

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:01-cv-01864-JS**

Schmelzer, et al v. State of New York, et al
Assigned to: Judge Joanna Seybert
Demand: \$0
Cause: 20:1400 Civil Rights of Handicapped Child

Date Filed: 03/27/2001
Date Terminated: 03/13/2009
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Michael J. Schmelzer
*by and through Pal Schmelzer and
Barbara Schmelzer, guardians of his
person and property*

represented by **Pamela L. Steen**
Wasserman Steen, LLP
50 Medford Avenue
Patchogue, NY 11772
631-758-3367
Fax: 631-758-3369
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Chelsea Von Harder
*by and through her mother and natural
guardian, Jan Reddy*

represented by **Pamela L. Steen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

K.G.
*by and through her parents and natural
guardians, M.G. and S.G.; individually
and on behalf of themselves and all
persons similarly situated to them*

Plaintiff

Long Island Advocacy, Inc.
TERMINATED: 09/09/2002

represented by **Deborah R. Berger**
Long Island Advocacy Center
490 Wheeler Road
Hauppauge, NY 11788
(516)234-0467
TERMINATED: 09/09/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

The State of New York

represented by **Ralph Pernick**
New York State Attorney General
200 Old County Road, Suite 240
Mineola, NY 11501
516-248-3312
Fax: 516-747-6432
Email: ralph.pernick@oag.state.ny.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

New York State Senate
New York State Education Department

represented by **Ralph Pernick**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Commissioners Richard P. Mills
*As Commissioner of Education of the
State of New York*

represented by **Ralph Pernick**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**Half Hollow Hills Central School
District**
TERMINATED: 10/05/2001

represented by **Jacob S. Feldman**
Ehrlich, Frazer & Feldman
1415 Kellum Place
Garden City, NY 11530-1604
(516) 742-7777
*TERMINATED: 10/05/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

New York City Board of Education
(School District No. 2)
TERMINATED: 09/06/2002

represented by **Lisa Fleming Grumet**
Corporation Counsel of the City of NY
100 Church Street
New York, NY 10007
212-788-1165
Email: lgrumet@law.nyc.gov
*TERMINATED: 09/06/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Smithtown Central School District
TERMINATED: 03/13/2002

Plaintiff

**by and through her parents and
natural guardians, Mr. D. and Ms. D.**
*on behalf of themselves and all persons
similarly situated to them*

represented by **Pamela L. Steen**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

by and through his mother, Mrs. F.
*on behalf of themselves and all persons
similarly situated to them*

represented by **Pamela L. Steen**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
03/27/2001	1	COMPLAINT filed and summons(es) issued for State of New York, New York State Education Department, Richard P. Mills FILING FEE \$ 150.00 RECEIPT # 2547 (Duong, Susan) (Entered: 03/29/2001)
03/27/2001	2	NOTICE by Counsel for Michael J. Schmelzer order to show cause forwarded to chambers (Duong, Susan) Modified on 03/29/2001 (Entered: 03/29/2001)
03/27/2001	3	MEMORANDUM by Michael J. Schmelzer in support of [2-1] notice class plaintiffs on application for injunction and class certification (Duong, Susan) (Entered: 04/02/2001)
03/30/2001	5	ORDER TO SHOW CAUSE – The parties are hereby advised that this matter is referred to Magistrate Judge Lindsay regarding plttf's application for an order:

		certifying class action . This matter is referred to M.J. Lindsay for the purposes of: 1) establishing a briefing schedule; 2) scheduling a hearing regarding injunctive relief; and 3) issuing a report and recommendation to the District Court regarding the relief sought in the complaint. Pltffs shall serve a copy of this order together with the complaint and all of the papers submitted herein, upon the dfts via overnight delivery, within five days of the date of this order . Pltffs shall file proof of service with the Clerk of the Court within ten days of the date of this order. (Signed by Judge Joanna Seybert, on 3/30/01) (Valle, Christine) (Entered: 04/12/2001)
03/30/2001	6	AFFIDAVIT of Lewis M. Wasserman on behalf of by Michael J. Schmelzer, Chelsea Von Harder Re: in support of the [5-1] order to show cause. (Valle, Christine) (Entered: 04/12/2001)
04/04/2001	4	CERTIFICATE OF SERVICE RE: Copy of 3/30/01 order, complaint, a copy of all of the papers submitted to this Court in support of 3/30/01 order served upon Elliot Spitzer, Richard P. Mills, Mary Buderman, Roseanne Marini, Corporation Counsel on 4/3/01. (Valle, Christine) (Entered: 04/10/2001)
04/09/2001	7	AFFIDAVIT OF SERVICE by Cheryl Bliss of behalf of Michael J. Schmelzer Re: Copy of the [5-1] order to show cause with supporting papers, summons and complaint served upon Mary Buderman, Rosanne Marini and Michael D. Hess, Esq. on 4/3/01. (Valle, Christine) (Entered: 04/12/2001)
04/09/2001	8	LETTER dated 4/9/01 from Ralph Pernick to Judge Lindsay RE: I write to inform the Court that the Mineola office of the NYS Attorney General represents three dfts in this action (State of NY; NYS Education Dept; and Richard P. Mills, as Commissioner of Education of the State of NY). (Valle, Christine) (Entered: 04/16/2001)
04/11/2001	57	LETTER dated 4/6/01 from Lewis M. Wasserman to Magistrate Judge Lindsay re: To request a conference to arrange for a briefing schedule and to address other items referred to in the 3/30/01 order of Judge Seybert. of 3/30/01 by the Honorable Joanna Seybert of this court. (Fagan, Linda) Modified on 09/25/2002 (Entered: 09/25/2002)
04/16/2001	9	ORDER; The Court is in receipt of pltffs' Memorandum of Law on application for injunction and class certification, dated 3/26/01. Any opposition to pltffs' requested relief must be submitted to the undersigned by 4/30/01. Pltffs' reply to be submitted by 5/7/01. If necessary, a hearing date will follow . (signed by Magistrate Arlene R. Lindsay, on 4/16/01) c/f (Fagan, Linda) (Entered: 04/18/2001)
04/20/2001	12	NOTICE of appearance by Half Hollow Hills SD (Imrie, Robert) (Entered: 05/02/2001)
04/23/2001	10	Letter MOTION by State of New York, New York State, Richard P. Mills; to extend time/adjoin to respond to pltffs' application for injunctive relief and class action certification, to 5/30/01 . Motion hearing for [10-1] motion not scheduled . (Fagan, Linda) (Entered: 04/25/2001)
04/23/2001		Endorsed order granting [10-1] motion to extend time/adjoin to respond to pltffs' application for injunctive relief and class action certification, to 5/30/01. Applicatin granted subject to condition that deft's coordinate their response in one brief. Reply due 6/7/01; (Signed by Magistrate Arlene R. Lindsay, on 4/23/01) c/m (Fagan, Linda) (Entered: 04/25/2001)
04/23/2001	11	LETTER dated 4/23/01 from Pamela L. Steen to Magistrate Judge Lindsay re in response to the 4/20/01 letter to Your the Court by Assistant Attorney General Pernick; (resolved by 4/23/01 Order) (Fagan, Linda) Modified on 04/25/2001 (Entered: 04/25/2001)
04/30/2001	13	LETTER dated 4/26/01 from Pamela L. Steen to Judge Lindsay RE: This is to request that pltffs have until 6/14/01 to reply to dfts' combined opposition. (Valle, Christine) (Entered: 05/04/2001)
05/01/2001	14	Letter MOTION by Half Hollow Hills SD, Smithtown Central School District and the NYC Board of Education request for permission to submit separate responses on behalf of each of the dfts , No motion hearing (Valle, Christine) (Entered: 05/01/2001)

