

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:04-cv-00705-ADS-ARL**

National Law Center on Homelessness and Poverty, R.I. et al v. State of New York et al
Assigned to: Judge Arthur D. Spatt
Referred to: Magistrate Judge Arlene R. Lindsay
Cause: 42:1983 Civil Rights Act

Date Filed: 02/20/2004
Date Terminated: 03/31/2006
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

National Law Center on Homelessness and Poverty, R.I.
individually, and as parent and natural guardian of A.B., a minor child

represented by **Cheryl R. Brunetti**
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Plaintiff

M.W.

*individually, and as parent and guardian
of Da.W., Di.W., Dq.W., T.H. and S.J.,
minor children*

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Plaintiff

M.K.
*individually, and as parent and natural
guardian of S.P., a minor child*

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Plaintiff

T.K.
*and N.K., individually, and as parent and
natural guardian of K.K., on behalf of
themselves and all those similarly
situated*

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Plaintiff

R.C.
individually, and as parent and natural guardian of J.C., and on behalf of themselves and all those similiary situated

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Plaintiff

C.T.
, individually and as grant parent and natural guardian of M.W.

represented by **Cheryl R. Brunetti**
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Plaintiff

D.M.
*, individually and as parent and natural
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Defendant

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Defendant

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Defendant

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*as Associate Commissioner of Education
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Defendant

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Defendant

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Defendant

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Defendant

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Defendant

Janet Demarzo

*as Commissioner of the Suffolk County
Department of Social Services*

Defendant

Dan Hickey

*as Associate Commissioner of the Suffolk
County Department of Social Services*

Defendant

Longwood Central School District

TERMINATED: 10/07/2004

Defendant

Hampton Bays School District

TERMINATED: 10/07/2004

Defendant

Middle Country School District

TERMINATED: 10/07/2004

Defendant

Copiague Union Free School District

TERMINATED: 10/07/2004

Defendant

South Huntington School District

TERMINATED: 10/07/2004

Defendant

Medford School District

TERMINATED: 10/07/2004

Defendant

William Floyd School District

TERMINATED: 10/07/2004

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Defendant

Central Islip School District

TERMINATED: 10/07/2004

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Bay Shore Union Free School District

TERMINATED: 10/07/2004

Defendant**South Country School District***TERMINATED: 10/07/2004***Defendant****Brentwood School District***TERMINATED: 10/07/2004***Defendant****North Babylon School District***TERMINATED: 10/07/2004***Defendant****Amityville School District***TERMINATED: 10/07/2004***Defendant****Riverhead School District***TERMINATED: 10/07/2004***Defendant****John Doe***School Districts 1-10*

Date Filed	#	Docket Text
02/20/2004	<u>1</u>	COMPLAINT Summons Issued against Amityville School District, Bay Shore Union Free School District, Brentwood School District, Central Islip School District, Copiague Union Free School District, Janet Demarzo, Robert Doar, John Doe, Sheila Evans-Tranumn, Hampton Bays School District, Dan Hickey, Longwood Central School District, Patricia McGuirk, Medford School District, Middle Country School District, Richard P. Mills, New York State Education Department, New York State Office of Temporary and Disability Assistance, North Babylon School District, Riverhead School District, South Country School District, South Huntington School District, State of New York, Suffolk County Department of Social Services, William Floyd School District filing fee \$ 150, receipt number 12106, filed by M.K., M.W., National Law Center on Homelessness and Poverty, R.I., T.K.. (Attachments: # <u>1</u> Civil Cover Sheet)(Duong, Susan) (Entered: 03/01/2004)
02/20/2004	2	ORDER TO SHOW CAUSE by Pltffs – It is Ordered, that the above-named dfts show before this Court, on 2/27/04 @ 1:30 p.m., why an Order should not be issued pursuant to Rule 65 of the FRCP granting preliminary injunction against dfts requiring them to provide transportation to and from school for the pltffs and requiring them to admit and enroll the pltffs in their school district of origin as defined in federal and state law. Ordered that a copy of this Order, together with the papers upon which it is granted be personally served upon the dfts on or before 2/24/04 by 5:00 p.m., and that such service be deemed good and sufficient. (Signed by Judge Arthur D. Spatt on 2/20/04). C/F(Coleman, Laurie) (Entered: 03/03/2004)
02/20/2004	3	PROPOSED TEMPORARY RESTRAINING ORDER – Ordered, that Pltffs' motion for a temporary restraining order is hereby granted. Ordered that the dft Suffolk County Department of Social Services (and Janet DeMarzo, as Commissioner of the Suffolk County Department of Social Services), Longwood Central School District, NY State Education Department (and Richard P. Mills, as Commissioner of Education of the State of NY), NYS Office of Temporary and Disability Assistance (and Robert Doar as Acting Commissioner of the NYS Office of Temporary and Disability Assistance) are enjoined to provide transportation for S.P., a minor child, to and from Longwood High School until this matter is heard on pltffs' motion for preliminary injunction. Ordered that the above-named dfts will take all necessary steps to entroll S.P. at Longwood High School and to provide her a public education, including such

		special education services as S.P. has previously been determined to be entitled to; Ordered that this Order shall expire in 10 days from the date of the Order, unless extended for good cause shown. Ordered that no security for costs or damages need be posted. PROPOSED TEMPORARY RESTRAINING ORDER DENIED AS MOOT (Signed by Judge Spatt, on 2/20/04). C/F(Coleman, Laurie) (Entered: 03/03/2004)
02/20/2004	4	MOTION to Seal ; <i>Motion to File Under Seal and Limit Disclosure of Certain Identifying Information – Pltffs, M.K. and her daughter S.P. move this court for an order permitting them to file the Affidavit of M.K. in support of their Motion for Temporary Restraining Order and Preliminary Injunction under seal and to keep these documents under seal and immune from public disclosure. Pltffs request that the Affidavit of M.K. be filed under seal, that her residency and all other identifying information be sealed, and that all references to M.K. and her daughter S.P. in public documents be made by initials only. In the event that the Court does not grant the aforementioned relief, the plttf s seek an order that any copies of the Affidavit of M.K. that are made public are redacted to exclude the names, addresses, and other identifying information of the plttffs. Filed by M.K., M.W., National Law Center on Homelessness and Poverty, R.I., T.K.. (Coleman, Laurie) (Entered: 03/03/2004)</i>
02/20/2004	5	ORDER granting 4 Motion to Seal – Pursuant to Rule 26(c) of the FRCP, the Family Education Rights and Privacy Act and the Individuals with Disabilities Education Act, I order that the Affidavit of the plttf M.K. be sealed and not made available for public disclosure, that M.K.'s residency and all other identifying information be sealed, and that all references to M.K. and her daughter S.P. in public documents be made by initials only. (Signed by Judge Arthur D. Spatt on 2/20/04). C/F (Coleman, Laurie) (Entered: 03/03/2004)
02/20/2004	6	MEMORANDUM OF LAW by M.K., M.W., National Law Center on Homelessness and Poverty, R.I.. Re: In Support of plttfs 2 Order to Show Cause for Temporary Restraining Order and Preliminary Injunction. (Coleman, Laurie) (Entered: 03/03/2004)
02/20/2004	7	AFFIDAVIT of Jeffrey A. Simes on behalf of M.K., M.W., National Law Center on Homelessness and Poverty, R.I. Re: In Support of plttf's 2 Order to Show Cause for Temporary Restraining Order and Preliminary Injunction.(Coleman, Laurie) (Entered: 03/03/2004)
02/25/2004	13	LETTER dated 2/25/04 from Eric Musselman to Robert C. Heinemann Re: Enclosed for filing and docketing are the Affidavits of Service for the Summons, Complaint, Civil Cover Sheet, Order to Show Cause (OTSC) for Temporary Restraining Order and Preliminary Injunction; Pltffs' Memorandum of Law in Support of OTSC; Affidavit of M.K. in Support of OTSC; Affidavit of Jeffrey A. Simes in Support of OTSC; Proposed Order, Motion to File Affidavit under Seal and Proposed Order on Motion to file Affidavit under Seal; Affidavit of R.I.; Affidavit of M.W.; Affidavit of T.K; served upon the following dfts: Brentwood School District; Suffolk County Department of Social Services; Middle Country School District; Dan Hickey, Associate Commissioner of the Suffolk County Department of Social Services; Janet DeMarzo, Commissioner of the Suffolk County Department of Social Services; South Huntington School District; Central Islip School District; Bay Shore Union Free School District; North Babylon School District; Copiague Union Free School District; Amityville School District; Longwood Central School District; Hampton Bays School District; South Country School District; William Floyd School District; Medford School District; Riverhead School District; NYS Office of Temporary and Disability Assistance; Robert Doar, Acting Commissioner of the NYS Office of Temporary and Disability Assistance; State of NY; New York State Education Department; Richard P. Mills, Commissioner of Education of the State of NY; Sheila Evans–Tranumn, Associate Commissioner of Education of the State of New York; and Patricia McGuirk, Program Manager for the Homeless of the New York State Education Department.(Coleman, Laurie) (Entered: 03/10/2004)
02/25/2004	14	SUMMONS Returned Executed by M.K., M.W., National Law Center on Homelessness and Poverty, R.I.. – Copies of Summons, Complaint, Civil Cover Sheet, Order to Show Cause (OTSC) for Temporary Restraining Order and Preliminary Injunction; Pltffs' Memorandum of Law in Support of OTSC; Affidavit of M.K. in Support of OTSC; Affidavit of Jeffrey A. Simes in Support of OTSC; Proposed Order, Motion to File Affidavit under Seal and Proposed Order on Motion to file Affidavit

