

CLOSED, APPEAL

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:01-cv-08598-LAP**

The Bronx Household, et al v. Board of Education, et al
Assigned to: Judge Loretta A. Preska
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/24/2001
Date Terminated: 11/05/2007
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

The Bronx Household of Faith

represented by **Benjamin W. Bull**
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V.

Defendant**The Board of Education of the City of
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*LEAD ATTORNEY***Defendant****Community School District No. 10**represented by **Lisa Fleming Grumet**
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Date Filed	#	Docket Text
09/24/2001	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 417539. (gmo) (Entered: 09/25/2001)
09/24/2001	2	RULE 1.9 CERTIFICATE filed by The Bronx Household . (gmo) (Entered: 09/25/2001)
09/24/2001	3	NOTICE OF MOTION by The Bronx Household, Robert Hall, Jack Roberts; for an Order admitting Jordan Lorence pro hac vice to represent the plaintiffs . Return date not indicated. (kkc) (Entered: 09/26/2001)
09/24/2001	4	NOTICE OF MOTION by The Bronx Household, Robert Hall, Jack Roberts; for an Order for a preliminary injunction . Return date not indicated. (kkc) (Entered: 09/26/2001)
09/24/2001	5	BRIEF by The Bronx Household, Robert Hall, Jack Roberts in support of: [4-1] motion for an Order for a preliminary injunction. (kkc) (Entered: 09/26/2001)
09/24/2001		Case accepted as similar to 1:01cv5501. (gmo) (Entered: 09/26/2001)
09/28/2001		Case accepted as similar to 1:95cv5501. (jol) (Entered: 10/02/2001)
09/28/2001	7	Notice of Case Assignment to Judge Loretta A. Preska . Copy of notice and judge's rules mailed to Attorney(s) of record: Rena Marie Lindevaldsen, Joseph P. Infranco, Benjamin W. Bull, Jordan W. Lorence . (jol) (Entered: 10/02/2001)
09/28/2001		Magistrate Judge James C. Francis is so designated. (jol) (Entered: 10/02/2001)

