

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:94-cv-01103-EHN-JLC**

M., et al v. Board of Education, et al
Assigned to: Judge Eugene H. Nickerson
Referred to: Magistrate Judge John L. Caden
Demand: \$0
Case in other court: NYED, 79CV 2562
NYED, 79CV 270
NYED, 79CV 560

Date Filed: 03/11/1994
Date Terminated: 02/26/1999
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Cause: 20:1400 Civil Rights of Handicapped Child

Plaintiff

Ray M.

*a minor under the age 21 years, by his
mother Juana D.*

represented by **Daniel F. Kolb**
Moxley, Jones & Campbell
111 East Broadway
Suite 880
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801-363-7500
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Daniel F. Kolb
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Ellen Gallagher Holmes
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*LEAD ATTORNEY
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Plaintiff

Jackey S.

*a minor under the age 21 years, by his
mother Yin Jiang S.*

represented by **Daniel F. Kolb**
(See above for address)
*LEAD ATTORNEY
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Daniel F. Kolb
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Roger J. Maldonado
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Plaintiff

Miguel F.
a minor under the age 21 years, by his
mother Anatalia F.

represented by **Daniel F. Kolb**
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Daniel F. Kolb
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Roger J. Maldonado
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LEAD ATTORNEY
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Plaintiff

Jose P.
a minor under the age 21 years, by his
mother Evelyn Q.

represented by **Daniel F. Kolb**
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Roger J. Maldonado
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Plaintiff

Katie B.
a minor under the age 21 years, by her
mother Carrie B.

represented by **Daniel F. Kolb**
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Roger J. Maldonado
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Plaintiff

Angel C.
a minor under the age 21 years, by his
mother Margarita V.

represented by **Daniel F. Kolb**
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Daniel F. Kolb
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Roger J. Maldonado
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Benjamin L.
*a minor under the age 21 years, by his
mother Angela L. Individually and on
behalf of themselves and all other persons
similarly situated*

represented by **Daniel F. Kolb**
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Daniel F. Kolb
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Roger J. Maldonado
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V.

Defendant

**Board of Education of the City of New
York**

represented by **Robert A. Bell**
Office of the Corporation Counsel
Law Department
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(212) 788-0300
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Steven J. Rappaport
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Defendant

Ramon Cortines
*Chancellor of the Board of Education of
the City School District of the City of New
York*

represented by **Robert A. Bell**
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Steven J. Rappaport
(See above for address)
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Defendant

Howard S. Tames
*Executive Director of the Division of
Special Education of the Board of
Education of the City School District of
the City of New York*

represented by **Robert A. Bell**
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Steven J. Rappaport
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Defendant

New York State Education Department

represented by **Clement J. Colucci**
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Defendant

Thomas Sobol
*Commissioner of Education of the State of
New York*

represented by **Clement J. Colucci**
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LEAD ATTORNEY
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Robert A. Bell
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Steven J. Rappaport
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Defendant

**New York City Department of
Transportation**

represented by **Robert A. Bell**
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Steven J. Rappaport
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ATTORNEY TO BE NOTICED

Defendant

Mario M. Cuomo
Governor of the State of New York

represented by **Clement J. Colucci**
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LEAD ATTORNEY
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Robert A. Bell
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Steven J. Rappaport
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
03/11/1994	1	COMPLAINT filed and summons(es) issued for Board of Education, Ramon Cortines, Howard S. Tames, NYS Education Dept., Thomas Sobol, NYC Transportation, Mario M. Cuomo FILING FEE \$ 120.00 RECEIPT # 160271 (Greene, Donna) (Entered: 03/15/1994)
03/11/1994		CASE REFERRED to Magistrate John L. Caden (Greene, Donna) (Entered: 03/15/1994)
03/11/1994	2	MOTION by Ray M. &All Plaintiffs for preliminary injunction , to certify class action , Motion hearing set for 3/28/94 [2-1] set for 3/28/94 [2-2] motion. (Johnson, Lorraine) (Entered: 03/16/1994)
03/11/1994	3	MEMORANDUM by Ray M. &ALL PLAINTIFFS in support of [2-1] motion for preliminary injunction, [2-2] motion to certify class. (Johnson, Lorraine) (Entered: 03/16/1994)
03/11/1994	4	AFFIDAVIT of Daniel F. Kolb Re: [3-1] support memorandum, [2-1] motion for preliminary injunction, [2-2] motion to certify class action (attached Exhibits 1-10). (Johnson, Lorraine) (Entered: 03/16/1994)
03/16/1994	5	AFFIDAVIT of Service by Donovan A. Anderson Re: [1-1] summons & complaint served upon the parties: NYC Dept. of Transportation, Thomas Sobol, Mario Cuomo, New York State Education Dept., Howard S. Tames, Ramon Cortines & NYC Board Of Education on 3/11/94. (Johnson, Lorraine) (Entered: 03/17/1994)
03/25/1994	6	Letter dtd. March 23, 1994 from Daniel Kolb, counsel for the named and class plaintiffs, to Judge Nickerson requesting that the motion for a preliminary injunction be rescheduled to April 8, 1994 at 9:30. (Asreen, Wendy) (Entered: 03/25/1994)
03/28/1994	8	RETURN OF SERVICE executed as to NYS Education Dept. 3/23/94 Answer due on 4/12/94 for NYS Education Dept. (Virno (Entered: 03/29/1994)
03/28/1994	9	RETURN OF SERVICE executed as to Board of Education 3/11/94 Answer due on 3/31/94 for Board of Education (Virno (Entered: 03/29/1994)
03/28/1994	10	RETURN OF SERVICE executed as to Ramon Cortines 3/11/94 Answer due on 3/31/94 for Ramon Cortines (Virno (Entered: 03/29/1994)
03/28/1994	11	RETURN OF SERVICE executed as to NYC Transportation 3/11/94 Answer due on 3/31/94 for NYC Transportation (Virno (Entered: 03/29/1994)
03/28/1994	12	RETURN OF SERVICE executed as to Howard S. Tames 3/11/94 Answer due on 3/31/94 for Howard S. Tames (Virno (Entered: 03/29/1994)
03/28/1994	13	RETURN OF SERVICE executed as to Mario M. Cuomo 3/23/94 Answer due on 4/12/94 for Mario M. Cuomo (Virno (Entered: 03/29/1994)
03/28/1994	14	RETURN OF SERVICE executed as to Thomas Sobol 3/23/94 Answer due on 4/12/94 for Thomas Sobol (Virno (Entered: 03/29/1994)
03/29/1994	7	Letter MOTION by Board of Education, etc to extend time to submit a response to plttfs' motion for preliminary inj No Motion hearing [7-1] motion Letter dated 3/23/94 to EHN from Steven J. Rappaport. (Gonzalez, Mary) (Entered: 03/29/1994)
04/05/1994	15	RESPONSE by counsel for plaintiffs in opposition to [7-1] motion to extend time to submit a response to plttfs' motion for preliminary inj. Response submitted in