		05/04/2001)
05/01/2001		Endorsed order granting [14-1] motion request for permission to submit separate responses on behalf of each of the dfts. In light of the above representations, the following briefing schedule is adopted: All dfts (State dfts, Half Hollow SD, Smithtown SD, and NYC Bd of Educ) to submit separate responses by 5/30/01 . Pltffs' reply to be submitted by 6/21/01 . (Signed by Magistrate Arlene R. Lindsay, on 5/1/01) EOD #14 C/F (Valle, Christine) (Entered: 05/04/2001)
05/30/2001	15	AFFIRMATION of Peter G. Albert on behalf of dft Smithtown Central School District Re: in opposition to plttf's [5-1] application for certifying class and injunctive relief (Valle, Christine) (Entered: 06/05/2001)
05/30/2001	16	MEMORANDUM OF LAW by dft Smithtown Central School District in opposition to plttf's [5-1] application certifying class action and injunction (Valle, Christine) (Entered: 06/05/2001)
05/30/2001	58	MEMORANDUM by Half Hollow Hills SD in opposition to [5-1] order certifying class action; [5-2] relief report and recommendation; [5-3] relief Pltffs shall serve a copy of this order together with the complaint and all of the papers submitted herein, upon the dfts via overnight delivery, within five days of the date of this order; [5-4] relief. (Fagan, Linda) (Entered: 09/25/2002)
05/30/2001	59	AFFIDAVIT of James H. Pyun on behalf of Half Hollow Hills SD Re: in opposition to [5-1] order certifying class action; [5-2] relief report and recommendation; [5-3] relief Pltffs shall serve a copy of this order together with the complaint and all of the submitted herein, upon the dfts via overnight delivery, within five days of the date of this order; [5-4] relief. (Fagan, Linda) (Entered: 09/25/2002)
06/04/2001	18	MEMORANDUM OF LAW by dft New York City Board of Education in opposition to plttf's [2-1] motion for a preliminary injunction and in support of dft's cross-motion for judgment on the pleadings (Valle, Christine) (Entered: 06/08/2001)
06/04/2001	20	ANSWER to Complaint by NYC Board of Ed (Valle, Christine) (Entered: 06/13/2001)
06/04/2001	17	NOTICE OF CROSS MOTION by NYC Board of Ed pursuant to Rule 12(c) granting judgment on the pleadings and dismissing the complaint . No motion hearing . (Valle, Christine) (Entered: 09/05/2001)
06/13/2001	19	FAX LETTER dated 6/13/01 from Pamela L. Steen to Cinthia Mahon RE: This will cofirm your conversation of 6/12/01 with my partner, to the effect that there are four named plttfs and six dfts in this matter. The term "related individual action" thus refers to the second, third and fourth claims of the same complaint. (Valle, Christine) (Entered: 06/13/2001)
06/21/2001	21	ORDER – set scheduling conference for 2:00 on 8/29/01 before Magistrate Arlene R. Lindsay (Signed by Magistrate Arlene R. Lindsay, on 6/21/01) C/M (Valle, Christine) (Entered: 06/22/2001)
06/22/2001	60	LETTER dated 6/21/01 from Pamela L. Steen to Clerk of the Court re: To submit the enclosed plttfs' memorandum of law in reply to the memorandum in opposition of each of the four groups of defts on plttfs' appliction for class certification and injunctive relief. (Fagan, Linda) Modified on 09/25/2002 (Entered: 09/25/2002)
06/22/2001	61	REPLY MEMORANDUM OF LAW by Michael J. Schmelzer, Chelsea Von Harder, K.G., Long Island Advocacy re: in further support of plttfs' applicaiton for class certification and injunctive relief. (Fagan, Linda) (Entered: 09/25/2002)
06/22/2001	62	REPLY AFFIDAVIT of Lewis M. Wasserman on behalf of Michael J. Schmelzer, Chelsea Von Harder, K.G., Long Island Advocacy Re: in further support of [5-1] order certifying class action; [5-2] relief report and recommendation; [5-3] Pltffs shall serve a copy of this order together with the complaint and all of the papers submitted herein, upon the dfts via overnight delivery, within five days of the date of this order; [5-4] relief. (Fagan, Linda) (Entered: 09/25/2002)

08/17/2001	22	Letter MOTION by Smithtown Central SD request that Your Honor incorporate a pre-motion conference into the conference currently set for 8/29/01 . No motion hearing . (Valle, Christine) (Entered: 08/21/2001)
08/17/2001		Endorsed order denying [22-1] motion request that Your Honor incorporate a pre-motion conference into the conference currently set for 8/29/01. To the extent dft Smithtown wishes to move to dismiss, requests for a pre-motion conference should be made to the District Court. To the extent dft Smithtown seeks to file a cross-claim, that request should be raised at the 8/29/01 conference. (Signed by Magistrate Arlene R. Lindsay, on 8/17/01) EOD #22 C/F (Valle, Christine) (Entered: 08/21/2001)
08/22/2001	37	ECF Consent by Half Hollow Hills SD submitted by James H. Pyun. (Mahon, Cinthia) Modified on 09/24/2002 (Entered: 11/29/2001)
08/23/2001	23	LETTER dated 8/22/01 from Pamela L. Steen to Judge Lindsay RE: In response to the ECF packet accompanying this Court's order dated 6/21/01, plttfs do not consent to electronic filing in this matter. It is my understanding that the State dft also does not consent. (Valle, Christine) (Entered: 08/24/2001)
08/23/2001	24	Letter MOTION by Half Hollow Hills SD request to file a motion seeking to dismiss the complaint . No motion hearing . (Valle, Christine) (Entered: 08/27/2001)
08/23/2001		Endorsed order denying [24-1] motion request to file a motion to dismiss the complaint. As stated in this Court's 8/17/01 order, a request for a pre-motion conference concerning a motion to dismiss should be made to the District Court. (Signed by Magistrate Arlene R. Lindsay, on 8/23/01) EOD #24 C/F (Valle, Christine) (Entered: 08/27/2001)
08/24/2001	27	LETTER dated 8/22/01 from Peter G. Albert to Judge Seybert RE: Please consider this letter application as a request for a pre-motion conference for the purpose of making a motion to dismiss pursuant to Rule 12(b)(6). (Valle, Christine) Modified on 09/24/2002 (Entered: 09/17/2001)
08/27/2001	28	LETTER dated 8/24/01 from Pamela L. Steen to Judge Lindsay RE: This letter is to advise the Court of developments arising after filing of the complaint, address certain procedural issues, and respond to the recent letters to Your Honor from James Pyan, Esq. and Peter Albert, Esq. (Valle, Christine) Modified on 09/24/2002 (Entered: 09/17/2001)
08/29/2001		Scheduling conference held (Valle, Christine) (Entered: 08/31/2001)
08/29/2001	25	Calendar entry: Before Magistrate Lindsay on 8/29/01 at 2:00PM. Civil Cause for Initial Conference. Counsel for all sides present. The following schedule is hereby adopted: Dft Smithtown to file motion by 9/10/01; set motion filing deadline for 9/10/01 . Response to motion to be submitted by 9/24/01 . Reply to response to motion to be submitted by 10/01/01 . (Valle, Christine) (Entered: 08/31/2001)
08/29/2001	26	LETTER dated 8/22/01 from Peter G. Albert to Judge Lindsay RE: Please be advised that Smithtown does not consent to electronic filing in this matter. (Valle, Christine) (Entered: 09/04/2001)
08/29/2001	29	LETTER dated 8/28/01 from James H. Pyun to Judge Seybert RE: Pursuant to the direction of Magistrate Lindsay, we are submitting this letter to request a pre-motion conference for the purpose of filing a motion to dismiss. (Valle, Christine) Modified on 09/24/2002 (Entered: 09/17/2001)
08/29/2001	30	LETTER dated 8/29/01 from Pamela L. Steen to Judge Seybert RE: This letter is to advise the Court of developments arising after filing of the complaint, address certain procedural issues, and respond to the letters to Your Honor from James Pyun, Esq. and Peter Albert, Esq. (Valle, Christine) Modified on 09/24/2002 (Entered: 09/17/2001)
09/10/2001	31	LETTER dated 9/7/01 from Pamela L. Steen to Judge Lindsay RE: Please be advised that pursuant to this Court's suggestion, plttf Schmelzer will file a separate complaint (appeal) from the decision of the SRO. (Valle, Christine) Modified on 09/24/2002 (Entered: 09/17/2001)

