

CLOSED\_2002

**U.S. DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK [LIVE] (Rochester)  
CIVIL DOCKET FOR CASE #: 6:81-cv-00173-MAT-JWF**

J.G., et al v. Roch. Brd. of Edu., et al  
Assigned to: Hon. Michael A. Telesca  
Referred to: Hon. Jonathan W. Feldman  
Demand: \$162,000  
Cause: 42:1983 Civil Rights Act

Date Filed: 01/01/1981  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Special Master**

**Ruth Scott**

represented by **Ruth Scott**  
Scott Associates and Consultants, Inc.  
30 Arvine Heights  
Rochester, NY 14611  
PRO SE

**Plaintiff**

**J.G.**  
*by his mother and next friend, Mrs. G.*

represented by **Bryan D. Hetherington**  
Public Interest Law of Rochester  
80 St. Paul Street  
Suite 701  
Rochester, NY 14604  
585-295-5809  
Fax: 585-454-4019  
Email: bhetheri@wnylc.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**David A. Munro**  
New York State Department of Law  
Environmental Protection Bureau  
The Capitol  
Albany, NY 12224  
518-474-8481  
Fax: 518-473-2534  
Email: david.munro@oag.state.ny.us  
**TERMINATED: 02/15/2001**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Elizabeth L. Schneider**  
Monroe County Legal Assistance Corp.  
80 St. Paul Street  
Suite 700  
Rochester, NY 14604

*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jonathan Feldman**  
Empire Justice Center  
80 St. Paul Street  
Suite 701  
Rochester, NY 14604  
585-295-5813  
Fax: 585-454-4019  
Email: jfeldman@wnylc.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**M.W.**

*by her mother and next friend Mrs. W.*

represented by **Bryan D. Hetherington**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David A. Munro**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Elizabeth L. Schneider**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jonathan Feldman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**A.M.**

*by his mother and next friend Mrs. M.*

represented by **Bryan D. Hetherington**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David A. Munro**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Elizabeth L. Schneider**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jonathan Feldman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**K.M.**  
*by her mother and next friend Mrs. M.*  
*on behalf of themselves and all persons*  
*similarly situated*

represented by **Bryan D. Hetherington**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David A. Munro**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Elizabeth L. Schneider**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jonathan Feldman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**The Board of Education of the  
Rochester City School District**

represented by **Donald T. Schmitt**  
Rochester City School District  
131 West Broad Street  
Rochester, NY 14614  
(716) 262-8412  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
Rochester City School District  
131 West Broad Street  
Rochester, NY 14614  
(716) 262-8412

*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John Delvecchio**

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Archie Curry**

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Frank Willis**

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Irene Frusci**

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**Josephine Geneovese**

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Karen Grella**

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Gary Smith**

*individually and their official capacities  
as members of the Board of Education  
of the Rochester City School District*

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Laval M. Wilson**

*in his official capacity as  
Superintendent of the Rochester city  
Schools*

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Bernard S. Greenberger**  
*individually and in his official capacity  
as Director of the Department of  
Special Education of the Rochester City  
Schools*

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Robert Lays**  
*individually and in his official capacity  
as Assistant Director of the Department  
of Special capacity as Assistant  
Director of the Department of Special  
Education of the Rochester City Schools*

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Joseph Salemi**  
*individually and in his official capacity  
as Assistant Director of the Department  
of Special Education of the Rochester  
City Schools*

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Louis N. Kash**  
(See above for address)  
*TERMINATED: 02/15/2001  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**New York State Education  
Department**

represented by **Donald T. Schmitt**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Kenneth Pawson**  
Education Building  
Albany, NY 12234  
*TERMINATED: 02/15/2001  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Robert D. Stone**  
 Education Building  
 Albany, NY 12234  
 TERMINATED: 02/15/2001  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**Gordon M. Ambach**  
*in his official capacity as Commissioner  
 of the New York State Education  
 Department*