		the form of a letter from Daniel Kolb to Judge Nickerson of 3/30/94. (Conte, Daniela) (Entered: 04/05/1994)
04/05/1994	16	Letter from Steven J. Rappaport to Judge Nickerson dtd. 4/1/94 in response to Daniel Kolb's March 30, 1994 letter opposing City defendants' request for an extension of time until 4/22/94 to respond to plaintiffs' two pending motions. (Virno (Entered: 04/05/1994)
04/08/1994	18	Calendar entry:Before Judge Nickerson on 4/8/94 Case called. All parties present. [2-1] Motion for preliminary injunction taken under advisement, [2-2] motion to certify class taken under advisement. (Virno (Entered: 04/13/1994)
04/11/1994	17	ORDER, Setting status conference for 2:30 on 6/1/94 before Magistrate John L. Caden . (signed by Magistrate John L. Caden, dated April 8, 1994) (Asreen, Wendy) (Entered: 04/11/1994)
04/14/1994	19	STIPULATION AND ORDER OF ADJOURNMENT dtd. 4/8/94 extending time to answer until 4/29/94. (signed by Judge Eugene H. Nickerson) (Virno (Entered: 04/14/1994)
04/26/1994	20	MEMORANDUM by Board of Education, Ramon Cortines, Howard S. Tames, NYS Education Dept., Thomas Sobol, NYC Transportation, Mario M. Cuomo in opposition to [2-1] motion for preliminary injunction (Virno (Entered: 04/28/1994)
04/26/1994	21	DECLARATION OF STEVEN J. RAPPAPORT IN OPPOSITION TO PLAINTIFFS' Re: [2-1] motion for preliminary injunction (Virno (Entered: 04/28/1994)
05/04/1994	22	REPLY MEMORANDUM OF LAW by Ray M., Jackey S., Miguel F., Jose P., Katie B., Angel C., Benjamin L. in further [2-1] motion for preliminary injunction, [2-2] motion to certify class action (Virno (Entered: 05/04/1994)
05/04/1994	23	SUPPLEMENTAL AFFIDAVIT by Ray M., Jackey S., Miguel F., Jose P., Katie B., Angel C., Benjamin L. Re: n support of plaintiffs' motion for preliminary injunction and class certification. (Virno (Entered: 05/04/1994)
05/06/1994	24	MEMORANDUM AND ORDER dtd 5/3/94, all matters in this case, including all motions, whether dispositive or otherwise, are referred to Magistrate Judge Caden for disposition or report and recommendation as appropriate. (signed by Judge Eugene H. Nickerson) (Roker, Michelle) (Entered: 05/06/1994)
05/09/1994	25	ANSWER to Complaint by NYS Education Dept., Thomas Sobol, Mario M. Cuomo (fe) (Entered: 05/10/1994)
05/16/1994	26	ORDER (signed by Judge Eugene H. Nickerson) (Virno (Entered: 05/16/1994)
05/19/1994	27	ANSWER to Complaint by Board of Education, Ramon Cortines, Howard S. Tames, NYS Education Dept., Thomas Sobol, NYC Transportation, Mario M. Cuomo; jury demand (Virno (Entered: 05/19/1994)
05/31/1994	28	SUPPLEMENTAL DECLARATION OF STEVEN J. RAPPAPORT IN OPPOSITION TO THE PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION AND FOR CLASS CERTIFICATION Board of Education, Ramon Cortines, Howard S. Tames, NYC Transportation in opposition to [2-1] motion preliminary injunction (Virno (Entered: 06/01/1994)
06/01/1994	29	Calendar entry: Before Mag. Caden Case called. Hearing held decision reserved. (Virno (Entered: 06/03/1994)
06/17/1994	30	REPORT AND RECOMMENDATIONS of Magistrate John L. Caden Re: [2-2] motion to certify class action ; finding that the plttfs meet all requirements for certification under Rule 23(a) and Rule 23(b)(2). Motion no longer referred. Objections to R and R due by 6/27/94. Copies mailed to all parties by Chambers. (Glenn, Marilyn) (Entered: 06/17/1994)
06/21/1994	31	Pltffs' MOTION for Ellen Gallagher Holmes to appear pro hac vice. Motion hearing set for 9:30 7/6/94 [31-1] motion. (Greves, Liz) (Entered: 06/22/1994)