09/17/2001	32	Letter MOTION by Smithtown Central SD request this Court's permission to withdraw, without prejudice, Smithtown's request to file a cross-claim against the State dfs. No motion hearing. (Valle, Christine) Modified on 09/24/2002 (Entered: 09/19/2001)
09/17/2001		Endorsed order granting [32-1] motion request for this Court's permission to withdraw, without prejudice, Smithtown's request to file a cross-claim against the State dfs. Application granted. Accordingly, the remaining submission deadlines set by this Court in this Court's order dated 8/29/01 are cancelled; terminated past due deadlines. (Signed by Magistrate Arlene R. Lindsay, on 9/17/01) EOD #32 C/F (Valle, Christine) Modified on 09/24/2002 (Entered: 09/19/2001)
10/05/2001	33	MOTION by Half Hollow Hills SD; for an order removing Half Hollow Hills Central School District as a party deft. in this action. Motion hearing not scheduled. Motion file stamped: 8/5/01 and mailed/served: (not advised) (Fagan, Linda) Modified on 09/24/2002 (Entered: 10/10/2001)
10/05/2001	34	ORDER; granting [33-1] motion for an order removing Half Hollow Hills Central School District as a party deft. in this action. Purs. to deft's motion, which has been consented to by plttf, the Court orders, adjudges and decrees that Half Hollow Hills Central School District is dismissed without prejudice as a party deft. in this matter. (signed by Judge Joanna Seybert on 10/5/01) c/g (Fagan, Linda) Modified on 09/24/2002 (Entered: 10/10/2001)
10/05/2001		Status conference held (Fagan, Linda) (Entered: 10/10/2001)
10/05/2001	35	Calendar entry: before Judge Seybert on 10/5/01 at 11:30 a.m.; for Civil Cause For Status Conference; Appearances: for plttfs.: Lew Wasserman; Deborah Berger; for defts.: Ralph Pernick (N.Y. State); Laura Ferrugiari (Half Hollow Hills S.D.); Lisa Grumet (N.Y.C. Board Of Education); Peter Albert (Smithtown S.D.). Case called. Counsel for all sides present. Conference held. Next conference set for 10/18/01 at 4:30 p.m., for plttf K.G. and deft. Smithtown S.D. only. Court issues order dismissing all claims against deft Half Hollow Hills S.D. (Fagan, Linda) Modified on 09/24/2002 (Entered: 10/10/2001)
10/18/2001		Status conference held (Valle, Christine) (Entered: 10/22/2001)
10/18/2001	36	Calendar entry: Before Judge Seybert on 10/18/01 at 4:30PM. Civil Cause for Status Conference. Case called. Counsel for both interested parties present. Conference held. Other: The two parties present agree to settle their part of the case. Stipulation of discontinuance to be submitted within 60 days. (Valle, Christine) Modified on 09/24/2002 (Entered: 10/22/2001)
10/31/2001	63	LETTER dated 10/29/01 from Ralph Pernick to Magistrate Judge Lindsay re: To respond to plttfs' attorney's October 25 letter; The State Defts submit that the relevant precedent here is the recent Second Circuit decision – Russman v. Board of Educ., City of Watervliet, 260 F.3D 114 (2nd Circ. 2001) – which focuses on the particular complaining party before the court, rather than on others who are allegedly similarly situated. (Fagan, Linda) (Entered: 09/25/2002)
12/19/2001	38	Letter MOTION by Smithtown Central SD request to extend time of the date by which the parties will report to this Court of the completion of the settlement agreement. No motion hearing (Valle, Christine) Modified on 09/24/2002 (Entered: 01/02/2002)
12/19/2001		Endorsed order granting [38-1] motion request to extend time of the date by which the parties will report to this Court the completion of the settlement agreement. No further extensions will be granted. (Signed by Judge Joanna Seybert on 12/19/01) EOD #38 C/M (Valle, Christine) Modified on 09/24/2002 (Entered: 01/02/2002)
01/17/2002	39	REPORT AND RECOMMENDATION – The undersigned hereby makes several recommendations to the District Court with regard to plttf's requests for class certification and preliminary injunctive relief as set forth herein. Any objections to this report must be filed with the Clerk within ten days of the filing of this report. (Signed by Magistrate Arlene R. Lindsay on 1/3/02) C/M (Valle, Christine) Modified on 09/24/2002 (Entered: 01/18/2002)

01/25/2002	40	MOTION by State of New York, New York State, Richard P. Mills to dismiss pursuant to Rules 12(b)(1) and 12(b)(6) . No motion hearing . Motion file stamped: 1/25/02 and mailed/served: 1/24/02 (Valle, Christine) Modified on 09/24/2002 (Entered: 01/28/2002)
01/25/2002	41	MEMORANDUM by State of New York, New York State, Richard P. Mills in support of [40-1] motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6); and in support of objections to Magistrate Judge's Report and Recommendation. (Valle, Christine) Modified on 09/24/2002 (Entered: 01/28/2002)
02/15/2002	42	ORDER – Set telephone conference for 2:30 on 3/14/02 before Magistrate Arlene R. Lindsay . Pltff to initiate the call. (Signed by Magistrate Arlene R. Lindsay , on 2/15/02) (Valle, Christine) Modified on 09/24/2002 (Entered: 02/22/2002)
02/26/2002	43	Letter MOTION by Michael J. Schmelzer, Chelsea Von Harder request to extend time to submit opposition to motion . No motion hearing . (Valle, Christine) Modified on 09/24/2002 (Entered: 03/05/2002)
02/26/2002		Endorsed order denying [43-1] motion request to extend time to submit opposition to motion. Pltff's time to submit opposition shall be no later than 3/6/02 and dft's reply shall be due by 3/15/02. No extensions will be granted. (Signed by Judge Joanna Seybert, on 2/26/02) EOD #43 C/M (Valle, Christine) Modified on 09/24/2002 (Entered: 03/05/2002)
03/06/2002	44	CROSS MOTION by Michael J. Schmelzer, Chelsea Von Harder, K.G., Long Island Advocacy pursuant to Rule 15(a), granting pltffs leave to further amend their complaint . No motion hearing . (Valle, Christine) Modified on 09/24/2002 (Entered: 03/08/2002)
03/06/2002	45	AFFIRMATION of Lewis M. Wasserman on behalf of Michael J. Schmelzer, Chelsea Von Harder, K.G., Long Island Advocacy Re: in opposition to [40-1] motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6), and objections to the Report & Recommendation; and in support of [44-1] cross motion to Rule 15(a), granting pltffs leave to further amend their complaint. (Valle, Christine) Modified on 09/24/2002 (Entered: 03/08/2002)
03/06/2002	46	MEMORANDUM by Michael J. Schmelzer, Chelsea Von Harder, K.G., Long Island Advocacy in opposition to [40-1] motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6), and [39-1] objections to the Magistrate's recommendations. (Valle, Christine) Modified on 09/24/2002 (Entered: 03/08/2002)
03/08/2002	47	ORDER – Due to a change in this Magistrate's schedule, the conference previously set for 3/14/02 is hereby rescheduled; reset telephone conference for 10:30 on 5/7/02 before Magistrate Arlene R. Lindsay . (Signed by Magistrate Arlene R. Lindsay, on 3/8/02) C/F (Valle, Christine) Modified on 09/24/2002 (Entered: 03/12/2002)
03/13/2002	49	STIPULATION and ORDER – It is hereby stipulated and agreed by and among pltffs and dfts, and the parties' respective attorneys of record, that pursuant to Rule 41(a)(1)(ii), pltffs' claims against dft Smithtown Central School District be dismissed, with prejudice, and without costs except as previously agreed to by and between pltffs K.G. and Long Island Advocacy Center Inc and dft Smithtown Central School District . (Signed by Judge Joanna Seybert, on 3/13/02) C/M (Valle, Christine) Modified on 09/24/2002 (Entered: 03/20/2002)
03/18/2002	48	REPLY MEMORANDUM OF LAW by State of New York, New York State, Richard P. Mills in further support of [40-1] motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6); and, in opposition to pltff's motions for class action certification and [44-1] cross pursuant to Rule 15(a), granting pltffs leave to further amend their complaint. (Fagan, Linda) Modified on 09/24/2002 (Entered: 03/19/2002)
03/18/2002		SEALED DOCUMENT (Letter dated 3/11/02 and settlement agreement dated 3/15/02) (Valle, Christine) (Entered: 03/20/2002)
03/19/2002	50	STIPULATION and ORDER that pursuant to 41(a)(1)(ii), plaintiffs' claims against defendant, Smithtown Central School District be dismissed with prejudice, and without costs except as previously agreed to by and between plaintiffs K.G. and L.I.