10/01/2001	6	AFFIDAVIT OF SERVICE of summons, compalint, rule 1.9 as to Board of Education by Elouise Franklin on 9/25/01 . Answer due on 10/15/01 for Board of Education . (bai) (Entered: 10/02/2001)
10/01/2001	6	AFFIDAVIT OF SERVICE of summons, complaint, rule 1.9 as to Community School by Bruce Irushalim–director on 9/25/01 . Answer due on 10/15/01 for Community School . (bai) (Entered: 10/02/2001)
10/26/2001		Memo endorsed on motion; granting [3–1] motion for an Order admitting Jordan Lorence pro hac vice to represent the plaintiffs . (signed by Judge Loretta A. Preska); Copies mailed; (forwarded orig. doc. to the Attorney Admissions Clerk) (cd) (Entered: 10/26/2001)
11/13/2001	8	ANSWER to Complaint by Board of Education, Community School (Attorney Lisa Grumet) . (yv) (Entered: 11/15/2001)
11/20/2001	9	Memo–Endorsement on letter addressed to Judge Preska from Lisa Grument, dated 11/9/01. Defendants' response to motion reset to 12/3/01 for [4–1] motion for an Order for a preliminary injunction ; plaintiffs' Reply to Response to Motion reset to 12/11/01 for [4–1] motion for an Order for a preliminary injunction . (signed by Judge Loretta A. Preska); Copies mailed. (kw) (Entered: 11/26/2001)
12/10/2001	10	Memo–Endorsement on letter addressed to Judge Preska from Lisa Grument, dated 12/5/01. Granting defendants' request for leave to file a 35 page memorandum of law in opposition to plaintiffs' motion for a preliminary injunction . (signed by Judge Loretta A. Preska); Copies mailed. (kw) (Entered: 12/10/2001)
12/10/2001	11	Memo–Endorsement on letter addressed to Judge Preska from Lisa Grumet, dated 11/29/01; granting counsel for defts' request for an extension of the date for service of defts' opposing papers to 12/5/01 for [4–1] motion for an Order for a preliminary injunction . (signed by Judge Loretta A. Preska); Copies mailed. (sn) (Entered: 12/10/2001)
12/12/2001	12	MEMORANDUM OF LAW by Board of Education, Community School in opposition to [4–1] motion for an Order for a preliminary injunction . (cd) (Entered: 12/13/2001)
12/12/2001	13	DECLARATION of Lisa Grumet by Board of Education, Community School in support Re: [12–1] opposition memorandum . (cd) (Entered: 12/13/2001)
12/12/2001	14	DECLARATION of John Musico by Board of Education, Community School in support Re: [12–1] opposition memorandum . (cd) (Entered: 12/13/2001)
12/12/2001	15	DECLARATION of Frank Pugliuca by Board of Education, Community School in support Re: [12–1] opposition memorandum (cd) (Entered: 12/13/2001)
12/13/2001	16	REPLY BRIEF by The Bronx Household, Robert Hall, Jack Roberts in support of: [4–1] motion for an Order for a preliminary injunction (moc) (Entered: 12/15/2001)
12/17/2001	17	AFFIDAVIT of Earl Carroll by The Bronx Household, Robert Hall, and Jack Roberts. (kw) (Entered: 12/20/2001)
12/17/2001	18	AFFIDAVIT of Robert Hall. (kw) (Entered: 12/20/2001)
12/17/2001	19	AFFIDAVIT of Dave Laguer by The Bronx Household, Robert Hall, and Jack Roberts. (kw) (Entered: 12/20/2001)
12/19/2001	20	AMICUS BRIEF by Agudath Israel of America. (yv) (Entered: 12/27/2001)
02/08/2002	21	Transcript of record of proceedings before Judge Loretta A. Preska for the date(s) of 12/18/01. (tr) (Entered: 02/08/2002)
05/13/2002	22	Letter filed by The Bronx Household addressed to Clerk of the Court from Sumi Thomas, dated 5/6/02, re: address change. (yv) (Entered: 05/15/2002)
06/26/2002	23	OPINION #87101, granting [4–1] motion for an Order for a preliminary injunction; counsel shall confer and deliver a proposed form of preliminary injunction no later than 6/28/02. If they are not in agreement, counsel shall appear at a conference to discuss the proposed order on 7/1/02, at 9:00 a.m., ctrm 12A,