		under Seal; Affidavit of R.I.; Affidavit of M.W.; Affidavit of T.K., served upon the following dfts on 2/23/04: Amityville School District; Bay Shore Union Free School District; Brentwood School District; Central Islip School District; Copiague Union Free School District; Janet Demarzo; Hampton Bays School District; Dan Hickey; Longwood Central School District; Medford School District; Middle Country School District; New York State Office of Temporary and Disability Assistance; North Babylon School District; Riverhead School District; South Country School District; South Huntington School District; Suffolk County Department of Social Services; William Floyd School District; Answers due on 3/15/04.(Coleman, Laurie) (Entered: 03/10/2004)
02/25/2004	15	SUMMONS Returned Executed by M.K., M.W., National Law Center on Homelessness and Poverty, R.I. – Copies of Summons and Complaint as well as all copies of the papers, motions and affidavits filed in the above captioned action to date was served on 2/20/04 upon the following dfts: Sheila Evans–Tranumn; Patricia McGuirk; Richard P. Mills; New York State Education Department; State of New York; Answer for these dfts due 3/11/2004. (Coleman, Laurie) (Entered: 03/10/2004)
02/26/2004	41	LETTER MOTION dated 2/25/04 from Susan Connolly, Assistant Attorney General, to Judge Spatt Re: The above matter is currently scheduled before you on 2/27/04. It is requested that the return date be adjourned for one week to 3/5/04. (Coleman, Laurie) (Entered: 04/13/2004)
02/26/2004		ENDORSED ORDER granting the 41 letter application requesting that the return date be adjourned – The Order to Show Cause Hearing for the Preliminary Injunction is adjourned to 3/5/04 @ 1:30 p.m. Ms. Connolly is directed to fax a copy of this Order to all parties in this action. (Signed by Judge Arthur D. Spatt on 2/26/04). EOD #41, C/F, C/M.(Coleman, Laurie) (Entered: 04/13/2004)
03/02/2004	12	LETTER MOTION dated 3/1/04 from Christopher Garvey to Judge Spatt Re: In connection with plttf's preliminary injunction motion, scheduled for 3/5/04, I enclose for filing, affidavits of three named plttfs, identified herein by initials T.K., M.W. and R.I. these plttfs have requested that they, like plttf M.K. be allowed to proceed by initials only in this action and that these affidavits be filed with the Court under seal. We ask that the Court accept these documents for filing under seal.(Coleman, Laurie) (Entered: 03/10/2004)
03/02/2004		ENDORSED ORDER granting 12 letter application to seal the affidavits of plttfs T.K., M.W. and R.I. – Request to SEAL the Affidavits referred to in this letter GRANTED. In addition, the parties in this action are directed to identify the named–plttfs by initials only. (Signed by Judge Arthur D. Spatt on 3/2/04). EOD #12. C/M(Coleman, Laurie) (Entered: 03/10/2004)
03/04/2004	16	LETTER MOTION dated 3/3/04 from Christopher Garvey to Judge Spatt Re: Plttfs request that the Court order that Mr. Keenan and his clients serve opposition papers, if any, upon this office no later than 12 noon tomorrow, via facsimile. (Coleman, Laurie) (Entered: 03/10/2004)
03/04/2004		ENDORSED ORDER denying 16 letter application – Request to compel Raymond Keenan and his clients to serve opposition papers upon the plttfs on or before 12 noon on 3/4/04 DENIED. If necessary, the Court will set a briefing schedule with regard to these particular dfts at the Order to Show Cause Hearing on 3/5/04. (Signed by Judge Arthur D. Spatt on 3/4/04). EOD #16. C/F, C/M(Coleman, Laurie) (Entered: 03/10/2004)
03/04/2004	17	LETTER dated 3/4/04 from Raymond Keenan to Judge Spatt Re: We received a phone message and a copy of a letter to Your Honor from plttf's counsel, Christopher Garvey, Esq., regarding service of papers in opposition to the request for preliminary injunction. It has been our intention to serve papers in accordance with the applicable rules. However, we have no objection to service via fax by the close of business today. (Coleman, Laurie) (Entered: 03/10/2004)
03/04/2004	18	MEMORANDUM OF LAW by Janet Demarzo, Dan Hickey Re: In Opposition to plttf's 2 Motion for a Preliminary Injunction. (Coleman, Laurie) (Entered: 03/10/2004)
03/04/2004	19	AFFIDAVIT by Janet Demarzo, Dan Hickey Re: In Opposition to plttfs' 2 Order to Show Cause for a Preliminary Injunction. (Coleman, Laurie) (Entered: 03/10/2004)

03/04/2004	33	LETTER dated 3/3/04 from Mark Rushfield to Judge Spatt Re: Enclosed please find a courtesy copy of dft Hampton Bays School District's Notice of Motion, Affirmation (submitted both in opposition to the plttfs application for a preliminary injunction and in support of a motion to dismiss and Memorandum of Law, together with the cover letter by which they were filed with the Clerk's Office. (Coleman, Laurie) (Entered: 03/18/2004)
03/05/2004	9	MEMORANDUM OF LAW by Robert Doar, Sheila Evans-Tranumn, Patricia McGuirk, Richard P. Mills, New York State Education Department, New York State Office of Temporary and Disability Assistance, State of New York Re: In Opposition to plttfs' 2 Order to Show Cause for a Preliminary Injunction. (Coleman, Laurie) (Entered: 03/06/2004)
03/05/2004	10	AFFIDAVIT of Kate Ventura on behalf of Robert Doar, Sheila Evans-Tranumn, Patricia McGuirk, Richard P. Mills, New York State Education Department, New York State Office of Temporary and Disability Assistance, State of New York Re: In Opposition to plttf's 2 Order to Show Cause for a Preliminary Injunction. (Coleman, Laurie). (Entered: 03/06/2004)
03/05/2004	11	MEMORANDUM OF LAW by Plttfs, M.K., M.W., National Law Center on Homelessness and Poverty, R.I. Re: In further Support of their 2 Order to Show Cause for Preliminary Injunction. (Coleman, Laurie) (Entered: 03/09/2004)
03/05/2004	34	AFFIDAVIT of Kate Ventura on behalf of New York State Education Department, New York State Office of Temporary and Disability Assistance, State of New York Re: On behalf of the State Dfts' in Opposition to Plttfs' 2 request for preliminary injunctive relief. (Coleman, Laurie) (Entered: 03/18/2004)
03/05/2004	35	AFFIRMATION of James H. Pyun on behalf of William Floyd School District Re: In opposition to plttf's 2 application for a preliminary injunction.(Coleman, Laurie) (Entered: 03/19/2004)
03/05/2004	36	AFFIDAVIT of Janet Gilmore on behalf of William Floyd School District Re: In opposition to plttf's 2 application for a preliminary injunction. (Coleman, Laurie) (Entered: 03/19/2004)
03/05/2004	42	Minute Entry for proceedings held before Arthur D. Spatt : C. Garvey, for Plf; Ray Keenan, for dft.Show Cause Hearing held on 3/5/2004 @ 1:50 and 3:20. CR Owen Wicker Case called Counsel for ll parties present. OSC argued. Show Cause Hearing set for 3/11/2004 09:00 AM before Judge Arthur D. Spatt. (Barhome, Sydelle) (Entered: 04/22/2004)
03/06/2004	24	LETTER MOTION dated 3/4/04 from Christopher Garvey to Judge Spatt Re: In connection with plttfs' preliminary injunction motion, scheduled for a hearing before Your Honor on 3/5/04. I enclose for filing the affidavits of two putative class members, identified by initial D.M. and J.T. These individuals have requested that they like plttfs, M.K., R.I., M.W. and T.K. be identified by initials only in this action, and that these affidavits be filed with the Court under seal. (Coleman, Laurie) (Entered: 03/10/2004)
03/06/2004		ENDORSED ORDER granting plttfs' 24 letter request to seal the Affidavits of two putative class members, D.M. and J.T. – Request to SEAL the enclosed affidavits GRANTED. The parties in this action are directed to identify these individuals only by their initials. (Signed by Judge Arthur D. Spatt on 3/6/04). EOD #24. C/M(Coleman, Laurie) (Entered: 03/10/2004)
03/08/2004	46	REDACTED AFFIRMATIONS in OPPOSITION TO ORDER TO SHOW CAUSE FOR A PRELIMINARY INJUNCTION of Laura L. Pack and Donald Reed and REDACTED EXHIBITS, filed by Suffolk County (to replace the ones previously submitted). (Montero, Edher) (Entered: 04/27/2004)
03/10/2004	20	AFFIDAVIT of Raymond G. Keenan on behalf of Amityville School District, Middle Country School District, North Babylon School District, South Country School District Re: In Opposition to plttfs' 2 Motion for a Preliminary Injunction. (Coleman, Laurie) (Entered: 03/10/2004)
03/10/2004	21	AFFIDAVIT of Maria Taliercio as Assistant Superintendent for Pupil Personnel Services at Middle Country School District Re: In Opposition to plttfs' 2 Request for a

