, Carolyn) (Entered: 01/27/2004) |
| 01/27/2004 | <u>47</u> | Letter from Elisa Hyman to Magistrate Judge Go Regarding Class Discovery. (Hyman, Elisa) (Entered: 01/27/2004) |
| 01/28/2004 | | ORDER re <u>46</u> Letter from Carolyn Wolpert and <u>47</u> Letter from Elisa Hyman Regarding Class Discovery. A telephone conference will be held on Jan. 30, 2004 at 1:15 p.m. to discuss remaining class discovery. Counsel must confer prior to the conference. Signed by Judge Marilyn D. Go on 1/28/04. (Go, Marilyn) (Entered: 01/28/2004) |
| 01/28/2004 | <u>48</u> | Letter from Carolyn Wolpert to Magistrate Judge Marilyn Dolan Go Regarding Plaintiffs' Letter dated January 27, 2004. (Wolpert, Carolyn) (Entered: 01/28/2004) |
| 01/29/2004 | <u>49</u> | MEMORANDUM AND OPINION For the reasons set forth above, deft's motion to dismiss this action for lack of personal jurisdiction is DENIED.. Signed by Judge Charles P. Sifton on 1/26/04. (Jackson, Ramona) Copies mailed. (Entered: 01/29/2004) |
| 01/30/2004 | | Minute Entry for proceedings held before Marilyn D. Go : Telephone Conference held on 1/30/2004. Appearances by telephone by Randee Waldman, Janice Birnbaum and Carolyn Wolpert. Defendants may conduct the depositions of plaintiffs N.T. and K.S.G. for all purposes, subject to the following restrictions: each deposition is limited to one hour and defendants must make a good faith effort to minimize the length of the deposition and first propound interrogatories by 2/4/04 as to straightforward factual matters. Plaintiffs' responses are due 2/13/04. Depositions must be held the week of 2/16/04. If attempts to resolve the objections to discovery requests are unsuccessful, defendants' motion to compel must be filed by 2/18/04 and opposition by 2/23/04. Defendants' opposition to the motion for class certification must be filed by 3/19/04 and plaintiffs' reply by 4/5/04. (Go, Marilyn) (Entered: 01/30/2004) |
| 02/13/2004 | <u>50</u> | Letter from Carolyn Wolpert to Magistrate Judge Marilyn Dolan Go Regarding Defendants' Motion to Compel. (Wolpert, Carolyn) (Entered: 02/13/2004) |
| 02/25/2004 | <u>51</u> | Letter from Carolyn Wolpert to Magistrate Judge Marilyn Dolan Go Regarding Class Discovery. (Wolpert, Carolyn) (Entered: 02/25/2004) |
| 03/05/2004 | | Case set to ECF status. All civil actions before this Judge are ECF matters. It is MANDATORY that you file all original documents electronically Please refer to the Judge's Individual Rules. From this point forward, original documents are REQUIRED to be filed electronically. The Judges' Individual Rules of Chambers and further information on ECF may be found at the website for the Eastern District of New York at www.nyed.uscourts.gov. (Jackson, Ramona) (Entered: 03/05/2004) |
| 03/05/2004 | <u>52</u> | ORDER Application GRANTED. deft's must file their motion to compel by 2/25/04. On ltr. dtd. 2/13/04 from Carolyn Wolpert.. Signed by Judge Marilyn D. Go on 2/13/04. (Jackson, Ramona) (Entered: 03/05/2004) |
| 03/05/2004 | | ORDER granting <u>51</u> letter application of Carolyn Wolpert regarding class discovery. Plaintiffs' counsel must supplement discovery responses within two days after receipt of documents from their clients, if received prior to the date for defendants' opposition to the class certification motion, and within one week if after that date. Signed by Judge Marilyn D. Go on 3/5/04. (Go, Marilyn) (Entered: 03/05/2004) |
| 03/05/2004 | | ORDER supplementing 3/5/04 ORDER granting <u>51</u> letter application of Carolyn Wolpert regarding class discovery. With respect to any documents received from clients within ten days before the oral argument date, plaintiffs' counsel must supplement discovery responses within two days after receipt of documents from their clients. Signed by Judge Marilyn D. Go on 3/5/04. (Go, Marilyn) (Entered: 03/05/2004) |

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| 03/09/2004 | <u>53</u> | Letter from Carolyn Wolpert to Judge Sifton Regarding oral argument of plaintiffs' motion for class certification. (Wolpert, Carolyn) (Entered: 03/09/2004) |
| 03/15/2004 | <u>54</u> | Letter from Carolyn Wolpert to Judge Sifton Regarding Stipulation. (Wolpert, Carolyn) (Entered: 03/15/2004) |
| 03/16/2004 | <u>55</u> | ORDER Oral argument on motion for class certification to April 20,2004. Deft's opposition March 19,2004. Pltff's reply April 5,2004. On ltr. dtd. 3/9/04 from Carolyn Wolpert.. Signed by Judge Charles P. Sifton on 3/10/04. (Jackson, Ramona) (Entered: 03/16/2004) |
| 03/19/2004 | <u>56</u> | Letter from Carolyn Wolpert to Judge Sifton Regarding Filing of Defendants' Opposition to Plaintiffs' Motion for Class Certification. (Wolpert, Carolyn) (Entered: 03/19/2004) |
| 03/19/2004 | <u>57</u> | RESPONSE in Opposition re <u>28</u> First MOTION to Certify Class, <u>29</u> First MOTION to Certify Class <i>Memorandum of Law and Declaration in Support</i> filed by Joel Klein, New York City Board of Education, New York City Department of Education. (Wolpert, Carolyn) (Entered: 03/19/2004) |
| 03/19/2004 | <u>58</u> | AFFIDAVIT in Opposition re <u>28</u> First MOTION to Certify Class, <u>29</u> First MOTION to Certify Class <i>Memorandum of Law and Declaration in Support</i> filed by Joel Klein, New York City Board of Education, New York City Department of Education. (Attachments: # <u>1</u> Affidavit Exhibit BB, Declaration of Lori Mei# <u>2</u> Affidavit Exhibit CC – Declaration of Quin Werthauer# <u>3</u> Affidavit Exhibit DD – Declaration of Lois Kessler# <u>4</u> Affidavit Exhibit EE – Declaration of Leslie Matuk)(Wolpert, Carolyn) (Entered: 03/19/2004) |
| 03/26/2004 | <u>59</u> | STIPULATION AND ORDER Caption is hereby changed.. Signed by Judge Charles P. Sifton on 3/18/04. (Jackson, Ramona) (Entered: 03/26/2004) |
| 04/07/2004 | <u>60</u> | REPLY to Response to Motion re <u>28</u> First MOTION to Certify Class, <u>29</u> First MOTION to Certify Class <i>Memorandum of Law and Declaration in Support</i> filed by EB. (Attachments: # <u>1</u> Affidavit Declaration of Elisa Hyman dated April 7, 2004# <u>2</u> Letter to Judge Sifton regarding filing of exhibits by hand)(Hyman, Elisa) (Entered: 04/07/2004) |
| 04/08/2004 | <u>61</u> | ORDER Extension of time to 4/7/04, to reply to memo. in opposition.to motion for class certification.. Signed by Judge Charles P. Sifton on 4/5/04. (Jackson, Ramona) (Entered: 04/08/2004) |
| 04/13/2004 | <u>62</u> | reply Memo. in further in Support re <u>29</u> First MOTION to Certify Class <i>Memorandum of Law and Declaration in Support</i> filed by AJ, EB, J.W., LBI, S.M.. (Jackson, Ramona) (Entered: 04/13/2004) |
| 04/13/2004 | <u>63</u> | Declaration of ELISA HYMAN by AJ, EB, J.W., LBI, N.T., S.M. in further support of pltff's motion for class certification. (Jackson, Ramona) (Entered: 04/13/2004) |
| 07/15/2004 | <u>65</u> | Minute Entry for proceedings held before Charles P. Sifton : Motion Hearing held on 7/15/2004 re <u>28</u> First MOTION to Certify Class filed by N.T., <u>29</u> First MOTION to Certify Class <i>Memorandum of Law and Declaration in Support</i> filed by N.T. (Court Reporter Winnie Valentine.) Decision RESERVED. (Jackson, Ramona) (Entered: 07/29/2004) |
| 07/22/2004 | <u>64</u> | MEMORANDUM AND OPINION Pltff's motion to certify the class is GRANTED. The motion to certify subclass is DENIED.. Signed by Judge Charles P. Sifton on 7/19/04. (Jackson, Ramona) copies mailed (Entered: 07/22/2004) |
| 07/26/2004 | | ORDER: A status conference will be held in the above-captioned case before Marilyn Dolan Go on August 11, 2004 at 2:30 p.m. in Room 357 at the United States Courthouse. All counsel should confirm with each other that all necessary participants are aware of this conferenceSigned by Judge Marilyn D. Go on 7/26/04. (DeVeaux, Yvonne) (Entered: 07/26/2004) |
| 08/04/2004 | <u>66</u> | TRANSCRIPT of Motion held on July 15,2004 before Judge Sifton. Court Reporter: Rosalie Lombardi. (Jackson, Ramona) (Entered: 08/04/2004) |
| 08/05/2004 | <u>67</u> | Letter from E. Hyman to Judge Go Regarding Request to adjourn conference. (Hyman, Elisa) (Entered: 08/05/2004) |

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| 08/05/2004 | <u>68</u> | Letter from Carolyn Wolpert to Magistrate Judge Marilyn Dolan Go Regarding confirming status conference at 12:00 p.m. on Wednesday, September 15, 2004. (Wolpert, Carolyn) (Entered: 08/05/2004) |
| 08/12/2004 | <u>69</u> | Letter from Sarah Hechtman to Judge Sifton Regarding class certification Order. (Hechtman, Sarah) (Entered: 08/12/2004) |
| 08/18/2004 | <u>70</u> | CORRECTED MEMORANDUM AND ORDER For the reasons stated, the plttf's motion to certify class is GRANTED, The motion to certify subclass is DENIED without prejudice.. Signed by Judge Charles P. Sifton on 8/17/04. (Jackson, Ramona) Copies Mailed (Entered: 08/18/2004) |
| 09/15/2004 | | Minute Entry for proceedings held before Marilyn D. Go : Interim Pretrial Conference held on 9/15/2004. Appearances by Elisa Hyman, Sarah Hechtman, Cynthia Godsoe, Carolyn Wolpert. Parties must serve written discovery requests within one month and discuss a confidentiality order. A scheduling order will be issued at the next conference scheduled for Nov. 5, 2004 at 11:30 a.m. (Go, Marilyn) (Entered: 09/15/2004) |
| 09/15/2004 | <u>71</u> | NOTICE of Appearance by Sarah B. Hechtman on behalf of NT Class Action plaintiffs'.(Guzzi, Roseann) (Entered: 09/17/2004) |
| 10/13/2004 | <u>72</u> | Letter from Ehyman to Judge Go Regarding Request for Extension and Adjournment of Conference. (Hyman, Elisa) (Entered: 10/13/2004) |
| 10/14/2004 | | ORDER re <u>72</u> Letter. Extension of time to serve discovery requests granted. The next conference is adjourned to November 12, 2004 at 11:00 a.m.Signed by Judge Marilyn D. Go on 10/14/04. (DeVeaux, Yvonne) (Entered: 10/14/2004) |
| 10/18/2004 | <u>73</u> | Letter from E. Hyman, Counsel for Plaintiffs to Judge Charles P. Sifton Regarding Plaintiffs' Request for a Conference. (Hyman, Elisa) (Entered: 10/18/2004) |
| 10/20/2004 | <u>74</u> | Letter from Carolyn Wolpert to Judge Sifton Regarding plaintiffs' counsel's letter dated October 18, 2004. (Wolpert, Carolyn) (Entered: 10/20/2004) |
| 10/20/2004 | <u>75</u> | Letter from E. Hyman, Esq. to Judge Marilyn Go Regarding Request for Extension. (Hyman, Elisa) (Entered: 10/20/2004) |
| 10/20/2004 | | ORDER granting <u>75</u> Letter request for one week extension to serve discovery requests. The next conference is adjourned to Nov. 19, 2004 at 9:15 a.m. Signed by Judge Marilyn D. Go on 10/20/04. (Go, Marilyn) (Entered: 10/20/2004) |
| 10/20/2004 | <u>76</u> | Minute Entry for proceedings held before Charles P. Sifton : Status Conference held on 10/20/2004. (Court Reporter Winnie Valentine.) Status conf. continued to 10/28/04 @ 4:30. (Jackson, Ramona) (Entered: 11/01/2004) |
| 11/02/2004 | <u>77</u> | ORDER Status conf. adjourned to 11/10/04 @ 4:30. On ltr. dtd. 10/27/04 from Cynthia Godsoe.. Signed by Judge Charles P. Sifton on 11/1/04. (Jackson, Ramona) (Entered: 11/02/2004) |
| 11/10/2004 | <u>78</u> | Letter from Sharon Katz to Judge Go Regarding request to adjourn discovery conference from 11/17/04 to the week of 1/3/05. (Lippman, Russell) (Entered: 11/10/2004) |
| 11/15/2004 | | ORDER re <u>78</u> Letter. The next conference is adjourned to Dec. 22, 2004 at 11:00 a.m. Signed by Judge Marilyn D. Go on 11/15/04. (Go, Marilyn) (Entered: 11/15/2004) |
| 11/29/2004 | <u>79</u> | NOTICE of Appearance by Cynthia M. Godsoe on behalf of all plaintiffs (Godsoe, Cynthia) (Entered: 11/29/2004) |
| 11/30/2004 | <u>80</u> | ORDER Status conf. adjourned to 12/6/04 @ 4:30. On ltr. dtd. 11/23/04 from Sarah B. Hechtman.. Signed by Judge Charles P. Sifton on 11/24/04. (Jackson, Ramona) (Entered: 11/30/2004) |
| 12/03/2004 | <u>81</u> | ORDER request adjournment of status conf. On ltr. dtd. 11/9/04 from Carolyn Wolpert.. Signed by Judge Sandra L. Townes on 11/9/04. (Jackson, Ramona) (Entered: 12/03/2004) |
| 12/07/2004 | <u>82</u> | ORDER adjournment of status conf. to 1/5/05 @ 4:30. On ltr. dtd. 12/2/04 from Carolyn Wolpert.. Signed by Judge Charles P. Sifton on 12/6/04. (Jackson, Ramona) |