		USDC, SDNY, 500 Pearl Street, NY, NY . (signed by Judge Loretta A. Preska); Copies mailed. (kw) (Entered: 06/28/2002)
07/03/2002	24	NOTICE OF APPEAL by Board of Education, Community School from ; the Judgment dated on or about July 3, 2002 and [23-1] order counsel shall confer and deliver a proposed form of preliminary injunction no later than 6/28/02. If they are not in agreement, counsel shall appear at a conference to discuss the proposed order on 7/1/02, at 9:00 a.m., ctrm 12A, USDC, SDNY, 500 Pearl Street, NY, NY . Copies of notice of appeal mailed to Attorney(s) of Record: Rena Marie Lindevaldsen, Joseph P. Infranco, Benjamin W. Bull and Jordan W. Lorence. \$105.00 Appeal filing fee paid 7/3/02 on receipt # E 0444105. (dt) (Entered: 07/08/2002)
07/03/2002	25	JUDGMENT. For the reasons set forth in the Opinion dated June 26, 2002, defendants are hereby enjoined from enforcing the New York City Board of Education's Standard Operating Procedure section 5.11 so as to deny plaintiffs' application to rent space in a public school operated by the Borad of Education for morning meetings that include religious worship or the application of any similarly-situated individual or entity. (signed by Judge Loretta A. Preska); Mailed copies and notice of right to appeal. Entered On Docket: 07/08/02. (djc) (Entered: 07/08/2002)
07/03/2002		Case closed. (djc) (Entered: 07/08/2002)
07/03/2002		Case reopened. Case Closed in Error purs. to Judge Preska's chambers. (dcap) (Entered: 07/11/2002)
07/08/2002		Notice of appeal and certified copy of docket to USCA: [24-1] appeal by Community School, Board of Education ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 07/08/2002)
07/09/2002	26	ORDER, that for the reasons set forth herein, this factor weighs against the stay. On balance, then, consideration of all four factors leads me to deny the requested stay, of course, without prejudice to an application to the Court of Appeals pursuant to Rule 8(a)(2) of the Fed. R. of Appellate Procedure . (signed by Judge Loretta A. Preska); Copies mailed. (tp) (Entered: 07/10/2002)
07/23/2002	27	Memo endorsed on motion; The deadline for plaintiffs to file a motion for attorneys' fees under 42 U.S.C. section 1988 if necessary, is postponed until 30 days after completion of all appeals in this case ; (signed by Judge Loretta A. Preska); Copies mailed. (djc) (Entered: 07/24/2002)
08/26/2002	28	MANDATE OF USCA (certified copy) Re: [24-1] appeal by Community School, Board of Education. Appellants move for a stay pending appeal of a District Court Order granting the appellees' motion for a preliminary injunction. Upon due consideration, it is ORDERED that the motion is denied. The appellants have not met the requirements for a stay. (02-7781) roseann B. MacKechnie, Clerk, U.S.C.A. (Certified 8/23/02). (dt) (Entered: 08/27/2002)
09/20/2002	29	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals. (dt) (Entered: 09/23/2002)
10/18/2002	30	ORDER, the Clerk of Court is hereby ordered to add the Affidavit of Jeffrey G. Fanara dtd 12/17/01, and Deposition of Maritza Mejia, dtd 12/14/01, to the docket sheet no. 01 Civ.8598(LAP) . (signed by Judge Loretta A. Preska); (kg) (Entered: 10/23/2002)
10/18/2002	30	AFFIDAVIT of Jeffrey G. Fanara. (kg) Modified on 10/23/2002 (Entered: 10/23/2002)
10/18/2002	30	DEPOSITION of Maritza Mejia held on 12/14/01. (kg) (Entered: 10/23/2002)
09/23/2003	31	MANDATE OF USCA (certified copy) Re: affirm [24-1] appeal by Community School, Board of Education. ORDERED ADJUDGED AND DECREED that the judgment of the district court is AFFIRMED in accordance with the opinion of this court. ISSUED AS MANDATE 9/16/03, 02-7781. MACKECHNIE, CLERK, USCA. (pr) (Entered: 09/25/2003)