		Preliminary Injunction.(Coleman, Laurie) (Entered: 03/10/2004)
03/10/2004	22	AFFIDAVIT of Daniel Rose as District Registrar in the North Babylon Union Free School District Re: In Opposition to plttfs' Request for a Preliminary Injunction. (Coleman, Laurie) (Entered: 03/10/2004)
03/10/2004	23	AFFIDAVIT of Ken Dellaporta as assistant Director of Student Support Services in the South Country Central School District Re: In Opposition to plttfs' 2 Request for a Preliminary Injunction. (Coleman, Laurie) (Entered: 03/10/2004)
03/10/2004	27	AFFIDAVIT of Diana V. Houghton on behalf of Central Islip School UFSD Re: In Opposition to plttf's Motion for Preliminary Injunctive Relief. (Coleman, Laurie) (Entered: 03/12/2004)
03/10/2004	28	AFFIDAVIT of Neil M. Block on behalf of Bay Shore Union Free School District, Brentwood School District, Central Islip School District, Copiague Union Free School District, Longwood Central School District, Medford School District, Riverhead School District, South Huntington School District Re: In Opposition to plttfs' Motion for preliminary injunction.(Coleman, Laurie) (Entered: 03/12/2004)
03/11/2004	29	AFFIRMATION of Inez Maria Haettenschwiller on behalf of New York State Office of Temporary and Disability Assistance Re: In Opposition to plttf's 2 Order to Show Cause for preliminary injunctive relief. (Coleman, Laurie) (Entered: 03/12/2004)
03/11/2004	45	Minute Entry: Before Arthur D. Spatt on 3/11/04 at 9:00 am, civil cause for Order to Show Cause Hearing. Case called. Counsel for all parties present. Court Reporter Harry Rapaport. Order to Show Cause argued and continued to 3/17/04 (Montero, Edher) (Entered: 04/26/2004)
03/12/2004	37	LETTER dated 3/12/04 from Sena Kim–Reuter Law Clerk to Judge Spatt to Mark Rushfield, Esq. Re: I am returning your motion to dismiss the complaint and opposition to the plttf's motion for a preliminary injunction, which were filed together, without docketing and filing. As you appear to acknowledge in your letter, dated 3/11/04, Judge Spatt's Individual Rules require that, in general, motions must be fully briefed upon filing. You may refile your motion upon compliance with the Individual Rules. In addition, kindly file your opposition papers separately from your motion. The Court will deem your opposition papers as timely if such papers are filed within ten days of the date of this letter. (Coleman, Laurie) (Entered: 03/29/2004)
03/12/2004	38	LETTER dated 3/11/04 from Mark Rushfield to Judge Spatt Re: On 3/3/04 I served asnwering papers concerning the plttf's request for preliminary injunctive relief and a motion to dismiss for lackof subject matter jurisdiction. the motion complied with Local Rule 6.1. As the motion and opposing affidavit were coterminus, they were filed with the Clerk of the Court and a courtesy copy provided to Your Honor. However, I am concerned that in doing so I may have been in noncompliance with your individual rules of practice concerning the motion component of these submissions. I understand that plttf's answering papers are to be served within 10 business days after service of the moving papers, on or about 3/17/04. I presume that under your individual practice rules, I am to secure all the motion papers and file them together once all are ready. At that time, unless instructed otherwise, I shall submit another original set of the initial motion papers I submitted on March 3. Should the Court find the above procedure unacceptable or have any other directions, I would welcome them. (Coleman, Laurie) (Entered: 03/30/2004)
03/17/2004	47	Letter from Susan M. Connolly dtd. 3/16/04 to Judge Spatt. Re: The following constitutes comments from defts NYS Education Dept, NYS Office of Temporary & Disability Assistance and the individually named State defts with regard to the proposed Settlement Agreement submitted by plaintiffs. (Montero, Edher) (Entered: 04/27/2004)
03/17/2004	59	MINUTE ENTRY before Judge Arthur D. Spatt on 3/17/04 @ 10:45 a.m., for Civil Cause for Order to Show Cause for Preliminary Injunction. Counsel for all sides present. Case called. Motion argued – break for conference (11:15). Adjourned for further conference, date not specified. (Coleman, Laurie) (Entered: 06/17/2004)
04/02/2004	39	MOTION to Seal <i>Affidavit of R.C. and Limit Disclosure of Certain Identifying Information</i> – For an order permitting plttfs to file the <i>Affidavit of R.C. in support of</i>

		<i>their Order to Show Cause under seal and to keep these documents under seal and immune from public disclosure. Pltffs request that the Affidavit of R.C. be filed under seal, that her residency and all other identifying information be sealed, and that all references to R.C. and her daughter J.C. in public documents be made by initials only. Filed by M.K., M.W., National Law Center on Homelessness and Poverty, R.I., T.K.. (Coleman, Laurie) (Entered: 04/07/2004)</i>
04/02/2004		ENDORSED ORDER granting pltffs' 39 Motion to Seal to Seal the Affidavit of R.C. (Signed by Judge Arthur D. Spatt on 4/2/04). EOD #39, C/M. (Coleman, Laurie) (Entered: 04/07/2004)
04/02/2004	48	PROPOSED ORDER TO SHOW CAUSE – It is Ordered that the dfts Suffolk County Department of Social Services, Janet Demarzo, and Dan Hickey (collectively, the "Social Service Dfts") show cause before this Court, why an Order should not be issued pursuant to FRCP Rule 65, granting preliminary injunction against the Social Services dfts requiring them to provide transportation to and from the Sagamore Children's Psychiatric Center for a 30 day program initiated by the William Floyd School District, for J.C., the child of plttf R.C., and for such other relief the Court deems just and proper – APPLICATION DENIED, as the parties have resolved the issue herein. (Signed by Judge Arthur D. Spatt on 4/2/04). C/M. *(Proposed Temporary Restraining Order annexed, return unsigned from Chambers.)*(Coleman, Laurie) (Entered: 05/12/2004)
04/05/2004	43	AFFIDAVIT of Service for copies of the First Amended Class Action Complaint for Declaratory and Injunctive Relief, served upon State of New York Office of the Attorney General, Denis McEligot, Esq., Susan M. Connolly, Esq.; Suffolk County Department of Law, Jeltje Dejong, Esq., Laurie Pack, Esq.; Ingerman Smith, L.L.P., Neil M. Block, Esq., Christopher M. Powers, Esq.; Bernard T. Callan, Esq.; Guercio & Guercio, Gary L. Steffanetta, Esq., Raymond G. Keenan, Esq.; Ehrlich, Frazier & Feldman, Florence Frazier, Esq.; Shaw & Perelson LLP, Marc C. Rushfield, Esq.; Kevin Seaman, Esq., on 4/2/04, filed by M.K., M.W., National Law Center on Homelessness and Poverty, R.I., T.K. (Fagan, Linda) (Entered: 04/22/2004)
04/05/2004	60	LETTER dated 4/2/04 from Sanjay Malhotra to Judge Spatt Re: Dft William Floyd requests that it be given an opportunity to substantively respond to the complaint by virtue of a Rule 12(b) motion. We seek a briefing schedule from the Court for the submission of such papers. We also seek the Court's guidance on the status of plttf's initial motion for a preliminary injunction in light of our request to file a Rule 12(b) motion. William Floyd requests an opportunity to submit supplemental opposition papers given the additional affidavits filed by plttf's counsel. (Coleman, Laurie) (Entered: 06/17/2004)
04/05/2004	61	LETTER dated 4/14/04 from Christopher Garvey to Judge Spatt Re: We represent the plttfs. We received a letter by dft William Floyd's counsel, Sanjay B. Malhotra, to Your Honor dated 4/9/04, regarding our client J.C. and his mother R.C., which letter was our first contact from any dft on this issue. Although we would prefer to spend our time working on the proposed consent decree to ensure that homeless children are properly educated in Suffolk County, we nonetheless feel obligated to respond briefly to Mr. Malhotra's letter in order to carlify the record.(Coleman, Laurie) (Entered: 06/18/2004)
04/18/2004	62	LETTER dated 4/9/04 from Sanjay Malhotra to Judge Spatt Re: To inform the Court that dfts have just learned that J.C. and his mother have abandoned the homeless shelter on 4/3/04 and informed it that she would not be returning that night. The family has not returned to the shelter since. Thus, DSS has been obligated to discharge them from the shelter and cancel J.C.'s transportation services for next week when school re-opens from the Sprink break. The family's whereabouts are currently unknown to DSS or this office. Accordingly, notwithstanding the agreement reached by the parties in Court on 3/31/04, there will be no transportation services available to J.C. next week should the family return to the school district or to a DSS homeless shelter. William Floyd can no longer guarantee that J.C.'s placement at the special education program will remain open indefinitely. As Your Honor is aware, placement of a student in an out-of-district special education program occurs at great cost to the school district. (Coleman, Laurie) (Entered: 06/18/2004)