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| | | (Entered: 12/07/2004) |
| 12/13/2004 | <u>83</u> | Letter from Carolyn Wolpert to Magistrate Judge Go Regarding adjournment of December 22, 2004 conference. (Wolpert, Carolyn) (Entered: 12/13/2004) |
| 12/14/2004 | | ORDER granting <u>83</u> Letter request for adjournment of the conference on 12/22/04 to January 12, 2005 at 10:30 a.m. However, given the numerous adjournments and extensions previously granted, this Court expects discovery to proceed and the parties to complete efforts to resolve discovery disputes. Applications with respect to unresolved disputes must be submitted by 1/3/05 and any response by 1/7/05. No extensions will be granted. Signed by Judge Marilyn D. Go on 12/14/04. (Go, Marilyn) (Entered: 12/14/2004) |
| 12/30/2004 | <u>84</u> | STATUS REPORT by J.W., LBI, EB, AJ, S.M.. (Stewart, Matthew) (Entered: 12/30/2004) |
| 01/03/2005 | <u>85</u> | NOTICE of Appearance by Matthew S. Stewart on behalf of all plaintiffs (Stewart, Matthew) (Entered: 01/03/2005) |
| 01/03/2005 | <u>86</u> | NOTICE of Appearance by Sharon Katz on behalf of all plaintiffs (Katz, Sharon) (Entered: 01/03/2005) |
| 01/03/2005 | <u>87</u> | Letter from Carolyn Wolpert to The Honorable Marilyn Dolan Go Regarding discovery. (Wolpert, Carolyn) (Entered: 01/03/2005) |
| 01/11/2005 | <u>88</u> | Letter from Elisa Hyman, Esq. to Judge Go Regarding draft agreement between parties. (Attachments: # <u>1</u>)(Hechtman, Sarah) (Entered: 01/11/2005) |
| 01/12/2005 | <u>89</u> | ORDER Adjourned to Jan 24,3005 @ 4:30. On ltr. dtd. 1/4/04 from Cynthia Godsoc re: status conf.. Signed by Judge Charles P. Sifton on 1/10/05. (Jackson, Ramona) (Entered: 01/12/2005) |
| 01/13/2005 | | Minute Entry for status conference held before Marilyn D. Go on 1/12/2005. Appearances by counsel of record. Discussions re proposed agreement re communications between plaintiffs' counsel and employees of defendant department. The parties will attempt to finalize and implement terms of current proposed agreement promptly, subject to further assessment once put into practice. Plaintiffs should review discovery requests and advise defendants by 1/14/05 as to any requests that they would be willing to narrow to facilitate a response. By 1/19/05, defendants must state the extent that they will provide documents as to any request and as to requests for which defendants will not provide documents, state the specific basis for any objections. Any motion to compel must be filed by 2/1/05, a response by 2/8/05 and any reply by 2/11/05. Next conference scheduled for Feb. 16, 2005 at 11:00 a.m. (DeVeaux, Yvonne) (Entered: 01/13/2005) |
| 01/13/2005 | <u>90</u> | Letter from Carolyn Wolpert to The Honorable Marilyn Dolan Go Regarding the Minute Entry for the status conference held on January 12, 2005. (Wolpert, Carolyn) (Entered: 01/13/2005) |
| 01/14/2005 | | ORDER re <u>90</u> Letter. The deadline for defendants' submission is 1/20/05. Signed by Judge Marilyn D. Go on 1/14/05. (Go, Marilyn) (Entered: 01/14/2005) |
| 01/20/2005 | <u>91</u> | Letter from Cynthia Godsoe, Esq. to Honorable Charles P. Sifton Regarding Agreement between the parties. (Attachments: # <u>1</u>)(Hechtman, Sarah) (Entered: 01/20/2005) |
| 02/01/2005 | <u>92</u> | MOTION to Compel <i>Defendants to Produce Documents in Response to Plaintiffs' First Request for Production of Documents</i> by all plaintiffs. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I)(Stewart, Matthew) (Entered: 02/01/2005) |
| 02/03/2005 | <u>93</u> | Letter from Carolyn Wolpert to The Honorable Marilyn Dolan Go Regarding plaintiffs' motion to compel. (Attachments: # <u>1</u> # <u>2</u>)(Wolpert, Carolyn) (Entered: 02/03/2005) |
| 02/03/2005 | | ORDER granting <u>93</u> Letter request extending time for opposition and reply to motion to compel. The Court finds an extension warranted so the parties can attempt to resolve the scope of the class, given the privacy rights of students implicated with the release of documents. However, no further extension will be granted based on this reason |

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| | | absent consent of the plaintiffs. The next conference is adjourned to Feb. 25, 2005 at 11:30 a.m. . Signed by Judge Marilyn D. Go on 2/3/05. (Go, Marilyn) (Entered: 02/03/2005) |
| 02/15/2005 | <u>94</u> | NOTICE of Appearance by David J. Bloch on behalf of all plaintiffs (Bloch, David) (Entered: 02/15/2005) |
| 02/15/2005 | <u>95</u> | MOTION to Amend/Correct <u>70</u> Memorandum & Opinion <i>pursuant to Rule 23(c)(1)(C) of the Federal Rules of Civil Procedure</i> by New York City Board of Education, New York City Department of Education, Joel Klein. (Wolpert, Carolyn) (Entered: 02/15/2005) |
| 02/15/2005 | <u>96</u> | MOTION to Amend/Correct <u>70</u> Memorandum & Opinion (<i>Declaration of Carolyn Wolpert</i>) by New York City Board of Education, New York City Department of Education, Joel Klein. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u>)(Wolpert, Carolyn) (Entered: 02/15/2005) |
| 02/15/2005 | <u>97</u> | MOTION to Amend/Correct <u>70</u> Memorandum & Opinion (<i>Memorandum of Law</i>) by New York City Board of Education, New York City Department of Education, Joel Klein. (Wolpert, Carolyn) (Entered: 02/15/2005) |
| 02/15/2005 | <u>98</u> | RESPONSE in Opposition re <u>92</u> MOTION to Compel <i>Defendants to Produce Documents in Response to Plaintiffs' First Request for Production of Documents</i> filed by New York City Board of Education, New York City Department of Education, Joel Klein. (Attachments: # <u>1</u>)(Wolpert, Carolyn) (Entered: 02/15/2005) |
| 02/18/2005 | <u>99</u> | REPLY to Response to Motion re <u>92</u> MOTION to Compel <i>Defendants to Produce Documents in Response to Plaintiffs' First Request for Production of Documents</i> filed by J.W., LBI, EB, AJ, N.T., S.M., B.N.. (Attachments: # <u>1</u> Exhibit A)(Stewart, Matthew) (Entered: 02/18/2005) |
| 02/23/2005 | <u>100</u> | Letter from Carolyn Wolpert to Magistrate Judge Go Regarding plaintiffs' letter dated February 18, 2005. (Wolpert, Carolyn) (Entered: 02/23/2005) |
| 02/24/2005 | <u>101</u> | Letter from Elisa Hyman to Magistrate Judge Go Regarding Defendants' Letter dated February 23, 2005. (Hyman, Elisa) (Entered: 02/24/2005) |
| 02/28/2005 | | Minute Entry for discovery conference held before Marilyn D. Go on 2/25/2005. Appearances by counsel of record. Parties should continue discussions and defendants must provide information in attempt to facilitate and narrow discovery requests. Next conference scheduled for March 4, 2005 at 1:00 p.m.(Tape #ESR 05/14 567 – 4953.) (DeVeaux, Yvonne) (Entered: 02/28/2005) |
| 03/02/2005 | <u>102</u> | RESPONSE in Opposition re <u>95</u> MOTION to Amend/Correct <u>70</u> Memorandum & Opinion <i>pursuant to Rule 23(c)(1)(C) of the Federal Rules of Civil Procedure to Amend the Class</i> filed by all plaintiffs. (Stewart, Matthew) (Entered: 03/02/2005) |
| 03/02/2005 | <u>103</u> | RESPONSE in Opposition re <u>95</u> MOTION to Amend/Correct <u>70</u> Memorandum & Opinion <i>pursuant to Rule 23(c)(1)(C) of the Federal Rules of Civil Procedure (Declaration of Matthew Stewart)</i> filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Stewart, Matthew) (Entered: 03/02/2005) |
| 03/03/2005 | 104 | TRANSCRIPT of Proceedings held on Feb. 25,2005 before Judge Mag. Go.. Court Reporter: Rosalie Lombardi. (Jackson, Ramona) (Entered: 03/03/2005) |
| 03/09/2005 | | Minute Entry for status conference held before Marilyn D. Go on 3/4/2005. Appearances by counsel of record. Next conference scheduled for March 7, 2005 at 11:30 a.m.(Tape #ESR 05/18 0–1044.) (DeVeaux, Yvonne) (Entered: 03/09/2005) |
| 03/09/2005 | | Minute Entry for telephone status conference held before Marilyn D. Go on 3/7/2005. Appearances by counsel of record. Further discussions held on the record re production of documents. Defendants to provide implemented plans by 3/16/05 and statistical data regarding students in SOS schools and District 75 by 3/25/05. Next conference scheduled for March 29, 2005 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 03/09/2005) |
| 03/09/2005 | <u>105</u> | MOTION to Amend/Correct <u>70</u> Memorandum & Opinion (<i>Reply Memorandum of Law</i>) by New York City Board of Education, New York City Department of Education, Joel Klein. (Wolpert, Carolyn) (Entered: 03/09/2005) |

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| 03/10/2005 | <u>106</u> | Letter from Elisa Hyman to Magistrate Judge Go Regarding Minute Entry for 3/7/05 Conference. (Hyman, Elisa) (Entered: 03/10/2005) |
| 03/11/2005 | | ORDER re <u>106</u> Letter. The letter accurately sets forth other rulings made at the conference. The parties should note that minute entries generally are intended to be a summary of rulings and/or representations made. Should any dispute arise with respect to rulings are made, they should refer to the transcript. (ESR 5/19 5-1380). Signed by Judge Marilyn D. Go on 3/11/05. (Go, Marilyn) (Entered: 03/11/2005) |
| 03/24/2005 | <u>107</u> | Letter from Carolyn Wolpert to The Honorable Marilyn Dolan Go Regarding today's argument before Judge Sifton. (Wolpert, Carolyn) (Entered: 03/24/2005) |
| 03/24/2005 | <u>109</u> | Minute Entry for proceedings held before Charles P. Sifton: Motion held on 3/24/2005. (Court Reporter Alan Sherman) (Guzzi, Roseann) (Entered: 03/28/2005) |
| 03/25/2005 | <u>108</u> | Letter from Matthew Stewart to The Honorable Marilyn Dolan Go Regarding A Response to Defendants' 3/24/05 Letter. (Stewart, Matthew) (Entered: 03/25/2005) |
| 03/28/2005 | <u>110</u> | Letter from Carolyn Wolpert to The Honorable Marilyn Dolan Go Regarding plaintiffs' letter dated March 25, 2005. (Wolpert, Carolyn) (Entered: 03/28/2005) |
| 03/30/2005 | | Minute Entry for Discovery Hearing held before Marilyn D. Go on 3/29/2005. Appearances by counsel of record. Discovery must proceed pending filing of an amended complaint specifying subclasses. The parties should further attempt to resolve discovery disputes by prioritizing and structuring discovery requests. Defendants must advise plaintiffs by 3/31/05 regarding objections to the narrowed documents requests. Next conference scheduled for April 5, 2005 at 3:00 p.m. (Tape #ESR 05/34 0-2571.) (DeVeaux, Yvonne) (Entered: 03/30/2005) |
| 03/31/2005 | <u>111</u> | MEMORANDUM AND OPINION Defts motion to AMEND Order dtd. 8/17/04 certifying class is DENIED without prejudice to its renewal. Pltff's are directed to submit a motion to certify subclass on or before 4/18/2005. Signed by Judge Charles P. Sifton on 3/30/05. (Jackson, Ramona)Copies mailed. (Entered: 03/31/2005) |
| 04/06/2005 | | Minute Entry for telephone status conference held before Marilyn D. Go on 4/5/2005. Appearances by Elisa Hyman, Matthew Stewart and Carolyn Wolpert. Defendants have agreed to produce the documents discussed at the last conference. Production must be made on a rolling basis as documents are located. Defendants must send a report by 5/5/05 as to any documents that they cannot produce by that date. Next conference scheduled for May 6, 2005 at 12:00 noon. (DeVeaux, Yvonne) (Entered: 04/06/2005) |
| 04/18/2005 | <u>112</u> | MOTION to Certify Class / <i>Subclasses</i> by all plaintiffs. (Hyman, Elisa) (Entered: 04/18/2005) |
| 04/18/2005 | <u>113</u> | MOTION to Certify Class / <i>Subclasses (Memorandum of Law in Support)</i> by all plaintiffs. (Hyman, Elisa) (Entered: 04/18/2005) |
| 04/18/2005 | <u>114</u> | MOTION to Certify Class / <i>Subclasses (Declaration of Elisa Hyman, Esq. in Support of Motion)</i> by all plaintiffs. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G)(Hyman, Elisa) (Entered: 04/18/2005) |
| 04/19/2005 | <u>115</u> | Amended MOTION to Certify Class / <i>Subclasses</i> by all plaintiffs. (Hyman, Elisa) (Entered: 04/19/2005) |
| 04/19/2005 | <u>116</u> | Amended MOTION to Certify Class / <i>Subclasses</i> by all plaintiffs. (Hyman, Elisa) (Entered: 04/19/2005) |
| 04/19/2005 | | Incorrect Case/Document/Entry Information: Please disregard document #116. This is an exact duplicate of document #115. It has been terminated as a pending motion. (Lee, Tiffeny) (Entered: 04/20/2005) |
| 05/02/2005 | <u>117</u> | Notice of MOTION to Amend/Correct <u>70</u> Memorandum & Opinion (<i>Renewed</i>) by New York City Board of Education, New York City Department of Education, Joel Klein. (Wolpert, Carolyn) (Entered: 05/02/2005) |
| 05/02/2005 | <u>118</u> | RESPONSE in Opposition re <u>115</u> Amended MOTION to Certify Class / <i>Subclasses (Memorandum of Law in Opposition)</i> filed by New York City Board of Education, |