07/06/2004	32	CERTIFICATE OF SERVICE of answer to defendants' second request for production of documents served on plaintiffs on 7/2/04. Service was made by first class mail. Document filed by Community School District No. 10, The Board of Education of the City of New York. (db,) (Entered: 07/08/2004)
09/29/2004	33	ENDORSED LETTER addressed to Judge Preska from Jordan Lorence dated 8/26/04: counsel shall participate in a conference call on 10/4/04 at 1:30 pm EST. (Signed by Judge Loretta A. Preska on 9/28/04) (cd,) (Entered: 10/01/2004)
10/05/2004	34	SCHEDULING ORDER:all amendments to pleadings shall be completed by 11/30/04; all nonexpert discovery shall be completed by 1/31/05; any party wishing to make a dispositive motion shall submit a letter setting forth the grounds for the motion and requesting a pre-motion conference no later than 1/31/05 as further set forth in this order. (Signed by Judge Loretta A. Preska on 10/4/04) (dle,) (Entered: 10/07/2004)
11/18/2004	35	ENDORSEMENT; plaintiff may proceed with its summary judgment motion as soon as the discovery matters raised in Mr. Lorence's 11/10 letter are resolved. Counsel shall inform the Court by letter of the agreed-upon briefing schedule. (Signed by Judge Loretta A. Preska on 11/16/04) Copies mailed by chambers.(pl,) (Entered: 11/30/2004)
02/15/2005	36	STIPULATION AND PROTECTIVE ORDER: regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Loretta A. Preska on 2/7/05) (db,) (Entered: 02/17/2005)
03/07/2005	37	ENDORSED LETTER addressed to Judge Loretta A. Preska from Lisa Grumet dated 1/28/05 re: counsel for defendant requests an adjournment of the date for defendants to submit a letter concerning their planned summary judgment motion to 2/18/05. Application GRANTED. (Signed by Judge Loretta A. Preska on 3/4/05) Copies Faxed by Chambers.(db,) (Entered: 03/10/2005)
03/24/2005	38	MEMO ENDORSEMENT: Having reviewed counsel's recent correspondence it is hereby ordered that: 1. the parties may cross move for summary judgment on the schedule set out in the first paragraph of Ms. Grumet's 2/18/05 letter and 2. the dfts' request for time to conduct expert discovery is denied. Dfts have not explained how testimony by "a sociologist who has worship services" could be "highly relevant to dfts" position that having regular worship services in a public school building violates the Establishment Clause". In addition, discovery as to the cost of alternative space on the issue of whether use of the school buildings subsidizes plaintiff is irrelevant here because plaintiff has always requested access to the school facilities on the same terms and conditions as other community groups. (Signed by Judge Loretta A. Preska on 3/18/05) (dle,) (Entered: 03/28/2005)
03/30/2005	39	ENDORSED LETTER addressed to Judge Holwell from Lisa Grumet dated 3/23/05 re summary judgment motions: initial motion papers served by 4/7/05, opposition papers served by 4/30/05 and reply papers by 5/16/05. (Signed by Judge Richard J. Holwell, for Judge Preska, on 3/29/05) (cd,) (Entered: 04/04/2005)
04/08/2005	40	ENDORSED LETTER addressed to Judge Preska from Lisa Grumet dated 4/4/05 re: granting the following proposed revised schedule: initial papers due on 04/11/05; opposition papers due on 05/10/05; and reply papers due on 05/24/05. (Signed by Judge Loretta A. Preska on 4/5/05) (djc,) (Entered: 04/12/2005)
04/08/2005		Set Deadlines/Hearings: Motions due by 4/7/2005. Replies due by 5/16/2005. Responses due by 4/30/2005 (djc,) (Entered: 04/12/2005)
04/11/2005	41	MOTION (FILED ON SERVICE DATE) for Summary Judgment in Favor of Plaintiffs, on the Ground there is no Genuine Issue Of Material Fact, and that Plaintiffs Herein are Entitled to Judgment as a Matter of Law. Document filed by The Bronx Household of Faith, Robert Hall, Jack Roberts. (jmi,) (Entered: 04/15/2005)
04/11/2005	42	PLAINTIFFS' RULE 56.1 STATEMENT of Material Facts in Support of Summary Judgment. Document filed by The Bronx Household of Faith, Robert Hall, Jack Roberts. (jmi,) (Entered: 04/15/2005)

04/11/2005	43	SECOND AFFIDAVIT of Jordan W. Lorence. Document filed by The Bronx Household of Faith, Robert Hall, Jack Roberts. (jmi,) (Entered: 04/15/2005)
04/11/2005	44	PLAINTIFFS' BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT. Document filed by The Bronx Household of Faith, Robert Hall, Jack Roberts.(jmi,) (Entered: 04/15/2005)
04/12/2005	45	MOTION (FILED ON SERVICE DATE) for Summary Judgment dismissing complaint. Document filed by The Board of Education of the City of New York, Community School District No. 10. Attached is Rule 56.1 Statement (djc,) (Entered: 04/21/2005)
04/14/2005	46	MEMORANDUM OF LAW in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment. Document filed by The Board of Education of the City of New York, Community School District No. 10. (djc,) (Entered: 04/21/2005)
04/14/2005	47	DECLARATION of Maria Addamo in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (djc,) (Entered: 04/21/2005)
04/14/2005	48	DECLARATION of Andres Alonso in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (djc,) (Entered: 04/21/2005)
04/14/2005	49	DECLARATION of Sandy Brawer in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (djc,) (Entered: 04/21/2005)
04/14/2005	50	DECLARATION of Carmen Farina in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (djc,) (Entered: 04/21/2005)
04/14/2005	51	DECLARATION of Michele Cahill in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment. Document filed by The Board of Education of the City of New York, Community School District No. 10. (djc,) (Entered: 04/21/2005)
04/14/2005	52	DECLARATION of William Fraenkel in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (djc,) (Entered: 04/21/2005)
04/14/2005	53	DECLARATION of Thomas Goodkind in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (djc,) (Entered: 04/21/2005)
04/18/2005	54	DECLARATION of Sean J. Walsh in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment. (ps,) (Entered: 04/22/2005)
04/18/2005	55	DECLARATION of Emily Sweet in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment and in Opposition to Plaintiffs' Application for a permanent injunction. Document filed by The Board of Education of the City of New York, Community School District No. 10. (ps,) (Entered: 04/25/2005)
04/18/2005	56	DECLARATION of Janice Casey Silverberg in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment and in Opposition to Plaintiffs' Application for a permanent injunction. Document filed by The Board of Education of the City of New York, Community School District No. 10. (ps,) (Entered: 04/25/2005)