04/23/2004	44	TRANSCRIPT of Order to Show Cause before Judge Arthur D. Spatt on 3/31/04 @ 3:00 p.m. filed. Court Reporter: Dominick Tursi. (Coleman, Laurie) (Entered: 04/23/2004)
05/05/2004	63	LETTER MOTION dated 5/5/04 from Christopher Garvey to Judge Spatt Re: To request that the Court re-schedule the 5/7/04 status conference to 5/14/04 @ 10:00 a.m., in order to allow the New York State dfts the time they have requested for their clients to provide written comments to the revised proposed consent order. We ask the Court that, in the event that the parties reach a settlement agreement at the 5/14/04 conference, the Court proceed to hold a Rule 16 scheduling conference, so that plttfs may proceed with the case, including but not limited to discovery and class certification. (Coleman, Laurie) (Entered: 06/18/2004)
05/05/2004	108	LETTER/Fax dated 5/5/04 from Hon. Margaret J. Finerty to Judge Spatt Re: To request a telephone conference with you to discuss the progress of our monitorship, and our report to the Court regarding our activities to date. (Coleman, Laurie) (Entered: 08/12/2004)
05/14/2004	64	MINUTE ENTRY before Judge Arlene R. Lindsay on 5/14/04 @ 11:30 a.m., for Civil Cause for Initial Conference. Counsel for all sides present. (Coleman, Laurie) (Entered: 06/18/2004)
05/19/2004	49	MINUTE ENTRY before Judge Arlene R. Lindsay on 5/19/04 @ 2:30 p.m., for Civil Cause for Telephone Status Conference. Counsel for all sides present. The parties shall submit the fully-executed proposed pre-trial scheduling order to the undersigned with amendments to paragraphs 5 and 7 as agreed during this conference. So Ordered. C/F (Coleman, Laurie) (Entered: 05/24/2004)
05/19/2004	50	LETTER dated 5/19/04 from Susan Connolly Assistant Attorney General to Judge Lindsay Re: I am in receipt of a copy of letter from plttfs to you, seeking entry of a proposed discovery order in this case. On behalf of the state dfts, we strenuously object to the entry of the proposed order. (Coleman, Laurie) (Entered: 05/24/2004)
05/19/2004	51	LETTER dated 5/19/04 from Christopher Garvey to Judge Lindsay Re: We do not ask the Court to grant or deny any relief at this point. Rather, we believe that the Suffolk County Social Services dfts should be required to proceed by formal motion to seek Court approval of for the release of the information they seek. Not only is this procedure contemplated by applicable statutes and/or regulations, but furthermore, it will allow for an orderly process, provide us with time to consult with each of our clients concerning there issues, and otherwise bring matters before the Court in an efficient manner.(Coleman, Laurie) (Entered: 05/24/2004)
05/19/2004		ENDORSED ORDER on 51 Letter – Application to proceed by formal motion is denied. A telephone conference will be held on 5/26/04 @ 11:00 a.m. at which time the county may explain the relevance of these materials and their need for same. County to initiate the call. (Signed by Judge Arlene R. Lindsay on 5/19/04). EOD #51. C/F(Coleman, Laurie) (Entered: 05/24/2004)
05/19/2004	52	LETTER dated 5/19/04 from Lori Pack Assistant County Attorney to Judge Lindsay Re: It is requested that the attached subpoena be "so ordered" so that this office can obtain certain documents necessary to defend this case. **Resolved by 5/19/04 Order. ** (Coleman, Laurie) (Entered: 05/24/2004)
05/20/2004	53	LETTER dated 5/20/04 from Gary Steffanetta to Judge Lindsay Re: To request a telephone conference with you for assistance in resolving an important issue. (Coleman, Laurie) (Entered: 05/25/2004)
05/21/2004	54	LETTER dated 5/21/04 from Jeffrey Simes to Judge Lindsay Re: In response to yesterday's letter to Your Honor from Gary Steffanetta, counsel for various school district dfts, concerning the deposition of Kate Ventura, which is to take place 5/26/04. We can see no reason behind Mr. Steffenetta's letter other than to delay discovery in this case. (Coleman, Laurie) (Entered: 05/25/2004)
05/21/2004	55	MINUTE ENTRY before Judge Arlene R. Lindsay on 5/21/04 @ 3:00 p.m., for Civil Cause for Status Conference by telephone. Counsel for all sides present. (Coleman, Laurie) (Entered: 05/25/2004)

05/21/2004	84	MOTION to Certify Class <i>a. Class A: All school aged children (as defined by New York State Education Law) who, on or after 9/1/01: 1) have lived, or are living or will live in Suffolk County, New York; and 2) during such period have been, are or will be "homeless" as defined in the McKinney–Vento act, 42 U.S.C. 1143A. b. All parents, guardians or persons in a parental relationship for children in Class A, who, on or after 9/1/01: 1) have lived, are living or will live in Suffolk County, New York; and 2) during such period have been, are or will be "homeless" as defined in the McKinney–Vento Act, 42 U.S.C. 1143A. (Motion Served: 5/21/04, Motion Filed: 7/27/04). Filed by C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K.. (Coleman, Laurie) (Entered: 08/02/2004)</i>
05/21/2004	85	MEMORANDUM OF LAW by C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K. Re: In Support of Pltffs' 84 MOTION for Class Certification. (Motion Served: 5/21/04, Motion Filed: 7/27/04). (Coleman, Laurie) (Entered: 08/02/2004)
05/21/2004	86	DECLARATION of Jeffrey A. Simes on behalf of C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K. Re: In Support of Pltffs' 84 Motion for Class Certification. (Motion Served: 5/21/04). Motion Filed: 7/27/04). (Coleman, Laurie) (Entered: 08/02/2004)
05/21/2004	87	PROPOSED ORDER Re: Pltffs' 84 MOTION for Class Certification. (Returned Unsigned from Chambers).(Coleman, Laurie) (Entered: 08/02/2004)
05/21/2004	88	MEMORANDUM OF LAW by Robert Doar, Sheila Evans–Tranumn, Patricia McGuirk, Richard P. Mills, New York State Education Department, State of New York Re: In Opposition to Pltffs' 84 MOTION for Class Certification. (Motion Served: 5/21/04, Motion Filed: 7/27/04). (Coleman, Laurie) (Entered: 08/02/2004)
05/21/2004	89	AFFIRMATION of Susan M. Connolly on behalf of the "State Dfts" Re: In Opposition to Pltffs 84 MOTION for Class Certification. (Motion Served: 5/21/04, Motion Filed: 7/27/04).(Coleman, Laurie) (Entered: 08/02/2004)
05/21/2004	90	DECLARATION of Lori L. Pack on behalf of Suffolk County Department of Social Services Re: In Opposition to Pltffs' 84 MOTION for Class Certification. (Motion Served: 5/21/04, Motion Filed: 7/27/04). (Coleman, Laurie) (Entered: 08/02/2004)
05/21/2004	91	AFFIDAVIT of Donald Reed on behalf of Suffolk County Department of Social Services ("the County") Re: In Opposition to Pltffs' 84 MOTION for Class Certification. (Motion Served: 5/21/04, Motion Filed: 7/27/04).(Coleman, Laurie) (Entered: 08/02/2004)
05/21/2004	92	REPLY MEMORANDUM OF LAW by C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K. Re: In further Support of Pltffs' 84 MOTION for Class Certification. (Motion Served: 5/21/04, Motion Filed: 7/27/04). (Coleman, Laurie) (Entered: 08/02/2004)
05/21/2004	93	SUPPLEMENTAL DECLARATION of Jeffrey A. Simes on behalf of C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K. Re: In Support of Pltffs' 84 MOTION for Class Certification. (Coleman, Laurie) (Entered: 08/02/2004)
05/24/2004	57	LETTER/FAX MOTION dated 5/24/04 from Gary Steffanetta to Judge Spatt Re: This office has served as counsel to Hampton Bays School District, Middle Country School District, South Country School District, North Babylon, and Amityville School Districts. We make this application pursuant to Local Rule 1.4 for permission to withdraw from our representation of these five dft school districts, based upon the potential for a serious conflict of interest. (Coleman, Laurie) (Entered: 06/16/2004)
05/24/2004		ENDORSED ORDER granting 57 letter application requesting permission for Guercio & Guercio to withdraw from representing Hampton Bays School District, Middle Country School District, South Country School District, North Babylon, and Amityville School District. Request to withdraw from representation and permitting Ingerman Smith, LLP to be substituted as counsel for record GRANTED. (Signed by Judge Arthur D. Spatt on 5/24/04). EOD #57. C/M(Coleman, Laurie) (Entered: 06/16/2004)