		Advocacy Center, Inc., and deft, Smithtown Central School District. (signed by Judge Joanna Seybert, on 3/19/02) c/m (Mahon, Cinthia) Modified on 09/24/2002 (Entered: 03/28/2002)
05/07/2002	51	Calendar entry: Before USMJ Lindsay on 5/7/02 @ 10:30 a.m. for Telephone Status Conference. Case called. Counsel for parties present. (Branciforte, Ralph) Modified on 09/24/2002 (Entered: 05/14/2002)
05/07/2002	52	LETTER dated 4/26/02 from Pamela Steen to USMJ Lindsay RE: Inasmuch as there are pending before USDJ Seybert a dispositive motion and objections to Your Honor's report and Recommendations, the parties have agreed on a discovery schedule. (Branciforte, Ralph) Modified on 09/24/2002 (Entered: 05/14/2002)
05/07/2002	53	LETTER dated 4/29/02 from Pamela Steen to USMJ Lindsay RE: Plaintiffs request an order compelling answers to interrogatories. (Branciforte, Ralph) Modified on 09/24/2002 (Entered: 05/14/2002)
05/07/2002	54	LETTER dated 5/3/02 from Ralph Pernick to USMJ Lindsay RE: Opposing Plaintiff's [53-1] 4/29/02 letter application to compel the State Defendants to provide further responses to Plaintiff's interrogatories. (Branciforte, Ralph) Modified on 09/24/2002 (Entered: 05/14/2002)
05/07/2002		Endorsement on [53-1] letter: Application for class action discovery denied at this time with leave to renew after decision by J. Seybert. State to ensure prevention of relevant records. The parties are directed to submit a joint status letter by 7/9/02 advising as to the status of the motions pending before the District Court. (Signed by Magistrate Arlene R. Lindsay , on 5/7/02) EOD# 53 (Branciforte, Ralph) Modified on 09/24/2002 (Entered: 05/14/2002)
05/07/2002		Endorsement on [52-1] letter: Discovery to be completed within 60 days, further Rule 56.1 Statements served within 90 days and, if no further dispositive motion, a joint pre-trial order submitted within 120 days, all such dates from a decision by J. Seybert favorable to Plaintiffs. Telephone conference set for 8/28/02 @ 10:30 a.m. (Signed by Magistrate Arlene R. Lindsay , on 5/7/02) EOD# 52 CF (Branciforte, Ralph) Modified on 09/24/2002 (Entered: 05/14/2002)
06/27/2002	55	LETTER dated 6/25/02 from Lewis M. Wasserman to Judge Seybert RE: We request a conference at Court or disposition of the pending motion as soon as possible. (Valle, Christine) Modified on 09/24/2002 (Entered: 07/03/2002)
08/28/2002		Status conference held (Valle, Christine) (Entered: 09/03/2002)
08/28/2002	56	Calendar entry: Before Magistrate Arlene R. Lindsay on 8/28/02 at 10:30AM. Civil Cause for Telephone Status Conference. Counsel for all sides present. The parties are directed to file a joint letter by 9/14/02 advising as to the status of the motion for class certification. C/F (Valle, Christine) Modified on 09/24/2002 (Entered: 09/03/2002)
09/06/2002	64	STIPULATION Of Discontinuance; That all claims alleged against the New York City Board of Education in the complaint in this action are hereby dismissed, with prejudice, and without costs, expenses or fees; That the dismissal of the claims in the complaint in this action is without prejudice to ptlff bringing any future action or proceeding concerning the New York City Board of Education's compliance with the decision of State Reivew Officer of the New York Stated Education Department; That in agreeing to this paragraph, deft New York City Board of Education does not waive any defenses it may have to any such action or proceeding. (Signed by Judge Joanna Seybert, dated: 9/6/02) c/m (Fagan, Linda) (Entered: 09/25/2002)
09/09/2002	65	MEMORANDUM and ORDER; granting in part, denying in part [40-1] motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6); granting [44-1] cross motion pursuant to Rule 15(a), granting plttfs leave to further amend their complaint. In accordance with this Courts decision as set forth herein, State Defts' Motion to Dismiss the LIAC as a party is GRANTED; State Defts' Motion to Dismiss the suits against them based upon Eleventh Amendment immunity is GRANTED in part and DENIED in part; State Defts' Motion to Dismiss Plttfs' claims arising under the New York Education Law is GRANTED; State Defts' Motion to Dismiss

		Pltffs' claims brought purs. to the IDEA as untimely is DENIED; State Defts' Motion to Dismiss Pltffs' claims for damages purs. to the IDEA, Section 504 and Section 1983 is GRANTED in part and DENIED in part; State Defts' Motion to Dismiss Pltffs' claims based upon the Schmelzer stipulation is DENIED; State Defts' Motion to Dismiss based upon the argument that Pltffs have not been deprived a Free Appropriate Public Education is DENIED; State Defts' Objections to the Report and Recommendation have been reviewed, the issues revisited de novo by this Court, and adopted in part as set forth herein; Pltffs' motion to amend the complaint as set forth in Pltffs' Notice of Cross Motion is GRANTED. Pltffs shall have thirty days from the date hereof to file and serve the amended complaint . The Court hereby certifies a class of pltffs that comprise of all children living in New York State who meet the criteria set forth herein . All other motions brought are hereby DENIED . (signed by Judge Joanna Seybert, on 9/9/02) c/m (Fagan, Linda) (Entered: 09/25/2002)
09/19/2002	66	LETTER dated 9/17/02 from Lewis M. Wasserman to Judge Seybert re: To ask the Court to correct one statement in its 9/9/02 Memorandum and Order in the above-captioned action. (Fagan, Linda) (Entered: 09/30/2002)
09/26/2002	67	ORDER; The Court notes that Schmelzer presently maintains an action against the Board of Education, Half Hollow Hills Central School District. No previously held claims by Schmelzer have been relinquished by this Court's order, the court merely indicated that Half Hollow Hills was no longer part of this action. This is intended to clarify the court's previous order . (signed by Judge Joanna Seybert, on 9/26/02) c/m (Fagan, Linda) (Entered: 09/30/2002)
10/04/2002	69	Letter MOTION by Michael J. Schmelzer, Chelsea Von Harder, K.G. request for a telephone status conference . No motion hearing . (Valle, Christine) (Entered: 11/04/2002)
10/04/2002		Endorsed order granting [69-1] motion request for a telephone status conference. A telephone status conference is hereby scheduled for 10/29/02 at 2:00PM. Pltff to initiate call. (Signed by Magistrate Arlene R. Lindsay, on 10/4/02) EOD #69 C/F (Valle, Christine) (Entered: 11/04/2002)
10/10/2002	71	AMENDED COMPLAINT by Michael J. Schmelzer, Chelsea Von Harder, K.G., Kathryn D. and Todd F. (Answer due 10/20/02 for Richard P. Mills, for New York State, for State of New York) amending [1-1] complaint. (Valle, Christine) (Entered: 11/07/2002)
10/15/2002		Status conference held (Valle, Christine) (Entered: 10/23/2002)
10/15/2002	68	Calendar entry: Before Judge Joanna Seybert on 10/15/02 at 2:00PM. Civil Cause for Status Conference. Counsel for all sides present. Conference held. Set discovery due for 11/18/02 . Set status conference for 2:00 on 11/25/02 before Judge Joanna Seybert . (Valle, Christine) (Entered: 10/23/2002)
10/22/2002	70	Letter MOTION by State of New York, New York State request that the 10/29/02 conference be cancelled . No motion hearing . (Valle, Christine) (Entered: 11/04/2002)
10/22/2002		Endorsed order granting [70-1] motion request that the 10/29/02 conference be cancelled. Parties to submit joint status letter to this Court by 12/6/02. (Signed by Magistrate Arlene R. Lindsay, on 10/22/02) EOD #70 C/F (Valle, Christine) (Entered: 11/07/2002)
11/25/2002		Status conference held. (Fagan, Linda) (Entered: 12/10/2002)
11/25/2002	72	Calendar entry: before Judge Seybert on 11/25/02 at 2:00 p.m. for Civil Cause for Status Conference; Appearances: For pltff.: Lewis Wasserman; For deft.: Ralph Pernick. Case called. Counsel for all sides present. Conferenceheld. Next conference set for 12/9/02 at 2:00 p.m. Set next status conference for 2:00 p.m. on 12/9/02 before Judge Joanna Seybert . (Fagan, Linda) (Entered: 12/10/2002)
12/11/2002	73	LETTER dated 12/6/02 from Pamela L. Steen to Judge Lindsay RE: Pursuant to Your Honor's order dated 10/22/02, this is a joint status letter concerning this matter. (Valle, Christine) (Entered: 12/18/2002)