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| | | New York City Department of Education, Joel Klein. (Attachments: # <u>1</u> Appendix 1)(Wolpert, Carolyn) (Entered: 05/02/2005) |
| 05/05/2005 | <u>119</u> | Letter from Carolyn Wolpert to Magistrate Judge Go Regarding defendants' responses to plaintiffs' narrowed discovery requests. (Wolpert, Carolyn) (Entered: 05/05/2005) |
| 05/09/2005 | | Minute Entry for status confernce held before Marilyn D. Go on 5/6/2005. Appearances by Matthew Stewart, Carolyn Wolpert and Judy Nathan. Defendants must provide remaining response to request no. 7 by 5/13/05 and to requests no. 11 and 20 by 5/20/05. As to remaining requests that defendants have not completed their response, defendants must describe by 5/20/05 the agencies and other sources they have contacted in preparing a response and provide remaining responsive documents by 5/31/05. Next conference scheduled for June 3, 2005 at 11:30 a.m.(Tape #ESR 05/48 1075-2692.) (DeVeaux, Yvonne) (Entered: 05/09/2005) |
| 05/09/2005 | <u>120</u> | REPLY to Response to Motion re <u>115</u> Amended MOTION to Certify Class / Subclasses, <u>117</u> Notice of MOTION to Amend/Correct <u>70</u> Memorandum & Opinion (Renewed) Plaintiffs' Reply Memorandum of Law in Support of their Motion to Certify Subclasses and in Opposition to Defendants' Motion to Amend the Class filed by all plaintiffs. (Hyman, Elisa) (Entered: 05/09/2005) |
| 05/20/2005 | <u>121</u> | Letter from Carolyn Wolpert to The Honorable Marilyn Dolan Go Regarding defendants' response to plaintiffs' document requests. (Wolpert, Carolyn) (Entered: 05/20/2005) |
| 05/23/2005 | <u>122</u> | ORDER Oral argument for May 26,2005. On ltr. dtd. 5/16/05 from Carolyn Wolpert.. Ordered by Judge Charles P. Sifton on 5/16/05. (Jackson, Ramona) (Entered: 05/23/2005) |
| 05/31/2005 | <u>123</u> | ORDER Motion to amend to June 7,2005 @ 4:30. On ltr. dtd. 5/26/05 from Cynthia Godsoe.. Ordered by Judge Charles P. Sifton on 5/25/05. (Jackson, Ramona) (Entered: 05/31/2005) |
| 05/31/2005 | <u>124</u> | Letter from Carolyn Wolpert to The Honorable Marilyn Dolan Go Regarding defendants' response to plaintiffs' narrowed document requests. (Wolpert, Carolyn) (Entered: 05/31/2005) |
| 06/01/2005 | | NOTICE: Due to a change in Judge Go's scheduled, the status conference originally scheduled for June 3, 2005 has been changed to June 6, 2005 at 2:30 p.m. The parties should confirm this new date and time with each other. (DeVeaux, Yvonne) (Entered: 06/01/2005) |
| 06/03/2005 | <u>125</u> | Letter from Matthew Stewart of Davis Polk & Wardwell to Judge Go Regarding rescheduling of the status conference currently set for 6/6/05 at 2:30 p.m. to 6/10/05 at 4:00 p.m. (Bloch, David) (Entered: 06/03/2005) |
| 06/03/2005 | | ORDER granting <u>125</u> Letter request adjourning conference currently set for 6/6/05 at 2:30 p.m. to 6/10/05 at 4:00 p.m. Ordered by Judge Marilyn D. Go on 6/3/05. (Go, Marilyn) (Entered: 06/03/2005) |
| 06/07/2005 | <u>126</u> | Minute Entry for proceedings held before Charles P. Sifton : Motions to certify actions heard. Decision RESERVE(Court Reporter Andrijah Dandridge.) (Jackson, Ramona) (Entered: 06/08/2005) |
| 06/10/2005 | <u>127</u> | TRANSCRIPT of Proceedings held on June 7,2005 before Judge Sifton. Court Reporter: Rosalie Lombardi. (Jackson, Ramona) (Entered: 06/10/2005) |
| 06/13/2005 | | Minute Entry for status conference held before Marilyn D. Go on 6/10/2005. Appearances by Matthew Stewart, David Bloch, Carolyn Wolpert, Teresa Crotty. Next conference scheduled for August 3, 2005 at 11:30 a.m. (Tape #ESR 05/62 0-755.) (DeVeaux, Yvonne) (Entered: 06/13/2005) |
| 06/24/2005 | <u>128</u> | Letter from Carolyn Wolpert to The Honorable Marilyn Dolan Go Regarding defendants' response to plaintiffs' narrowed document requests. (Wolpert, Carolyn) (Entered: 06/24/2005) |
| 06/28/2005 | <u>129</u> | TRANSCRIPT of Proceedings held on March 4,2005 before Judge Mag. Go. Court Reporter: Elizabeth Barron. (Jackson, Ramona) (Entered: 06/28/2005) |

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| 06/29/2005 | 130 | TRANSCRIPT of Proceedings held on March 29,2005 before Judge Mag. Go. Court Reporter: Elizabeth Barrone. (Jackson, Ramona) (Entered: 06/29/2005) |
| 06/29/2005 | 131 | TRANSCRIPT of Proceedings held on May 6,2005 before Judge Mag. Go. Court Reporter: Elizabeth Barrone. (Jackson, Ramona) (Entered: 06/29/2005) |
| 06/29/2005 | 132 | TRANSCRIPT of Proceedings held on March 7,2005 before Judge Mag. Go. Court Reporter: Elizabeth Barrone. (Jackson, Ramona) (Entered: 06/29/2005) |
| 06/30/2005 | <u>133</u> | MEMORANDUM AND OPINION Motion to amend class definition is granted in part, and the motion to certify subclasses is granted consistent with amended class definition. Ordered by Judge Charles P. Sifton on 6/29/05. (Sifton, Charles) (Entered: 06/30/2005) |
| 08/08/2005 | <u>134</u> | Letter from Elisa Hyman to Magistrate Go Regarding Confirming Change in Discovery Conference Schedule. (Hyman, Elisa) (Entered: 08/08/2005) |
| 08/11/2005 | | Minute Entry for status conference held before Marilyn D. Go on 8/10/2005. Appearances by Elisa Hyman, Matthew Stewart, Carolyn Wolpert, Thaddeus Hackworth, Theresa Crotty. Defendants must supplement prior responses re expenditures for alternative education of suspected students and provide underlying data re MDRs by 9/9/05. Defendants must provide underlying data for spreadsheets and samples of database by 8/9/05. Prior to depositions re computer data, parties must try to exchange information regarding how data is stored. Parties must attempt to reach agreement re scope of information to be obtained from electronically stored documents. Any motion to compel regarding the deliberative process privilege must be filed by 8/15/05, opposing papers are due 9/9/05 and any reply by 9/14/05. Plaintiffs must examine prior requests and reformulate, as appropriate in light of Judge Sifton's recent decision. Defendants must provide their general objections regarding the scope of requests within two weeks after requests are made sent and all specific options within 30 days of requests. Next conference scheduled for October 18, 2005 at 2:00 p.m.(Tape #ESR 05/86 0-end (incomplete) (DeVeaux, Yvonne) (Entered: 08/11/2005) |
| 08/15/2005 | <u>135</u> | Letter MOTION to Compel <i>Production of Documents Withheld on Grounds of Privilege</i> by all plaintiffs. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F)(Stewart, Matthew) (Entered: 08/15/2005) |
| 09/08/2005 | <u>136</u> | Letter from Carolyn Wolpert to Magistrate Judge Go Regarding extension of time for defendants to supplement prior responses to plaintiffs' narrowed document requests. (Wolpert, Carolyn) (Entered: 09/08/2005) |
| 09/09/2005 | | ENDORSED ORDER: <u>136</u> Letter request for extension to 9/30/05 to complete supplementation of responses granted. Ordered by Judge Marilyn D. Go on 9/9/05. (Go, Marilyn) (Entered: 09/09/2005) |
| 09/09/2005 | <u>137</u> | RESPONSE in Opposition re <u>135</u> Letter MOTION to Compel <i>Production of Documents Withheld on Grounds of Privilege</i> filed by New York City Board of Education, New York City Department of Education, Joel Klein. (Attachments: # <u>1</u> Exhibit Declaration of Michele Cahill# <u>2</u> Exhibit Declaration of Linda Wernikoff# <u>3</u> Exhibit Declaration of Rose Albanese-DePinto# <u>4</u> Exhibit Declaration of Michael Best# <u>5</u> Exhibit Mazzella v. RCA Global Communications, Inc.# <u>6</u> Exhibit Turkmen v. Ashcroft# <u>7</u> Exhibit A.I.A. Holdings, S.A. v. Lehman Brothers, Inc.)(Wolpert, Carolyn) (Entered: 09/09/2005) |
| 09/12/2005 | <u>138</u> | Letter from Matthew Stewart to Judge Merilyn Go Regarding Extension of Time to File Reply to Defendants' Opposition to Plaintiffs' Motion to Compel. (Stewart, Matthew) (Entered: 09/12/2005) |
| 09/13/2005 | | ORDER: <u>138</u> Letter request to extend time to 9/19/05 to file a reply to Defendants' Opposition to Plaintiffs' Motion to Compel is granted. Ordered by Judge Marilyn D. Go on 9/13/05. (Go, Marilyn) (Entered: 09/13/2005) |
| 09/19/2005 | <u>139</u> | Letter from Matthew S. Stewart to Judge Go Regarding Production of Documents by Defendants. (Stewart, Matthew) (Entered: 09/19/2005) |
| 09/28/2005 | | NOTICE: The time for the conference scheduled for October 18, 2005 has been changed to 3:00 p.m. instead of 2:00 p.m. All counsel should confirm with each other that all necessary participants are aware of this time change. (DeVeaux, Yvonne) |

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| | | (Entered: 09/28/2005) |
| 10/04/2005 | | ORDER re <u>135</u> Letter MOTION to Compel Production of Documents Withheld on Grounds of Privilege. Defendants are directed to submit the documents at issue to this Court for in camera inspection. Ordered by Judge Marilyn D. Go on 10/4/05. (Go, Marilyn) (Entered: 10/04/2005) |
| 10/14/2005 | <u>140</u> | Letter from Matthew Stewart to The Honorable Marilyn D. Go Regarding adjournment of the conference schedule October 18, 2005 at 3:00 p.m. to the week of November 14, 2005. (Stewart, Matthew) (Entered: 10/14/2005) |
| 10/14/2005 | | ORDER endorsed on <u>140</u> Letter dated Oct. 14, 2005. The next conference is adjourned to Nov. 18, 2005 at 12:00 p.m. Ordered by Judge Marilyn D. Go on 10/14/05. (Go, Marilyn) (Entered: 10/14/2005) |
| 11/02/2005 | <u>141</u> | Letter from Lisa Grumet to Magistrate Judge Go Regarding request that conference date be changed from 11/18/05 to 11/17/05. (Grumet, Lisa) (Entered: 11/02/2005) |
| 11/03/2005 | | ORDER re <u>141</u> Letter. The conference is moved to Nov. 17, 2005 at 3:00 p.m. Ordered by Judge Marilyn D. Go on 11/3/05. (Go, Marilyn) (Entered: 11/03/2005) |
| 11/03/2005 | | Email Notification Test – DO NOT REPLY (Glenn, Marilyn) (Entered: 11/03/2005) |
| 11/15/2005 | | NOTICE: The conference is adjourned until December 1, 2005 at 3:00 p.m. The parties should confirm this new date and time with each other. (DeVeaux, Yvonne) (Entered: 11/15/2005) |
| 12/01/2005 | <u>142</u> | ORDER granting <u>135</u> Motion to Compel. Ordered by Judge Marilyn D. Go on 12/1/05. (Proujansky, Josh) (Entered: 12/01/2005) |
| 12/02/2005 | | Minute Entry for status conference held before Marilyn D. Go on 12/1/2005. Appearances by Elisa Hyman, Matthew Stewart, Cynthia Godsoe, Lisa Grumet, Theresa Crotty. Defendants must promptly respond to pending discovery requests on a rolling basis and complete production no later than 12/30/05. Defendants must produce the documents that are the subject to the motion to compel by 12/12/05, unless they give notice that they intend to object to the order granting the motion. Until further ruling by the Court, counsel for plaintiffs must maintain the confidentiality of documents and may not disclose them to any person except as may be necessary in connection with this litigation. Within one week after receipt of the documents, plaintiffs must respond to defendants' request for a protective order and defendants' reply must be filed two days later. Next conference scheduled for Jan. 11, 2006 at 11:30 a.m. (Tape #ESR 05/116 5-1747.) (DeVeaux, Yvonne) (Entered: 12/02/2005) |
| 01/13/2006 | | Minute Entry for status conference held before Marilyn D. Go on 1/11/2006. Appearances by Elisa Hyman, Sharon Katz, Lisa Grumet and Theresa Crotty. Defendants will be providing a letter by 1/17/06 regarding the completion of production previously ordered. The parties should will work a case management plan to present to the Court. A final discovery schedule will be set at the next conference scheduled for Feb. 2, 2006 at 10:00 a.m. NOTICE: Effective January 23, 2006, Judge Go's Chambers will be in Room 1214 S in the new wing of the Courthouse. Her courtroom will be 11C, the telephone number for Chambers will be 718-613-2550 and the fax number will be 718-613-2555. Unless otherwise advised, the parties should first report to Chambers for any scheduled conference. (DeVeaux, Yvonne) (Entered: 01/13/2006) |
| 02/22/2006 | | Minute Entry for status conference held before Marilyn D. Go on 2/22/2006. Appearances by counsel of record, Damali Taylor, Elizabeth Crotty, Thaddeus Hackworth. Case management plan discussed and final discovery schedule set. Next conference scheduled for July 11, 2006 at 2:00 p.m. The parties must be prepared to discuss settlement at the next conference and should call for an earlier date if they are ready to engage in discussions sooner. (DeVeaux, Yvonne) (Entered: 02/22/2006) |
| 02/23/2006 | <u>143</u> | CASE MANAGEMENT ORDER (see document). Ordered by Judge Marilyn D. Go on 2/22/06. (Jackson, Ramona) (Entered: 02/23/2006) |
| 05/15/2006 | <u>144</u> | MOTION for Extension of Time to Complete Discovery <i>and Reschedule the Settlement Conference for an Earlier Date in June</i> by all plaintiffs. (Stewart, Matthew) (Entered: 05/15/2006) |

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| 05/15/2006 | | ORDER granting <u>144</u> Motion for Extension of Time to Complete Discovery. A new schedule will be discussed following a settlement conference to be held on June 6, 2006 at 9:30 a.m. Ordered by Judge Marilyn D. Go on 5/15/06. (Go, Marilyn) (Entered: 05/15/2006) |
| 06/19/2006 | | Minute Entry for settlement conference held before Marilyn D. Go on 6/19/2006. Settlement discussions held. Next conference scheduled for June 28, 2006 at 2:00 p.m. Please note the conference will be held at 2:00 p.m. instead of 10:30 a.m. (DeVeaux, Yvonne) (Entered: 06/19/2006) |
| 06/28/2006 | <u>145</u> | Letter <i>Confirming Change of Conference Time</i> by EB. (Hyman, Elisa) (Entered: 06/28/2006) |
| 06/28/2006 | | Minute Entry for proceedings held before Marilyn D. Go : Settlement Conference held on 6/28/2006. Further discussions held. Next conference scheduled for July 25, 2006 at 3:30 p.m. (Go, Marilyn) (Entered: 06/28/2006) |
| 07/24/2006 | <u>146</u> | Letter <i>Confirming Adjournment of Conference</i> by New York City Board of Education, New York City Department of Education, Joel Klein. (Foley, Eamonn) (Entered: 07/24/2006) |
| 08/03/2006 | | Minute Entry for settlement conference held before Marilyn D. Go on 8/2/2006. Settlement discussions held. Although discussions are continuing, discovery must proceed. If the parties are not able to resolve their disputes over pending requests, they should file discovery letters by 8/29/06. Next conference scheduled for August 29, 2006 at 3:00 p.m. A further conference to discuss settlement will be held on Sept. 5, 2006 at 4:30 p.m. (DeVeaux, Yvonne) (Entered: 08/03/2006) |
| 08/30/2006 | <u>147</u> | Joint MOTION to Adjourn Conference <i>and Treat September 5, 2006 Conference as a Discovery Conference</i> by all defendants. (Foley, Eamonn) (Entered: 08/30/2006) |
| 08/30/2006 | | ORDER granting <u>147</u> Motion to Adjourn Discovery Conference to 9/5/06 at 4:30 p.m. Ordered by Judge Marilyn D. Go on 8/30/06. (Go, Marilyn) (Entered: 08/30/2006) |
| 09/01/2006 | <u>148</u> | Letter <i>Regarding Outstanding Discovery Disputes</i> by J.W., LBI, EB, AJ, S.M.. (Katz, Sharon) (Entered: 09/01/2006) |
| 09/01/2006 | <u>149</u> | Letter <i>in Advance of September 5, 2006, Discovery Conference</i> by New York City Board of Education, New York City Department of Education, Joel Klein. (Foley, Eamonn) (Entered: 09/01/2006) |
| 09/06/2006 | | Minute Entry for discovery conference held before Marilyn D. Go on 9/5/2006. Appearances by counsel of record. The parties having been discussing a resolution of current discovery issues and must submit a proposed schedule for court approval by 9/8/06. The parties should provide the Court by 9/29/06 a statement or other submissions regarding relevant law affecting settlement issues. Next settlement conference scheduled for Oct. 5, 2006 at 2:00 p.m. (DeVeaux, Yvonne) Modified on 9/6/2006 (DeVeaux, Yvonne). (Entered: 09/06/2006) |
| 09/08/2006 | <u>150</u> | Proposed Scheduling Order <i>for Interim Discovery Schedule</i> by EB. (Attachments: # <u>1</u>)(Morehead, Shawn) (Entered: 09/08/2006) |
| 09/11/2006 | | ORDER: the <u>150</u> Proposed Interim Discovery Order setting deadlines for discovery responses is approved. Ordered by Judge Marilyn D. Go on 9/11/06. (Go, Marilyn) (Entered: 09/11/2006) |
| 10/06/2006 | | Minute Entry for settlement conference held before Marilyn D. Go on 10/5/2006. Appearances by Elisa Hyman, Shawn Moorehead, Eamonn Foley, Teresa Crotty, Judy Nathan, Janice Silverberg. Further settlement discussions held. The parties should be working on facilitating exchange of information re new suspension centers. Next conference scheduled for Oct. 26, 2006 at 2:00 p.m. (DeVeaux, Yvonne) (Entered: 10/06/2006) |
| 10/27/2006 | | Minute Entry for settlement conference held before Marilyn D. Go on 10/26/2006. Appearances by Shawn Moorehead, Jen Barnett, counsel of record for defendants. Settlement discussions held. Defendants must provide an outline of proposed settlement terms by 11/29/06 and meet with plaintiffs prior to 12/12/06. The parties should meet to exchange information re suspension centers before proceeding in formal discovery on this issue. Discovery on other issues may proceed notwithstanding |