represented by **Donald T. Schmitt**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Kenneth Pawson**  
 (See above for address)  
 TERMINATED: 02/15/2001  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Robert D. Stone**  
 (See above for address)  
 TERMINATED: 02/15/2001  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/27/1996		ORDER REFERRING CASE to USMJ Jonathan W. Feldman for supervision, implementation and submission of a comprehensive three year plan. Plans to be submitted by the parties for consideration no later than 4/1/96. ( signed by USDJ Michael A. Telesca ) (CM) (Entered: 03/21/1996)
03/04/1996		Status conference held before JWF (CM) (Entered: 03/21/1996)
03/04/1996		Minute entry:, set Status Conference for 3:00 3/8/96 before JWF (CM) (Entered: 03/21/1996)
03/08/1996		Status conference held before JWF (CM) (Entered: 03/21/1996)
03/26/1996		Settlement conference held (JWF) (CM) (Entered: 04/03/1996)
03/26/1996		Minute entry:, set Settlement Conference for 11:15 3/28/96 (JWF) (CM) (Entered: 04/03/1996)
03/28/1996		Settlement conference held (JWF) (CM) (Entered: 04/03/1996)
03/28/1996		Minute entry:, set Settlement Conference for 4:30 4/1/96 (JWF) (CM) (Entered: 04/03/1996)
04/01/1996	95	LETTER ORDER granting request to extend time for counsel to continue working on the action. ( signed by USDJ Michael A. Telesca ) Notice and

		copy of order sent to Ruth Scott, Robert D. Stone, Kenneth Pawson, Louis N. Kash, David A. Munro, Bryan D. Hetherington, Elizabeth L. Schneider (CM) (Entered: 04/01/1996)
04/04/1996		Settlement conference held (JWF) (CM) (Entered: 04/12/1996)
04/04/1996		Minute entry:, set Settlement Conference for 2:30 4/9/96 (JWF) (CM) (Entered: 04/12/1996)
04/09/1996		Settlement conference held before JWF. (CM) (Entered: 04/19/1996)
04/09/1996		Minute entry:, set Settlement Conference for 2:00 4/18/96 (JWF) (CM) (Entered: 04/19/1996)
04/18/1996		Settlement conference held (JWF) (CM) (Entered: 05/01/1996)
05/09/1996		Settlement conference held (JWF) (CM) (Entered: 05/21/1996)
06/03/1996	96	MOTION by plaintiffs for contempt. Motion Hearing set for 9:00 7/10/96 (CM) (Entered: 06/04/1996)
06/03/1996	97	MEMORANDUM by plaintiffs in support of [96-1] motion for contempt. by K.M., A.M., M.W., J.G. (CM) (Entered: 06/04/1996)
06/03/1996	98	JOINT DECLARATION of Elizabeth Schneider, Esq. and Bryan Hetherington, Esq., on behalf of J.G., M.W., A.M., K.M., Re: [96-1] motion for contempt. by K.M., A.M., M.W., J.G. (CM) (Entered: 06/04/1996)
07/10/1996		Minute entry:, Motion Hearing reset for 8/7/96 for [96-1] motion for contempt (MAT). (CM) (Entered: 07/12/1996)
08/07/1996		Minute entry:, Motion Hearing set for 9/12/96 for [96-1] motion for contempt (MAT) (CM) (Entered: 08/08/1996)
09/09/1996		Deadline updated; Motion Hearing set for 9:00 11/13/96 for [96-1] motion for contempt before MAT pursuant to notice. (CM) (Entered: 09/10/1996)
09/12/1996		Minute entry:, Motion Hearing set for 11/13/96 for [96-1] motion for contempt (MAT). (CM) (Entered: 09/13/1996)
10/29/1996	99	LETTER submitted by Bryan Hetherington, Esq. and Louis Kash, Esq. withdrawing, without prejudice, plaintiffs' motion for contempt. (CM) (Entered: 10/30/1996)
10/29/1996		Deadline updated; withdrawing [96-1] motion for contempt pursuant to document #99. (CM) (Entered: 10/30/1996)
11/13/1996		Minute entry: [96-1] motion for contempt withdrawn (MAT) (CM) (Entered: 11/13/1996)
05/01/1997	100	MODIFIED STIPULATION and ORDER TO ENTRY OF CONSENT DECREE signed by USDJ Michael A. Telesca . Notice and copy of order sent to Ruth Scott, Robert D. Stone, Kenneth Pawson, Louis N. Kash, David A. Munro, Bryan D. Hetherington, Elizabeth L. Schneider . (CM)



