

**U.S. District Court
District of Vermont (Burlington)
CIVIL DOCKET FOR CASE #: 2:95-cv-00207-wks**

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

Date Filed: 06/29/1995
Date Terminated: 01/13/1998
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

**Upper Valley Association For
Handicapped Citizens**

represented by **O. Whitman Smith**
Mickenberg, Dunn, Kochman, Lachs &
Smith
29 Pine Street
P.O. Box 406
Burlington, VT 05402-0406
(802)658-6951
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Winnie Pineo

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

V.

Intervenor Plaintiff

Verna Belanger

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

Intervenor Plaintiff

Martha Crown

represented by **O. Whitman Smith**
(See above for address)
LEAD ATTORNEY
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Intervenor Plaintiff

Michelle VanNamee

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

V.

Defendant

Albert Depetrillo
*Superintendent of the Blue Mountain
Union School District No. 21*

represented by **Elizabeth J. Grant**
Grant Norten & Associates PLLC
P.O. Box 308
Montpelier, VT 05601-0308
(802) 223-0581
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant**Blue Mountain Union School District
No. 21**represented by **Elizabeth J. Grant**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****Blue Mountain Union School District
No. 21, Board of Directors****ENE Evaluator****ENE Evaluator**
TERMINATED: 01/14/1998represented by **Mary P. Kehoe, Esq.**
The Kehoe Law Firm, P.C.
Gateway Square
30 Main Street, Suite 325
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TERMINATED: 01/14/1998
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Date Filed	#	Docket Text
06/29/1995	1	COMPLAINT ; filing fee \$ 120 receipt # 7465 (waiver(s) Issued) (pjd) (Entered: 06/29/1995)
08/29/1995	2	ANSWER to [1-1] complaint by defendants Albert Depetrillo, Blue Mtn Union Sch, Blue Mtn Dist Bd Dir; stipulated discovery schedule due 9/28/95 (pjd) (Entered: 08/30/1995)
09/08/1995	3	ORDER, case reassigned to Judge William K. Sessions III (Chief Judge J. G. Murtha) Cy to parties (epr) (Entered: 09/13/1995)
10/05/1995	4	ENE LETTER re: potential evaluators sent; resp to ENE ltr due 10/24/95 (kac) (Entered: 10/05/1995)
10/31/1995	5	ENE LETTER sent re: ENE Evaluator Mary Kehoe assigned (law) (Entered: 10/31/1995)
11/13/1995	6	DISCOVERY CERTIFICATE: request for admissions by plaintiffs Upper Valley Assoc, Winnie Pineo (pjd) (Entered: 11/13/1995)
11/14/1995	7	STIPULATED DISCOVERY ORDER setting ENE session for on or before 4/15/96 ; Discovery cutoff 3/15/96 ; Deadline for filing of all motions 5/1/96 ; ready for trial by 5/30/96 (Judge William K. Sessions III) Cy to parties (pjd) Modified on 11/16/1995 (Entered: 11/14/1995)
11/16/1995		File sent to Burlington (law) (Entered: 11/16/1995)
11/22/1995	8	DISCOVERY CERTIFICATE: interrogatories and requests for production propounded by plaintiffs Upper Valley Assoc, Winnie Pineo to defendants Albert Depetrillo, Blue Mtn Union Sch, Blue Mtn Dist Bd Dir (pjd) (Entered: 11/22/1995)
03/15/1996	9	CERTIFICATE OF SERVICE: first set of interrogatories and requests to produce propounded by defendants Albert Depetrillo, Blue Mtn Union Sch, Blue Mtn Dist Bd Dir to plaintiffs Upper Valley Assoc, Winnie Pineo (pjd) (Entered: 03/15/1996)
03/15/1996	10	CERTIFICATE OF SERVICE response to request for admissions by defendants Albert Depetrillo, Blue Mtn Union Sch, Blue Mtn Dist Bd Dir (pjd) (Entered: 03/15/1996)

