

**U.S. District Court  
District of Vermont (Burlington)  
CIVIL DOCKET FOR CASE #: 2:94-cv-00320-wks**

Upper Valley Assoc, et al v. Mills, et al  
Assigned to: Judge William K. Sessions III  
Demand: \$0  
Cause: 20:1401 Education: Handicapped Child Act

Date Filed: 11/01/1994  
Date Terminated: 07/28/1997  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Upper Valley Association For  
Handicapped Citizens**  
*on behalf of themselves and all others  
similarly situated*

represented by **O. Whitman Smith**  
Mickenberg, Dunn, Kochman, Lachs  
&Smith  
29 Pine Street  
P.O. Box 406  
Burlington, VT 05402-0406  
(802)658-6951  
Fax: (802)658-6951  
Email: [whit@mickdunn.com](mailto:whit@mickdunn.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Winnie Pineo**  
*on behalf of herself and all others  
similarly situated*

represented by **O. Whitman Smith**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Michelle Vannamee**  
*on behalf of herself and all others  
similarly situated*

represented by **O. Whitman Smith**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Commissioner Richard Mills**  
*individual capacity*

represented by **Geoffrey A. Yudien**  
Vermont Department of Education  
120 State Street  
Montpelier, VT 05620-2501  
(802) 828-3135  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Paul Carl Fassler**  
1507 Bricketts Crossing  
West Danville, VT 05873  
(802) 563-2289  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Vermont State Board of Education**  
*individual capacities*

represented by **Geoffrey A. Yudien**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Paul Carl Fassler**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Douglas Walker**

*Commissioner of the Vermont Department  
 of Education, official capacity*

**ENE Evaluator**

**ENE Evaluator**

*TERMINATED: 06/14/1996*

represented by **John H. Fitzhugh**  
 Union Mutual Fire Insurance  
 139 State Street  
 P.O. Box 158  
 Montpelier, VT 05601-0158  
 (802) 229-5561  
*TERMINATED: 06/14/1996*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/01/1994	1	COMPLAINT: CLASS ACTION; filing fee \$120, receipt #6677 (Summon(es) and waiver(s) Issued) (law) (Entered: 11/01/1994)
04/25/1995	3	ANSWER to [1-1] complaint by defendants Richard Mills and Vt State Board of Ed ; stipulated discovery schedule due 5/25/95 (law) (Entered: 04/25/1995)
04/25/1995	2	ATTORNEY APPEARANCE for defendants Richard Mills and Vt State Board of Ed by Paul Carl Fassler, Geoffrey A. Yudien (law) (Entered: 04/25/1995)
04/26/1995	4	ENE LETTER re: potential evaluators sent; resp to ENE ltr due 5/15/95 (law) (Entered: 04/26/1995)
05/04/1995	5	ENE LETTER sent re: ENE Evaluator John H. Fitzhugh assigned (law) (Entered: 05/04/1995)
06/19/1995		File sent to Burlington (law) (Entered: 06/21/1995)
06/19/1995	6	ORDER OF REASSIGNMENT case reassigned to Judge J. G. Murtha ( Judge Fred I. Parker ) Cy to parties (law) (Entered: 06/21/1995)
08/03/1995	7	DISCOVERY CERTIFICATE: interrogatories propounded by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee to defendants Richard Mills, Vt State Board of Ed, (jse) Modified on 08/07/1995 (Entered: 08/03/1995)
08/16/1995	9	MEMORANDUM by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee in support of [8-1] motion to Extend Time (pjd) (Entered: 08/16/1995)
08/16/1995	8	MOTION by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee to Extend Time to file for class certification until 45 days after dfts' response to interrogatories (pjd) (Entered: 08/16/1995)
08/18/1995		File sent to Brattleboro (pjd) (Entered: 08/18/1995)
08/29/1995	11	MEMORANDUM by defendant Richard Mills, defendant Vt State Board of Ed in support of [10-1] motion to Dismiss Complaint for lack of jurisdiction and failure to state a claim upon which relief can be granted (pjd) (Entered: 08/29/1995)
08/29/1995	10	MOTION by defendant Richard Mills, defendant Vt State Board of Ed to Dismiss Complaint for lack of jurisdiction and failure to state a claim upon which relief can be granted (pjd) Modified on 08/29/1995 (Entered: 08/29/1995)
09/07/1995	12	STIPULATION AND ORDER pltfs have 45 days from service of dfts' motion to dismiss within which to respond ( Chief Judge J. G. Murtha ) Cy to parties (pjd)