12/11/2002		Endorsement on [73-1] letter. Parties to submit further status report by 12/23/03. (Signed by Judge Joanna Seybert on 12/11/02) EOD #73 C/F (Valle, Christine) (Entered: 12/18/2002)
12/12/2002		Status conference held (Valle, Christine) (Entered: 12/31/2002)
12/12/2002	74	Calendar entry: Before Judge Joanna Seybert on 12/12/02 at 2:00PM. Civil Cause for Status Conference. Counsel for all sides present. Conference held. Motions to be filed by 12/17/02 ; Responses due 12/30/02 ; Replies due 1/3/03 . (Valle, Christine) (Entered: 12/31/2002)
12/17/2002	76	AFFIDAVIT of Lewis M. Wasserman on behalf of Michael J. Schmelzer, Chelsea Von Harder, K.G. Re: in support of [75-1] order to show cause. (Valle, Christine) (Entered: 01/02/2003)
12/17/2002	78	MEMORANDUM by Michael J. Schmelzer, Chelsea Von Harder, K.G., Kathryn D., Todd F. in support of [75-1] order (Fagan, Linda) (Entered: 01/06/2003)
12/17/2002	80	Class Plaintiffs Local Civil Rule 56.1 Statement Of Material Facts. (Fagan, Linda) (Entered: 01/06/2003)
12/23/2002	75	ORDER TO SHOW CAUSE – Let the dfts show cause before Honorable Joanna Seybert at the L.I. Courthouse at 9:00 on 1/3/03 why an order should not be made and entered herein granting summary judgment in favor of the Class Pltffs as further set forth herein against the NYS Education Dept and Richard P. Mills, as Commissioner of Education. It is hereby ordered that service of this Order to Show Cause and the papers upon which it is based by mailing same by certified mail return receipt requested on or before 5:00PM on 12/26/02 upon the NYS Attorney General Ralph Pernick, shall be deemed good and sufficient service. (Signed by Judge Joanna Seybert, on 12/23/02) C/F (Valle, Christine) (Entered: 01/02/2003)
12/23/2002	77	CERTIFICATE OF SERVICE – Copy of Order to Show Cause served upon Lewis Wasserman via facsimile on 12/23/02 by Chambers. (Valle, Christine) (Entered: 01/02/2003)
12/27/2002	79	Letter MOTION by State of New York, New York State, Richard P. Mills to adjourn defts' time to submit papers in response to the Order to Show Cause to 1/6/03; any reply papers that pltffs may choose to serve shall be served no later than 1/10/03 . Motion hearing (Fagan, Linda) (Entered: 01/06/2003)
12/27/2002		Endorsed order; granting [79-1] motion to adjourn defts' time to submit papers in response to the Order to Show Cause to 1/6/03; any reply papers that pltffs may choose to serve shall be served no later than 1/10/03 (Signed by Judge Joanna Seybert, on 12/27/02) EOD #79 (Fagan, Linda) (Entered: 01/06/2003)
12/31/2002	81	Letter MOTION by State of New York, New York State, Richard P. Mills, Half Hollow Hills SD, NYC Board of Education and Smithtown Central SD to Judge Seybert dated 12/31/02. re: on behalf of the defendants, I write to request that the Court's 25-page limitation rule with respect to opposing memoranda of law be extended . No motion hearing . (Harper, Karene) (Entered: 01/06/2003)
01/02/2003		Endorsed order – Application granted. The parties' submission shall not exceed 35 pages. (Signed by Judge Joanna Seybert, on 1/2/03). EOD#81 c/m. (Harper, Karene) (Entered: 01/06/2003)
01/06/2003	82	ORDER – The parties were directed to file a status letter by 12/23/02. This Court never received said letter. Accordingly, the parties are again directed to file a joint status letter by 1/20/03. (Signed by Magistrate Arlene R. Lindsay, on 1/6/03) C/F (Valle, Christine) (Entered: 01/13/2003)
01/10/2003	83	MEMORANDUM by State of New York, New York State, Richard P. Mills in opposition to pltff's motion for summary judgment and for permanent injunctive, declaratory and other relief. (Valle, Christine) (Entered: 01/14/2003)
01/10/2003	84	AFFIRMATION of James H. Whitney on behalf of State of New York, New York State, Richard P. Mills Re: in opposition to pltffs' motion for summary judgment and for injunctive and declaratory relief. (Valle, Christine) Modified on 01/14/2003 (Entered: 01/14/2003)