		(Entered: 05/01/1997)
05/01/1997		Minute entry:, Status Conference adjourned without date (MAT) (CM) (Entered: 05/05/1997)
04/22/1998		Status conference held (MAT) (CM) (Entered: 04/22/1998)
01/30/2001	101	ORDER TO SHOW CAUSE Show Cause Hearing set for 10:00 2/15/01 ( signed by Senior USDJ Michael A. Telesca ) Notice and copy sent to Ruth Scott, Robert D. Stone, Kenneth Pawson, Louis N. Kash, David A. Munro, Bryan D. Hetherington, Elizabeth L. Schneider . (TO) (Entered: 01/30/2001)
02/15/2001	102	Minute entry: Order to show cause hearing reset for 4/24/01 (MAT) (TO) (Entered: 02/20/2001)
04/13/2001	103	RESPONSE/AFFIDAVIT by Dr. Clifford Janey, Supr. of Schools for the Rochester City School District to [101-1] order to show cause and in support of terminating the consent decree (TO) (Entered: 04/16/2001)
04/13/2001	104	RESPONSE/AFFIDAVIT by Marie Cianca Director for the education of exceptional children for the Rochester City School District to [101-1] order to show cause and in support to terminating the consent decree (TO) (Entered: 04/16/2001)
04/13/2001		Exhibits received related to doc.'s #103 and 104. (TO) (Entered: 04/16/2001)
04/13/2001	105	CERTIFICATE OF SERVICE [0-0] exhibits, [104-1] miscellaneous response, [103-1] miscellaneous response upon Bryan Hetherington, Esq., Public Interest Law Office (TO) (Entered: 04/16/2001)
04/18/2001	106	AFFIDAVIT by Michael Looby attorney Roch. Brd. of Edu. in support of terminating the consent decree (TO) (Entered: 04/19/2001)
04/19/2001	107	DECLARATION by Jonathan Feldman and Bryan Hetherington, Esq. attorney for plaintiffs J.G., M.W., A.M., K.M. Re: [101-1] order to order to show cause (TO) (Entered: 04/19/2001)
04/19/2001	108	MEMORANDUM by J.G., M.W., A.M., K.M. in response [101-1] order to show cause (TO) (Entered: 04/19/2001)
04/23/2001	109	REPLY/RESPONSE by Marie Cianca [107-1] affirmation by Jonathan Feldman and Bryan Hetherington attorney for plaintiffs K.M., A.M., M.W., J.G. (TO) (Entered: 04/24/2001)
04/24/2001	110	Minute entry: Order to show cause re: consent decree; court holds matter in abeyance until 11/1/01 at 10:00; for status report; def. to provide the court with monthly status reports commencing 6/1/01 (MAT) (TO) (Entered: 05/10/2001)
08/01/2001	111	Letter by Roch. City School re: Rochester City School District's third monthly report detailing the ongoing process to foster success for students with disabilities (TO) (Entered: 08/02/2001)

08/07/2001	112	LETTER by the Rochester City School District regarding the application for legal fees submitted by PILOR (TO) (Entered: 08/08/2001)
08/08/2001	113	Letter RESPONSE by Feldman attorney for J.G., M.W., A.M., K.M. to [112-1] letter (TO) (Entered: 08/09/2001)
08/27/2001	114	ORDER granting plaintiffs' July 2001 application for attorneys' fees in the reduced amount of \$12,950.00 and plaintiffs' August 2001 Application for fees in the amount of \$2,767.50 ( signed by Senior USDJ Michael A. Telesca ) Notice and copy of order sent to Ruth Scott, Donald T. Schmitt, Jonathan Feldman, Bryan D. Hetherington (JL) (Entered: 08/28/2001)
09/26/2001		Deadline updated; reset Status Report deadline to 10:00 11/27/01 pursuant to notice (MAT) (TO) (Entered: 09/27/2001)
10/03/2001	115	LETTER by Roch. City School Dist. regarding a typographical error in the headings on at the top of the table on page 3 of the October Report filed 10/1/01 (caption should read: 2001-2002 Percent Included) (TO) (Entered: 10/04/2001)
11/01/2001	116	MOTION by Rochester City School Dist. to Extend Time to file monthly report (TO) (Entered: 11/02/2001)
11/01/2001	118	Minute entry: status re: Consent decree reset Status Conference for 11/27/01 (MAT) (TO) (Entered: 11/15/2001)
11/05/2001	117	LETTER by Rochester City School District regarding the sixth monthly report detailing the Rochester City School ongoing process to ensure success for students with disabilities, with attached report (TO) (Entered: 11/06/2001)
11/19/2001	119	SUPPLEMENTAL JOINT DECLARATION OF Jonathan Feldman and Bryan Hetherington in RESPONSE by J.G., M.W., A.M., K.M. to [101-1] order to show cause (TO) (Entered: 11/20/2001)
11/20/2001	120	BRIEF by Roch. Brd. of Edu. for the Roch. City School Dist. (TO) (Entered: 11/21/2001)
11/27/2001	121	Minute entry: [101-1] order to show cause under advisement (MAT) (TO) (Entered: 11/28/2001)
12/07/2001	122	LETTER by Rochester City School Dist. re: payments made to PILOR with attached 5 page spreadsheet, entitled "Transaction Listing" (TO) (Entered: 12/10/2001)
01/14/2002	123	ORDER, that the 1997 Consent Decree has expired by its own terms and that this court lacks jurisdiction over the expired decree to Dismiss case with prejudice ( signed by Senior USDJ Michael A. Telesca ) Notice and copy of order sent to Ruth Scott, Donald T. Schmitt, Jonathan Feldman, Bryan D. Hetherington, Mike Looby (TO) (Entered: 01/14/2002)
01/14/2002	124	JUDGMENT ( signed by Clerk ). Notice and copy of judgment sent to Ruth Scott, Donald T. Schmitt, Jonathan Feldman, Bryan D.