06/23/1994	32	MOTION by counsel for defendants, dated 6/16/94, for Robert A. Bell to appear pro hac vice . Motion hearing set for 9:30 on 7/1/94 . Affidavit in support attached. (Conte, Daniela) (Entered: 06/23/1994)
06/29/1994	33	OBJECTION by Board of Education, Ramon Cortines, Howard S. Tames, NYC Transportation to [30-1] findings & recommendations. Exhibits attached. (fe) (Entered: 06/30/1994)
06/29/1994	34	Calendar entry: Before Caden, M. – Conference held 6/29/94 at 2:30. Deft's objection to Magistrate Judge's RR were discussed. Magistrate will not reconsider his report. Pltff's several modification to the provisional class the recommended. Pltff will submit its proposal in writing by 7/8/94. Deft will respond by 7/22/94. The parties will appear before the Magistrate following their appearance before Judge Nickerson on 7/29/94. Hearings may be held over the first week of August 1994. (McGee, Maryann) Modified on 06/30/1994 (Entered: 06/30/1994)
07/06/1994	35	AFFIDAVIT of Service by pltff's Re: [33-1] objection (Jackson, Ramona) (Entered: 07/06/1994)
07/08/1994	36	SECOND SUPPLEMENTAL AFFIDAVIT of DANIEL F. KOLB IN SUPPORT OF PLAINTIFFS Re: [2-1] motion for preliminary injunction, [2-2] motion to certify class action (Virno (Entered: 07/11/1994)
07/08/1994	37	SUPPLEMENTAL MEMORANDUM in support of [2-1] motion for preliminary injunction, [2-2] motion to certify class action (Virno (Entered: 07/11/1994)
07/13/1994	38	RESPONSE by Ray M., Jackey S., Miguel F., Jose P., Katie B., Angel C., Benjamin L. in opposition to [33-1] objections to the report and recommendation of Mag. Caden, Dtd. 6/17/94. Attached Appendix to Pltffs Response. (Virno (Entered: 07/14/1994)
07/22/1994	39	Letter from Paul D. Murphy to Judge Nickerson dtd 7/15/94 requesting that the Court schedule oral argument for 7/29/94 at 10:00am. (Virno (Entered: 07/22/1994)
07/25/1994	40	SECOND SUPPLEMENTAL DECLARATION OF STEVEN RAPPAPORT IN OPPOSITION TO THE PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION AND FOR CLASS CERTIFICATION. (Virno (Entered: 07/25/1994)
07/25/1994	41	SUPPLEMENTAL MEMORANDUM by Board of Education, Ramon Cortines, Howard S. Tames, NYC Transportation in opposition to plaintiffs' motion for preliminary injunction and class certification, (Virno (Entered: 07/25/1994)
07/28/1994	43	Calendar entry: Conference held before Magistrate Caden on 7/28/94. The Magistrate entered orders on the record; orders will be filed with the Court next week. Set status conference for 10:00 on 8/5/94 before Magistrate John L. Caden . (Asreen, Wendy) (Entered: 08/02/1994)
07/28/1994	44	Calendar entry: Before Judge Nickerson on 7/28/94 @4:00 for Defts objections to Report & Recommendation of Magistrate Caden. Case called. Counsel for all parties present. Court Reporter Marsha Diamond. Report & recommendation approved & adopted. Parties will any problems relating to the definition of the class before the magistrate. (Gonzalez, Mary) (Entered: 08/02/1994)
08/02/1994	42	Ltr. to J.Nickerson from Steven J Rappaport dtd. 7/28/94 Pltff's have not established the necessity for any preliminary relief (Jackson, Ramona) (Entered: 08/02/1994)
08/03/1994	45	LETTER dated 6/20/94 from Daniel F. Kolb to Judge Nickerson requesting that the Court set a date by which the City and State dfts must comply and/or a date by which they will need to show cause why such services cannot be provided. (fe) (Entered: 08/03/1994)
08/03/1994	46	LETTER dated 6/24/94 from Clement J. Colucci to Judge Nickerson stating that Mr. Kolb's reference to the "State Defendants", in his 6/20/94 letter re the setting of a date to comply with the Report and Recommendation, was inadvertent. (fe) (Entered: 08/03/1994)