04/04/1996	11	DISCOVERY CERTIFICATE: answer to interrogatories and requests to produce filed by defendants Albert Depetrillo, Blue Mtn Union Sch, Blue Mtn Dist Bd Dir (pjd) (Entered: 04/04/1996)
04/10/1996	12	DISCOVERY CERTIFICATE: answer to interrogatories filed by dfts Albert Depetrillo, Blue Mtn Union School and Blue Mtn Dist Bd Dir (epr) (Entered: 04/10/1996)
04/23/1996	13	MOTION by pltfs Upper Valley Assoc & Winnie Pineo to Amend [1-1] complaint (kac) (Entered: 04/23/1996)
04/23/1996	14	MEMORANDUM by pltfs Upper Valley Assoc & Winnie Pineo in support of [13-1] motion to Amend [1-1] complaint (kac) (Entered: 04/23/1996)
04/23/1996	15	MOTION by pltfs Upper Valley Assoc & Winnie Pineo for class certification (kac) (Entered: 04/23/1996)
04/23/1996	16	MEMORANDUM by pltfs Upper Valley Assoc & Winnie Pineo in support of [15-1] motion for class certification (kac) (Entered: 04/23/1996)
04/26/1996	17	JOINT MOTION by plaintiffs Upper Valley Assoc, Winnie Pineo, Albert Depetrillo, Blue Mtn Union Sch, Blue Mtn Dist Bd Dir to Extend Time to 9/1/96 to file motions and to 10/1/96 for trial readiness (pjd) (Entered: 04/26/1996)
04/29/1996		LETTER sent to counsel re: ene session; response due 5/13/996 (see left side of file) (law) (Entered: 04/29/1996)
05/06/1996		ENDORSED ORDER: granting [17-1] joint motion to Extend Time to 9/1/96 to file motions and to 10/1/96 for trial readiness, motion filing deadline set for 9/3/96 ready for trial by 10/1/96 (Judge William K. Sessions III) (pjd) (Entered: 05/07/1996)
05/07/1996		STIPULATION AND ORDER extending response deadline by 10 days for [15-1] motion for class certification, [13-1] motion to Amend [1-1] complaint (Judge William K. Sessions III) Cy to parties (pjd) (Entered: 05/07/1996)
05/07/1996	18	STIPULATION AND ORDER denying as moot stipulation to extend time by 10 days to respond to pltf's motion to amend and certify class (Judge William K. Sessions III) Cy to parties (pjd) (Entered: 05/07/1996)
05/07/1996	19	STIPULATION AND ORDER extending response deadline to 5/16/96 for [15-1] motion for class certification, [13-1] motion to Amend [1-1] complaint (Judge William K. Sessions III) Cy to parties (pjd) (Entered: 05/07/1996)
05/17/1996	20	DISCOVERY CERTIFICATE: answer to interrogatories filed by pltf Upper Valley Assoc and Winnie Pineo (epr) (Entered: 05/17/1996)
05/24/1996	21	MOTION by pltfs Upper Valley Association and Winnie Pineo to Compel Discovery (epr) (Entered: 05/24/1996)
05/24/1996	22	MEMORANDUM by pltfs Upper Valley Association and Winnie Pineo in support of [21-1] motion to Compel Discovery (epr) (Entered: 05/24/1996)
05/24/1996	23	AFFIDAVIT of O. Whitman Smith by pltfs Upper Valley Association and Winnie Pineo re: [22-1] support memorandum and [21-1] motion to Compel Discovery (epr) (Entered: 05/24/1996)
06/24/1996	24	MEMORANDUM IN RESPONSE by defendants Blue Mtn Union Sch, Blue Mtn Dist Bd Dir to [21-1] motion to Compel Discovery (law) (Entered: 06/24/1996)
06/24/1996	25	RESPONSE by defendants Albert Depetrillo, Blue Mtn Union Sch, Blue Mtn Dist Bd Dir to [21-1] motion to Compel Discovery (law) (Entered: 06/24/1996)
07/11/1996	26	ORDER denying motion to Compel Discovery [21-1], granting [15-1] motion for class certification, granting [13-1] motion to Amend [1-1] complaint, parties to submit proposed amendment to discovery schedule indicating date for ENE (Judge William K. Sessions III) Cy to parties (pjd) (Entered: 07/11/1996)
07/11/1996	27	AMENDED COMPLAINT by plaintiff Upper Valley Assoc, plaintiff Winnie Pineo , amending [1-1] complaint (pjd) (Entered: 07/11/1996)