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| | | settlement discussions. The deadline set in Item 4 of the proposed scheduling order (ct. doc. 150) approved by the Court is extended to 11/27/06. Next conference scheduled for Dec. 14, 2006 at 2:00 p.m. (DeVeaux, Yvonne) (Entered: 10/27/2006) |
| 11/28/2006 | <u>151</u> | Letter <i>Requesting Extension of Defendants' Time to Provide Outline of Proposed Settlement Terms to Plaintiffs</i> by New York City Board of Education, New York City Department of Education, Joel Klein. (Foley, Eamonn) (Entered: 11/28/2006) |
| 11/28/2006 | | ORDER endorsed on <u>151</u> Letter filed by defendants. Defendants' time to provide an outline of proposed settlement terms is extended to 12/7/06. Ordered by Judge Marilyn D. Go on 11/28/06. (Go, Marilyn) (Entered: 11/28/2006) |
| 12/01/2006 | <u>152</u> | Letter <i>Requesting Extension of Deadline for Compliance with Paragraph 4 of Interim Discovery Order</i> by New York City Board of Education, New York City Department of Education, Joel Klein. (Foley, Eamonn) (Entered: 12/01/2006) |
| 12/01/2006 | | ORDER endorsed on <u>152</u> Letter filed by defendants. The deadline for compliance with Paragraph 4 of Interim Discovery Order is extended to 12/8/06. Ordered by Judge Marilyn D. Go on 12/1/06. (Go, Marilyn) (Entered: 12/01/2006) |
| 12/14/2006 | | Minute Entry: Status Conference held on 12/14/2006 before MJ Marilyn D. Go. Appearances by counsel of record. Settlement discussions are progressing. Defendants must respond to plaintiffs' outstanding document requests on a rolling basis, with objections and production of all documents completed by 12/29/06, except that production in response to requests for weekly data that needs to be obtained from computers may be completed by 1/26/07. Defendants' privilege log must be produced by 1/4/07. Any motion to compel must be filed by 1/12/07 and opposing papers must be filed by 1/17/07. Next conference scheduled for Jan. 19, 2007 at 2:00 p.m. (Capobianco, Jean) Modified on 12/15/2006 (Capobianco, Jean). Corrected minute entry. (Entered: 12/15/2006) |
| 12/15/2006 | | NOTICE re Minute Entry for Status Conference on 12/14/06. The minute entry was modified to state that Defendants' privilege log must be produced by 1/4/07. (Go, Marilyn) (Entered: 12/15/2006) |
| 01/11/2007 | <u>153</u> | First MOTION to Adjourn Conference by all plaintiffs. (Morehead, Shawn) (Entered: 01/11/2007) |
| 01/11/2007 | | ORDER granting <u>153</u> Motion to Adjourn Conference. The conference will be held on Jan. 30, 2007 at 3:00 p.m. Ordered by Judge Marilyn D. Go on 1/11/07. (Go, Marilyn) (Entered: 01/11/2007) |
| 01/19/2007 | <u>154</u> | Second MOTION for Extension of Time to File <i>motion to compel</i> by all plaintiffs. (Morehead, Shawn) (Entered: 01/19/2007) |
| 01/19/2007 | | ORDER granting <u>154</u> Motion for Extension of Time to File. A new schedule for any motion to compel will be set at the next conference on 1/30/07. Ordered by Judge Marilyn D. Go on 1/19/07. (Go, Marilyn) (Entered: 01/19/2007) |
| 01/31/2007 | | Minute Entry for status conference held before Marilyn D. Go on 1/30/2007 Appearances by counsel of record. Settlement discussions held. The parties will continue meeting regularly to discuss other settlement issues. The parties must promptly confer on the terms of site visits by plaintiffs' expert, who must be identified. Defendants must provide a privilege log of documents withheld by 2/6/07. Similar documents to which privilege is asserted need not be separately listed so long as sufficient information is given to identify the basis for the privilege, the number of documents and the reason the documents are of the same nature. Any motion to compel must be filed by 2/20/07, opposition papers by 3/16/07 and a reply by 3/23/07. Next conference scheduled for March 29, 2007 at 2:30 p.m. (DeVeaux, Yvonne) (Entered: 01/31/2007) |
| 02/20/2007 | <u>155</u> | Letter <i>on behalf of all parties to request modification of the briefing schedule on plaintiffs' motion to compel</i> by New York City Board of Education, New York City Department of Education, Joel Klein (Foley, Eamonn) (Entered: 02/20/2007) |
| 02/20/2007 | | ORDER endorsed on <u>155</u> Letter by counsel for defendants. The application to extend the time for filing any motion to compel to 3/5/07 is granted. Ordered by Judge Marilyn D. Go on 2/20/07. (Go, Marilyn) (Entered: 02/20/2007) |

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| 03/05/2007 | <u>156</u> | Notice of MOTION to Compel <i>Production of Documents</i> by all plaintiffs. (Attachments: # <u>1</u> Memorandum of Law# <u>2</u> Declaration in Support# <u>3</u> Exhibit A to Declaration# <u>4</u> Exhibit B to Declaration# <u>5</u> Exhibit C to Declaration# <u>6</u> Exhibit D to Declaration) (Morehead, Shawn) (Entered: 03/05/2007) |
| 03/16/2007 | <u>157</u> | RESPONSE to Motion re <u>156</u> Notice of MOTION to Compel <i>Production of Documents Declaration of Shane Santo Mulhern with Exhibits A and B in Opposition to Plaintiffs' Motion to Compel</i> filed by New York City Board of Education, New York City Department of Education, Joel Klein. (Foley, Eamonn) (Entered: 03/16/2007) |
| 03/16/2007 | <u>158</u> | RESPONSE to Motion re <u>156</u> Notice of MOTION to Compel <i>Production of Documents Declaration of Theresa Crotty in Opposition to Plaintiffs' Motion to Compel Production of Documents</i> filed by New York City Board of Education, New York City Department of Education, Joel Klein. (Foley, Eamonn) (Entered: 03/16/2007) |
| 03/16/2007 | <u>159</u> | RESPONSE to Motion re <u>156</u> Notice of MOTION to Compel <i>Production of Documents Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion to Compel Production of Documents</i> filed by New York City Board of Education, New York City Department of Education, Joel Klein. (Foley, Eamonn) (Entered: 03/16/2007) |
| 03/23/2007 | <u>160</u> | REPLY to Response to Motion re <u>156</u> Notice of MOTION to Compel <i>Production of Documents</i> filed by all plaintiffs. (Morehead, Shawn) (Entered: 03/23/2007) |
| 03/27/2007 | <u>161</u> | Letter MOTION for Discovery <i>pursuant to Fed. R. Civ. P. 34</i> by all plaintiffs. (Attachments: # <u>1</u> Exhibit A.1# <u>2</u> Exhibit A.2# <u>3</u> Exhibit B) (Morehead, Shawn) (Entered: 03/27/2007) |
| 03/29/2007 | <u>162</u> | NOTICE of Appearance by David Aaron Stier on behalf of all plaintiffs (aty to be noticed) (Stier, David) (Entered: 03/29/2007) |
| 03/29/2007 | <u>163</u> | Letter <i>In Response to Plaintiffs' March 27, 2007 Letter Concerning Site Inspections</i> by New York City Board of Education, New York City Department of Education, Joel Klein (Foley, Eamonn) (Entered: 03/29/2007) |
| 03/30/2007 | | Minute Entry for Discovery Hearing held before Marilyn D. Go on 3/29/2007. Appearances by Shawn Moorehead, David Stier, Eamonn Foley, Janice Birnbaum, Jane Goldberg. Oral argument heard on motion to compel. Defendants must provide copies of sample surveys for in camera inspection by 3/30/07. They must also insure that the documents withheld on privilege grounds contained in the set of survey materials held by OYDSS do not contain documents other than those in the original set held by OLS by first focusing at the categories of documents for which there are discrepancies in number of pages withheld in each set of documents. Terms of site inspection by plaintiff's expert discussed on the record. Submissions on regarding the requirements for notice that must be given must be filed by 3/2/07. Next conference scheduled for April 5, 2007 at 9:45 a.m. (Tape #ESR 07/03 Backup #6235-end and 07/04 Backup #0-3755.) (DeVeaux, Yvonne) (Entered: 03/30/2007) |
| 03/31/2007 | <u>164</u> | First MOTION to Substitute Attorney <i>Elisa Hyman with Shawn Morehead</i> by all plaintiffs. (Hyman, Elisa) (Entered: 03/31/2007) |
| 04/02/2007 | | ORDER granting <u>164</u> Motion to Substitute Attorney. Attorney Elisa F. Hyman terminated. Ordered by Judge Marilyn D. Go on 4/2/07. (Go, Marilyn) (Entered: 04/02/2007) |
| 04/02/2007 | <u>165</u> | Letter <i>In Support of Plaintiffs' Proposal for Site Inspections</i> by J.W., LBI, EB, AJ, S.M. (Morehead, Shawn) (Entered: 04/02/2007) |
| 04/02/2007 | <u>166</u> | Letter <i>in Further Opposition to Plaintiffs' Request for Suspension Site Inspections and Interviews</i> by New York City Board of Education, New York City Department of Education, Joel Klein (Foley, Eamonn) (Entered: 04/02/2007) |
| 04/05/2007 | | Minute Entry for status conference held before Marilyn D. Go on 4/5/2007. Appearances by counsel of record. For reasons stated on the record, the Court grants, in connection with plaintiffs motion to inspect the suspension sites, for plaintiffs' expert to make observations in the classroom, speak to students and to |

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| | | review records of students with IEPs and section 504 Plans, to the extent and subject to the notice discussed. (Tape #FTR: 10:05 – 11:52.) (DeVeaux, Yvonne) (Entered: 04/05/2007) |
| 04/11/2007 | <u>167</u> | Letter <i>Concerning Site Inspections</i> by J.W., LBI, EB, AJ, S.M. (Attachments: # <u>1</u> Exhibit A, FERPA Notice) (Morehead, Shawn) (Entered: 04/11/2007) |
| 04/11/2007 | | ORDER endorsed on <u>167</u> Letter filed by plaintiffs. The terms and conditions of the site inspections set forth in the letter are "so ordered." Supplementing the provisions therein, counsel for the plaintiffs and their expert shall also maintain the confidentiality of all "education records," as defined in 20 U.S.C. sec. 1232g(a)(4)(A), obtained and use such records solely for purposes of this litigation. Should any party file any such records or use information contained therein in a filing in this action, all personally identifiable student information and all other information which, in combination, may facilitate identification of a student, such as a student's condition, past disciplinary history, dates of attendance in certain classes, grade and sex, must be redacted or the document filed under seal. The next conference in this case will be held on May 18, 2007 at 10:30 a.m. Ordered by Judge Marilyn D. Go on 4/11/07. (Go, Marilyn) (Entered: 04/11/2007) |
| 05/02/2007 | 168 | TRANSCRIPT of Civil Cause for Conference held on 4/5/07 before Judge Marilyn D. Go. Court Reporter: Ruth Ann Hager, TypeWrite Word Processing Service. (Black, Amanda) (Entered: 05/02/2007) |
| 05/17/2007 | | Motions terminated: <u>161</u> Letter MOTION for Discovery as per Minute entry dated 4/5/2007. (Abdallah, Fida) (Entered: 05/17/2007) |
| 05/18/2007 | <u>169</u> | Letter of <i>Clarification Re: May 18, 2007 Court Conference</i> by J.W., LBI, EB, AJ, S.M. (Katz, Sharon) (Entered: 05/18/2007) |
| 05/18/2007 | | Minute Entry for status conference held before Marilyn D. Go on 5/18/2007. Appearances by Shawn Morehead, Sharon Katz, David Stier, Eamonn Foley, Debbie King, Richard Ashe, Jane Goldberg. The parties agree that plaintiffs counsel and their expert will have access to the planning process for restructuring of suspension sites to be implemented next school year. Inspection of new sites will begin Oct. 2007. Until entry of a formal confidentiality order, the parties must maintain the confidentiality of all information obtained from site inspections and the planning discussions and may not use or disclose such information except in connection with this litigation or, in the case of defendants, in connection with the operations of the defendant Department. Defendants waive any objection to use by plaintiffs of their expert in this action based on her participation in the planning discussions. Next conference scheduled for July 23, 2007 at 2:30 p.m. (Tape #FTR 10:54 – 11:16 and 11:18–11:20; ESR 07/05 Backup 2329–3891 and 3891–4054.) (DeVeaux, Yvonne) (Entered: 05/18/2007) |
| 05/21/2007 | <u>170</u> | Letter <i>Concerning Sets of OLS Surveys Maintained by OLS and OYD</i> by New York City Board of Education, New York City Department of Education, Joel Klein (Foley, Eamonn) (Entered: 05/21/2007) |
| 05/29/2007 | <u>171</u> | NOTICE of Appearance by Michael Stuart Scheinkman on behalf of all plaintiffs (at to be noticed) (Scheinkman, Michael) (Entered: 05/29/2007) |
| 05/31/2007 | <u>172</u> | Letter <i>Setting Forth Parties' Agreement Outlined During May 18, 2007, Conference</i> by New York City Board of Education, New York City Department of Education, Joel Klein (Foley, Eamonn) (Entered: 05/31/2007) |
| 07/20/2007 | <u>173</u> | Letter <i>in anticipation of July 23, 2007 conference</i> by J.W., LBI, EB, AJ, S.M. (Morehead, Shawn) (Entered: 07/20/2007) |
| 07/24/2007 | | Minute Entry for settlement conference held before Marilyn D. Go on 7/23/2007. Appearances by counsel of record. Settlement discussions held. The parties must promptly submit a proposed protective order. The discovery issues raised by plaintiffs in counsel's letter dated 7/20/07 will be discussed at a telephone conference on July 30, 2007 at 2:00 p.m. The next settlement conference will be held on August 20, 2007 at 3:30 p.m. (Tape #FTR 5:18–5:39 and 07/B118 4909–6995.) (DeVeaux, Yvonne) (Entered: 07/24/2007) |