08/05/1994	47	Calendar entry: Before Magistrate Caden on 8/5/94 @10:00. The parties have reached agreement on several issues on the record. The parties will reconvene on 8/30/94 @4:00p.m. (Gonzalez, Mary) (Entered: 08/10/1994)
08/09/1994	48	TRANSCRIPT of a civil proceeding before Mag. Caden filed for for dates of 8/5/94 (Virno (Entered: 08/10/1994)
08/25/1994	49	Letter from Karen Norlander to Judge Nickerson dtd. 8/18/94 regarding the City's request for a temporary restraining order. (Virno (Entered: 08/25/1994)
08/25/1994	50	Letter from Steven J. Rappaport to counsel of record dtd. 8/18/94 re: the modified plan, dated 8/17/94 is enclosed herewith. (Virno (Entered: 08/25/1994)
08/25/1994	51	TRANSCRIPT filed for [18-1] civil cause for motion on 4/8/94. (Virno (Entered: 08/26/1994)
08/29/1994	52	STIPULATION AND PROTECTIVE ORDER that any papers delivered to the Court which incorporates any confidential materials will be delivered in a sealed envelope, etc.. Within 30 days after the close of this case, including appeals, the Confidential Materials will be ret'd to City defendants' attorneys or destroyed, and all persons who possessed these materials shall verify their return or destruction by affidavit furnished to city defendants' attorneys. ** See order for complete details.(signed by Magistrate John L. Caden, dated August 29, 1994) (Asreen, Wendy) (Entered: 08/29/1994)
08/30/1994	53	Calendar entry: Before Mag. Caden Case called. All parties present. Parties reviewed status of case with magistrate judge, next conference now scheduled for 9/9/94 at 4:00pm. (Virno (Entered: 09/01/1994)
09/14/1994	54	Letter from Norma Kerlin to Judge Nickerson dtd. 8/25/94 defts motion is now rescheduled for 10/7/94. (Virno (Entered: 09/14/1994)
10/21/1994	55	AFFIDAVIT by Ellen Gallagher Holmes Re: [37-1] in support of plaintiff's motion. (Vasquez, Liz) (Entered: 10/24/1994)
10/21/1994	56	AFFIDAVIT by Juan Maldonado Re: in support of [2-2] motion to certify class action (Vasquez, Liz) (Entered: 10/24/1994)
12/21/1994	57	LETTER dated 12/15/94 from Paul Murphy to Mag. Caden Re: requests oral argument be scheduled on issues remaining in plaintiff's motion for class certification. (Vasquez, Liz) (Entered: 12/21/1994)
01/10/1995	58	Calendar entry: Before Mag. Caden-Case called. A hearing was held on the Rule 23 certification motion. A court reporter was present and a transcript shall be prepared. Decision reserved. (Vasquez, Liz) (Entered: 01/18/1995)
02/17/1995	59	SUPPLEMENTAL REPORT AND RECOMMENDATIONS of Magistrate John L. Caden. Finding that plttf meet requirements for Rule 23, and recommends certain addition be made to the previously certified class. Case no longer referred to Magistrate John L. Caden. Objections to R and R must be filed with the clerk of court within ten days to preserve appellate review. (signed by Mag. Caden on 2/15/95). (Vasquez, Liz) Modified on 05/04/1995 (Entered: 02/17/1995)
03/06/1995	60	OBJECTION by City Dfts: Board of Education, Ramon Cortines, Howard S. Tames, NYC Transportation to [59-1] Supplemental report & recommendations of Mag. Judge Caden dated 2/15/95 relating to plttfs' motion for class certification. (Exhibit 1-27 filed with objections) (Ferguson, Frances) Modified on 03/08/1995 (Entered: 03/06/1995)
03/08/1995	61	AFFIDAVIT of service by Harry Torres. (Vasquez, Liz) (Entered: 03/16/1995)
03/17/1995	62	Plttfs' RESPONSE to City defts' objections to the supplemental Report & Recommendation of Mag Caden dated 2/15/95. (Greves, Liz) (Entered: 03/21/1995)
03/20/1995	63	Notice of MOTION by plaintiffs to Take additional Deposition , Motion hearing set for 10:00 4/12/95 [63-1] motion (Vasquez, Liz) Modified on 03/21/1995 (Entered: 03/21/1995)

03/20/1995	65	AFFIDAVIT of Paul Murphy, Esq., in support of [63-1] motion to Take additional Deposition. (Vasquez, Liz) (Entered: 03/21/1995)
03/21/1995	64	MEMORANDUM of law by plaintiffs in support of [63-1] motion to Take additional Deposition (Vasquez, Liz) (Entered: 03/21/1995)
04/07/1995	66	Letter from Assistant Corp. Counsel Steven Rappaport to the Court dated April 6, 1995. Counsel request oral argument with respect to City Defts' Objections to the Supplemental R &R of Mag. Caden dated Feb. 15, 1995. (request denied as endorsed by Judge Nickerson) (Joseph, Derek) (Entered: 04/11/1995)
04/07/1995		Endorsed order denying the request by counsel for City Defts for oral arguments with respect to the defts' objections to the Supplemental R &R of Mag. Caden. (Signed by Judge Eugene H. Nickerson on letter Doc. #66 and dated April 7, 1995) (Joseph, Derek) (Entered: 04/11/1995)
04/18/1995	67	LETTER dated 4/10/95 from Clement Colucci to Judge Nickerson. RE: We ask if the court grants oral argument we be excused from attending. (Vasquez, Liz) (Entered: 04/18/1995)
05/03/1995	68	Memorandum and Order adopting Supplemental Report and Recommendation of Mag. Judge Caden, granting [2-1] motion for preliminary injunction and [2-2] motion to certify class action. (signed by Judge Eugene H. Nickerson on 4/24/95) (DiTomasso, Mike) (Entered: 05/03/1995)
05/12/1995	69	MAIL RETURNED Mem/order dtd 4/24/95 returned on 5/95 (Vasquez, Liz) (Entered: 05/12/1995)
10/02/1995	70	Calendar entry: Before Mag. Caden--Case called. Defts will produce documents to plttf NLT 1 month from today; the Mag. Judge has given 2/23/96 as the returning date of any motion(s) for partial summary judgment that will be made in the near future. (Vasquez, Liz) (Entered: 10/04/1995)
11/06/1995		CASE REFERRED to Magistrate--Judge Cheryl Pollak (Yuen, Sui May) (Entered: 11/06/1995)
12/08/1995	71	ORDER, dtd 12/1/95. Above case has been assigned to Mag. Pollak for pretrial supervision . The parties are directed, to within 30 days of receipt of this order, to file a written report on the status of case. (signed by Magistrate--Judge Cheryl Pollak). (Vasquez, Liz) (Entered: 12/08/1995)
03/18/1996	72	NOTICE of status conference set for 4/1/96 at 2:30. (Glenn, Marilyn) (Entered: 03/18/1996)
04/01/1996	73	LETTER dated 3/20/96 from John P. Dellera, Ass't Atty General, to Judge Nickerson. RE: I represent the deft State Education Dept., and am writing to request an adjournment of the status conference scheduled for 4/1/96 to 4/26/96. (Vasquez, Liz) (Entered: 04/01/1996)
04/12/1996	74	LETTER dated 3/20/95 from Paul D. Murphy to Mag. Caden. RE: Enclosed is plttf's motion for leave to take additional depositions. (motion not enclosed). (Vasquez, Liz) (Entered: 04/12/1996)
04/12/1996	75	LETTER dated 4/7/95 from Steven J. Rappaport to Mag. Caden. Re: I write in response to plttfs' motion for leave to take additional depositions. (Vasquez, Liz) (Entered: 04/12/1996)
04/12/1996	76	LETTER dated 4/11/95 from Daniel F. Kolb, Esq., to Mag. Caden. RE: I write to reply to City defts' opposition to plttfs' motion for leave. (Vasquez, Liz) (Entered: 04/12/1996)
04/12/1996	77	LETTER dated 5/5/95 from Roger J. to Mag. Caden. RE: I am writing on behalf of all parties to inform you that the parties have resolved the issues raised in plttfs' motion for leave to take additional depositions. (Vasquez, Liz) (Entered: 04/12/1996)
04/12/1996	78	LETTER dated 9/27/95 from Roger J. Maldonado, Esq., to Mag. Caden. RE: I am writing to inform the court of the issues plttfs would like to address at the pre-motion conference on 10/2/95. (Vasquez, Liz) (Entered: 04/12/1996)