01/10/2003	85	Rule 56.1 Statement (formerly Rule 3(g) by State of New York, New York State, Richard P. Mills (Valle, Christine) (Entered: 01/14/2003)
01/10/2003	86	ANSWER by State of New York, New York State, Richard P. Mills to amended complaint. (Valle, Christine) (Entered: 01/14/2003)
01/10/2003	87	CERTIFICATE OF SERVICE by State of New York, New York State, Richard P. Mills RE: Affirmation of James H. Whitney, Local Rule 56.1 Statement and Answer to Amended Complaint served upon Lewis M. Wasserman via UPS on 1/3/03; and Copy of Memorandum of Law in Opposition (text only) served upon Lewis M. Wasserman via facsimile on 1/7/03 and via mail on 1/8/03. (Valle, Christine) Modified on 01/14/2003 (Entered: 01/14/2003)
01/13/2003	88	Michael J. Schmelzer, Chelsea Von Harder, K.G. Memorandum of Law in Reply to SEDepartment and Richard P. Mills, As Commissioner of Education's opposition to Class Plfs' motion for summary judgment and related declaratory and injunctive relief. (Barhome, Sydelle) (Entered: 01/23/2003)
01/15/2003	89	LETTER dated 1/7/03 from Pamela L. Steen to Magistrate Judge Lindsay re: To file this letter purs. to the Court's order of 1/6/03, updating the Court regarding the status of this matter. (Fagan, Linda) (Entered: 01/27/2003)
01/15/2003		Endorsement on [89-1] letter. A telephone status conference is hereby scheduled for 1/30/03 at 3:30 p.m. Pltff to initiate call. (Signed by Magistrate Arlene R. Lindsay, on 1/15/03) c/f EOD #89 (Fagan, Linda) (Entered: 01/27/2003)
01/15/2003		Deadline updated; Set telephone conference for 3:30 p.m. on 1/15/03 before Magistrate Arlene R. Lindsay . (see doc. #89) (Fagan, Linda) Modified on 01/27/2003 (Entered: 01/27/2003)
01/30/2003	90	Calendar entry: Before USMJ Lindsay on 1/30/03 @ 3:30 p.m. for Telephone Status Conference. Case called. Counsel for parties present. RULINGS: As this Court no longer has a role to play in this action, this case is returned to the District Court. (Branciforte, Ralph) (Entered: 02/03/2003)
01/31/2003		CASE NO LONGER REFERRED TO Magistrate Arlene R. Lindsay (Garcia, Maria) (Entered: 01/31/2003)
10/01/2003	91	MEMORANDUM AND ORDER; Presently pending before this Court is a motion for summary judgment, brought by Order to Show Cause, to have this Court issue permanent injunctive and declaratory relief. Summary Judgment is GRANTED in Pltffs favor on its IDEA and Section 1983 claims, to the extent that injunctive and declaratory relief is sought; Pltffs' Motion for Summary Judgment on its Rehabilitation Act Claim is DENIED; and this Court hereby issues the injunctive and declaratory relief set forth herein. All other motions are hereby DENIED. Pltffs' counsel is directed to serve all parties via fax.(Signed by Judge Joanna Seybert on 10/1/03.)(Fagan, Linda) (Entered: 10/08/2003)
10/07/2003	92	Minute Entry for proceedings held before Joanna Seybert: Civil Cause for Status Conference held on 10/7/2003 at 4:45PM. Counsel for all sides present. Conference held. Court Reporter: Dom Tursi. (Valle, Christine) (Entered: 10/09/2003)
10/21/2003	93	Letter dated 10/20/03 from Ralph Pernick to Judge Seybert RE: To request that the Court now schedule a conference with the Court appointed monitor and pltffs' attorney. (Valle, Christine) (Entered: 10/28/2003)
10/23/2003	94	Notice of MOTION for Reconsideration of <i>this Court's 10/1/03 Memorandum & Order, pursuant to Rule 6.3</i> by Richard P. Mills, New York State Senate, The State of New York. (Valle, Christine) (Entered: 10/28/2003)
10/23/2003	95	MEMORANDUM in Support RE : 94 Notice of MOTION for Reconsideration of <i>this Court's 10/1/03 Memorandum & Order, pursuant to Rule 6.3</i> by Richard P. Mills, New York State Senate, The State of New York. (Valle, Christine) (Entered: 10/28/2003)
10/23/2003	96	Letter dated 10/20/03 from Ralph Pernick to Judge Seybert RE: To request that the Court now schedule a conference with the Court appointed monitor and pltffs' attorney. (Valle, Christine) (Entered: 11/05/2003)

10/23/2003		ENDORSED ORDER on 96 Letter. There will be no conference on this matter until after the parties conference with Judge Santagata. Signed by Judge Joanna Seybert on 10/23/03. EOD #96 C/M(Valle, Christine) (Entered: 11/05/2003)
11/07/2003	97	Letter dated 11/3/03 from Lewis M. Wasserman to Judge Seybert RE: Subject to the Court's approval, the parties have agreed that dfts' motion for reconsideration dated 10/22/03 pending before the Court will be adjourned sine die. (Valle, Christine) (Entered: 11/20/2003)
11/07/2003		ENDORSED ORDER on 97 Letter. So Ordered. Signed by Judge Joanna Seybert on 11/7/03. EOD #97 C/M(Valle, Christine) (Entered: 11/20/2003)
01/26/2004	98	REPORT OF HONORABLE MARIE G. SANTAGATA, MONITOR. (Valle, Christine) (Entered: 05/07/2004)
05/07/2004	100	Letter dated 5/4/04 from Marie G. Santagata to Judge Seybert Re: Enclosed please find the Monitor's Report in this matter. (Valle, Christine) (Entered: 06/09/2004)
05/07/2004	101	MONITOR'S REPORT – Marie G. Santagata, duly appointed by Order of Judge Joanna Seybert, dated 10/1/03, to monitor and report on the compliance and implementation of said Order by the dfts do hereby respectfully report as further set forth herein. (Valle, Christine) (Entered: 06/09/2004)
05/07/2004	102	MONITOR'S AFFIRMATION FOR LEGAL SERVICES Re: 101 Monitor's Report. (Valle, Christine) (Entered: 06/09/2004)
05/12/2004	103	Letter dated 5/12/04 from Lewis M. Wasserman to Judge Seybert Re: To advise this Court that Wasserman Steen, LLP supports Judge Santagata's fee application. (Valle, Christine) (Entered: 06/09/2004)
05/19/2004	104	ORDER – It is ORDERED that the State of New York pay the sum of \$8,200 to Marie G. Santagata for the services rendered and time expended in this matter for the period from 10/1/03 to 4/30/04. Signed by Judge Joanna Seybert on 5/19/04. (Valle, Christine) (Entered: 06/09/2004)
05/20/2004	99	Letter dtd. 5/18/04 from Ralph Pernick to USDJ Seybert RE: Defendants have no objection to Judge Santagata's application for service rendered for the 10/1/2003 through 4/30/04 period and recommend that it be approved in full. (Branciforte, Ralph) (Entered: 06/04/2004)
06/16/2004	105	ORDER – Currently pending before this Court is dfts' motion, pursuant to Rule 6.3, for reconsideration of this Court's 10/1/03 Memorandum and Order. This Court finds that the instant motion is moot at this time. Accordingly, the 94 motion for reconsideration is DENIED. Signed by JudgeJoanna Seybert on 6/16/04. C/M (Valle, Christine) (Entered: 07/02/2004)
12/07/2004	<u>107</u>	MONITOR'S REPORT – Marie G. Santagata, duly appointed by Order of Judge Seybert dated 10/1/03, to monitor and report on the compliance and implementation of said Order by the dfts do hereby respectfully report as further set forth herein. (Valle, Christine) (Entered: 01/05/2005)
12/07/2004	<u>108</u>	MONITOR'S AFFIRMATION for Legal Services Re: <u>107</u> Monitor's Report by Marie G. Santagata. (Valle, Christine) Modified on 1/5/2005. (Entered: 01/05/2005)
12/09/2004	<u>109</u>	Letter from Lewis M. Wasserman to Judge Seybert dated 12/9/04 Re: To respond and consent to the 12/2/04 fee application of Judge Marie G. Santagata in connection with reviewing and reporting on New York State's implementation and compliance with the 10/1/03 Order of this Court. (Valle, Christine) (Entered: 01/05/2005)
12/16/2004	<u>106</u>	Letter from Ralph Pernick to Honorable Joanna Seybert, USDJ Regarding request of Honorable Marie G. Santagata's fee application as court-appointed monitor. (Pernick, Ralph) (Entered: 12/16/2004)
01/05/2005	<u>110</u>	ORDER. Upon reading and filing the <u>108</u> Affirmation of Marie G. Santagata dated 12/1/04, this Court is satisfied that the Monitor has duly performed the required services and there being no objection, finds the fair and reasonable value of services rendered is \$3,734.00 and directs the State of New York to make such