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| 07/30/2007 | | Minute Entry for telephone discovery conference held before Marilyn D. Go on 7/30/2007. Appearances by counsel of record. Defendants must produce hearing office files by 8/10/07 and CSE files by 8/20/07. Counsel for defendants must be prepared to discuss more specifically the timing of production of records currently or recently held by suspension site and home schools, as well as locations that might possess the pertinent records. Next conference scheduled for Aug. 1, 2007 at 1:00 p.m. (by tel) (Tape #ESR 07/14 0-2929.) (DeVeaux, Yvonne) (Entered: 07/30/2007) |
| 07/31/2007 | <u>174</u> | First MOTION for Protective Order by New York City Board of Education, New York City Department of Education, Joel Klein. (Foley, Eamonn) (Entered: 07/31/2007) |
| 08/02/2007 | | Minute Entry for discovery conference held before Marilyn D. Go on 8/2/2007. Appearances by counsel of record. Counsel for defendants reported on the progress in producing student files. The files from the suspension sites must be produced by 8/20/07. Next conference scheduled for August 31, 2007 at 10:00 a.m. (to discuss settlement and document production) (Tape #ESR 96/4332-5832.) (DeVeaux, Yvonne) (Entered: 08/02/2007) |
| 08/06/2007 | <u>175</u> | CORRECTED ORDER granting <u>174</u> Motion for Protective Order. Ordered by Judge Marilyn D. Go on 8/6/2007. Previous order deleted. Incorrect docket number. (DeVeaux, Yvonne) (Entered: 08/06/2007) |
| 08/14/2007 | | Motions terminated: <u>156</u> Notice of MOTION to Compel <i>Production of Documents</i> . See Minute Entry for Discovery Hearing dated 3/30/2007. (Abdallah, Fida) Modified on 8/20/2007: This Motion is no longer terminated. (Abdallah, Fida) (Entered: 08/14/2007) |
| 08/16/2007 | <u>176</u> | Letter <i>Seeking Clarification of the Court's Electronic Docket Entry Dated 8/14/2007</i> by J.W., LBI, EB, AJ, S.M. (Katz, Sharon) (Entered: 08/16/2007) |
| 08/31/2007 | | Minute Entry for settlement conference held before Marilyn D. Go on 8/31/2007. Appearances by counsel of record. Defendants must complete production of the requested student files and e-mails by 9/26/07. The e-mails shall be produced on a rolling basis and may be produced without reference to the specific discovery request(s) to which they are responsive, provided that defendants promptly make such designations upon request and confirm the completeness of the production upon conclusion. Production shall be made without waiver of any applicable privilege, in accordance with Fed. R. Civ. P. 26(b)(5)(B), but any subsequent claim of privilege must be made within 15 days after any production. Next conference scheduled for October 10, 2007 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 08/31/2007) |
| 09/25/2007 | <u>177</u> | Letter MOTION for Extension of Time to Complete Discovery <i>on Consent</i> by New York City Board of Education, New York City Department of Education, Joel Klein. (Foley, Eamonn) (Entered: 09/25/2007) |
| 09/26/2007 | | ORDER granting <u>177</u> Motion for Extension of Time to Complete Discovery. Defendants' time to complete production of the requested student files and e-mails is extended to 10/10/07. Ordered by Judge Marilyn D. Go on 9/26/07. (Go, Marilyn) (Entered: 09/26/2007) |
| 09/27/2007 | <u>178</u> | ORDER denying <u>156</u> Motion to Compel. Ordered by Judge Marilyn D. Go on 9/27/07. (Go, Marilyn) (Entered: 09/27/2007) |
| 10/10/2007 | | Minute Entry for settlement conference held before Marilyn D. Go on 10/10/2007. Appearances by counsel of record. Settlement discussions held. Defendants' time to complete production of the requested student files and e-mails is extended to 10/24/07. Next conference scheduled for Nov. 13, 2007 at 4:00 p.m. (by tel) (DeVeaux, Yvonne) (Entered: 10/10/2007) |
| 11/09/2007 | <u>179</u> | First MOTION to Adjourn Conference <i>on Tuesday, November 13, 2007</i> by all plaintiffs. (Morehead, Shawn) (Entered: 11/09/2007) |
| 11/09/2007 | | ORDER granting <u>179</u> Motion to Adjourn Conference. The conference is adjourned to Nov. 29, 2007 at 9:30 a.m. Ordered by Judge Marilyn D. Go on 11/9/07. (Go, Marilyn) (Entered: 11/09/2007) |
| 11/29/2007 | | Minute Entry for settlement conference held before Magistrate Judge Marilyn D. Go on 11/29/2007. Appearances by Shawn Morehead, Dan Barnett, Sharon Katz, Eamonn |

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| | | Foley, Deborah King, Judy Nathan. The parties advised they will engage in further substantive settlement discussions next week and complete inspections of remaining designated sites prior to the next conference scheduled for Dec. 17, 2007 at 3:00 p.m. (by tel). (Park, Jean Hee) (Entered: 11/30/2007) |
| 12/18/2007 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go:Telephone Settlement Conference held on 12/17/2007. Appearances by counsel of record. Next conference scheduled for Dec. 20, 2007 at 1:00 p.m. (DeVeaux, Yvonne) (Entered: 12/18/2007) |
| 12/21/2007 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go:Settlement Conference held on 12/20/2007. Appearances by Shawn Morehead and Eamonn Foley. Settlement discussions held. Discovery is stayed until the next conference to enable the parties to engage in further discussions. Next conference scheduled for Jan. 24, 2008 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 12/21/2007) |
| 01/23/2008 | <u>180</u> | Letter <i>Requesting Adjournment of Confernece on Consent</i> by New York City Board of Education, New York City Department of Education, Joel Klein (Foley, Eamonn) (Entered: 01/23/2008) |
| 01/23/2008 | | SCHEDULING ORDER endorsed on <u>180</u> Letter filed by defendants. The settlement conference is adjourned to Feb. 7, 2008 at 11:00 a.m. Ordered by Magistrate Judge Marilyn D. Go on 1/23/08. (Go, Marilyn) (Entered: 01/23/2008) |
| 01/24/2008 | <u>181</u> | NOTICE of Appearance by Alexis Gena Stone, 096 on behalf of J.W., LBI, EB, AJ, S.M. (aty to be noticed) (Stone, Alexis) (Entered: 01/24/2008) |
| 02/01/2008 | <u>182</u> | NOTICE of Appearance by Abigail M. Kagle on behalf of J.W., LBI, EB, AJ, N.T., S.M., B.N. (aty to be noticed) (Kagle, Abigail) (Entered: 02/01/2008) |
| 02/08/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go:Settlement Conference held on 2/7/2008. Appearances by counsel of record and officials of the DOE. Settlement discussions held. Next conference scheduled for March 10, 2008 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 02/08/2008) |
| 03/07/2008 | <u>183</u> | Letter <i>Jointly Requesting Adjournment of Conference</i> by New York City Board of Education, New York City Department of Education, Joel Klein (Foley, Eamonn) (Entered: 03/07/2008) |
| 03/07/2008 | | ORDER: the <u>183</u> Letter application for an adjournment of the settlement conference to March 20, 2008 at 10:00 a.m. is granted. Ordered by Magistrate Judge Marilyn D. Go on 3/7/08. (Go, Marilyn) (Entered: 03/07/2008) |
| 03/07/2008 | | ORDER: The settlement conference on March 20, 2008 will be held at 2:00 p.m. Ordered by Magistrate Judge Marilyn D. Go on 3/7/08. (Go, Marilyn) (Entered: 03/07/2008) |
| 03/25/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go:Settlement Conference held on 3/20/2008. Appearances by counsel of record. Further settlement discussions held. In advance of the next conference, defendants must provide proposal re transfer & discharge students and informal exclusion subclass; respond to terms discussed re MDR; and report on interim measures re SOS. Next conference scheduled for April 3, 2008 at 2:00 p.m. (DeVeaux, Yvonne) (Entered: 03/25/2008) |
| 04/04/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go:Discovery Hearing and Settlement Conference held on 4/3/2008. Appearances by Shawn Moorehead, Sharon Katz, Jennifer Barnett, Eamonn Foley, Janice Birnbaum, Debbie King. Further settlement discussions held. Discovery regarding SOS sites may proceed, including site inspections. Defendants' responses to discovery requests shall be due the later of 45 days after service or May 30, 2008. Next conference scheduled for May 8, 2008 at 11:30 a.m. (DeVeaux, Yvonne) (Entered: 04/04/2008) |
| 05/09/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go:Settlement Conference held on 5/8/2008. Appearances by Sharon Katz, Jennifer Barnett, Alexis Stone, Eamonn Foley, Judy Nathan, Debbie King, Tracey Cooney, Shavon Brooks. Settlement discussions held. Next conference scheduled for June 19, 2008 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 05/09/2008) |

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| 05/29/2008 | <u>184</u> | Letter <i>Requesting Extension of Defendants' Time to Respond to Plaintiffs' Document Request Regarding One Year Sites</i> by New York City Board of Education, New York City Department of Education, Joel Klein (Foley, Eamonn) (Entered: 05/29/2008) |
| 05/29/2008 | | ORDER granting defendants' letter request. Defendants' time to serve objections to plaintiffs' document requests is extended until 6/6/08 and to produce documents until 6/16/08. Ordered by Magistrate Judge Marilyn D. Go on 05/29/08. (Proujansky, Josh) (Entered: 05/29/2008) |
| 06/23/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 6/19/2008. Appearances by Sharon Katz, Jennifer Barnett, Alexis Stone, Eamonn Foley, Judy Nathan. Further settlement discussions held. Next conference scheduled for July 24, 2008 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 06/23/2008) |
| 07/24/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 7/24/2008. Appearances by Sharon Katz, Shawn Moorehead, Alexis Stone, Miranda Johnson, Eamonn Foley, Judy Nathan, Debbie King. Settlement discussions held. Parties are to meet further but confer on possible deposition dates in late August. Next conference scheduled for Aug. 21, 2008 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 07/24/2008) |
| 08/01/2008 | <u>185</u> | Letter <i>to the Clerk of the Court</i> by J.W., LBI, EB, AJ, S.M. (Kagle, Abigail) (Entered: 08/01/2008) |
| 08/21/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 8/21/2008. Appearances by Shawn Moorehead, Alexis Stone, Miranda Johnson, Eamonn Foley, Janice Birnbaum. Parties will work on drafting an MOU with respect to SOS sites by 9/5/08. Next conference scheduled for Sept. 11, 2008 at 11:00 a.m. (DeVeaux, Yvonne) (Entered: 08/21/2008) |
| 09/11/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 9/11/2008. Appearances by Sharon Katz, Shawn Moorehead, Alexis Stone, Miranda Johnson, Eamonn Foley, Debbie King, Tracey Cooney, Chavon Brooks. Counsel reported that they had reached an agreement on the terms of a forbearance agreement with respect to SOS schools to be embodied in a memorandum of understanding which must be submitted to the court for review on 9/24/08. Next conference scheduled for Sept. 25, 2008 at 2:30 p.m. A further settlement conference will be held regarding other issues on Oct. 15, 2008 at 11:30 a.m. Discovery Hear (DeVeaux, Yvonne) (Entered: 09/11/2008) |
| 09/25/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 9/25/2008. Appearances by Shawn Morehead, Sharon Katz, David Stier, Eamonn Foley, Judy Nathan, Chevon Brooks. Counsel signed a memorandum of understanding to forego litigation with respect to Long Term Suspension Sites for the 2008-2009 school year and put on the record their agreement to discuss and enter into an agreement regarding the appropriate protocol for the inspections contemplated in the agreement and for notices to be sent to students. (Tape #FTR: 2:59 - 3:02; ESR: B08/26 311-446.) (DeVeaux, Yvonne) (Entered: 09/25/2008) |
| 10/08/2008 | <u>186</u> | MEMORANDUM of Understanding between EB, LB, 1, HG, KSG, AJ, IP, SM, JW, DR, on behalf of themselves and all other similarly situated and New York City Department of Education, New York City Board of Education, and Joel Klein. Ordered by Senior Judge Charles P. Sifton on 9/30/2008. (Abdallah, Fida) (Entered: 10/08/2008) |
| 10/14/2008 | <u>187</u> | MOTION to Adjourn Conference by J.W., LBI, EB, AJ, N.T., S.M., B.N.. (Stone, Alexis) (Entered: 10/14/2008) |
| 10/15/2008 | <u>188</u> | Joint MOTION to Adjourn Conference <i>and Confirmation of Date</i> by J.W., LBI, EB, AJ, N.T., S.M., B.N.. (Stier, David) (Entered: 10/15/2008) |
| 10/15/2008 | | ORDER granting <u>187</u> and granting <u>188</u> Letter Motion to Adjourn Conference to October 23, 2008 at 3:00 p.m. Ordered by Magistrate Judge Marilyn D. Go on 10/15/08. (DeVeaux, Yvonne) (Entered: 10/15/2008) |
| 10/24/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 10/23/2008. Appearances by Shawn Morehead, Sharon Katz, |