04/18/2005	57	DECLARATION of Marlene Siegel in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment and in Opposition to Plaintiffs' Application for a permanent injunction. Document filed by The Board of Education of the City of New York, Community School District No. 10. (ps,) (Entered: 04/25/2005)
04/18/2005	58	DECLARATION of Gail Rosenberg in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment and in Opposition to Plaintiffs' Application for a permanent injunction. Document filed by The Board of Education of the City of New York, Community School District No. 10. (ps,) (Entered: 04/25/2005)
04/18/2005	59	DECLARATION of Daniel R. Schaffer in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment and in Opposition to Plaintiffs' Application for a permanent injunction. Document filed by The Board of Education of the City of New York, Community School District No. 10. (ps,) (Entered: 04/25/2005)
04/18/2005	60	DECLARATION of Veronica Najjar in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment and in Opposition to Plaintiffs' Application for a permanent injunction. Document filed by The Board of Education of the City of New York, Community School District No. 10. (ps,) (Entered: 04/25/2005)
04/18/2005	61	DECLARATION of Frances Rabinowitz in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment and in Opposition to Plaintiffs' Application for a permanent injunction. Document filed by The Board of Education of the City of New York, Community School District No. 10. (ps,) (Entered: 04/25/2005)
04/18/2005	62	DECLARATION of Lisa Grumet in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment and in Opposition to Plaintiffs' Application for a permanent injunction. (Part I – exhibits A–L) Document filed by The Board of Education of the City of New York, Community School District No. 10. (ps,) (Entered: 04/25/2005)
04/18/2005	63	DECLARATION of Lisa Grumet in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment and in Opposition to Plaintiffs' Application for a permanent injunction. (Part II – exhibits M–R) Document filed by The Board of Education of the City of New York, Community School District No. 10. (ps,) (Entered: 04/25/2005)
05/10/2005	65	Plaintiffs L.R. 56.1 response to dft's Statement of Material Fact. Document filed by The Bronx Household of Faith, Robert Hall, Jack Roberts. (pl,) (Entered: 05/12/2005)
05/10/2005	66	MEMORANDUM OF LAW in Opposition re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Bronx Household of Faith, Robert Hall, Jack Roberts. (pl,) (Entered: 05/12/2005)
05/12/2005	64	ENDORSED LETTER addressed to Judge Preska from Johnathan Rosenberg dated 4/29/05: granting permission for Association of the Bar for NYC to file amicus brief by 5/17/05. If the parties find that matters covered in the amicus brief require additional pages in their reply briefs, they may request such pages by letter. (Signed by Judge Loretta A. Preska on 5/5/05) (cd,) (Entered: 05/12/2005)
05/17/2005	67	Defendants'MEMORANDUM OF LAW in Opposition to plaintiffs' motion for summary judgment re: 41 MOTION (FILED ON SERVICE DATE) for Summary Judgment., 45 In futher support of their Motion for summary judgment(FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (jsa,) (Entered: 05/18/2005)
05/17/2005	68	DEFENDANTS'RESPONSE TO PLAINTIFFS' local civil re: 42 Rule 56.1 Statement of Material Facts. Document filed by The Board of Education of the City of New York, Community School District No. 10. (jsa,) (Entered: 05/18/2005)