		(Entered: 09/07/1995)
09/26/1995	13	DISCOVERY CERTIFICATE: answer to interrogatories filed by dfts Richard Mills and Vt State Board of Ed (epr) (Entered: 09/26/1995)
09/26/1995	14	DISCOVERY CERTIFICATE: answer to interrogatories filed by dfts Richard Mills and Vt State Board of Ed (epr) (Entered: 09/26/1995)
10/17/1995	15	MOTION by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee, and defendants Richard Mills, Vt State Board of Ed to Extend Time for Discovery (wjf) Modified on 10/18/1995 (Entered: 10/17/1995)
10/17/1995		ENDORSED ORDER: denying motion to Extend Time for Discovery [15-1] without prejudice to renew upon submission of a proposed discovery schedule which provides for completion of discovery and trial readiness by 3/1/96 ( Chief Judge J. G. Murtha ) (wjf) (Entered: 10/17/1995)
10/18/1995	16	MEMORANDUM by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee in opposition to [10-1] motion to Dismiss Complaint for lack of jurisdiction and failure to state a claim upon which relief can be granted (law) (Entered: 10/18/1995)
10/30/1995	17	MOTION with memorandum in support by all plaintiffs For Reassignment (of this case to Hon. William K. Sessions III) (law) (Entered: 10/30/1995)
11/02/1995		ENDORSED ORDER: granting [17-1] motion For Reassignment (of this case to Hon. William K. Sessions III), case reassigned to Judge William K. Sessions III ( Chief Judge J. G. Murtha ) (pjd) (Entered: 11/03/1995)
11/03/1995		File sent to Burlington (kac) (Entered: 11/03/1995)
11/16/1995	18	MOTION by all plaintiffs to Amend [1-1] complaint (law) (Entered: 11/16/1995)
11/16/1995	19	MEMORANDUM by all plaintiffs in support of [18-1] motion to Amend [1-1] complaint (law) (Entered: 11/16/1995)
11/27/1995	20	OBJECTIONS by dfts Richard Mills, Vt State Board of Ed to [18-1] motion to Amend [1-1] complaint (law) (Entered: 11/27/1995)
11/27/1995	21	MEMORANDUM by dfts Richard Mills, Vt State Board of Ed in support of [20-1] objection to motion to amend complaint (law) (Entered: 11/27/1995)
12/08/1995	22	REPLY by all plaintiffs to response to [18-1] motion to Amend [1-1] complaint (pjd) (Entered: 12/08/1995)
12/18/1995	23	STIPULATED DISCOVERY ORDER setting discovery cutoff 30 days after Court's ruling on dfts' motion to dismiss ( Judge William K. Sessions III ) Cy to parties (pjd) (Entered: 12/18/1995)
12/19/1995	24	DISCOVERY CERTIFICATE: interrogatories and requests for production of documents propounded by dfts Richard Mills, Vt State Board of Ed to pltf's Upper Valley Assoc, Winnie Pineo, Michelle Vannamee (law) (Entered: 12/19/1995)
02/14/1996		LETTER sent to counsel re: ene session date; response due 2/28/96 (see left side of file) (law) (Entered: 02/22/1996)
02/22/1996		RECEIVED telephone call re: ene session date; counsel are waiting for ruling on motion to dismiss (filed 8/28/95) as it is a depositive motion (if denied will go forward with ene) (law) (Entered: 02/22/1996)
02/27/1996	25	ORDER granting [8-1] motion to Extend Time to file for class certification until 45 days after dfts' response to interrogatories, motion for class certification due by 3/22/96 brief deadline set for 3/22/96 ( Judge William K. Sessions III ) Cy to parties (pjd) (Entered: 02/27/1996)
03/22/1996	26	MOTION by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee to Certify Class (pjd) (Entered: 03/22/1996)
03/22/1996	27	MEMORANDUM by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee in support of [26-1] motion to Certify Class (pjd) (Entered: 03/22/1996)