05/26/2004	56	MINUTE ENTRY before Judge Arlene R. Lindsay on 5/26/04 @ 11:00 a.m., for Civil Cause for Telephone Conference. 1) County dft to submit proposed subpoena consistent with discussion at conference 2) Review of social services filed to be conducted pursuant to confidentiality agreement entered by all parties for counsel's eyes only. Review of social services files to commence with review of a single file as agreed to by parties. Parties to identify relevant component parts of said file. Subsequent review of files to be limited to relevant component parts so identified 3) Parties report scheduling order to be submitted shortly. So Ordered. C/F (Coleman, Laurie) (Entered: 06/15/2004)
05/26/2004	67	Letter from Gary L. Stefanetta dtd. 5/26/04 to All counsel serving endorsed order dtd. 5/24/04 of Judge Spatt for withdrawal of representation of Hampton Bays UFSC, Middle Country Central, South County Central, No. Babylon UFSC, Amityville UFSC. (Montero, Edher) (Entered: 06/23/2004)
05/27/2004	69	Letter from Christopher J. Garvey on behalf of plaintiffs dtd. 5/27/04 to Judge Lindsay enclosing a faxed stip & order concerning Discovery Plan executed by all counsel. Original to follow. (Montero, Edher) (Entered: 06/28/2004)
06/01/2004	<u>117</u>	STIPULATION AND ORDER Concerning Discovery Plan. So Ordered. Signed by Judge Arlene R. Lindsay on 6/1/04. (See attached Stipulation and Order for details.)(Dachille, Patti) (Entered: 09/28/2004)
06/04/2004	99	MOTION for Leave to Appear Pro Hac Vice – <i>For an Order allowing the admission of Jessica S. Blatt, Cheryl R. Brunetti, Courtney A. Clark, Christopher Nee, Sozi T. Sozinho, and Jeffrey R. Yousey as counsel for the plttfs. (Fee Paid: \$25.00, Receipt: 013124). Filed by C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K..</i> (Coleman, Laurie) (Entered: 08/11/2004)
06/04/2004	100	AFFIDAVIT of Christopher A. Garvey on behalf of C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K. Re: In Support of the 99 MOTION for an Order allowing the admission of Jessica S. Blatt, Cheryl R. Brunetti, Courtney A. Clark, Christopher Nee, Sozi T. Sozinho, and Jeffrey R. Yousey pro hac vice as counsel for the plttfs. (Fee Paid: \$25.00, Receipt: 013124).(Coleman, Laurie) (Entered: 08/11/2004)
06/04/2004	101	ORDER granting 99 Motion for Leave to Appear Pro Hac Vice – The admitted attorneys, Jessica S. Blatt, Cheryl R. Brunetti, Courtney A. Clark, Christopher Nee, Sozi T. Sozinho, and Jeffrey R. Yousey are permitted to argue or try this particular case in whole or in part as counsel or advocates representing the plttfs in this action. (Fee Paid: \$25.00, Receipt: 013124). (Signed by Judge Arthur D. Spatt on 6/4/04). C/M (Coleman, Laurie) (Entered: 08/11/2004)
06/04/2004	102	NOTICE OF APPEARANCE by Karen E. Weinberger on behalf of C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K. (Coleman, Laurie) (Entered: 08/11/2004)
06/07/2004	103	MOTION for Leave to Appear Pro Hac Vice – <i>For an Order allowing the admission of Georgia E. Yanchar, as attorney, pro hac vice to argue or try this case in whole or part as counsel for the plttfs. (Fee Paid: \$25.00, Receipt: 013144). Filed by C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K..</i> (Coleman, Laurie) (Entered: 08/11/2004)
06/07/2004	104	AFFIDAVIT of Jeffrey A. Simes on behalf of C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K. Re: In Support the 103 MOTION for an Order allowing the admission of Georgia E. Yanchar, as attorney, pro hac vice to argue or try this case in whole or part as counsel for the plttfs. (Fee Paid: \$25.00, Receipt: 013144). (Coleman, Laurie) (Entered: 08/11/2004)
06/10/2004	<u>106</u>	ORDER – Before the Court is the dft William Floyd's letter application seeking 1) to limit the number of school district depositions and 2) to compel the plttfs to produce Ms. Julianelle, who has been designated as the plttfs' 30(6)(b) witness, for a deposition in this district or to designate an alternative witness. Also before the court is the plttfs' letter application, seeking on behalf of the parties in the action, guidance in scheduling the depositions. The thirty–four deposition notices served upon the dfts without leave of the court are stricken. In light of the nature of this case and given the expedited discovery schedule each side may conduct up to 25 depositions. Plttfs may conduct depositions consistent with this order. As to the merits of the dft's motion to compel

		Ms. Julianelle to appear in person for her deposition, it is clear that the court may, upon motion, order that a deposition be taken by telephone. The dfts may either collectively contribute to the reasonable cost of producing Ms. Julianelle in this district or she may appear by telephone. The plttfs are reminded that if Ms. Julianelle appears by telephone, such depositions must also comply with Rule 28(b). Given the court's ruling with respect to the thirty-four notices of depositions, the plttfs' letter application seeking guidance in scheduling the depositions is moot. (See Order for further details). (Signed by Judge Arlene R. Lindsay, on 6/10/04). C/F(Coleman, Laurie) Modified on 8/12/2004 (Coleman, Laurie). (Entered: 08/11/2004)
06/14/2004	68	Letter dated 6/7/04 from Neil M. Block to Hon. Arthur D. Spatt re: This firm is counsel to thirteen (13) of the named school district defendants in the above-captioned litigation, including Central Islip Union Free School District. I make this application pursuant to Local Rule 1.4 for permission to withdraw from our representation of Central Islip based on a conflict of interest. (Dachille, Patti) (Entered: 06/26/2004)
06/14/2004		Endorsed ORDER re granting 68 Letter Application to withdraw from representation of Central Islip Union Free School District: Request to withdraw as counsel for defendant Central Islip Union Free School district is granted only when the defendant's new counsel has filed a notice of appearance. So Ordered. Signed by Judge Arthur D. Spatt on 6/14/04. d/f. EOD#68.(Dachille, Patti) (Entered: 06/26/2004)
06/14/2004	105	ORDER granting 103 Motion for Leave to Appear Pro Hac Vice – The admitted attorney Georgia E. Yanchar is permitted to argue or try this particular case in whole or in part as counsel for plttfs. (Fee Paid: \$25.00, Receipt #013144). (Signed by Judge Arthur D. Spatt on 6/14/04). C/M (Coleman, Laurie) (Entered: 08/11/2004)
06/16/2004	58	AFFIDAVIT OF SERVICE filed by Amityville School District, Hampton Bays School District, Middle Country School District, North Babylon School District, South Country School District – On 5/26/04 a copy of the Order of Judge Spatt, dated 5/24/04, was served by facsimile transmission and by U.S. Postal Service to Jeffrey A. Simes, Esq., Office of the Attorney General, Laurie Pack, Esq., Neil M. Block, Esq., Sanjay Malhotra, Esq. (Coleman, Laurie) (Entered: 06/16/2004)
06/16/2004	65	CERTIFICATE OF SERVICE by M.K., M.W., National Law Center on Homelessness and Poverty, R.I., T.K. – On 3/30/04 a copy of the Motion to file Affidavit Under Seal, Order to Show Cause, a proposed Order, and the Affidavit of R.C. was served upon all counsel listed herein. (Documents did not contain a file stamp date and therefore were stamped as of date of receipt in docketed, 6/16/04).(Coleman, Laurie) (Entered: 06/18/2004)
06/16/2004	66	AMENDED COMPLAINT <i>/(First Amended Class Action Complaint for Declaratory and Injunctive Relief)</i> against Amityville School District, Bay Shore Union Free School District, Brentwood School District, Central Islip School District, Copiague Union Free School District, Janet Demarzo, Robert Doar, John Doe, Sheila Evans-Tranumn, Hampton Bays School District, Dan Hickey, Longwood Central School District, Patricia McGuirk, Medford School District, Middle Country School District, Richard P. Mills, New York State Education Department, New York State Office of Temporary and Disability Assistance, North Babylon School District, Riverhead School District, South Country School District, South Huntington School District, State of New York, Suffolk County Department of Social Services, William Floyd School District, filed by R.C., C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., T.K..(Coleman, Laurie) (Entered: 06/18/2004)
06/18/2004	74	MOTION to Dismiss <i>the Amended Complaint pursuant to Rule 12(b)(6) of the FRCP. (Motion Filed: 7/19/04, Motion Served: 6/18/04).</i> Filed by Robert Doar, Sheila Evans-Tranumn, Patricia McGuirk, Richard P. Mills, New York State Education Department, New York State Office of Temporary and Disability Assistance, State of New York. (Coleman, Laurie) (Entered: 07/20/2004)
06/18/2004	75	AFFIRMATION of Susan M. Connolly on behalf of the "State Dfts" Re: In Support of their 74 MOTION to Dismiss <i>the Amended Complaint pursuant to Rule 12(b)(6) of the FRCP. (Motion Filed: 7/19/04, Motion Served: 6/18/04).</i> Filed by Robert Doar, Sheila Evans-Tranumn, Patricia McGuirk, Richard P. Mills, New York State Education Department, New York State Office of Temporary and Disability Assistance, State of New York. (Coleman, Laurie) (Entered: 07/20/2004)