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| | | Alexis Stone, Eamonn Foley, Judy Nathan. Next conference scheduled for Nov. 13, 2008 at 11:30 a.m. (DeVeaux, Yvonne) (Entered: 10/24/2008) |
| 10/24/2008 | <u>189</u> | STIPULATION <i>And Agreement Site Inspection Procedures</i> by J.W., LBI, EB, AJ, S.M. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit) (Stier, David) (Entered: 10/24/2008) |
| 11/13/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 11/13/2008. Appearances by Shawn Morehead, Sharon Katz, Rebecca Shore, Eamonn Foley, Judy Nathan, Jeff Dantowitz. Further settlement discussions held. Next conference scheduled for Dec. 10, 2008 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 11/13/2008) |
| 11/13/2008 | | ORDER: The <u>189</u> Stipulation And Agreement regarding site inspection procedures to be conducted in conjunction with a memorandum of understanding filed herein is "so ordered." f Ordered by Magistrate Judge Marilyn D. Go on 11/13/08. (Go, Marilyn) (Entered: 11/13/2008) |
| 12/11/2008 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 12/10/2008. Appearances by Shawn Moorehead, Sharon Katz, Rebecca Shore, Eamonn Foley, Judy Nathan, Janice Birnbaum, Chavon Brooks. Next conference scheduled for Jan. 13, 2009 at 11:00 a.m. (DeVeaux, Yvonne) (Entered: 12/11/2008) |
| 01/12/2009 | <u>190</u> | Joint MOTION to Adjourn Conference by New York City Board of Education, New York City Department of Education, Joel Klein. (Birnbaum, Janice) (Entered: 01/12/2009) |
| 01/12/2009 | | ORDER granting <u>190</u> Motion to Adjourn Conference to 1/22/09 at 3:30 p.m. Ordered by Magistrate Judge Marilyn D. Go on 1/12/09. (Go, Marilyn) (Entered: 01/12/2009) |
| 01/21/2009 | <u>191</u> | Joint MOTION to Adjourn Conference by New York City Board of Education, New York City Department of Education, Joel Klein. (Birnbaum, Janice) (Entered: 01/21/2009) |
| 01/21/2009 | | ORDER granting <u>191</u> Motion to Adjourn Conference to Feb 3, 2009 at 2:30 p.m. Ordered by Magistrate Judge Marilyn D. Go on 1/21/2009. (Go, Marilyn) (Entered: 01/21/2009) |
| 02/04/2009 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 2/3/2009. Appearances by Shawn Morehead, Rebecca Shore, Matthew Lenaghan, Janice Birnbaum, Chevon Brooks. Settlement discussions held. Next conference scheduled for March 10, 2009 at 2:30 p.m. (DeVeaux, Yvonne) (Entered: 02/04/2009) |
| 02/10/2009 | <u>192</u> | MOTION to Substitute Attorney <i>Rebecca Shore for Shawn Morehead</i> by J.W., LBI, EB, AJ, S.M.. (Morehead, Shawn) (Entered: 02/10/2009) |
| 02/12/2009 | <u>193</u> | NOTICE of Appearance by Chevon Andre Brooks on behalf of all defendants (aty to be noticed) (Brooks, Chevon) (Entered: 02/12/2009) |
| 02/16/2009 | | ORDER granting <u>192</u> Motion to Substitute Attorney. Added attorney Rebecca Caren Shore for J.W., LBI, EB, AJ and S.M. Attorney Alexis Gena Stone, Shawn V. Morehead and Michael Stuart Scheinkman terminated. Ordered by Magistrate Judge Marilyn D. Go on 2/16/2009. (Go, Marilyn) (Entered: 02/16/2009) |
| 03/11/2009 | <u>194</u> | NOTICE of Appearance by Michael Stuart Scheinkman on behalf of all plaintiffs (notification declined or already on case) (Scheinkman, Michael) (Entered: 03/11/2009) |
| 03/12/2009 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 3/10/2009. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, Janice Birnbaum, Judy Nathan, Deborah King, Chevon Brooks. Next settlement conference scheduled for April 23, 2009 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 03/12/2009) |
| 04/22/2009 | <u>195</u> | MOTION to Adjourn Conference by New York City Board of Education, New York City Department of Education, Joel Klein. (Brooks, Chevon) (Entered: 04/22/2009) |

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| 04/22/2009 | | ORDER granting <u>195</u> Motion to Adjourn Conference to May 13, 2009 at 11:00 a.m. Future requests for an adjournment must be made on at least 48 hours' notice. Ordered by Magistrate Judge Marilyn D. Go on 4/22/2009. (Go, Marilyn) (Entered: 04/22/2009) |
| 05/13/2009 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 5/13/2009. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, David Stier, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, Debbie King for defendants. Settlement discussions are progressing. Next conference scheduled for June 4, 2009 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 05/13/2009) |
| 06/02/2009 | <u>196</u> | First MOTION to Adjourn Conference of June 4, 2009 by New York City Board of Education, New York City Department of Education, Joel Klein. (Birnbaum, Janice) (Entered: 06/02/2009) |
| 06/02/2009 | | ORDER granting <u>196</u> Motion to Adjourn Conference. The settlement conference is adjourned to June 18, 2009 at 3:30 p.m. Ordered by Magistrate Judge Marilyn D. Go on 6/2/2009. (DeVeaux, Yvonne) (Entered: 06/02/2009) |
| 06/19/2009 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 6/18/2009. Appearances by Rebecca Shore, Sharon Katz, David Stier, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. Settlement discussions are progressing. The parties will be working on a stipulation to extend the term of the MOU previously entered and for site inspections. Next settlement conference scheduled for July 23, 2009 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 06/19/2009) |
| 06/23/2009 | <u>197</u> | NOTICE of Change of Firm Name by Michael Stuart Scheinkman (Scheinkman, Michael) (Entered: 06/23/2009) |
| 07/24/2009 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 7/23/2009 Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. Next settlement conference scheduled for Sept. 10, 2009 at 3:30 p.m. (DeVeaux, Yvonne) (Entered: 07/24/2009) |
| 09/10/2009 | | SCHEDULING ORDER: the settlement conference scheduled for 9/10/09 is adjourned to 9/21/09 at 10:00 a.m. Ordered by Magistrate Judge Marilyn D. Go on 9/10/2009. (Proujansky, Josh) (Entered: 09/10/2009) |
| 09/22/2009 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 9/21/2009. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, Deborah King for defendants. Counsel for the parties advise that settlement discussions are progressing and are directed to begin drafting an agreement incorporating all negotiated terms into one document. The parties are close to agreement on the terms on a new Memorandum of Understanding concerning Long Term Suspension Sites and discovery herein and agreed to extend the prior MOU, which will be expiring soon, to Oct. 21, 2009. Next settlement conference scheduled for Nov. 10, 2009 at 10:00 a.m. (DeVeaux, Yvonne) (Entered: 09/22/2009) |
| 10/26/2009 | <u>198</u> | Joint MOTION to Continue <i>the memorandum of understanding</i> by Joel Klein, New York City Board of Education, New York City Department of Education. (Birnbaum, Janice) (Entered: 10/26/2009) |
| 11/12/2009 | | Minute Order for proceedings held before Magistrate Judge Marilyn D. Go. Settlement conference and Motion Hearing held on 11/10/2009 granting <u>198</u> Motion to Continue. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, Matthew Lenaghan, David Stier for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. Discussions held regarding extension of the memorandum of understanding ("MOU") <u>186</u> , as well as settlement of the claims. With the consent of the parties, the motion for an extension of the MOU <u>198</u> is granted to November 30, 2009. Next settlement conference scheduled for Jan. 5, 2010 at 2:00 p.m. (DeVeaux, Yvonne) (Entered: 11/12/2009) |
| 11/24/2009 | | Judge Eric N. Vitaliano added. Senior-Judge Charles P. Sifton no longer assigned to case. (Davis, Kimberly) (Entered: 11/24/2009) |

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| 12/09/2009 | <u>199</u> | MOTION for Extension of Time to File <i>MOU Extension</i> by Joel Klein, New York City Board of Education, New York City Department of Education. (Birnbaum, Janice) (Entered: 12/09/2009) |
| 12/09/2009 | | ORDER granting <u>199</u> Motion for Extension of Time to File. The MOU is extended to 12/23/09. Ordered by Magistrate Judge Marilyn D. Go on 12/9/2009. (Go, Marilyn) (Entered: 12/09/2009) |
| 01/06/2010 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go Settlement Conference held on 1/5/2010. Appearances by Rebecca Shore, Michael Scheinkman for plaintiffs; Janice Birnbaum, Judy Nathan, Sarah Sandelius for defendants. E Counsel submitted an executed Memorandum of Understanding for court approval. Defendants shall promptly forward revised sections of a proposed stipulation as they are completed. Next settlement conference scheduled for Feb. 23, 2010 at 11:00 a.m. (DeVeaux, Yvonne) (Entered: 01/06/2010) |
| 01/08/2010 | | SCHEDULING ORDER: Due to a change in Judge Go's schedule, the time for the conference scheduled for 2/23/10 has been changed from 11:00 a.m. to 11:30 a.m. The parties should confirm the change with each other. Ordered by Magistrate Judge Marilyn D. Go on 1/8/2010. (DeVeaux, Yvonne) (Entered: 01/08/2010) |
| 01/15/2010 | <u>200</u> | MEMORANDUM OF UNDERSTANDING. Ordered by Judge Eric N. Vitaliano on 1/6/2010. (Attachments: # <u>1</u> Exhibit A) (Brucella, Michelle) (Entered: 01/15/2010) |
| 02/22/2010 | | SCHEDULING ORDER: at the request of the parties, the next conference is adjourned to 3/11/10 at 1:30 p.m. Ordered by Magistrate Judge Marilyn D. Go on 2/22/2010. (Proujansky, Josh) (Entered: 02/22/2010) |
| 03/12/2010 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go. Settlement Conference held on 3/11/2010. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, Debbie King for defendants. Prior to the next conference scheduled for April 28, 2010 at 10:00 a.m., the parties shall forward drafts of new sections promptly upon completion and defendants shall send their revisions/response to the main draft to plaintiffs by next week. (DeVeaux, Yvonne) (Entered: 03/12/2010) |
| 04/29/2010 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go. Settlement Conference held on 4/29/2010. Appearances by Rebecca Shore, Sharon Katz, Matthew Lenaghan, David Stier for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. The parties shall be meeting to try to resolve issues in the proposed stipulation. Defendants should provide further responses to draft in advance of that meeting. Next conference scheduled for May 18, 2010 at 10:00 a.m. (Wallace, Sandra) (Entered: 04/29/2010) |
| 05/19/2010 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go. Settlement Conference held on 5/19/2010. Appearances by Rebecca Shore, Sharon Katz, Matthew Lenaghan, David Stier for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Next settlement conference scheduled for June 17, 2010 at 9:30 a.m. (Wallace, Sandra) (Entered: 05/19/2010) |
| 06/17/2010 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go. Settlement Conference held on 6/17/2010. Appearances by Rebecca Shore, Sharon Katz, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. Settlement conference continued to July 13, 2010 at 10:00 a.m. (Wallace, Sandra) (Entered: 06/17/2010) |
| 07/14/2010 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go. Discovery Hearing held on 7/13/2010, Settlement Conference held on 7/13/2010. Appearances by Rebecca Shore, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. By 8/19/20, defendants must serve the draft of the entire settlement agreement, incorporating all provisions, even provisions that are still being discussed. Next conference scheduled for Sept. 28, 2010 at 10:00 a.m. (Wallace, Sandra) (Entered: 07/14/2010) |
| 08/17/2010 | <u>201</u> | Letter <i>Application to extend time to serve entire draft settlement proposal</i> by Joel Klein, New York City Board of Education, New York City Department of Education (Birnbaum, Janice) (Entered: 08/17/2010) |

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| 08/18/2010 | <u>202</u> | Letter <i>in Response to Defendants' Letter to Extend Time to Serve Entire Draft Settlement Proposal</i> by EB (Scheinkman, Michael) (Entered: 08/18/2010) |
| 08/18/2010 | | ORDER re <u>201</u> Letter filed by Joel Klein, New York City Department of Education, New York City Board of Education. The Court reluctantly grants defendants' request for an extension until Sept. 16, 2010 to provide plaintiffs with a draft of the complete settlement agreement. However, the Court does not understand defendants' claimed inability to determine whether the defendants will be including provisions that are different from "the matters previously agreed to." Lengthy negotiations that have taken place over the past few years and, based on this Court's understanding, drafts of provisions regarding various components of the settlement have been exchanged. It is understandable that some of the provisions may need to be modified to conform with recent changes in the names, structure or procedures of the D.O.E. On the other hand, some changes may be more substantive, such as elimination of certain provisions reflected in the prior drafts because of defendants' view that such terms are no longer necessary, as discussed at the last settlement conference. This Court considers such changes to be changes in the defendants' position, whatever the defendants' reason may be. While the Court will not condition the extension of time granted upon defendants' agreement not to modify any term or language contained in prior drafts, it makes no sense to permit defendants to delay disclosure of the provisions they have or are in the course of drafting substantive changes to the proposed settlement agreement. Defendants must promptly disclose any changes contemplated, even if they have not finalized language on such changes. Since counsel advises that the extension sought is also for the purpose of enabling D.O.E. personnel to provide input on whether settlement terms can be implemented, defendants should also advise plaintiffs promptly after receipt of information or feedback from staff of any issues or problems they believe may arise over implementation and workability of any settlement provision. Ordered by Magistrate Judge Marilyn D. Go on 8/18/2010. (Go, Marilyn) (Entered: 08/18/2010) |
| 09/28/2010 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 9/28/2010. Appearances by Rebecca Shore, Michael Scheinkman, David Stier, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, Debbie King for defendants. Discussions regarding the MOU and draft of settlement agreement continued to Oct. 7, 2010 at 3:30 p.m. (Abdallah, Fida) (Entered: 09/28/2010) |
| 10/07/2010 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 10/7/2010. Appearances by Rebecca Shore, Michael Scheinkman, Matthew Lenaghan, David Stier for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Settlement discussions held and continued to <u>Oct. 14, 2010 at 10:00 a.m.</u> Prior to the conference, plaintiffs shall provide the Court with a letter setting forth the statutes and regulations upon which they rely in seeking certain provisions in the draft settlement agreement and defendants shall provide copies of the suspension plan form and IEP form. (Abdallah, Fida) (Entered: 10/08/2010) |
| 10/13/2010 | <u>203</u> | First MOTION to Adjourn Conference <i>scheduled for October 14, 2010</i> , by Joel Klein, New York City Board of Education, New York City Department of Education. (Birnbaum, Janice) (Entered: 10/13/2010) |
| 10/13/2010 | | ORDER granting <u>203</u> Motion to Adjourn Conference scheduled for 10/14/10. The parties must promptly confer and call chambers to discuss a new date for the conference. Ordered by Magistrate Judge Marilyn D. Go on 10/13/2010. (Go, Marilyn) (Entered: 10/13/2010) |
| 10/14/2010 | <u>204</u> | Letter <i>Confirming Adjournment of Conference</i> by EB (Shore, Rebecca) (Entered: 10/14/2010) |
| 11/03/2010 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 11/3/2010. Appearances by Rebecca Shore, Michael Scheinkman, Matthew Lenaghan, Sharon Katz for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Settlement discussions held. Defendants shall provide draft of revised proposed terms re IEP by 11/22/10. Next conference scheduled for Dec. 10, 2010 at 11:00 a.m. (Abdallah, Fida) (Entered: 11/03/2010) |
| 12/01/2010 | <u>205</u> | Letter <i>and Memorandum of Understanding</i> by AJ, B.N., EB, J.W., LBI, N.T., S.M. (Attachments: # <u>1</u> Proposed Order Memorandum of Understanding) (Scheinkman, |