05/17/2005	69	SECOND DECLARATION of Lisa Grumet in Opposition re: 41 MOTION (FILED ON SERVICE DATE) for Summary Judgment., 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (jsa,) (Entered: 05/18/2005)
05/17/2005	70	SECOND DECLARATION of Maria Addamo in Opposition Part I exhibit Are: 41 MOTION (FILED ON SERVICE DATE) for Summary Judgment., 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (jsa,) Modified on 5/18/2005 (jsa,). (Entered: 05/18/2005)
05/17/2005	71	SECOND DECLARATION of Maria Addamo in Opposition Part II Exhibit B re: 41 MOTION (FILED ON SERVICE DATE) for Summary Judgment., 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (jsa,) (Entered: 05/18/2005)
05/17/2005	72	SECOND DECLARATION of Maria Addamo in Opposition Part III Exhibit C re: 41 MOTION (FILED ON SERVICE DATE) for Summary Judgment., 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (jsa,) (Entered: 05/18/2005)
05/17/2005	73	SECOND DECLARATION of Maria Addamo in Opposition Part IV Exhibit D re: 41 MOTION (FILED ON SERVICE DATE) for Summary Judgment., 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (jsa,) (Entered: 05/18/2005)
05/17/2005	74	MOTION (FILED ON SERVICE DATE) for an Order granting permission to the U.S. of America to participate in this case as amicus curiae. (jco,) (Entered: 05/18/2005)
05/17/2005	75	UNITED STATES' MEMORANDUM OF LAW in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment. (jco,) (Entered: 05/18/2005)
05/18/2005	76	MEMORANDUM OF LAW in Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (dle,) (Entered: 05/20/2005)
05/24/2005	77	AFFIDAVIT of Chad Adams. Document filed by The Board of Education of the City of New York, Community School District No. 10. (jmi,) (Entered: 05/25/2005)
05/24/2005	78	ENDORSED LETTER addressed to Judge Loretta A. Preska from David J. Kennedy dated 5/17/05 re: requesting leave to file an amicus brief in this matter not to exceed 25 pages. So ordered. (Signed by Judge Loretta A. Preska on 5/18/05) (kw,) (Entered: 05/26/2005)
05/25/2005	79	DEFENDANTS' REPLY MEMORANDUM OF LAW in Further Support of their motion for summary judgment. re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment.. Document filed by The Board of Education of the City of New York, Community School District No. 10. (jsa,) (Entered: 05/26/2005)
05/25/2005	80	THIRD DECLARATION of Lisa Grumet in Further Support re: 45 MOTION (FILED ON SERVICE DATE) for Summary Judgment. Document filed by The Board of Education of the City of New York, Community School District No. 10. (sac,) (Entered: 05/27/2005)
07/07/2005	81	ENDORSED LETTER addressed to Judge Preska from Lisa Grumett dated 6/9/05 re: request for oral argument. Argument shall be on 8/11/2005 at 08:00 AM (Signed by Judge Loretta A. Preska on 6/30/05) (yv,) (Entered: 07/08/2005)
07/22/2005	82	SCHEDULING ORDER: Oral Argument set for 8/11/2005 10:00 AM before Judge Loretta A. Preska on cross motions for summary judgment. (Signed by Judge