06/18/2004	76	MEMORANDUM OF LAW in Support by Robert Doar, Sheila Evans–Tranumn, Patricia McGuirk, Richard P. Mills, New York State Education Department, New York State Office of Temporary and Disability Assistance, State of New York Re: In Support of the "State Dfts' 74 MOTION to Dismiss <i>the Amended Complaint pursuant to Rule 12(b)(6) of the FRCP.</i> (Motion Filed: 7/19/04, Motion Served: 6/18/04). (Coleman, Laurie) (Entered: 07/20/2004)
06/18/2004	77	MEMORANDUM OF LAW by C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K. Re: In Opposition to the "State Dfts" 74 MOTION to Dismiss <i>the Amended Complaint pursuant to Rule 12(b)(6) of the FRCP.</i> (Motion Filed: 7/19/04, Motion Served: 6/18/04). (Coleman, Laurie) (Entered: 07/20/2004)
06/18/2004	78	DECLARATION of Jeffrey A. Simes on behalf of C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K. Re: In Opposition to the State Dfts' 74 MOTION to Dismiss <i>the Amended Complaint pursuant to Rule 12(b)(6) of the FRCP.</i> (Motion Filed: 7/19/04, Motion Served: 6/18/04). (Coleman, Laurie) (Entered: 07/20/2004)
06/18/2004	79	REPLY MEMORANDUM OF LAW by Robert Doar, Sheila Evans–Tranumn, Patricia McGuirk, Richard P. Mills, New York State Education Department, New York State Office of Temporary and Disability Assistance, State of New York Re: In Further Support of the State Dfts' 74 MOTION to Dismiss <i>the First Amended Complaint pursuant to Rule 12(b)(6) of the FRCP.</i> (Motion Filed: 7/19/04, Motion Served: 6/18/04). (Coleman, Laurie) (Entered: 07/20/2004)
06/18/2004	125	Copy of a Subpoena in a civil case sent to Suffolk County Child Protective and Preventive Services. (Signed by Magistrate Judge Lindsay) (Mierzejewski, Elizabeth) (Entered: 10/20/2004)
06/25/2004	70	LETTER MOTION dated 6/24/04 from Neil Block to Judge Spatt Re: The undersigned represent the Pltffs and eleven of the thirteen School District Dfts. We write to inform the Court that Pltffs and eleven School District Dfts represented by Mr. Block (the "Settling Dfts") have reached an agreement in principle to settle the lawsuit as to the Settling Dfts. The settling Dfts include all of the School District Dfts with the exception of William Floyd and Central Islip. We jointly request that the Court suspend all deadlines in this case as they relate to the School District Defendants, and permit the parties to submit a revised Discovery Plan should the need arise, in order to facilitate settlement. (Coleman, Laurie) (Entered: 06/30/2004)
06/25/2004		ENDORSED ORDER on 70 Letter Application – Request to suspend all deadlines GRANTED. Deadlines shall be suspended until 8/20/04. (Signed by Judge Arthur D. Spatt on 6/25/04). EOD #70. C/M(Coleman, Laurie) (Entered: 06/30/2004)
06/30/2004	71	LETTER MOTION dated 6/24/04 from Jeffrey Simes to Judge Lindsay Re: Pltffs requests that the SCDSS dfts be ordered to 1) immediately and completely respond to pltffs' interrogatories, with all objections being deemed waived as untimely; 2) produce all responsive documents immediately; 3) correct and supplement their erroneous and misleading responses to pltffs' documents requests; and 4) pay pltffs' costs and fees on this motion and on any continuations of depositions necessitated by the SCDSS dfts' evasive approach to discovery, and that the Court grant such other relief as it deems appropriate. (Coleman, Laurie) (Entered: 07/07/2004)
06/30/2004		ENDORSED ORDER on 71 Letter Application – 1) Consistent with discussions held with this Court the SCDSS is directed to respond to outstanding interrogatory and document requests forthwith; 2) Motion to preclude objections is denied; 3) Motion for costs is denied. (Signed by Judge Arlene R. Lindsay on 6/30/04). EOD #71. C/F.(Coleman, Laurie) (Entered: 07/07/2004)
07/02/2004	72	LETTER dated 7/2/04 from Assistant Attorney General, State of NY to Judges Spatt/Lindsay Re: To request a three–week extension of the discovery schedule imposed by the Court in this case. The parties submit the following schedule: 7/8/04 – Service of opposition to motion to dismiss; 7/15/04 – Service of reply regarding motion to dismiss; 7/19/04 – Identification of experts with CVs; 8/9/04 – Conclusion of fact discovery; 8/13/04 – Service of expert reports; 8/31/04 – conclusion of expert discovery. (Coleman, Laurie) (Entered: 07/08/2004)

07/02/2004		ENDORSED ORDER on 72 Letter Application – Request for extension of the discovery schedule as set forth in this letter GRANTED. No further extensions. Discovery Schedule: 7/8/04 – Service of opposition to motion to dismiss; 7/15/04 – Service of reply regarding motion to dismiss; 7/19/04 – Identification of experts with CVs; 8/9/04 – Conclusion of fact discovery; 8/13/04 – Service of expert reports; 8/31/04 – conclusion of expert discovery.(Signed by Judge Arthur D. Spatt on 7/2/04). EOD #72. C/M.(Coleman, Laurie) (Entered: 07/08/2004)
07/12/2004	73	CONSENT TO CHANGE ATTORNEY – It is hereby consented by and between the undersigned that Lewis Johs Avallone Aviles & Kaufman, 425 Broad Hollow Road, Melville, NY 11747, be substituted as attorney of record for dft Central Islip School District in place and stead of Ingerman Smith, LLP. Withdrawing Attorneys: Neil, M. Block, Esq., of Ingerman Smith, LLP; Substituting Attorneys: Robert Cimino, Esq., of Lewis Johs Avallone Aviles & Kaufman. Mr. Cimino is directed to serve a copy of this order on all parties upon receipt. (Signed by Judge Arthur D. Spatt on 7/12/04). C/M(Coleman, Laurie) (Entered: 07/16/2004)
07/13/2004	80	LETTER/FAX dated 7/13/04 from Jeffrey Simes to Judge Lindsay Re: We request a ruling from Your Honor compelling the SCDSS dfts to produce the computer printouts from the Placement Unit, redacted so as not to reveal the names of the individual clients or families, immediately.(Coleman, Laurie) (Entered: 07/23/2004)
07/13/2004	110	ANSWER to 66 Amended Complaint by William Floyd School District.(Coleman, Laurie) (Entered: 08/12/2004)
07/22/2004	81	LETTER MOTION dated 7/13/04 from Jennifer McNamara to Judge Lindsay Re: I write in response to Mr. Simes letter of 7/13/04, regarding a discovery dispute. We request that Your Honor deny counsel's request as unduly burdensome and irrelevant. (Coleman, Laurie) (Entered: 07/23/2004)
07/22/2004	82	ENDORSED ORDER on 81 Letter Application – For the reasons identified in the County's response, plttf's application for computer runs of all SCDSS clients is DENIED. Discovery at this junctive is to be limited to named claimants. (Signed by Judge Arlene R. Lindsay on 7/22/04). EOD #81. C/F(Coleman, Laurie) (Entered: 07/23/2004)
07/22/2004	83	LETTER MOTION dated 7/15/04 from Jeffrey Simes to Judge Lindsay Re: We ask that the State be ordered to immediately provide dates for each of its witnesses whose depositions have been noticed. (Coleman, Laurie) (Entered: 07/23/2004)
07/22/2004		ENDORSED ORDER granting 83 Letter Application requesting that the State be ordered to immediately provide dates for each of its witnesses whose depositions have been noticed. (Signed by Judge Arthur D. Spatt on 7/22/04). EOD #83. C/F(Coleman, Laurie) (Entered: 07/23/2004)
07/26/2004	109	NOTICE OF OBJECTIONS TO ORDERS AND FINDINGS OF MAGISTRATE JUDGE by C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K. Re: In objection to the 7/22/04 Order of Magistrate Judge Arlene R. Lindsay. (Coleman, Laurie) (Entered: 08/12/2004)
07/29/2004	96	LETTER MOTION dated 7/29/04 from Howard Miller to Judge Spatt Re: To request that the Court extend all the deadlines as to Dft William Floyd School District until 8/30/04, to permit that District to execute the settlement agreement arrived at between the parites.(Coleman, Laurie) (Entered: 08/06/2004)
08/02/2004	<u>114</u>	LETTER/FAX dated 8/2/04 from Jeffrey Simes to Judge Spatt Re: Conercing the opposition submitted by Jennifer McNamara, counsel for Suffolk County Department of Social Services, to Plttf's Objections to Orders and Findings of Judge Lindsay. We write because several of SCDSS's arguments are misleading in the extreme. Plttfs reiterate their request that the requested documents be produced immediately, or in the alternative, that the class be certified as soon as possible. (Coleman, Laurie) (Entered: 08/19/2004)
08/02/2004	<u>115</u>	LETTER dated 8/2/04 from Jennifer McNamara to Judge Spatt Re: In response to Plttfs' Objection to Orders and Findings of Magistrate Judge Lindsay, dated 7/27/04. It is requested that Judge Lindsay's Order of 7/22/04 be affirmed. (Coleman, Laurie) (Entered: 08/19/2004)

