

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

**CHARLES PATRICK PRATT and
A.E.P. through her parents and next friends
Bobbi Lynn Petranchuk and Todd Edward
Petranchuk,**

Plaintiffs,

**AFFIDAVIT OF JAMES
KETTRICK
7:09-cv-411
(GTS/GHL)**

v.

**INDIAN RIVER CENTRAL SCHOOL
DISTRICT; INDIAN RIVER CENTRAL
SCHOOL DISTRICT BOARD OF
EDUCATION; JAMES KETTRICK,
Superintendent of Indian River Central School
District, in his official and individual
Capacities; TROY DECKER, Principal of
Indian River High School, in his official and
Individual capacities; and JAY BROWN,
JOHN DAVIS, KENDRA GRAY, AMABLE
TURNER and PATRICIA HENDERSON, IN
their individual capacities,**

Defendants.

STATE OF NEW YORK)
COUNTY OF JEFFERSON) ss.:

I, **JAMES KETTRICK**, being duly sworn, depose and state that:

1. I am the Superintendent for the Indian River Central School District (the "District") and I have been in this position since 2006. As such, I am fully familiar with the facts and circumstances set forth herein. The information set forth herein is based on my personal knowledge and/or my review of District records kept in the normal course of business.

2. I submit this affidavit in support of the Defendants' motion to dismiss/motion for summary judgment in connection with the above referenced matter.

3. As District Superintendent, I am always advised when any type of legal proceedings are commenced against the District. For example, if the District Clerk is served with a Notice of Claim, a discrimination complaint, or any other types of legal complaints, the Clerk immediately forwards a copy of the same to my attention. I have reviewed our relevant District records and see no evidence that the Plaintiffs in this case ever served a Notice of Claim upon the District at any time, and I do not believe that she ever did so.

4. Plaintiff Pratt's date of birth is August 16, 1988, hence, he turned 18 years old on August 16, 2006. Pratt attended kindergarten, primary school (grades 1-4), middle school (grades 5-8) in the District. Pratt also attended high school in the District for a limited period of time. Pratt entered high school in the ninth grade in the fall of 2002. During the 2002-2003 school-year, Pratt did not attend school in the District after May 4, 2003 and did not return to the District until the start of the next school-year in September of 2003. Pratt started 9th grade in the District for the second time in the fall of 2003, and his last day attending the District during the 2003-2004 school year was January 4, 2004. Pratt did not attend one day of school in the District's high school after January 4, 2004 until the start of the 2004-2005 school-year in September of 2004.

5. Pratt did not attend summer school during the summer of 2003 or the summer of 2004. The summer vacation period in the District for the summer immediately preceding the 2003-2004 school-year started immediately after graduation, which took place on June 27, 2003, and lasted until September 3, 2003. The summer vacation period in the District for the summer immediately preceding the 2004-2005 school-year started immediately after graduation on June 25, 2004, and lasted until September 7, 2004. Pratt returned very briefly to the District in the fall of 2004. After the fall of 2004,

Pratt never returned to the District. It should be noted that the lengths of the summer vacation periods described above is typical for the District since the time Pratt started attending.

6. AEP is currently a sophomore in the District's high school. A "Gay Straight Alliance," club of the type referenced in the Complaint currently exists in the District's high school.



James Kettrick

Sworn to me before me this
12th day of June, 2009.



Notary Public

SHARON R. MILLS
Notary Public, State of New York
No. 01MI6082328
Qualified in Jefferson County
Commission Expires 10-21-10