04/17/1996	79	LETTER dated 4/6/94 from Daniel F. Kolb to Judge Nickerson requesting that the City defts identify all disabled children who have been recommended for special education services, but who are still waiting to receive those recommended services. (Greves, Liz) (Entered: 04/17/1996)
04/17/1996	80	LETTER dated 5/6/94 from Daniel F. Kolb to Magistrate Caden requesting that a date be set for oral argument on motion for preliminary injunction & class certification. (Greves, Liz) (Entered: 04/17/1996)
04/17/1996	81	LETTER dated 5/25/94 from Steven J. Rappaport to Magistrate Caden requesting permission to file supplemental papers regarding plttfs' motion for class certification & a preliminary injunction by 5/27. (Greves, Liz) (Entered: 04/17/1996)
04/17/1996	82	LETTER dated 5/16/94 from Steven J. Rappaport to Magistrate Caden enclosing courtesy copies of his Declaration in opposition to plttfs' motion for a preliminary injunction & class certification, City defts' Memo in opposition to that motion, & City defts' Answer & cross-claim. (Greves, Liz) (Entered: 04/17/1996)
04/17/1996	83	Copy of LETTER dated 6/20/94 from Daiel K. Kolb to Judge Nickerson acknowledging receipt of Magistrate Caden's Report & Recommendation regarding formation of a provisional class of pre-school children. (Greves, Liz) (Entered: 04/17/1996)
04/26/1996	85	Calendar entry: Before Judge Nickerson—Case called for status/settlement conference. Counsel for all sides present. Pltff is attempting settlement with NY State defts; cannot discuss settlement with NYC defts until State issues are resolved. Motion for preliminary injunction outstanding. This case is referred back to Mag. Caden due to similarity with Jose P. v Sobol 96cv1834 (EHN). set status/settlement conference for 6/14/96 before Judge Eugene H. Nickerson . (Vasquez, Liz) (Entered: 05/06/1996)
04/30/1996	84	INTER—OFFICE MEMO from Shirley Wilson, Case Manager to Judge Nickerson, to Terry Vaughn, Operations Mgr., dated April 29, 1996, requesting that this action be reassigned to Mag. Judge Caden for all pre—trial purposes, since this action is similar to 1:96—cv—1834, "Jose P. V. Ambach". (Vaughn, Terry) (Entered: 04/30/1996)
04/30/1996		CASE REFERRED to Magistrate John L. Caden. See Document No. 84. (Vaughn, Terry) (Entered: 04/30/1996)
06/14/1996	86	Calendar entry: Status Conference held before Judge Nickerson on 6/14/96. ESR: Lisa Auson. Case called. Counsel for all sides present. Counsel is directed to schedule a conference before Magistrate Caden. (Murphy, Margaret) (Entered: 06/18/1996)
06/21/1996	87	LETTER dated 6/13/96 from Steven Rappaport to Judge Nickerson, that there is ample reason for the Court to defer approval of the proposed partial settlement until such time as more information is available and City defts and other affected entities are given a full opportunity to express their legitimate concerns. (Dobkin, David) (Entered: 06/21/1996)
06/24/1996	88	FAXED LETTER dated 6/13/96 from Steven J. Rappaport to Judge Nickerson regarding the proposed partial settlement. (Guzzi, Roseann) (Entered: 06/24/1996)
07/08/1996	89	Pltffs' Memo of Law in support of their request to approve the proposed stipulation & order regarding LEP students. (Greves, Liz) (Entered: 07/09/1996)
07/08/1996	90	AFFIDAVIT of Roger Juan Maldonado in support of plttfs' request to approve the proposed stipulation & order regarding LEP students. (Greves, Liz) (Entered: 07/09/1996)
07/08/1996	91	LETTER dated 7/8/96 from Roger Juan Maldonado, to Magistrate Caden, informing the Court of the issues plaintiffs would like to address at the conference scheduled to be held on 7/9/96 at 4:00 p.m. (Murphy, Margaret) (Entered: 07/09/1996)