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| | | Michael) (Entered: 12/01/2010) |
| 12/10/2010 | <u>206</u> | MEMORANDUM OF UNDERSTANDING. Ordered by Judge Eric N. Vitaliano on 12/7/2010. (Brucella, Michelle) (Entered: 12/10/2010) |
| 12/10/2010 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 12/10/2010. Appearances by Rebecca Shore, Michael Scheinkman, Matthew Lenaghan, Sharon Katz for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. Settlement discussions held. Defendants shall promptly provide information discussed and send remaining comments re draft agreement. Next conference scheduled for Feb. 9, 2011 at 10:00 a.m. (Abdallah, Fida) (Entered: 12/10/2010) |
| 02/09/2011 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 2/9/2011. Appearances by Rebecca Shore, Michael Scheinkman, Matthew Lenaghan, for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Settlement discussions held and continued to March 8, 2011 at 12:00 noon. Prior to the conference, the parties should confer on the remaining significant issues. (Abdallah, Fida) (Entered: 02/10/2011) |
| 03/08/2011 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 3/8/2011. Appearances by Rebecca Shore, Matthew Lenaghan, Sharon Katz for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Settlement discussions held and continued to April 12, 2011 at 10:00 a.m. (Abdallah, Fida) (Entered: 03/09/2011) |
| 04/06/2011 | <u>207</u> | MOTION to Adjourn Conference <i>from April 12, 2011, to April 13, 2011, on consent</i> by Joel Klein, New York City Board of Education, New York City Department of Education. (Birnbaum, Janice) (Entered: 04/06/2011) |
| 04/06/2011 | | ORDER granting <u>207</u> Motion to Adjourn Conference: Conference is adjourned to April 13, 2011, at 11:00 a.m. Ordered by Magistrate Judge Marilyn D. Go on 4/6/2011. (Abdallah, Fida) (Entered: 04/06/2011) |
| 04/13/2011 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 4/13/2011. Appearances by Rebecca Shore, Michael Scheinkman, Matthew Lenaghan, Sharon Katz for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Further settlement discussions held. Next conference scheduled for May 19, 2011 at 2:30 p.m. (Abdallah, Fida) (Entered: 04/14/2011) |
| 05/13/2011 | <u>208</u> | Letter <i>confirming adjournment of conference to noon on June 2, 2011</i> by Joel Klein, New York City Board of Education, New York City Department of Education (Birnbaum, Janice) (Entered: 05/13/2011) |
| 05/18/2011 | | Set/Reset Hearings: The conference scheduled for 5/19/11 is rescheduled to June 2, 2011, at 12:00 p.m. (Abdallah, Fida) (Entered: 05/18/2011) |
| 06/02/2011 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 6/2/2011. Appearances by Rebecca Shore, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan (by tel). Settlement conference continued to July 12, 2011 at 3:00 p.m. The parties shall meet and exchange proposed provisions or revisions prior to the next conference. (Abdallah, Fida) (Entered: 06/03/2011) |
| 07/12/2011 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 7/12/2011. Appearances by Rebecca Shore, Sharon Katz for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Defendants must provide a draft of the MDR provisions by 7/22/11 and a draft of the complete agreement by 9/9/11. Next conference scheduled for Sept. 19, 2011 at 2:00 p.m. (Abdallah, Fida) (Entered: 07/13/2011) |
| 09/19/2011 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 9/19/2011. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. The parties are exchanging comments on a complete draft settlement as well as an MOU. Next conference scheduled for Oct. 5, 2011 at 10:30 a.m. (Abdallah, Fida) (Entered: 09/21/2011) |

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| 10/04/2011 | <u>209</u> | Letter <i>and Memorandum of Understanding</i> by AJ, EB, IP, J.W., LBI, S.M. (Attachments: # <u>1</u> Memorandum of Understanding) (Scheinkman, Michael) (Entered: 10/04/2011) |
| 10/05/2011 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 10/5/2011. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Settlement discussions held and continued to Nov. 17, 2011 at 1:00 p.m. (Abdallah, Fida) (Entered: 10/07/2011) |
| 10/07/2011 | <u>210</u> | MEMORANDUM OF UNDERSTANDING. Ordered by Judge Eric N. Vitaliano on 10/6/2011. (Brucella, Michelle) (Entered: 10/07/2011) |
| 11/17/2011 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 11/17/2011. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Next conference scheduled for January 11, 2012 at 2:00 p.m. (Abdallah, Fida) (Entered: 11/23/2011) |
| 01/09/2012 | <u>211</u> | Letter <i>confirming adjournment of Court conference</i> by Joel Klein, New York City Board of Education, New York City Department of Education (Birnbaum, Janice) (Entered: 01/09/2012) |
| 01/27/2012 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 1/27/2012. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, for defendants. Settlement discussions held and continued to March 6, 2012 at 2:30 p.m. Defendants must provide their proposal re MDRs by 2/17/12. (Abdallah, Fida) (Entered: 01/31/2012) |
| 03/06/2012 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 3/6/2012. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, Matthew Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Settlement discussions held and continued to 4/4/2012 at 10:00 a.m. (Abdallah, Fida) (Entered: 03/06/2012) |
| 04/04/2012 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 4/4/2012. Appearances by R. Shore, M. Scheinkman for plaintiffs; J. Birnbaum, J. Nathan for defendants. Settlement conference continued to 5/3/2012 at 10:00 a.m. (Abdallah, Fida) (Entered: 04/05/2012) |
| 05/03/2012 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 5/3/2012. Appearances by R. Shore, M. Lenaghan for plaintiffs; J. Birnbaum for defendants. Settlement discussions held and continued to 6/14/2012 at 3:00 p.m. (Abdallah, Fida) (Entered: 05/03/2012) |
| 06/14/2012 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 6/14/2012. Appearances by R. Shore, S. Katz, M. Scheinkman for plaintiff; J. Birnbaum and J. Nathan for defendants. Parties reported status of settlement discussions. The next conference scheduled for 7/24/12, at 10:30 a.m. (Abdallah, Fida) (Entered: 06/15/2012) |
| 07/24/2012 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 7/24/2012. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, M. Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Settlement discussions held. Next conference scheduled for 8/22/2012 at 10:30 a.m. (Abdallah, Fida) (Entered: 07/25/2012) |
| 08/22/2012 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 8/22/2012. Appearances by R. Shore for plaintiffs; J. Birnbaum, J. Nathan for defendants. Settlement conference continued to 10/4/2012 at 2:00 p.m. Defendants shall promptly provide the additional data. (Abdallah, Fida) (Entered: 08/23/2012) |
| 10/02/2012 | <u>212</u> | Letter <i>and Memorandum of Understanding</i> by AJ, B.N., EB, J.W., LBI, N.T., S.M. (Attachments: # <u>1</u> Memorandum of Understanding) (Scheinkman, Michael) (Entered: 10/02/2012) |

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| 10/03/2012 | | SCHEDULING ORDER: The settlement conference scheduled for 10/4/12 will be held at 1:00 p.m. Ordered by Magistrate Judge Marilyn D. Go on 10/3/2012. (Abdallah, Fida) (Entered: 10/03/2012) |
| 10/04/2012 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 10/4/2012. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. Settlement discussions held and continued to 11/1/2012 at 1:00 p.m. (by tel) (Abdallah, Fida) (Entered: 10/10/2012) |
| 10/09/2012 | <u>213</u> | ORDER re <u>212</u> Letter filed by LBI, EB, J.W., B.N., N.T., AJ, S.M. So ordered. Ordered by Judge Eric N. Vitaliano on 10/3/2012. (Siegfried, Evan) (Entered: 10/09/2012) |
| 10/25/2012 | | SCHEDULING ORDER: at counsel's request, the conference scheduled for 11/1/12 is adjourned to 11/7/12 at 3:00 p.m. Ordered by Magistrate Judge Marilyn D. Go on 10/25/2012. (Proujansky, Josh) (Entered: 10/25/2012) |
| 11/06/2012 | | SCHEDULING ORDER: At the request of both parties, the conference scheduled for 11/7/12 is adjourned to 11/29/12, at 3:00 p.m. Ordered by Magistrate Judge Marilyn D. Go on 11/6/2012. (Abdallah, Fida) (Entered: 11/06/2012) |
| 11/29/2012 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 11/29/2012. Appearances by R. Shore, M. Lenaghan for plaintiffs; J. Birnbaum, J. Nathan, D. King for defendants. Settlement discussions held and continued to 1/8/2013 at 1:00 p.m. (Abdallah, Fida) (Entered: 12/03/2012) |
| 01/08/2013 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 1/8/2013. Appearances by Rebecca Shore, Michael Scheinkman, M. Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Settlement discussions held and continued to 2/6/2013 at 12:00 p.m. (Abdallah, Fida) (Entered: 01/10/2013) |
| 02/06/2013 | | Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go: Settlement Conference held on 2/6/2013. Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, M. Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. Settlement discussions held and continued to March 20, 2013 at 2:00 p.m. (Abdallah, Fida) (Entered: 02/07/2013) |
| 03/19/2013 | <u>214</u> | Letter MOTION to Adjourn Conference <i>to April 18, 2013 at 2:30 pm</i> by EB. (Shore, Rebecca) (Entered: 03/19/2013) |
| 03/19/2013 | | ORDER granting <u>214</u> Motion to Adjourn Conference: The conference is adjourned to April 18, 2013, at 2:30 p.m. Ordered by Magistrate Judge Marilyn D. Go on 3/19/2013. (Abdallah, Fida) (Entered: 03/19/2013) |
| 04/18/2013 | | Minute Entry for Settlement Conference held on 4/18/2013 before Magistrate Judge Marilyn D. Go: Appearances by Rebecca Shore, Sharon Katz for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. Counsel reported on the status of settlement discussions. Next conference scheduled for 05/13/2013 at 12:00 NOON. (Hugh, Lewis) (Entered: 04/23/2013) |
| 05/10/2013 | <u>215</u> | First MOTION to Adjourn Conference <i>of May 13, 2013</i> by Joel Klein, New York City Board of Education, New York City Department of Education. (Birnbaum, Janice) (Entered: 05/10/2013) |
| 05/10/2013 | | ORDER granting <u>215</u> Motion to Adjourn Conference: Next conference now adjourned to 9:30 a.m. at 05/23/2013 . Ordered by Magistrate Judge Marilyn D. Go on 5/10/2013. (Hugh, Lewis) (Entered: 05/10/2013) |
| 05/23/2013 | | Minute Entry for Status Conference held on 5/23/2013 before Magistrate Judge Marilyn D. Go: Appearances by Rebecca Shore, Michael Scheinkman, M. Lenaghan for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. Settlement continued to 6/12/2013 at 4:00 p.m. (Hugh, Lewis) (Entered: 05/24/2013) |
| 06/12/2013 | | Minute Entry for Settlement Conference held on 6/12/2013 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, M. Scheinkman for plaintiffs; J. Birnbaum, J. Nathan for defendants. Settlement discussions held and continued to 6/28/2013 at 10:00 a.m. (by tel.) (Hugh, Lewis) (Entered: 06/13/2013) |

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| 07/01/2013 | | SCHEDULING ORDER: Telephone Conference set for 7/3/2013 at 01:30 PM in Courtroom 11C South before Magistrate Judge Marilyn D. Go. Ordered by Magistrate Judge Marilyn D. Go on 7/1/2013. (Hugh, Lewis) (Entered: 07/01/2013) |
| 07/03/2013 | | Minute Entry for Settlement Conference held on 7/3/2013 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, M. Scheinkman, M. B. Dufresne for plaintiffs; J. Birnbaum, J. Nathan for defendants. Settlement discussions held and continued to 7/25/2013 at 2:00 p.m. (by tel.) (Hugh, Lewis) (Entered: 07/10/2013) |
| 07/25/2013 | | Minute Entry for Settlement Conference held on 7/25/2013 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, S. Katz, M. Scheinkman, M. Lenaghan for plaintiffs; J. Birnbaum, J. Nathan, D. King for defendants. Settlement discussions held. By 8/2/13, defendants must serve their proposed revised sections on the MDR and enforcement and the Parties must exchange lists identifying all remaining areas of substantive dispute. By 8/15/13, the parties shall exchange revised drafts encompassing technical, conforming changes. The parties shall confer twice prior to the next conference on 8/16/2013 at 4:00 p.m. (Hugh, Lewis) (Entered: 07/26/2013) |
| 08/16/2013 | | Minute Entry for Settlement Conference held on 8/16/2013 before Magistrate Judge Marilyn D. Go: Appearances by Rebecca Shore, Sharon Katz, Michael Scheinkman, for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Settlement discussions held and continued to 9/17/2013 at 10:00 a.m. (Hugh, Lewis) (Entered: 08/19/2013) |
| 09/17/2013 | | Minute Entry for Settlement Conference held on 9/17/2013 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, S. Katz, M. Lenaghan, B. Dufresne for plaintiffs; J. Birnbaum, J. Nathan, D. King for defendants. Settlement discussions held and continued to 10/15/2013 at 11:30 a.m. (Hugh, Lewis) (Entered: 09/18/2013) |
| 09/18/2013 | <u>216</u> | Letter <i>and Memorandum of Understanding</i> by EB (Attachments: # <u>1</u> Proposed Order) (Shore, Rebecca) (Entered: 09/18/2013) |
| 10/11/2013 | | SCHEDULING ORDER: The conference on 10/15/2013 is adjourned to 10/29/2013 at 3:00 p.m. on parties' oral request. Ordered by Magistrate Judge Marilyn D. Go on 10/11/2013. (Hugh, Lewis) (Entered: 10/11/2013) |
| 10/31/2013 | | Minute Entry for Settlement Conference held on 10/31/2013 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, S. Katz, M. Lenaghan, M. Dufresne for plaintiffs; J. Birnbaum, J. Nathan, D. King for defendants. Settlement conference continued to Nov. 21, 2013 at 3:00 p.m. (Hugh, Lewis) (Entered: 10/31/2013) |
| 11/19/2013 | | SCHEDULING ORDER: Due to a change in Judge Go's schedule, the conference scheduled for 11/21/2013 is adjourned to 11/25/2013 at 11:00 AM on consent of all parties before Magistrate Judge Marilyn D. Go. Ordered by Magistrate Judge Marilyn D. Go on 11/19/2013. (Hugh, Lewis) (Entered: 11/19/2013) |
| 11/25/2013 | | Minute Entry for Settlement Conference held on 11/25/2013 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, M. Scheinkman, M. Dufresne, R. Martin for plaintiffs; J. Birnbaum, J. Nathan for defendants. Counsel reported on status of settlement discussions. Next conference scheduled for 12/20/2013 at 11:00 a.m. (by tel.) (Hugh, Lewis) (Entered: 11/26/2013) |
| 12/20/2013 | | Minute Entry for Settlement Conference held on 12/20/2013 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, M. Scheinkman for plaintiffs; J. Birnbaum, J. Nathan, D. King for defendants. Counsel reported on status of settlement discussions. Next conference to be held on 1/20/2014 at 9:30 a.m. (by tel) (Hugh, Lewis) (Entered: 12/23/2013) |
| 01/22/2014 | | SCHEDULING ORDER: After all parties have conferred, a telephone conference is set for 1/31/2014 at 04:00 PM before Magistrate Judge Marilyn D. Go. Ordered by Magistrate Judge Marilyn D. Go on 1/22/2014. (Hugh, Lewis) (Entered: 01/22/2014) |
| 01/31/2014 | | Minute Entry for Settlement Conference held on 1/31/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, M. Scheinkman, R. Martin, M. Dufresne for plaintiffs; J. Birnbaum, J. Nathan, D. King for defendants. The parties reported on progress in settlement discussions. Next conference scheduled for 2/20/2014 at 10:00 a.m. (Hugh, Lewis) (Entered: 02/03/2014) |