		Loretta A. Preska on 7/19/2005) (jsa,) (Entered: 07/25/2005)
08/17/2005	83	TRANSCRIPT of proceedings held on 8/11/05 before Judge Loretta A. Preska. (lma,) (Entered: 08/17/2005)
11/18/2005	<u>84</u>	OPINION # 92418 granting 41 MOTION for Summary Judgment, filed by The Bronx Household of Faith,, Jack Roberts,, Robert Hall, and denying 45 MOTION for Summary Judgment, filed by The Board of Education of the City of New York,, Community School District No. 10. Defts are permanently enjoined from enforcing Present SOP 5.11 so as to exclude plntfs or any other similarly situated individual from otherwise permissible after-school and weekend use of a NYC public school. Counsel shall confer and submit a proposed order. (Signed by Judge Loretta A. Preska on 11/16/05) (cd,) (Entered: 11/18/2005)
02/01/2006	85	JUDGMENT in favor of plaintiffs as against defendants, permanently enjoining defendants from enforcing the NYC Dept. of Ed Operating Manual section 5.11. (Signed by Judge Loretta A. Preska on 1/18/06) (jf,) (Entered: 02/01/2006)
02/02/2006		Mailed notice of Right to Appeal re: 85 Judgment and to Attorney(s) of Record: Benjamin W. Bull, Lisa Fleming Grumet, Joseph P. Infranco, Rena Marie Lindevaldsen, Jordan W. Lorence. (lma,) (Entered: 02/02/2006)
02/14/2006	86	NOTICE OF APPEAL from 85 Judgment. Document filed by The Board of Education of the City of New York, Community School District No. 10. Filing fee \$ 255.00, receipt number E 569946. Copies of Notice of Appeal mailed to Attorney(s) of Record: Alliance Defense Fund. (tp,) (Entered: 02/14/2006)
02/14/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 86 Notice of Appeal. (tp,) (Entered: 02/14/2006)
02/14/2006		Transmission of Notice of Appeal to the District Judge re: 86 Notice of Appeal. (tp,) (Entered: 02/14/2006)
02/15/2006		Received returned mail re: 85 Judgment. Mail was addressed to Jordan W. Lorence of Alliance Defense Fund Law Center at P.O. Box 2074, Fairfax, VA 22031 and was returned for the following reason(s): not deliverable as addressed. (tve,) (Entered: 02/16/2006)
02/15/2006		Received returned mail re: 85 Judgment. Mail was addressed to Benjamin W. Bull of Alliance Defense Fund Law Center at 8960 E. Raintree Drive, Suite 300, Scottsdale, AZ 85260 and was returned for the following reason(s): not deliverable as addressed. (tve,) (Entered: 02/21/2006)
03/24/2006	87	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 86 Notice of Appeal, filed by The Board of Education of the City of New York,, Community School District No. 10, USCA Case Number 06-0725, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (nd,) (Entered: 03/27/2006)
04/25/2007		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for 86 Notice of Appeal, filed by The Board of Education of the City of New York, Community School District No. 10 USCA Case Number 06-0725, were transmitted to the U.S. Court of Appeals on 4/25/07 to the attention of Vincenza Mathias. (tp) (Entered: 04/25/2007)
09/25/2007	<u>88</u>	MANDATE of USCA (Certified Copy) as to 86 Notice of Appeal, filed by The Board of Education of the City of New York, Community School District No. 10 USCA Case Number 06-0725. Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED and REMANDED in accordance with the opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 9/13/2007. (nd) (Entered: 09/25/2007)
09/25/2007		Transmission of USCA Mandate/Order to the District Judge re: <u>88</u> USCA Mandate,. (nd) (Entered: 09/25/2007)
10/01/2007	89	ORDER – Counsel shall confer and inform the Court by letter how they propose to proceed. SO ORDERED. (Signed by Judge Loretta A. Preska on 9/28/07) (jw) (Entered: 10/02/2007)