		payment. Signed by Judge Joanna Seybert on 12/28/2004. (c/ECF) (counsel to notify all parties of this Order) (c/m to Marie Santagata) (Nohs, Bonnie) (Entered: 01/05/2005)
07/08/2005	<u>111</u>	MONITOR'S REPORT – Marie G. Santagata, duly appointed by Order of U.S.D.J. Joanna Seybert, dated 10/1/03, to monitor and report on the compliance and implementation of said Order by the Dfts do hereby respectfully report as further set forth herein. (Valle, Christine) (Entered: 07/21/2005)
07/12/2005	<u>112</u>	MONITOR'S AFFIRMATION for Legal Services Re: <u>111</u> Monitor's Report by Marie G. Santagata.(Valle, Christine) (Entered: 07/21/2005)
07/25/2005	<u>113</u>	ORDER – Upon reading and filing the <u>112</u> Affirmation of Marie G. Santagata dated 7/8/05, the Court is satisfied that the Monitor has duly performed the required services and there being no objection, finds the fair and reasonable value of services rendered is \$4,700.00 and directs the State of New York to make such payment. Ordered by Judge Joanna Seybert on 7/22/2005. (c/ECF – counsel to notify all parties of this Order) (c/m to Marie Santagata) (Nohs, Bonnie) (Entered: 07/25/2005)
11/30/2005	<u>114</u>	First MOTION for Attorney Fees by all plaintiffs. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u>)(Steen, Pamela) (Entered: 11/30/2005)
12/19/2005	<u>115</u>	MOTION for Extension of Time to File Response/Reply as to <u>114</u> First MOTION for Attorney Fees [<i>Application on consent to adjourn to 1/11/06 the return date of class counsel's motion [Docket entry # 114], with the State Defendants' opposing papers due 1/4/06.</i>] by The State of New York. (Pernick, Ralph) (Entered: 12/19/2005)
12/27/2005		ENDORSED ORDER re: <u>115</u> Letter/Motion for Extension of Time to File Response be adjourned to 1/11/06. Application GRANTED. Ordered by Judge Joanna Seybert on 12/23/2005. (c/ECF) (Nohs, Bonnie) (Entered: 12/27/2005)
12/30/2005	<u>116</u>	RESPONSE in Opposition re <u>114</u> First MOTION for Attorney Fees [<i>affirmation of service is last page (before the two attached exhibits); table of contents in the ECF version of this paper follows Appendix page iv</i>] filed by The State of New York. (Attachments: # <u>1</u> # <u>2</u>)(Pernick, Ralph) (Entered: 12/30/2005)
01/10/2006	<u>117</u>	REPLY to Response to Motion re <u>114</u> First MOTION for Attorney Fees filed by all plaintiffs. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u>)(Steen, Pamela) (Entered: 01/10/2006)
02/06/2006	<u>118</u>	Letter from Marie G. Santagata to Judge Seybert undated Re: To enclose Monitor's Report, Affirmation in Support, Time Sheet and Proposed Order. (Valle, Christine) (Entered: 02/13/2006)
02/06/2006	<u>119</u>	MONITOR'S REPORT – Marie G. Santagata, duly appointed by Order of U.S.D.J. Joanna Seybert, dated 10/1/03, to monitor and report on the compliance and implementation of said Order by the Dfts do hereby respectfully report as further set forth herein. (Valle, Christine) (Entered: 02/13/2006)
02/06/2006	<u>120</u>	AFFIRMATION in Support of Legal Services Re: <u>119</u> Monitor's Report by Marie G. Santagata. (Valle, Christine) (Entered: 02/13/2006)
02/06/2006	<u>121</u>	PROPOSED ORDER Re: <u>119</u> Monitor's Report; <u>120</u> Affirmation in Support filed by Marie G. Santagata. UNSIGNED by Chambers. (Valle, Christine) (Entered: 02/13/2006)
02/14/2006	<u>122</u>	ORDER – Upon reading and filing the Affirmation and Exhibit One of Marie G. Santagata, dated 1/8/06, in support of attorney's fees for services rendered in the performance of her duties as Monitor, this Court finds that the fair and reasonable value of the services rendered is \$3,800.00, and directs the State of New York to make such payment. Ordered by Judge Joanna Seybert on 2/14/06. C/ECF; C/M to Marie Santagata. (Valle, Christine) (Entered: 02/16/2006)
02/16/2006	<u>123</u>	Letter on behalf of the State defendants to Honorable Joanna Seybert, stating that they have no objection to the application [docket entry ## 118–121] for fees for 5/1/05 – 12/31/05 period by the Monitor (Honorable Marie G. Santagata) by The

		State of New York. (Pernick, Ralph) (Entered: 02/16/2006)
02/17/2006	<u>124</u>	Letter to Judge Seybert by Michael J. Schmelzer. (Steen, Pamela) (Entered: 02/17/2006)
04/03/2006	<u>125</u>	ORDER – Currently pending before this Court is Pltffs' motion for attorneys' fees, filed on 11/30/05. Pursuant to Rule 73 of the Federal Rules of Civil Procedure and Rule 72.2 of the Local Civil Rules for the EDNY, the Court hereby refers Pltffs' motion to Magistrate Judge Arlene R. Lindsay to report and recommend how the Court should dispose of Pltffs' motion. Ordered by Judge Joanna Seybert on 4/3/06. C/ECF(Valle, Christine) (Entered: 04/05/2006)
04/03/2006		MOTION REFERRED Re: <u>114</u> First MOTION for Attorney Fees REFERRED to Magistrate Judge Lindsay. (Valle, Christine) (Entered: 04/05/2006)
04/05/2006		Email Notification Test – DO NOT REPLY. (Valle, Christine) (Entered: 04/05/2006)
05/01/2006	<u>126</u>	REPORT AND RECOMMENDATIONS re <u>114</u> First MOTION for Attorney Fees. See attached report and recommendation for details. Signed by Judge Arlene R. Lindsay on May 1, 2006. c/ecf(Miller, Dina) (Entered: 05/01/2006)
05/31/2006	<u>128</u>	ORDER ADOPTING REPORT AND RECOMMENDATION – Upon review of Magistrate Judge Arlene R. Lindsay's Report and Recommendation, dated 5/1/06, to which no party has objected, the Court hereby ADOPTS the Report and Recommendation in its entirety. Ordered by Judge Joanna Seybert on 5/31/06. C/ECF (Valle, Christine) (Entered: 06/08/2006)
05/31/2006	<u>129</u>	JUDGMENT FOR ATTORNEY FEES AND COSTS – It is ORDERED that Pltffs' counsel, recover of the Dft, State of New York; New York State Education Dept, the total sum of \$77,155.02. Signed by Lorraine Sapienza, Deputy Clerk on 5/31/06. C/ECF(Valle, Christine) (Entered: 06/08/2006)
05/31/2006		Judge Arlene R. Lindsay no longer assigned to case pursuant to document <u>128</u> . (Morabito, Bryan) (Entered: 06/14/2006)
06/07/2006	<u>127</u>	PROPOSED JUDGMENT Re: Attorneys' Fees by all plaintiffs. (Attachments: #(1) Certificate of Service; #(2) Cover Letter)(Steen, Pamela) Modified on 6/8/2006 to correct entry information. (Valle, Christine). (Entered: 06/07/2006)
06/08/2006		Motions terminated; docketed incorrectly Re: <u>127</u> First MOTION for Judgment on Partial Findings for attorneys' fees filed by Long Island Advocacy, Inc., K.G., Michael J. Schmelzer, Chelsea Von Harder. (Valle, Christine) (Entered: 06/08/2006)
06/08/2006		Incorrect Case/Document/Entry Information – Document <u>127</u> filed on 6/7/06 by Pamela Steen as "Motion for Judgment on Partial Findings" has been modified to reflect correct entry information. This document is a Proposed Judgment and NOT a Motion. All corrections have been made. (Valle, Christine) (Entered: 06/08/2006)
08/01/2006	<u>130</u>	MONITOR'S REPORT of Marie G. Santagata for Period: 1/1/06 to 6/30/06. Attachments: #(1) Monitor's Affirmation; #(2) Text of Proposed Order; #(3) Cover Letter. (Valle, Christine) (Entered: 08/04/2006)
09/05/2006	<u>131</u>	Letter in support of Monitor's application [docket entry # 130] for services rendered for 1/1/06 – 6/30/06 period, by New York State Education Department, and by The State of New York, Richard P. Mills. (Pernick, Ralph) (Entered: 09/05/2006)
09/28/2006	<u>132</u>	Letter re: Monitor's Application by Michael J. Schmelzer. (Steen, Pamela) (Entered: 09/28/2006)
10/10/2006	<u>133</u>	ORDER – Upon reading and filing the Affirmation and Exhibit One of Marie G. Santagata, dated 7/27/06, in support of attorney's fees for services rendered in the performance of her duties as Monitor, this Court is satisfied that said Monitor has duly performed the required services as per this Court's Order and there being no objection to payment, this Court finds that the fair and reasonable value of the services rendered is \$5,200.00, and directs the State of New York to make such payment. Ordered by Judge Joanna Seybert on 10/10/06. C/ECF; C/M to Marie G.