07/09/1996	92	DECLARATION of Steven J. Rappaport, counsel for Board of Education, Ramon Cortines, Howard S. Tames, and NYS Education Dept. Re: in opposition to preliminary approval of a partial settlement between plaintiffs and state defendants. Exhibits A–G attached. (Murphy, Margaret) (Entered: 07/10/1996)
07/09/1996	93	MEMORANDUM by Board of Education, Ramon Cortines, Howard S. Tames, and NYS Education Dept. in opposition to the preliminary approval of a partial settlement between plaintiffs and state defendants. (Murphy, Margaret) (Entered: 07/10/1996)
07/09/1996	94	Calendar entry: Civil Conference held before Magistrate Caden on 7/9/96. Magistrate Judge reserved decision. Set status conference for 10:30 on 7/12/96 before Magistrate John L. Caden . (Murphy, Margaret) (Entered: 07/10/1996)
07/12/1996	95	TRANSCRIPT of Motions filed for 7/9/96 before Magistrate Caden. Court Reporter: Sheldon Silverman. (Murphy, Margaret) (Entered: 07/15/1996)
07/12/1996	96	Calendar entry: Civil Conference held before Magistrate Caden on 7/12/96. Set status conference for 10:00 on 7/22/96 before Magistrate John L. Caden . Parties will present an order to be signed by the Magistrate Judge setting the date of Thursday 9/19/96 and Friday 9/20/96 for the hearing on plaintiff's and State Defendants application for preliminary approval of a partial settlement. (Murphy, Margaret) (Entered: 07/15/1996)
07/22/1996	97	Calendar entry: Civil Conference held before Magistrate Caden on 7/22/96. The magistrate judge enters a written order preliminarily approving settlement, directing notice to the class and setting a hearing on proposed settlement. (Murphy, Margaret) (Entered: 07/23/1996)
07/23/1996	98	ORDER PRELIMINARILY APPROVING SETTLEMENT, DIRECTING NOTICE TO THE CLASS AND SETTING A HEARING ON PROPOSED SETTLEMENT. The Court will hold a hearing on 9/19/96 at 10:00 a.m. to determine whether the proposed Stipulation of settlement proposed among certain parties to this action is fair. All written objection shall be submitted on or before 7/22/96. (signed by Magistrate John L. Caden, dated 7/22/96) c/m. ** See document for complete details. (Murphy, Margaret) (Entered: 07/23/1996)
08/21/1996	99	Calendar entry: Civil Conference held before Magistrate Caden on 8/21/96. Set status conference for 3:00 on 9/17/96 before Magistrate John L. Caden . Notice to Haitian Creole parents has been extended one week due to a delay in notice. Magistrate Caden will meet with the parties on 9/17/96 to discuss any outstanding notice issues. (Murphy, Margaret) (Entered: 08/22/1996)
08/30/1996	100	NOTICE that Stults & Balber, P.C. by Roger Juan Maldonado be substituted as attorneys of record for the plaintiffs in this case in place of Teitelbaum, Hiller, Rodman, Paden & Hibsher. (Murphy, Margaret) (Entered: 08/30/1996)
09/17/1996	101	Calendar entry: Civil Conference held before Magistrate Caden on 9/17/96. Hearing on proposed settlement has been adjourned from 9/20/96 until 9:00 on 10/8/96 and 10/9/96 before Magistrate John L. Caden (Murphy, Margaret) (Entered: 09/19/1996)
09/26/1996	102	LETTER dated 9/9/96 from Aida Fuentes, Bilingual Social Worker, to County Clerk, submitted as a written objection to the proposed class action. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	103	LETTER dated 9/9/96 from Ruth E. Gonsky, Social Worker, to County Clerk, submitted as a written objection to the proposed class action settlement. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	104	LETTER dated 9/9/96 from Marla Rose Fajardo, to County Clerk, submitted as a written objection to the proposed class action settlement. Letter was submitted in spanish and translated to english. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	105	LETTER dated 9/9/96 from Efrain Aga, to County Clerk, submitted as a written objection to the proposed class action settlement. Letter was translated from Spanish to English. (Murphy, Margaret) (Entered: 09/26/1996)