10/15/2007	91	NOTICE OF CHANGE OF ADDRESS by Jordan W. Lorence on behalf of The Bronx Household of Faith, Robert Hall, Jack Roberts. New Address: 801 G. Street, N.W., Suite 509, Washington, D.C., USA 20001, Telephone: (202) 637-4610; Fax:(202) 347-3622. (db) (Entered: 10/19/2007)
10/17/2007	90	NOTICE OF CHANGE OF ADDRESS by Benjamin W. Bull on behalf of The Bronx Household of Faith. New Address: Alliance Defense Fund Law Center, 15100 North 90th Street, Scottsdale, Arizona, USA 85260, (480) 444-0020. (db) (Entered: 10/18/2007)
10/23/2007	92	MOTION for Summary Judgment and MOTION for Temporary Restraining Order. Document filed by The Bronx Household of Faith, Robert Hall, Jack Roberts.(djc) (Entered: 10/26/2007)
10/23/2007	93	MEMORANDUM OF LAW in Support re: 92 MOTION for Summary Judgment. MOTION for Temporary Restraining Order. Document filed by The Bronx Household of Faith, Robert Hall, Jack Roberts. (djc) (Entered: 10/26/2007)
10/23/2007	94	DECLARATION of Robert Hall. Document filed by The Bronx Household of Faith, Robert Hall, Jack Roberts. (djc) (Entered: 10/26/2007)
10/29/2007	95	CROSS MOTION for Summary Judgment. Document filed by The Board of Education of the City of New York, Community School District No. 10.(djc) (Entered: 10/30/2007)
10/29/2007	96	SECOND DECLARATION of Marlene Siegel in Opposition re: 92 MOTION for Summary Judgment. MOTION for Temporary Restraining Order. Document filed by The Board of Education of the City of New York, Community School District No. 10. (djc) (Entered: 10/30/2007)
10/29/2007	97	MEMORANDUM OF LAW in Support re: 92 MOTION for Summary Judgment. MOTION for Temporary Restraining Order; and in opposition of 95 MOTION for Summary Judgment. Document filed by The Board of Education of the City of New York, Community School District No. 10. (djc) (Entered: 10/30/2007)
10/29/2007	98	DECLARATION of Deborah Kiing. (djc) (Entered: 10/31/2007)
11/02/2007	99	ORDER granting 92 Motion for Summary Judgment 95 Motion for Summary Judgment. Plaintiffs' motions for summary judgment and for a permanent injunction are granted, and Defendants' cross motion for summary judgment is denied. Defendants are hereafter enjoined from enforcing the New York City Department of Education's revised Standard Operating Procedures Manual ("SOPM") 5.11 so as to deny Plaintiff or any other similarly situated individual or entity a permit to hold religious worship services in a New York City public school during non-school hours. (Signed by Judge Loretta A. Preska on 11/1/07) Copies Faxed By Chambers.(tro) (Entered: 11/05/2007)
11/02/2007		Transmission to Judgments and Orders Clerk. Transmitted re: 99 Order on Motion for Summary Judgment, Order on Motion for TRO, to the Judgments and Orders Clerk. (tro) (Entered: 11/05/2007)
11/05/2007	100	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated November 1, 2007, plaintiffs motion for summary judgment and for a permanent injunction is granted; defendants cross-motion for summary judgment is denied; and defendants are enjoined from enforcing the New York City Department of Educations revised Standard Operating Procedures Manual (SOPM) 5.11 so as to deny plaintiff or any other similarly situated individual or entity a permit to hold religious worship services in a New York City public school during non-school hours. (Signed by J. Michael McMahan, clerk on 11/5/07) (ml) (Entered: 11/05/2007)
11/27/2007	101	NOTICE OF APPEAL from 100 Clerk's Judgment. Document filed by The Board of Education of the City of New York, Community School District No. 10. Filing fee \$ 455.00, receipt number E 634370. Copies of Notice of Appeal mailed to attorney(s) of record: Alliance Defense Fund Law Center. (nd) (Entered: 11/27/2007)

11/27/2007		Transmission of Notice of Appeal to the District Judge re: 101 Notice of Appeal,. (nd) (Entered: 11/27/2007)
11/27/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 101 Notice of Appeal,. (nd) (Entered: 11/27/2007)
12/13/2007		Appeal Record Returned. Indexed record on Appeal Files for Appeal Record Sent to USCA – File, USCA Case Number 06–0725, returned from the U.S. Court of Appeals. (Total of 6 volumes returned from USCA). (nd) (Entered: 12/13/2007)
01/28/2008	<u>102</u>	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 101 Notice of Appeal, filed by The Board of Education of the City of New York, Community School District No. 10 USCA Case Number 07–5291, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (nd) (nd). (Entered: 01/28/2008)
08/14/2009	103	NOTICE OF CHANGE OF ADDRESS by Jordan W. Lorence on behalf of The Bronx Household of Faith, Robert Hall, Jack Roberts. New Telephone Number: 202–393–8690. (mro) (Entered: 08/19/2009)
06/02/2011	<u>104</u>	TRUE COPY ORDER of USCA as to 101 Notice of Appeal, filed by The Board of Education of the City of New York, Community School District No. 10 USCA Case Number 07–5291–cv. The judgment of the District Court is reversed and the injunction barring enforcement of the rule against Plaintiffs is vacated. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 6/2/2011. (nd) (Entered: 06/02/2011)