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| 02/20/2014 | Minute Entry for Status Conference held on 2/20/2014 before Magistrate Judge Marilyn D. Go: Appearances by Rebecca Shore, B. Dufresne for plaintiffs; Janice Birnbaum, Judy Nathan, Debra King for defendants. Settlement conference continued to 3/13/2014 at 10:00 a.m. (in person) (Hugh, Lewis) (Entered: 02/21/2014) |
| 03/13/2014 | Minute Entry for Settlement Conference held on 3/13/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, M. Scheinkman, M. Dufresne, R. Martin for plaintiffs; J. Birnbaum, J. Nathan for defendants. Settlement discussions held and continued to 3/27/2014 at 9:30 a.m. (by tel) (Hugh, Lewis) (Entered: 03/14/2014) |
| 03/27/2014 | Minute Entry for Settlement Conference held on 3/27/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore for plaintiffs; J. Birnbaum, J. Nathan for defendants. Settlement discussions held and continued to 4/4/2014 at 4:00 p.m. (by tel.) (Hugh, Lewis) (Entered: 03/28/2014) |
| 04/04/2014 | Minute Entry for Settlement Conference held on 4/4/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, S. Katz, M. Dufresne, R. Martin for plaintiffs; J. Birnbaum, J. Nathan for defendants. Settlement discussions held and continued to 4/22/2014 at 4:00 p.m. (Hugh, Lewis) (Entered: 04/07/2014) |
| 04/22/2014 | Minute Entry for Settlement Conference held on 4/22/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore for plaintiffs; J. Birnbaum, J. Nathan, D. King for defendants. Settlement discussions held and continued to 5/8/2014 at 10:00 a.m. (Hugh, Lewis) (Entered: 04/23/2014) |
| 05/08/2014 | Minute Entry for Settlement Conference held on 5/8/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, S. Katz, R. Martin for plaintiffs; J. Birnbaum, J. Nathan, D. King for defendants. Settlement discussions held and continued to 5/27/2014 at 3:00 p.m. (Hugh, Lewis) (Entered: 05/09/2014) |
| 05/28/2014 | Minute Entry for Settlement Conference held on 5/27/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, S. Katz, M. Dufresne for plaintiffs; J. Birnbaum, J. Nathan, D. King for defendants. Settlement discussions held and continued to 6/18/2014 at 12:00 p.m. (Moo-Young, Jillian) (Entered: 05/28/2014) |
| 06/12/2014 | ORDER: The conference on 06/18/2014 is canceled. Parties are directed to confer and call with new proposed dates by 06/13/2014. Ordered by Magistrate Judge Marilyn D. Go on 6/12/2014. (Hugh, Lewis) (Entered: 06/12/2014) |
| 06/18/2014 | SCHEDULING ORDER: An in person conference is set for 6/24/2014 at 10:00 AM before Magistrate Judge Marilyn D. Go. Ordered by Magistrate Judge Marilyn D. Go on 6/18/2014. (Hugh, Lewis) (Entered: 06/18/2014) |
| 06/24/2014 | Minute Entry for Settlement Conference held on 6/24/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, M. Dufresne for plaintiffs; J. Birnbaum, J. Nathan, D. King for defendants. Counsel reported on the status of settlement discussions. Next conference scheduled for 8/6/2014 at 10:30 a.m. (by tel.) (Hugh, Lewis) (Entered: 06/25/2014) |
| 08/06/2014 | SCHEDULING ORDER: The telephone conference on 08/06/2014 is rescheduled to 08/21/2014 at 10:30 a.m. with consent from all parties. Ordered by Magistrate Judge Marilyn D. Go on 8/6/2014. (Hugh, Lewis) (Entered: 08/06/2014) |
| 08/21/2014 | Minute Entry for Status Conference held on 8/21/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, S. Katz for plaintiffs; J. Birnbaum, J. Nathan for defendants. Counsel reported on status of negotiations. Next settlement conference scheduled for 9/23/2014 at 10:30 a.m. (by tel.) (Hugh, Lewis) (Entered: 08/25/2014) |
| 09/23/2014 | Minute Entry for Settlement Conference held on 9/23/2014 before Magistrate Judge Marilyn D. Go: Appearances by Rebecca Shore, Sharon Katz, M. Dufresne for plaintiffs; Janice Birnbaum, Judy Nathan for defendants. Counsel reported that they are working on two remaining provisions of draft settlement agreement. Next conference scheduled for 10/10/2014 at 1:00 p.m. (by tel.) (Hugh, Lewis) (Entered: 09/24/2014) |
| 10/10/2014 | Minute Entry for Settlement Conference held on 10/10/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, B. Dufresne for plaintiffs; J. Birnbaum, J. |

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| | | Nathan for defendants. Counsel reported they are close to completing the final draft of the settlement agreement. Next conference scheduled for 11/6/2014 at 1:30 p.m. (by tel) (which will be adjourned if the completed draft is sent to the Court before this date). (Hugh, Lewis) (Entered: 10/14/2014) |
| 11/06/2014 | | SCHEDULING ORDER: at the parties' request, the telephone conference scheduled for 11/6/14 is adjourned to 11/19/14 at 4:00 p.m. Ordered by Magistrate Judge Marilyn D. Go on 11/6/2014. (Proujansky, Josh) (Entered: 11/06/2014) |
| 11/19/2014 | | Minute Entry for Settlement Conference held on 11/19/2014 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, M. Sheinkman for plaintiffs; J. Birnbaum, J. Nathan for defendants. Counsel reported they are very close to reaching agreement on settlement documents and will be submitting the documents for client approval promptly thereafter. Next conference scheduled for 1/15/2015 at 2:00 p.m. (by tel.) (Hugh, Lewis) (Entered: 11/20/2014) |
| 11/25/2014 | <u>217</u> | NOTICE of Appearance by Bernard Dufresne on behalf of All Plaintiffs (aty to be noticed) (Dufresne, Bernard) (Entered: 11/25/2014) |
| 01/15/2015 | | Minute Entry for Settlement Conference held on 1/15/2015 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, B. Dufresne for plaintiffs; J. Birnbaum, J. Nathan for defendants. Counsel reported that the settlement agreement has been drafted and they are in the process of obtaining approval. In the interim, counsel will begin drafting preliminary approval documents. Next conference scheduled for 3/18/2015 at 10:00 a.m. (by tel.) (Hugh, Lewis) (Entered: 01/20/2015) |
| 03/18/2015 | | Minute Entry for Status Conference held on 3/18/2015 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, M. Scheinkman, M. Dufresne for plaintiffs; J. Birnbaum, J. Nathan for defendants. Counsel reported that approval for the settlement agreement has been given and they are drafting notice and other settlement documents. Next conference scheduled for 4/16/2015 at 1:30 p.m. (by tel) (Hugh, Lewis) (Entered: 03/19/2015) |
| 04/16/2015 | | Minute Entry for Status Conference held on 4/16/2015 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, B. Dufresne for plaintiffs; J. Birnbaum, J. Nahtan for defendants. Next conference scheduled for 4/28/2015 at 4:30 p.m. (by tel.) (Hugh, Lewis) (Entered: 04/17/2015) |
| 04/28/2015 | | Preliminary Approval Hearing set for 5/19/2015 at 11:00 AM in Courtroom 4C South before Judge Eric N. Vitaliano. (Murphy, David). (Entered: 04/28/2015) |
| 04/28/2015 | | Minute Entry for Status Conference held on 4/28/2015 before Magistrate Judge Marilyn D. Go: Appearances by R. Shore, B. Dufresne for plaintiffs; J. Birnbaum, J. Nathan for defendants. Parties advise that a preliminary approval motion will be filed next week. (Hugh, Lewis) (Entered: 04/29/2015) |
| 05/13/2015 | <u>218</u> | MOTION for Settlement / <i>Plaintiffs' Motion for Preliminary Approval of Settlement and Notice</i> by AJ, B.N., EB, J.W., LBI, N.T., S.M.. (Katz, Sharon) (Entered: 05/13/2015) |
| 05/13/2015 | <u>219</u> | MEMORANDUM in Support re <u>218</u> MOTION for Settlement / <i>Plaintiffs' Motion for Preliminary Approval of Settlement and Notice</i> filed by AJ, B.N., EB, J.W., LBI, N.T., S.M.. (Katz, Sharon) (Entered: 05/13/2015) |
| 05/13/2015 | <u>220</u> | STIPULATION re <u>218</u> MOTION for Settlement / <i>Plaintiffs' Motion for Preliminary Approval of Settlement and Notice / Stipulation of Agreement of Settlement</i> by AJ, B.N., EB, J.W., LBI, N.T., S.M. (Katz, Sharon) (Entered: 05/13/2015) |
| 05/18/2015 | <u>221</u> | Letter by Joel Klein, New York City Board of Education, New York City Department of Education (Birnbaum, Janice) (Entered: 05/18/2015) |
| 05/19/2015 | <u>222</u> | ORDER granting <u>218</u> Motion for Preliminary Approval of Settlement and Notice of Class Action Settlement. The Court grants preliminary approval of the settlement memorialized in the Stipulation, concluding that the notice to the class and the proposed notice forms are appropriate, meet the requirements of Rule 23 and due process, and constitute the best notice practicable under the circumstances. The Court also finds that the Stipulation is the result of extensive, arms length negotiations, and, accordingly, the Court determines that there is probable cause to submit the proposed |

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| | | settlement to class members and thereafter hold a final hearing as to its fairness. The Settlement Fairness Hearing is scheduled to be held before the Court on July 23, 2015 at 9:30 a.m. The Court will consider comments and/or objections to the Settlement and persons wishing to be heard orally with regard to approval of the Settlement so long as those comments and/or objections, along with any intention to appear at the hearing, are submitted in writing to the Clerk of Court and to counsel on or before July 16, 2015. Ordered by Judge Eric N. Vitaliano on 5/19/2015. (Murphy, David) (Entered: 05/19/2015) |
| 05/19/2015 | | Set Hearings: Settlement Fairness Hearing set for 7/23/2015 09:30 AM in Courtroom 4C South before Judge Eric N. Vitaliano. (Murphy, David) (Entered: 05/19/2015) |
| 05/19/2015 | | Minute Entry for proceedings held before Judge Eric N. Vitaliano:Preliminary Approval Hearing held on 5/19/2015. Appearances by Rebecca Shore, David Stier, Bernard Dufresne, Sharon Katz, and Michael Scheinkman for plaintiffs; Janice Birnbaum and Judy Nathan for defendants. (Murphy, David) (Entered: 5/19/2015) (Entered: 05/19/2015) |
| 07/17/2015 | <u>223</u> | DECLARATION re <u>222</u> Order on Motion for Settlement,,, by Joel Klein, New York City Board of Education, New York City Department of Education (Birnbaum, Janice) (Entered: 07/17/2015) |
| 07/17/2015 | <u>224</u> | DECLARATION re <u>222</u> Order on Motion for Settlement,,, of Janice Birnbaum by Joel Klein, New York City Board of Education, New York City Department of Education (Birnbaum, Janice) (Entered: 07/17/2015) |
| 07/20/2015 | <u>225</u> | MOTION for Settlement / <i>Plaintiffs' Motion for Final Approval of Settlement</i> by AJ, EB, J.W., LBI, S.M.. (Attachments: # <u>1</u> Proposed Judgment) (Scheinkman, Michael) (Entered: 07/20/2015) |
| 07/20/2015 | <u>226</u> | MEMORANDUM in Support re <u>225</u> MOTION for Settlement / <i>Plaintiffs' Motion for Final Approval of Settlement</i> filed by AJ, EB, J.W., LBI, S.M.. (Scheinkman, Michael) (Entered: 07/20/2015) |
| 07/20/2015 | <u>227</u> | AFFIDAVIT/DECLARATION in Support re <u>225</u> MOTION for Settlement / <i>Plaintiffs' Motion for Final Approval of Settlement / Declaration of Rebecca Shore in Support of Plaintiffs' Motion for Final Approval of Settlement</i> filed by AJ, EB, J.W., LBI, S.M.. (Scheinkman, Michael) (Entered: 07/20/2015) |
| 07/23/2015 | | Minute Entry for proceedings held before Judge Eric N. Vitaliano:Settlement Fairness Hearing Conference held on 7/23/2015. (Court Reporter Victoria Torres-Butler.) (Villanueva, William) (Entered: 09/11/2015) |
| 07/24/2015 | <u>228</u> | MEMORANDUM AND ORDER APPROVING SETTLEMENT AND ENTERING FINAL JUDGMENT. ORDER grants <u>225</u> Motion for Settlement. **** Forwarded to Janet Hamilton for Judgment. Ordered by Judge Eric N. Vitaliano on 7/23/2015. (Riquelme, Claudia) (Entered: 07/24/2015) |
| 07/24/2015 | <u>229</u> | JUDGMENT in favor of AJ, EB, J.W., LBI, S.M. and against New York City Board of Education, New York City Department of Education, Joel Klein See attached M&O <u>228</u> for further details. Ordered by Janet Hamilton, deputy clerk, on behalf of Douglas C. Clerk of Court on 7/24/2015. (Riquelme, Claudia) (Entered: 07/24/2015) |
| 08/29/2018 | <u>230</u> | MOTION to Amend/Correct/Supplement <u>220</u> Stipulation and Agreement of Settlement by AJ, B.N., EB, J.W., LBI, N.T., S.M.. (Scheinkman, Michael) (Entered: 08/29/2018) |
| 08/31/2018 | <u>231</u> | STIPULATION AND PROPOSED ORDER, regarding Stipulation and Agreement of Settlement. Ordered by Judge Eric N. Vitaliano on 8/31/2018. (Piper, Francine) (Entered: 08/31/2018) |
| 09/25/2018 | <u>232</u> | NOTICE of Appearance by Andrew James Rauchberg on behalf of Joel Klein, New York City Board of Education, New York City Department of Education (aty to be noticed) (Rauchberg, Andrew) (Entered: 09/25/2018) |
| 09/28/2018 | <u>233</u> | STIPULATION re <u>231</u> Order on Motion to Amend/Correct/Supplement <i>extending the Termination Date to October 15, 2018</i> by AJ, B.N., EB, J.W., LBI, N.T., S.M. (Scheinkman, Michael) (Entered: 09/28/2018) |

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| 10/15/2018 | <u>234</u> | STIPULATION re <u>233</u> <i>Stipulation and Proposed Order</i> . by AJ, B.N., EB, J.W., LBI, N.T., S.M. (Scheinkman, Michael) (Entered: 10/15/2018) |
| 10/18/2018 | <u>235</u> | ORDER, the parties have agreed to modify the Stipulation submitted on September 28 as set forth herein. The parties agree to an extension of the Termination Date with respect to paragraph 18 of the Stipulation and the obligations relating to that paragraph (e.g., reporting obligations and jurisdiction paragraphs) by 8 days. For these obligations, the new Termination Date is October 23, 2018. The Written Notice provided by Plaintiffs on September 14, 2018 will be deemed provided ten business days before the Termination Date. Nothing herein will be deemed to affect the timeliness or untimeliness of Plaintiffs' September 14, 2018 notice or the timeliness or untimeliness of any potential motion to enforce or extend, and nothing herein will be deemed to constitute an admission by the Defendants that Plaintiffs' September 14, 2018 notice or any subsequent motion will become timely in light of the extension agreed upon herein. Further, nothing herein will be deemed to constitute a waiver of any arguments concerning the timeliness or untimeliness of Plaintiffs' notice or any subsequent motion, or a waiver of any arguments concerning Plaintiffs' compliance or non-compliance with paragraphs 74, 76, and/or 77 of the Stipulation. Nothing herein will be deemed to impact Plaintiffs' rights to make a motion pursuant to paragraph 81 of the Stipulation (concerning counsel fees). Ordered by Judge Eric N. Vitaliano on 10/16/2018. C/M (Galeano, Sonia) (Entered: 10/18/2018) |