08/03/2004	<u>94</u>	Letter from Jennifer McNamara to Judge Arthur D. Spatt Regarding Discovery dispute. (Holst, William) (Entered: 08/03/2004)
08/03/2004	<u>95</u>	Letter from Jennifer K. McNamara to Jeffrey Simes w/ cc to Judge Arthur D. Spatt Regarding Attorney conduct. (Holst, William) Additional attachment(s) added on 9/1/2004 (Coleman, Laurie). (Entered: 08/03/2004)
08/03/2004		ENDORSED ORDER granting Dft William Floyd's 96 Letter Application requesting an extension of all deadlines, until 8/30/04, to permit that District to execute the settlement agreement arrived at between the parties. (Signed by Judge Arthur D. Spatt on 8/3/04). EOD #96. C/M.(Coleman, Laurie) (Entered: 08/06/2004)
08/03/2004	<u>116</u>	LETTER dated 8/2/04 from Jennifer McNamara to Jeffrey Simes Re: Ms. Juliannelle currently works for the Pltff, National Law Center on Homelessness and Poverty, as an attorney and is Pltff's expert witness. It appears to be a breach of ethics for Ms. Juliannelle, as an attorney and as an expert witness in on-going litigation, to communicate directly with me, and more disturbingly, my client. (Coleman, Laurie) (Entered: 09/24/2004)
08/09/2004	<u>97</u>	Letter from Susan M. Connolly to Judge Lindsay Regarding Discovery issues. (Pack, Lori) (Entered: 08/09/2004)
08/10/2004	<u>98</u>	Letter from Jennifer K. McNamara, Esq. to Jeffrey Simes, Esq. Regarding Discovery dispute. (Holst, William) (Entered: 08/10/2004)
08/11/2004	<u>107</u>	Letter from Christopher J. Garvey to Judge Lindsay Regarding response to Susan Connolly's August 5, 2004 letter to Judge Lindsay. (Garvey, Christopher) (Entered: 08/11/2004)
08/16/2004	<u>111</u>	Minute Entry for proceedings held before Arlene R. Lindsay: Telephone Conference held on 8/16/2004. (c/ecf) (Goodstein, Alyce) (Entered: 08/16/2004)
08/16/2004	<u>112</u>	ORDER re <u>97</u> & <u>107</u> : The August 5, 2004 letter application by the state defendants is hereby withdrawn without prejudice. So Ordered. Signed by Judge Arlene R. Lindsay on 8/16/04. (c/ecf)(Goodstein, Alyce) (Entered: 08/16/2004)
08/18/2004	<u>113</u>	ORDER – Although the Court recognizes the validity of the plttfs' concerns, it concludes that Judge Lindsay's order was neither clearly erroneous nor contrary to law. Accordingly, the plttfs' motion to set aside her 7/22/04 Order is DENIED. However, after the pending motion for class certification is decided by this Court, if necessary, the plttfs may request to re-open discovery. The motion for class certification will be decided in due course. (Signed by Judge Arthur D. Spatt on 8/18/04). C/M.(Coleman, Laurie) (Entered: 08/18/2004)
10/05/2004	<u>134</u>	LETTER dtd 10/4/04 from counsel for plaintiffs to Judge Spatt re: Enclosed stipulation of settlement. The State and County Defendants have declined to settle the matter. Plaintiffs anticipate initiating a motion for summary judgment. (Mierzejewski, Elizabeth) (Entered: 11/09/2004)
10/07/2004	<u>132</u>	SETTLEMENT AGREEMENT AND CONSENT ORDER (Returned UNSIGNED by Judge Arthur D. Spatt). AMENDED CAPTION annexed – The Clerk of the Court is directed to amend the caption pursuant to herein. (Signed by Judge Arthur D. Spatt on 10/7/04). (Attachments: # <u>1</u> AMENDED CAPTION (Approved by ADS 10-07-04))(Coleman, Laurie) (Entered: 11/03/2004)
10/07/2004	<u>133</u>	SETTLEMENT AGREEMENT AND CONSENT ORDER (Signed by Judge Arthur D. Spatt on 10/7/04). C/M.(Coleman, Laurie) (Entered: 11/03/2004)
10/08/2004	<u>118</u>	Letter from State defendants to Arthur D. Spatt, U.S.D.J Regarding Plaintiffs' 56.1 Statement. (Connolly, Susan) (Entered: 10/08/2004)
10/08/2004	<u>119</u>	Letter from Susan A. Flynn to Hon. Arthur D. Spatt, U.S.D.J. Regarding motions for summary judgment await decision on class certification motion.. (Flynn, Susan) (Entered: 10/08/2004)
10/11/2004	<u>136</u>	ORDER granting the <u>118</u> Letter Application. Defendants' counterstatement shall be served by 11/12/04. Signed by Judge Arthur D. Spatt on 10/11/04. (Mahon, Cinthia) (Entered: 12/07/2004)

10/13/2004	<u>120</u>	Letter from Jeffrey A. Simes and Christopher J. Garvey to Judge Spatt Regarding response to the "non-settling Defendants'" October 8, 2004 letters. (Garvey, Christopher) (Entered: 10/13/2004)
10/15/2004	<u>121</u>	Letter from State defendants to Hon. Arthur D. Spatt Regarding Request for jury trial. (Connolly, Susan) (Entered: 10/15/2004)
10/15/2004	<u>135</u>	MINUTE ENTRY before Judge Arthur D. Spatt on 10/15/04 at 9:40 a.m., for Civil Cause for Telephone Conference. Counsel for all sides present. Court Reporter: Perry Auerbach. Case called. Conference held. OTHER: Letter from Mr. Garvey and Mr. Simes, dated 10/13/04. Court grants Motion for Class Certification. Court denies Motion to Dismiss. Court to issue written decision. 5:00 p.m. today, State dfts to notify this Court if it will ask for a Jury Trial. Jury Selection 10/25/04 at 9:00 a.m. or case will placed on 24 hour Non-Jury Reserve Calendar. (Coleman, Laurie) (Entered: 11/10/2004)
10/18/2004	<u>122</u>	Letter from Jeffrey A. Simes and Christopher J. Garvey to Judge Spatt Regarding clarification of the parties' position concerning the manner in which this case will be tried. (Garvey, Christopher) (Entered: 10/18/2004)
10/18/2004	<u>123</u>	PRETRIAL MEMORANDUM by National Law Center on Homelessness and Poverty, R.I.. (Garvey, Christopher) (Entered: 10/18/2004)
10/19/2004	<u>124</u>	REPLY in Opposition re <u>122</u> Letter from Jeffrey Simes by Suffolk County Department of Social Services. (Siegel, Jennifer) (Entered: 10/19/2004)
10/19/2004	<u>131</u>	MINUTE ENTRY for proceedings held before Arthur D. Spatt : For Plaintiff: Christopher J. Garvey, Jeffrey A. Simes and Deborah R. Berger. For Defendant: Denis McEligott, Susan Connelly and Susan Flynn. Telephone Conference held on 10/19/2004. Bench Trial scheduled for 10/28/04 @9:00. Jury selection for 10/25/04 is cancelled. (Court Reporter Harry Rapaport.) (Mierzejewski, Elizabeth) (Entered: 11/02/2004)
10/21/2004	<u>127</u>	Letter MOTION to Continue – <i>To request that the 10/22/04 conference be adjourned to 10/26/04. Filed by C.T., D.M., M.K., M.W., National Law Center on Homelessness and Poverty, R.I., R.C., T.K..</i> (Coleman, Laurie) (Entered: 10/25/2004)
10/21/2004		ENDORSED ORDER Re: Pltff's <u>127</u> Motion to Adjourn the 10/22/04 Conference – Adjourned to 10/26/04 at 1:30 p.m. (Signed by Judge Arthur D. Spatt on 10/21/04). EOD #127. (Coleman, Laurie) (Entered: 10/25/2004)
10/23/2004	<u>126</u>	MEMORANDUM OF DECISION AND ORDER – Ordered, that the 74 motion by the Dfts to dismiss this action pursuant to FRCP 12(b)(6) is DENIED. Ordered, that the Pltff's 84 motion for class certification pursuant to FRCP 23 is GRANTED. Ordered, that the parties are directed to proceed with the bench trial commencing on 10/27/04 at 9:00 a.m. (Signed by Judge Arthur D. Spatt on 10/23/04). C/M. (Coleman, Laurie) (Entered: 10/25/2004)
10/23/2004		Set/Reset Hearings: Bench Trial set for 10/27/2004 09:00 AM before Judge Arthur D. Spatt. (Coleman, Laurie) (Entered: 10/25/2004)
10/25/2004	<u>128</u>	ORDER – Ordered, that the portion of the Court's <u>126</u> decision which directed that the parties proceed with a bench trial commencing on 10/27/04 at 9:00 a.m. is hereby VACATED. Ordered, that the parties are directed to proceed with the bench trial commencing on 10/28/04 at 9:00 a.m. (Signed by Judge Arthur D. Spatt on 10/25/04). C/M.(Coleman, Laurie) (Entered: 10/25/2004)
10/25/2004		Set/Reset Hearings: Bench Trial set for 10/28/2004 09:00 AM before Judge Arthur D. Spatt. (Coleman, Laurie) (Entered: 10/25/2004)
10/25/2004	<u>129</u>	Ex Parte MOTION to Quash <i>Subpoena</i> by Richard P. Mills. (Attachments: # <u>1</u> Affidavit Affirmation of Susan M. Connolly# <u>2</u> Affidavit Richard P. Mills# <u>3</u> Affidavit Robert Doar# <u>4</u> Exhibit Mills Subpoena# <u>5</u> Exhibit Doar Subpoena# <u>6</u> Exhibit Mills July Affidavit)(Connolly, Susan) *** NOTE: The NYS Attorney General's Office inadvertently filed the above entry without attaching the Proposed Motion/Order to Show Cause to Quash. Susan Connelly of the NYS Attorney's General's Office has e-mailed a copy of the document to docketing and the Proposed Motion/OTSC has been attached to the above document). *** (Coleman, Laurie).