		03/22/1996)
03/29/1996	28	MOTION by defendants Richard Mills, Vt State Board of Ed to Extend Time to respond to motion for class certification , and for order compelling response to first discovery request (pjd) Modified on 03/29/1996 (Entered: 03/29/1996)
03/29/1996	29	MEMORANDUM by defendants Richard Mills, Vt State Board of Ed in support of [28-1] motion to Extend Time to respond to motion for class certification, [28-2] motion for order compelling response to first discovery request (pjd) (Entered: 03/29/1996)
04/10/1996	30	MEMORANDUM by pltfs Upper Valley Assoc, Winnie Pineo and Michelle Vannamee in opposition to [28-1] motion to Extend Time to respond to motion for class certification and discovery order (epr) (Entered: 04/10/1996)
05/01/1996	31	OPINION AND ORDER ( Judge William K. Sessions III ) granting [18-1] motion to Amend [1-1] complaint, denying motion to Dismiss. Cy to parties (pjd) (Entered: 05/01/1996)
05/01/1996	32	ORDER granting [28-1] motion to Extend Time to respond to motion for class certification, granting [28-2] motion for order compelling response to first discovery request, response to dfts' first set of interrogatories and requests for production due 6/1/96 ( Judge William K. Sessions III ) Cy to parties (pjd) (Entered: 05/01/1996)
05/01/1996	33	AMENDED COMPLAINT by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee , amending [1-1] complaint (pjd) (Entered: 05/01/1996)
05/03/1996		LETTER sent to counsel re: ene session date; response due 5/10/96 (law) (Entered: 05/03/1996)
05/30/1996	34	DISCOVERY CERTIFICATE: answers to defts' interrogatories and requests for production of documents filed by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee (jam) Modified on 05/31/1996 (Entered: 05/30/1996)
06/07/1996	35	DISCOVERY CERTIFICATE: request for admissions by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee (pjd) (Entered: 06/07/1996)
06/10/1996	36	DISCOVERY CERTIFICATE: amended answer to interrogatories filed by dfts Richard Mills and Vt State Board of Ed (epr) (Entered: 06/10/1996)
06/10/1996	37	OBJECTION by defendants Richard Mills, Vt State Board of Ed to [26-1] motion to Certify Class (pjd) (Entered: 06/10/1996)
06/10/1996	38	MEMORANDUM IN SUPPORT OF OBJECTION [37-1] by defendants Richard Mills, Vt State Board of Ed and in opposition to [26-1] motion to Certify Class (pjd) (Entered: 06/10/1996)
06/14/1996	39	ENE REPORT by evaluator John H. Fitzhugh no settlement reached (law) (Entered: 06/14/1996)
06/18/1996	40	DISCOVERY CERTIFICATE: interrogatories propounded by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee to defendant Richard Mills (pjd) (Entered: 06/18/1996)
06/19/1996	41	STIPULATION by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee, defendants Richard Mills, Vt State Board of Ed re: reply to objection to motion for class certification due 7/3/96 (pjd) (Entered: 06/19/1996)
07/01/1996	42	DISCOVERY CERTIFICATE: notice of deposition by dfts Richard Mills and Vt State Board of Ed (epr) (Entered: 07/01/1996)
07/01/1996	43	MOTION by dfts Richard Mills and Vt State Board of Ed for Order of Substitution of Parties (epr) (Entered: 07/01/1996)
07/02/1996		ENDORSED ORDER: granting [41-1] stipulation extending response deadline for objection to motion for class certification to 7/3/96 ( Judge William K. Sessions III ) (pjd) Modified on 07/12/1996 (Entered: 07/02/1996)