08/01/1996	28	JOINT MOTION by plaintiffs Upper Valley Assoc, Winnie Pineo, defendants Albert Depetrillo, Blue Mtn Union Sch, Blue Mtn Dist Bd Dir for relief from ENE (pjd) (Entered: 08/01/1996)
08/16/1996		ENDORSED ORDER: denying joint motion for relief from ENE [28-1]; postponing ENE until after resolution of forthcoming dispositive motions (Judge William K. Sessions III) (pjd) (Entered: 08/19/1996)
10/31/1996	29	NOTICE OF HEARING: status conference set for 9:30 11/25/96 in Burlington Cy to parties (gmg) (Entered: 11/01/1996)
11/01/1996	30	MOTION by pltf's Winnie Pineo, Upper Valley Assoc for partial summary judgment (law) (Entered: 11/01/1996)
11/01/1996	31	MEMORANDUM by pltf's Winnie Pineo, Upper Valley Assoc in support of [30-1] motion for partial summary judgment (law) (Entered: 11/01/1996)
11/01/1996	32	STATEMENT OF MATERIAL FACTS as to which there is no genuine issue to be tried re: [30-1] motion for partial summary judgment by pltf's Winnie Pineo, Upper Valley Assoc (SEE EXPANDABLE FOLDER FOR EXHIBITS) (law) (Entered: 11/01/1996)
11/05/1996	33	MOTION by defendant Blue Mtn Union Sch for Summary Judgment (law) (Entered: 11/06/1996)
11/08/1996	34	MOTION with memorandum in support by defendant Blue Mtn Union Sch for Summary Judgment (pjd) (Entered: 11/08/1996)
11/08/1996	35	STATEMENT OF FACTS (SEALED) re: [34-1] motion for Summary Judgment by defendant Blue Mtn Union Sch (pjd) Modified on 12/03/1996 (Entered: 11/08/1996)
11/08/1996	36	AFFIDAVIT of Elizabeth Grant by defendant Blue Mtn Union Sch re: [34-1] motion for Summary Judgment (pjd) (Entered: 11/08/1996)
11/12/1996	39	MOTION (letter) by defendant Albert Depetrillo, defendant Blue Mtn Union Sch to Seal [35-1] statement of facts (pjd) Modified on 12/04/1996 (Entered: 12/03/1996)
11/20/1996	37	AFFIDAVIT of Elizabeth J. Grant by dfts Albert Depetrillo & Blue Mtn Union Sch re: [34-1] motion for Summary Judgment (kac) Modified on 11/21/1996 (Entered: 11/20/1996)
12/02/1996	38	MEMORANDUM by defendants Albert Depetrillo, Blue Mtn Union Sch in opposition to [30-1] motion for partial summary judgment (pjd) (Entered: 12/03/1996)
12/02/1996		ENDORSED ORDER: granting [39-1] motion (letter) to Seal [35-1] statement of facts (Judge William K. Sessions III) Cy to parties (pjd) Modified on 12/04/1996 (Entered: 12/03/1996)
12/11/1996	40	STIPULATION AND ORDER extending response deadline to [34-1] motion for Summary Judgment to 12/31/96 (Judge William K. Sessions III) Cy to parties (pjd) (Entered: 12/11/1996)
12/12/1996	41	REPLY by plaintiffs Winnie Pineo, Upper Valley Assoc to response to [30-1] motion for partial summary judgment (pjd) (Entered: 12/12/1996)
12/31/1996	42	MEMORANDUM by plaintiffs Winnie Pineo, Upper Valley Assoc in opposition to [34-1] motion for Summary Judgment (pjd) (Entered: 01/02/1997)
12/31/1996	44	STATEMENT OF FACTS (SEALED) re: [34-1] motion for Summary Judgment by plaintiffs Winnie Pineo, Upper Valley Assoc (pjd) Modified on 01/06/1997 (Entered: 01/02/1997)
12/31/1996	43	REPLY by plaintiffs Winnie Pineo, Upper Valley Assoc to [35-1] statement of facts (pjd) (Entered: 01/03/1997)
01/02/1997	45	REQUEST by plaintiffs Winnie Pineo, Upper Valley Assoc for to seal [44-1] statement of facts (pjd) Modified on 01/06/1997 (Entered: 01/03/1997)
05/09/1997	46	NOTICE OF HEARING: motion hearing set for 1:30 6/13/97 for [34-1] motion for Summary Judgment, [30-1] motion for partial summary judgment Cy to parties (gmg)

		(Entered: 05/09/1997)
07/15/1997	47	SUPPLEMENTAL MEMORANDUM by plaintiffs Winnie Pineo, Upper Valley Assoc in support of [30-1] motion for partial summary judgment (pjd) (Entered: 07/15/1997)
07/24/1997	48	OPINION AND ORDER (Judge William K. Sessions III) denying motion for Summary Judgment [34-1], granting in part, denying in part [30-1] motion for partial summary judgment, pltf's are granted 30 days in which the parents and guardian of the subclass may move to intervene, to be designated as a subclass, and to have one or more intervenors designated as representatives of the new subclass brief deadline set for 8/25/97 Cy to parties (pjd) (Entered: 07/24/1997)
08/25/1997	49	MOTION by movants Verna Belanger, Martha Crown, Michelle VanNamee for permissive intervention , and for Certification of second subclass (pjd) Modified on 08/26/1997 (Entered: 08/25/1997)
08/25/1997	50	MEMORANDUM by movants Verna Belanger, Martha Crown, Michelle VanNamee in support of [49-1] motion for permissive intervention, [49-2] motion for Certification of second subclass (pjd) Modified on 08/26/1997 (Entered: 08/25/1997)
09/17/1997		ENDORSED ORDER: granting [49-1] motion for permissive intervention, granting [49-2] motion for Certification of second subclass pursuant to [48-1] opinion and order (Judge William K. Sessions III) Cy to parties (pjd) (Entered: 09/18/1997)
10/28/1997	51	APPLICATION by intervenor-plaintiffs Verna Belanger, Martha Crown, Michelle VanNamee for Costs (pjd) Modified on 10/29/1997 (Entered: 10/29/1997)
10/28/1997	52	MEMORANDUM by intervenor-plaintiffs Verna Belanger, Martha Crown, Michelle VanNamee in support of [51-1] motion for Costs (pjd) (Entered: 10/29/1997)
01/13/1998	53	STIPULATION AND ORDER of Dismissal case closed with prejudice the parties are not required to provide formal notice to the members of the class or the designated subclass of this dismissal (Judge William K. Sessions III) Cy to parties (law) (Entered: 01/14/1998)
01/14/1998		(law) (Entered: 01/14/1998)