		Additional attachment(s) added on 10/26/2004 (Coleman, Laurie). Modified on 10/26/2004 (Coleman, Laurie). (Entered: 10/25/2004)
10/25/2004	<u>130</u>	PRETRIAL MEMORANDUM by Richard P. Mills. (Connolly, Susan) (Entered: 10/25/2004)
12/22/2004	<u>137</u>	Letter from Susan M. Connolly to Hon. Arthur D. Spatt Regarding Status of Draft Stipulation of Settlement. (Connolly, Susan) (Entered: 12/22/2004)
06/14/2005	<u>139</u>	LETTER dated 6/13/05 from Jeffrey A. Simes to Judge Spatt Re: To provide you with an update concerning the considerable progress the parties have made in the months since we last appeared before the Court, and also to request a status conference to expedite the tasks remaining to finalize the parties' consent order.(Coleman, Laurie) (Entered: 08/19/2005)
08/11/2005	<u>138</u>	Letter from Jeffrey A. Simes to Denis McElligott, Christopher Termini, Neil M. Block, Howard Miller Regarding Notice to counsel of the conference before Judge Spatt on Tuesday, September 6 at 10:00 a.m. (Simes, Jeffrey) (Entered: 08/11/2005)
08/19/2005	<u>140</u>	ORDER Re: <u>129</u> Motion to Quash – It is hereby Ordered, that due to the pending settlement of this case, the defendants' motion is DENIED without prejudice. (Signed by Judge Arthur D. Spatt, undated). C/ECF. (Coleman, Laurie) (Entered: 08/19/2005)
09/02/2005	<u>141</u>	Letter from Susan M. Connolly to Honorable Arthur D. Spatt Regarding Request for Adjournment. (Connolly, Susan) (Entered: 09/02/2005)
09/06/2005	<u>142</u>	MINUTE ENTRY before Judge Arthur D. Spatt on 9/6/05 at 10:10 a.m., for Civil Cause for Status Conference. Counsel for all sides present. Case called. Conference held. OTHER: Re: Letter from Mr. Simes. Settlement within two weeks. (Coleman, Laurie) (Entered: 10/05/2005)
10/19/2005	<u>143</u>	Letter from Jeffrey A. Simes to The Honorable Arthur D. Spatt Regarding request for the scheduling of a conference. (Simes, Jeffrey) (Entered: 10/19/2005)
10/31/2005	<u>145</u>	MINUTE ENTRY before Judge Arthur D. Spatt on 10/31/05 @ 12:15 p.m., for Civil Cause for Conference. Counsel for all sides present. Case called. Conference held. OTHER: Re Letter from Simes and Garvey. Executed Consent Order. (Coleman, Laurie) (Entered: 11/04/2005)
10/31/2005	<u>146</u>	AMENDED MINUTE ENTRY before Judge Arthur D. Spatt on 10/31/05 at 12:15 p.m., for Civil Cause for Conference. Counsel for all sides present. Court Reporter: Mary Ann Steiger. Case called. Conference held. Further conference scheduled for 11/3/05 at 9:00 a.m. OTHER: Rulings on the record regarding plaintiff's letter to the Court dated 10/19/05. (Coleman, Laurie) (Entered: 11/08/2005)
11/02/2005	<u>144</u>	Letter from Christopher J. Garvey to The Honorable Arthur D. Spatt Regarding confirmation that the November 3, 2005 status conference has been moved to November 4, 2005 at 11:30 a.m. (Garvey, Christopher) (Entered: 11/02/2005)
11/04/2005	<u>147</u>	MINUTE ENTRY before Judge Arthur D. Spatt on 11/4/05 from 11:35 a.m. to 11:70 a.m., for Civil Cause for Conference. Counsel for all sides present. Court Reporter: Mary Ann Steiger. Case called. OTHER: Matter adjourned to 11/8/05 at 1:00 p.m. to continue settlement discussions. (Coleman, Laurie) (Entered: 11/16/2005)
11/04/2005		Set/Reset Hearings: Status Conference set for 11/8/2005 at 1:00 PM before Senior–Judge Arthur D. Spatt. (Coleman, Laurie) (Entered: 11/16/2005)
11/08/2005	<u>148</u>	MINUTE ENTRY before Judge Arthur D. Spatt on 11/8/05 at 1:30 p.m., for Civil Cause for Conference. Counsel for all sides present. Court Reporter: Dominick Tursi. Case called. Conference held. OTHER: Case settled parties to request a Fairness Hearing in Writing. (Coleman, Laurie) (Entered: 11/16/2005)
01/03/2006	<u>149</u>	Letter from Jeffrey A. Simes to the Honorable Arthur D. Spatt Presenting the Parties' fully Executed Settlement Agreements and Consent Orders by M.K., T.K., R.C., C.T., D.M., National Law Center on Homelessness and Poverty, R.I., M.W.. (Attachments: # <u>1</u> Tab A – Proposed Consent Order as to the State Defendants# <u>2</u> Tab B – Proposed Consent Order as to the County Defendants# <u>3</u> Tab C – Proposed Consent Orders as to the School District Defendants# <u>4</u> Tab D – Notice of Proposed Settlement of Class Action)(Simes, Jeffrey) (Entered: 01/03/2006)

03/31/2006	<u>150</u>	SETTLEMENT AGREEMENT AND CONSENT ORDER Between Plaintiffs and State Defendants. SEE Settlement Agreement and Consent Order for further details. Executed by Plaintiffs and the OTDA Defendants. (Signed by Judge Arthur D. Spatt, on 3/31/06). Executed by the State Defendants and the NYSED Defendants. (Signed by Judge Arthur D. Spatt, on 3/31/06). (Coleman, Laurie) (Entered: 04/06/2006)
03/31/2006	<u>151</u>	SETTLEMENT AGREEMENT AND CONSENT ORDER Between Plaintiffs and County Defendants. Executed by Plaintiffs and SCDSS Defendants. SEE Settlement Agreement and Consent Order for further details. (Signed by Judge Arthur D. Spatt on 3/31/06).(Coleman, Laurie) (Entered: 04/06/2006)
03/31/2006	<u>152</u>	MINUTE ENTRY before Judge Arthur D. Spatt on 3/31/06 from 1:40 p.m. to 2:00 p.m., for Civil Cause for Fairness Hearing. Counsel for all sides present. Court Reporter: Owen Wicker. Court Deputy: Mary Ellen Schaffner. Case called. Fairness Hearing held. OTHER: No objections to Settlement Agreement and William Floyd School District – Separate Agreement. Attorneys Fees – No objections. Court approves Settlement and Signs Settlement Agreement and Consent Order. Case Closed. (Coleman, Laurie) (Entered: 04/26/2006)
10/03/2006	<u>153</u>	STATUS REPORT <i>on behalf of NYSED</i> by Sheila Evans–Tranumn. (Connolly, Susan) (Entered: 10/03/2006)
10/03/2006	<u>154</u>	Letter <i>on behalf of NYSED</i> by Sheila Evans–Tranumn. (Connolly, Susan) (Entered: 10/03/2006)
10/03/2006	<u>155</u>	STATUS REPORT <i>on behalf of OTDA</i> by Robert Doar. (Connolly, Susan) (Entered: 10/03/2006)
03/30/2007	<u>156</u>	Letter <i>with compliance report</i> by Sheila Evans–Tranumn (Attachments: # <u>1</u> Supplement Compliance report) (Connolly, Susan) (Entered: 03/30/2007)
04/02/2007	<u>157</u>	STATUS REPORT <i>on behalf of OTDA</i> by Robert Doar (Connolly, Susan) (Entered: 04/02/2007)
11/08/2007	<u>158</u>	STIPULATION AND ORDER – Plaintiffs and the "School District Defendants" hereby stipulate and move the Court for entry of this Stipulation and Order as follows: Whereas, the parties entered into a Consent Order, ordered by this Court, which is set to expire on 11/8/07 and whereas the parties are concluding compliance and reporting activities under that Consent Order. Now Therefore, Plaintiffs and the School District Defendants hereby stipulate that the Consent Order among them (and the Court's jurisdiction thereunder) shall be extended to and including 12/22/07. So Ordered. (Signed by Senior–Judge Arthur D. Spatt on 11/8/07). C/F. (Coleman, Laurie) (Entered: 11/16/2007)
11/08/2007	<u>159</u>	LETTER dated 11/7/07 from Jeffrey Alan Simes to Judge Spatt Re: Extending the Consent Order for a brief period to permit those School District Defendants to complete their reporting requirements under the Consent Order. (Coleman, Laurie) (Entered: 11/16/2007)
12/25/2007	<u>160</u>	LETTER dtd 12/21/07 from Thomas M. Volz to Judge Spatt re: I am assisting in the Middle Country Central School District in connection with their submission of compliance reports in connection with this matter. Today I am forwarding to Plaintiff's counsel, Jeffrey Simes, Compliance Reports from my client for submission before January. Mr. Simes has agreed to allow me to submit that final report by January 4, 2008. I respectfully request that you accept the commitment I made to Mr. Simes to provide that information by the first week in January. (Mierzejewski, Elizabeth) (Entered: 01/07/2008)
12/27/2007	<u>161</u>	ORDER GRANTING the <u>160</u> Letter Application.. Ordered by Senior Judge Arthur D. Spatt on 12/27/07. (Mierzejewski, Elizabeth) (Entered: 01/07/2008)
05/16/2008	<u>162</u>	STATUS REPORT <i>Compliance Report on behalf of State defendants</i> by Robert Doar (Connolly, Susan) (Entered: 05/16/2008)