09/26/1996	106	LETTER dated 9/9/96 from Carmen Reyes, to County Clerk, submitted as a written objection to the proposed class action settlement. Letter was translated from Spanish to English. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	107	LETTER dated 9/9/96 from Enid Fernandez, to Sir/Madam, submitted as a written objection to the proposed class action settlement. Letter was translated from Spanish to English. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	108	LETTER dated 9/9/96 from Candido Retome, to County Clerk, submitted as a written objection to the proposed class action settlement. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	109	LETTER dated 9/9/96 from Dary Bracero, to County Clerk, submitted as a written objection to the proposed class action settlement. Letter was translated from Spanish to English. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	110	LETTER dated 9/9/96 from Sagrario Lisandro, to County Clerk, submitted as a written objection to the proposed class action settlement. Letter was translated from Spanish to English. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	111	LETTER undated, from Vilma Mercedes, to County Clerk, submitted as a written objection to the proposed class action settlement. Letter was translated from Spanish to English. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	112	LETTER dated 9/9/96 from Jesus Celeste Torres, to County Clerk, submitted as a written objection to the proposed class action settlement. Letter was translated from Spanish to English. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	113	LETTER dated 9/9/96 from Emilian Retome, to County Clerk, submitted as a written objection to the proposed class action settlement. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	114	LETTER dated 9/9/96 from Irma Ortiz to County Clerk, submitted as a written objection to the proposed class action settlement. Letter was translated from Spanish to English. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	115	LETTER dated 9/9/96 from Isabel Agostini, to County Clerk, submitted as a written objection to the proposed class action settlement. Letter was translated from Spanish to English. (Murphy, Margaret) (Entered: 09/26/1996)
09/26/1996	116	LETTER dated 9/9/96 from Luz M. Cruz, to County Clerk, submitted as a written objection to the proposed class action settlement. Letter was translated from Spanish to English. (Murphy, Margaret) (Entered: 09/26/1996)
10/08/1996	117	Calendar entry: Before JLC. Case called @10am for hearing. Parties present. (Courtreporter Holly Driscoll) The M.J. held a hearing on a "proposed stipulation and order" submitted by the LEP plttfs and the State Education Dept; for reasons set forth on the record, the M.J. has approved & recommended the stipulation & order be signed by J. Nickerson. (Mulqueen, Ellen) (Entered: 10/09/1996)
10/16/1996	118	Trial Exhibits submitted. (Murphy, Margaret) (Entered: 10/16/1996)
10/17/1996	119	TRANSCRIPT of Hearing filed for dates of 10/8/96 before Magistrate Caden. Court Reporter: Holly Driscoll. (Murphy, Margaret) (Entered: 10/18/1996)
12/03/1996	120	STIPULATION AND ORDER whereaas plaintiff claim that defendants New York State Education Department, the Commissioner of Education of the State of New York and the Governor of the State of New York have violated plaintiffs rights to a free appropriate preschool public education in the least restrictive environment that meets their individual needs, including language needs, as guaranteed by by federal and state statutes and the regulations promulgated thereunder. (signed by Judge Eugene H. Nickerson, dated 11/7/96) **See document for complete details. (Murphy, Margaret) (Entered: 12/03/1996)
06/06/1997	121	REQUEST for Status Report from Shirely Wilson, Case Manager to counsel. It is requested that they inform the court in writing as to the present status and anticipated progress of this action within 20 days of this inquiry. (Murphy, Margaret) (Entered: 06/06/1997)

07/01/1997	122	LETTER dated 6/19/97 from Roger Juan Maldonado, one of the plaintiffs' counsel, to Judge Nickerson, advising that the parties will inform the Court promptly once the parties either reach an agreement on the proposed LRE Order or an impasse in settlement negotiations. (Murphy, Margaret) (Entered: 07/01/1997)
03/02/1998	123	NOTICE dtd. 2/27/98 Request for status report within 20 days of date of this inquiry. Copies mailed (Jackson, Ramona) (Entered: 03/02/1998)
04/16/1998	124	STATUS REPORT On ltr. dtd. 3/18/98 from Roger Juan Maldonado plttf's have been negotiating the terms of proposed stip. & order settling remaining claims. (Jackson, Ramona) (Entered: 04/16/1998)
04/22/1998	125	Calendar entry: Before Mag Caden Civil Conf. It appears that the parties will reach a global settlement of all issues in the case subject to a hearing on notice to all class members; set final conference for 3:00 7/28/98 before Magistrate John L. Caden (Jackson, Ramona) (Entered: 04/29/1998)
09/10/1998	126	Calendar entry: before Magistrate Judge Caden—Civil Conference held. It appears that the parties will submit to the Magistrate Judge on 11.04.98 a proposed settlement of all remaining claims (substantive) in this case together with a proposed notice procedure and hearing schedule on the settlement. Next status conference set for 2:30 on 11/4/98 before Magistrate John L. Caden . Galeano, Sonia (Entered: 09/14/1998)
11/04/1998	127	Calendar entry: Before Mag Caden Civil Conf. Parties will submit a proposed order of settlement to include an order preliminary approving the settlement together with the notice to be provided to the class, set scheduling conference for 10:00 1/28/99 before Magistrate John L. Caden (Jackson, Ramona) (Entered: 11/17/1998)
01/08/1999	128	ORDER dtd. 1/7/99 Preliminary Approving Settlement, directing notice to the Class and Setting a hearing on proposed settlement on Jan 28, 1999 @ 10:00 (signed by Magistrate John L. Caden) (Jackson, Ramona) (Entered: 01/08/1999)
01/08/1999		NOTICE of Hearing: set scheduling conference for Proposed Settlement on 10:00 1/28/99 before Magistrate John L. Caden (Jackson, Ramona) (Entered: 01/08/1999)
01/28/1999	129	Calendar entry: Before M.J. Caden. Case called on 1/28/99 @10am for settlement hearing. (Courtreporter: Holly Driscoll) Hearing held. After hearing, the Magistrate Judge respectfully recommended to the District Court that the parties written stipulation of settlement be approved for reasons which the M.J. set forth on the record. Exhibits 1 through 8 received into evidence. (Mulqueen, Ellen) (Entered: 02/01/1999)
01/28/1999	130	Joint Exhibit list received into evidence by M.J. Caden at hearing held on 1/28/99. Exhibits 1 through 8. (Exhibits placed in court file) (Mulqueen, Ellen) (Entered: 02/01/1999)
01/28/1999	131	STIPULATION and ORDER Recommended & signed by Magistrate John L. Caden and counsel dated 1/28/99; So ordered by Judge Nickerson and dated Feb. 25, 1999. Whereas the parties have conducted substantial discovery regarding the claims & defenses raised in this action; Whereas plttfs & the State defts have settled all issues as between them relating to limited English proficiency, pursuant to the Stip/Order dtd 11/7/96 signed by Judge Nickerson; Whereas plttfs & the State & City defts now agree to resolve all remaining issues w/respect to the certified class as between plttfs & State & City defts; Therefore, plttfs & the State & City defts, through their undersigned attorneys stipulate & agreei as follows: Integrated Placement Options, Training, Data Collection, Interagency Coordination, Monitoring Compliance, Issues Regarding LEP Students, Issues Regarding CPSEs/Timely Evaluations, Issues Regarding Transportation, LRE Issues. (see Stip./Order document #131 for details) (Mulqueen, Ellen) Modified on 03/30/1999 (Entered: 02/01/1999)
01/28/1999	132	DECLARATION OF BLANCHE GREENFIELD, Assistant Corporation Counsel, attorney for City defendants. (Mulqueen, Ellen) (Entered: 02/02/1999)
02/08/1999	133	TRANSCRIPT filed for proceeding before Mag Caden for dates of 1/28/99 (Jackson, Ramona) (Entered: 02/08/1999)