07/03/1996	44	SUPPLEMENTAL MEMORANDUM by all pltfs in support of [26-1] motion to Certify Class (kac) (Entered: 07/03/1996)
07/08/1996	45	DISCOVERY CERTIFICATE response to request for admissions by defendants Richard Mills, Vt State Board of Ed (pjd) (Entered: 07/08/1996)
07/16/1996	46	DISCOVERY CERTIFICATE: all dfts responses to pltfs' interrogatories & requests for production Set II (kac) (Entered: 07/16/1996)
07/17/1996	47	OPINION AND ORDER ( Judge William K. Sessions III ) granting [26-1] motion to Certify Class Cy to parties (law) (Entered: 07/17/1996)
07/18/1996	48	RESPONSE by plaintiffs Upper Valley Assoc, Winnie Pineo, Michelle Vannamee to [43-1] motion for Order of Substitution of Parties (pjd) (Entered: 07/18/1996)
08/19/1996	49	ORDER granting in part, denying in part [43-1] motion for Order of Substitution of Parties; successors in office are now party dfts in their official capacities, former office holders remain party dfts in individual capacities ( Judge William K. Sessions III ) Cy to parties (pjd) (Entered: 08/19/1996)
08/19/1996		Added party Douglas Walker pursuant to [49-1] order (pjd) (Entered: 08/19/1996)
10/31/1996	50	NOTICE OF HEARING: pretrial conference set for 10:30 11/20/96 in Burlington Cy to parties (gmg) (Entered: 10/31/1996)
11/08/1996	51	REVISED NOTICE OF HEARING: pretrial conference set for 9:30 a.m. 11/25/96 Cy to parties (gmg) (Entered: 11/08/1996)
11/25/1996		MINUTE ENTRY: by Judge William K. Sessions III (Ct Rptr: off record), pretrial conference held; O. Whitman Smith, Esq. present for pltfs; Paul Fassler, Esq. present for dfts. Parties inform Court that a consent decree is in the process of being completed. Initial paperwork will be submitted by Christmas. Case is to be taken of trial list. (jam) (Entered: 11/25/1996)
02/03/1997		RECEIVED letter from Atty Smith re: Status of Consent Decree; expect by mid-march to report to Court as to status of negotiations (law) (Entered: 02/04/1997)
05/16/1997	52	STIPULATION OF SETTLEMENT by defendants VT Bd of Education, Douglas Walker, Richard Mills, plaintiffs Michelle Vannamee, Winnie Pineo, Upper Valley Assoc (pjd) (Entered: 05/16/1997)
05/29/1997	53	NOTICE OF CLASS ACTION SETTLEMENT regarding the disposition of complaints to the Vermont Dpartment of Education re: [52-1] stipulation; hearing on settlement set foe 7/28/97 at 9:30 ( Judge William K. Sessions III ) Cy to parties (pjd) Modified on 05/30/1997 (Entered: 05/29/1997)
05/29/1997	54	PLAN AND SCHEDULE OF DISTRIBUTION OF NOTICE [54-1] ( Judge William K. Sessions III ) Cy to parties (pjd) (Entered: 05/29/1997)
05/30/1997	55	NOTICE OF HEARING: in court hearing to review settlement agreement set for 9:30 7/28/97 Cy to parties (gmg) (Entered: 05/30/1997)
06/20/1997	56	REVISED NOTICE OF HEARING: hearing set for 10:00 7/28/97 to review settlement agreement. Cy to parties (gmg) (Entered: 06/20/1997)
07/22/1997	57	CERTIFICATION of publication of Susan F. Boyd by defendants VT Bd of Education, Douglas Walker re: distribution of settlement agreement (pjd) (Entered: 07/22/1997)
07/28/1997		MINUTE ENTRY: by Judge William K. Sessions III (Ct Rptr: Nichols), in court hearing held to review settlement agreement. Whitman Smith, Esq. present for pltfs. Paul Fassler, Esq. present for dfts. Court makes inquiries. No objections were rec'd re: proposed settlement agreement by either side. Court approves stipulation & will execute the consent decree. (jam) (Entered: 07/28/1997)
07/28/1997	58	CONSENT DECREE ( Judge William K. Sessions III ) for Michelle Vannamee, Winnie Pineo, Upper Valley Assoc against VT Bd of Education, Douglas Walker, Richard Mills case closed Cy to parties (pjd) (Entered: 07/29/1997)