		Hetherington, Mike Looby (TO) (Entered: 01/14/2002)
01/14/2002		Case closed (TO) (Entered: 01/14/2002)
01/16/2002	125	MOTION by J.G., M.W., A.M., K.M. to Amend [124-1] judgment order, [123-1] order to Dismiss case with prejudice (TO) (Entered: 01/16/2002)
01/17/2002		Deadline updated; [125-1] motion to Amend [124-1] judgment order, [123-1] order to Dismiss case with prejudice submitted on 2/21/02; pursuant to notice (MAT) (TO) (Entered: 01/17/2002)
02/08/2002	126	AFFIRMATION by Michael Looby attorney for Roch. City School District in opposition to [125-1] motion to Amend [124-1] judgment order, [123-1] order to Dismiss case with prejudice by K.M., A.M., M.W., J.G. (TO) (Entered: 02/11/2002)
02/21/2002	127	Minute entry: [125-1] motion to Amend [124-1] judgment order, [123-1] order to Dismiss case with prejudice submitted (MAT) (TO) (Entered: 02/22/2002)
03/12/2002	128	ORDER denying [125-1] motion to Amend [124-1] judgment order, [123-1] order to Dismiss case with prejudice ( signed by Senior USDJ Michael A. Telesca ) Notice and copy of order sent to Ruth Scott, Donald T. Schmitt, Jonathan Feldman, Bryan D. Hetherington (TO) (Entered: 03/13/2002)
04/03/2002	129	NOTICE OF APPEAL by J.G., M.W., A.M., K.M. . Fee Status: 105.00 (MMG) (Entered: 04/03/2002)
04/03/2002	130	FILED USCA Form D. by plaintiffs. (MMG) (Entered: 04/03/2002)
04/09/2002		Notice of appeal and certified copy of docket to USCA: [129-1] appeal by K.M., A.M., M.W., J.G. (MMG) (Entered: 04/09/2002)
05/17/2002		Received USCA Scheduling Order Re: [129-1] appeal by K.M., A.M., M.W., J.G. USCA NUMBER: 02-7398 Appeal record due on 6/4/02 (MMG) (Entered: 05/17/2002)
06/06/2002		Certified and transmitted index to record on appeal to U.S. Court of Appeals: [129-1] appeal by K.M., A.M., M.W., J.G.(USCA# 02-7398) (MMG) (Entered: 06/06/2002)
01/21/2003	131	MANDATE OF USCA (certified copy) affirming the Judgment of District Court therefore, dismissing the appeal. Re: [129-1] appeal by K.M., A.M., M.W., J.G. (USCA# 02-7398) (MMG) (Entered: 01/22/2003)
01/23/2003	132	ORDER making Mandate from USCA, Second Circuit the Judgment of this Court. ( signed by Senior USDJ Michael A. Telesca ) Notice and copy of order sent to Ruth Scott, Donald T. Schmitt, Jonathan Feldman, Bryan D. Hetherington (USCA# 02-7398) (MMG) (Entered: 01/25/2003)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
10/25/2005 15:13:47			
<b>PACER Login:</b>	hs0328	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	6:81-cv-00173-MAT-JWF
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.48

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