02/26/1999		Case closed (Jackson, Ramona) (Entered: 02/26/1999)
02/26/1999	134	LETTER dated 2/5/99 from Roger Juan Maldonado to Judge Nickerson enclosed documents relating to proposed settlement. (Jackson, Ramona) (Entered: 02/26/1999)
02/26/1999	135	TRANSCRIPT filed for proceeding before Mag Caden for dates of 1/28/99 (Jackson, Ramona) (Entered: 02/26/1999)
02/26/1999	136	Declaration of BLANCHE GREENFIELD Board of Education et al Re: to set forth the steps taken to provide notice to the class of the proposed settlement. (Jackson, Ramona) (Entered: 02/26/1999)
02/26/1999	137	Exhibit one Ltr. to Mag caden from Mazrgery E.Ames (Jackson, Ramona) (Entered: 02/26/1999)
06/05/2000	138	LETTER dated 5/17/2000 from Daniel F Kolb to Counsels motion for atty's fees with supporting documents. (Jackson, Ramona) (Entered: 06/05/2000)
06/27/2000	139	LETTER dated 6/21/00 from Nancy Lazar, Esq., to Judge Nickerson advising that this matter has been settled, and requesting that the motion conference scheduled for 6/23/00 be removed from the Court's calendar. Stipulation and Order will be submitted shortly. (Rodriguez,Angela) (Entered: 06/27/2000)
08/30/2000	140	STIPULATION and ORDER DPW'S motion for atty's fees Denied. City def't's to pay to DPW\$545,000. State def't's to pay DPWthe sum \$180,000.00. See document for all other orders. (signed by Judge Eugene H. Nickerson , on 8/23/2000) (Jackson, Ramona) (Entered: 08/30/2000)
01/25/2001	141	STIPULATION and ORDER Total Atty's fees and costs payable to plttf's is \$15,098.00 in complete satisfaction of all atty's fees, costs & disbursements. (signed by Judge Eugene H. Nickerson , on 1/24/2001) (Jackson, Ramona) (Entered: 01/25/2001)
08/24/2001	142	STIPULATION and ORDER extending until 9.30.01 the term of the 2.25.99 Stipulation and Order. The parties are attempting to settle issues that have recently developed. (signed by Judge Eugene H. Nickerson on 8.29.01) (Rodriguez,Angela) (Entered: 09/05/2001)
09/05/2001	143	LETTER dated 8.24.01 from Roger Juan Maldonado to Judge Nickerson advising that the parties are finalizing a stipulation and order for the court's consideration. The parties wish to extend the 2.25.99 stipulation to 9.30.01. (Rodriguez,Angela) (Entered: 09/05/2001)
09/29/2001	144	LETTER dated 9.28.01 from Roger Juan Moldonado to Clerk of Court enclosing an original stipulation for the court's approval. (Rodriguez,Angela) (Entered: 10/01/2001)
09/29/2001	145	STIPULATION and ORDER signed by Judge Eugene H. Nickerson on 10.1.01. The LRE stipulation period is extended through 12.31.01. The parties reserve the right to further extend the stipulation beyond 12.31.01, if the parties so agree, but not later than 6.30.02. (Rodriguez,Angela) (Entered: 10/11/2001)
11/09/2001	146	LETTER dated 9.28.01 from Roger Juan Maldonado to Judge Nickerson enclosing a stipulation for the court's consideration. The parties agree to extend the effective period of the settlement agreement through 12/31/01. (Rodriguez,Angela) (Entered: 11/13/2001)
11/09/2001	147	STIPULATION and ORDER: The period of time the LRE Stipulation shall remain in effect shall be extended through 12/31/01. The parties reserve the right to extend the period beyond 12/31/01, but not later than 6/30/02. (signed by Judge Eugene H. Nickerson on 10/22/01) (Rodriguez,Angela) (Entered: 11/13/2001)
01/22/2002	148	LETTER dated 12/21/01 from Roger Moldonado to Clerk of Court enclosing a Stipulation and Order for the court's approval (attached-unsigned). (Rodriguez,Angela) (Entered: 01/22/2002)
01/22/2002	149	LETTER dated 12/21/01 from Roger Moldonado to Judge Nickerson enclosing a stipulation and order that will extend the parties' settlement agreement through

		6/30/02. (Rodriguez,Angela) (Entered: 01/22/2002)
04/10/2002	150	STIPULATION and ORDER: The period of time the LRE Stipulation shall remain in effect is extended through 6/30/02. C/M. (signed by Judge Raymond J. Dearie , on 1/25/02) (Chee, Alvin) (Entered: 04/10/2002)
09/25/2003	151	STIPULATION AND ORDER: The total attorneys' fees and costs payable to plaintiffs' counsel is \$60,000, which sum shall be in complete satisfaction of all outstanding attorneys' fees, costs and disbursements incurred by plaintiffs' counsel. City defts shall pay \$49,000. State defts shall pay \$11,000. C/M. Signed by Judge Raymond J. Dearie on 9/22/03. (Chee, Alvin) (Entered: 09/25/2003)