		Santagata.(Valle, Christine) (Entered: 10/13/2006)
02/16/2007	<u>135</u>	MONITOR'S REPORT by Marie G. Santagata for Period 7/1/06 to 12/31/06 Inclusive of Meeting of 1/25/07. (Valle, Christine) (Entered: 03/09/2007)
02/23/2007	<u>134</u>	Letter <i>responding to monitor's report</i> by Michael J. Schmelzer (Steen, Pamela) (Entered: 02/23/2007)
03/14/2007	<u>136</u>	ORDER re <u>135</u> Notice (Other); Upon reading and filing the Affirmation and Exhibits One of Marie G. Santagata, dated 1/31/07, in support of attorney's fee for services rendered in the performance of her duties as Monitor in the above-captioned, this Court is satisfied that said Monitor has duly performed the required services as per this Court's Order and there being no objection to payment, this Court finds that the fair and reasonable value of the services rendered is and directs the State of New York to make such payment.(Ordered by Judge Joanna Seybert on 3/14/07.) c/m c/ecf (Fagan, Linda) (Entered: 03/16/2007)
03/16/2007	<u>137</u>	Letter <i>recommending that the Court approve the Monitor's January 31, 2007 fee application</i> , by The State of New York, Richard P. Mills (Pernick, Ralph) (Entered: 03/16/2007)
03/20/2007	<u>138</u>	AMENDED ORDER Re: <u>136</u> Order – Upon reading and filing the Affirmation and Exhibits One of Marie G. Santagata, dated 1/31/07, in support of attorney's fee for services rendered in the performance of her duties as Monitor in the above-captioned, this Court is satisfied that said Monitor has duly performed the required services as per this Court's Order and there being no objection to payment, this Court finds that the fair and reasonable value of the services rendered is \$3,800.00 and directs the State of New York to make such payment. Ordered by Judge Joanna Seybert on 3/20/07. C/ECF; C/M (Valle, Christine) (Entered: 03/20/2007)
08/16/2007	<u>139</u>	Letter <i>response to Monitor's application of 07/31/07</i> by Michael J. Schmelzer (Steen, Pamela) (Entered: 08/16/2007)
08/16/2007	<u>141</u>	MONITOR'S REPORT of Maria G. Santagata for Period 1/1/07 to 6/30/07. Attachments: # <u>1</u> Monitor's Affirmation; # <u>(2)</u> Cover Letter. (Valle, Christine) (Entered: 09/24/2007)
08/20/2007	<u>140</u>	Letter <i>stating that the State defendants have no objection to the July 31, 2007 fee application (not yet docketed) of Judge Santagata with respect to her services as Monitor for the January 1 – June 30, 2007 period</i> , by The State of New York, Richard P. Mills (Pernick, Ralph) (Entered: 08/20/2007)
10/10/2007	<u>142</u>	ORDER Re: <u>141</u> Monitor's Report – Upon reading and filing the Affirmation and Exhibit One of Marie G. Santagata, dated 7/31/07, in support of attorney's fees for services rendered in the performance of her duties as Monitor, this Court is satisfied that said Monitor has duly performed the required services and there being no objection to payment, this Court finds that fair and reasonable value of the services rendered is \$3,400.00 and directs the State of New York to make such payment. Ordered by Judge Joanna Seybert on 10/10/07. C/ECF; C/M (Valle, Christine) (Entered: 10/24/2007)
02/21/2008	<u>143</u>	Letter <i>in support of Monitor's fee application [not yet docketed] for 7/1/07 – 12/31/07 period</i> , by The State of New York (Pernick, Ralph) (Entered: 02/21/2008)
02/26/2008	<u>144</u>	MONITOR'S REPORT of Marie G. Santagata for the Period of 7/1/07 to 12/31/07. Attachments: # <u>1</u> Monitor's Affirmation; # <u>2</u> Proposed Order; # <u>3</u> Cover Letter. (Valle, Christine) (Entered: 02/29/2008)
02/29/2008	<u>145</u>	Letter MOTION for Extension of Time to File <i>a final Monitor's Report at the end of the assignment period in October</i> by Michael J. Schmelzer, The State of New York. (Valle, Christine) (Entered: 02/29/2008)
03/07/2008	<u>148</u>	ORDER – Upon reading and filing the Affirmation and Exhibit One of Marie G. Santagata, dated 1/31/08, in support of attorney's fees for services rendered in the performance of her duties as Monitor, this Court is satisfied that said Monitor has duly performed the required services as per this Court's Order and there being no objection to payment, this Court finds that the fair and reasonable value of the

		services rendered is \$3,000.00 and directs the State of New York to make such payment. Ordered by Judge Joanna Seybert on 3/7/08. C/ECF; C/M to M. Santagata (Valle, Christine) (Entered: 04/03/2008)
03/08/2008	<u>146</u>	RESPONSE to Motion re 10 Motion for Extension of Time to File Answer <i>Letter response</i> filed by Michael J. Schmelzer. (Steen, Pamela) (Entered: 03/08/2008)
03/10/2008	<u>147</u>	REPLY in Support re <u>145</u> Letter MOTION for Extension of Time to File <i>a final Monitor's Report at the end of the assignment period in October</i> filed by The State of New York, Richard P. Mills. (Pernick, Ralph) (Entered: 03/10/2008)
06/03/2008	<u>149</u>	ORDER re: <u>145</u> Letter/Motion Request for Extension of Time to File a final Report in October. Application GRANTED. Ordered by Judge Joanna Seybert on 5/30/2008. (c/ECF) (c/m Santagata) (Nohs, Bonnie) (Entered: 06/03/2008)
08/26/2008	<u>150</u>	Letter from Marie G. Santagata to Judge Seybert dated 8/27/08 Re: To enclose a copy of letter forwarded to Theresa Savo, Deputy Commissioner of Education, as a follow-up to visit to the Office of State Review in Albany. (Valle, Christine) (Entered: 10/16/2008)
01/22/2009	<u>152</u>	Letter from Marie G. Santagata to Judge Seybert dated 1/16/09 Re: Application for Attorney's Fees. Attachments: # <u>1</u> Monitor's Affirmation for Legal Services; # <u>2</u> Proposed Order. (Valle, Christine) (Entered: 02/25/2009)
02/03/2009	<u>151</u>	Letter to <i>Honorable Joanna Seybert, stating that the State Defendants have no objection to the Monitor's January 16, 2009 final application for fees [not yet docketed] for the 1/1/08 – 10/31/08 period</i> , by The State of New York, Richard P. Mills (Pernick, Ralph) (Entered: 02/03/2009)
03/13/2009	<u>153</u>	ORDER – Upon reading and filing the Affirmation and Exhibit One of Marie G. Santagata, dated 1/16/09, in support of attorney's fee for services rendered in the performance of her duties as Monitor in the above-captioned, this Court is satisfied that said Monitor has duly performed the required services as per this Court's Order and there being no objection to payment, this Court finds that the fair and reasonable value of the services rendered is \$5,800.00 and directs the State of New York to make such payment. (Signed by Judge Joanna Seybert on 3/13/2009). (Coleman, Laurie) (Entered: 03/17/2009)
03/13/2009	<u>154</u>	ORDER – The Clerk of the Court is directed to mark this matter closed. (Signed by Judge Judge Joanna Seybert on 3/13/09). Case terminated. (Coleman, Laurie) (Entered: 03/17/2009)