

CLOSED

U.S. District Court
Northern District of New York – Main Office (Syracuse) [LIVE – Version 6.1.1]
(Utica)
CIVIL DOCKET FOR CASE #: 6:15-cv-00488-DNH-TWD

Tuyizere et al v. Utica City School District Board of Education et al
Assigned to: Judge David N. Hurd
Referred to: Magistrate Judge Therese Wiley Dancks
related Case: 6:15-cv-01364-DNH-TWD
Cause: 42:1983 Civil Rights Act

Date Filed: 04/23/2015
Date Terminated: 06/03/2016
Jury Demand: None
Nature of Suit: 448 Civil Rights: Education
Jurisdiction: Federal Question

Plaintiff

Patrick Tuyizere

represented by **Alexis B. Karteron**
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TERMINATED: 06/06/2016
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Plaintiff

Suk Maya Rai

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Susan M. Young
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Plaintiff

B. B-T

*by her parent and natural guardian
Birkha Bolon*

represented by **Alexis B. Karteron**
(See above for address)
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Plaintiff

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Plaintiff

Cho Cho Win

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Susan M. Young
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Plaintiff

Ado Lar

*on behalf of themselves and all others
similarly situated*

represented by **Alexis B. Karteron**
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TERMINATED: 06/06/2016
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V.

Mediator (Mandatory Program)

Richard Pertz
TERMINATED: 11/23/2015

represented by **Richard Pertz**
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V.

Defendant

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Defendant

Utica City School District

represented by **Donald R. Gerace**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Bruce J. Karam
Superintendent of Utica City School District, in his official capacity

represented by **Donald R. Gerace**
(See above for address)
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

Bruce J. Karam
Superintendent of Utica City School District, in his official capacity

represented by **Donald R. Gerace**
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ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

Utica City School District

represented by **Donald R. Gerace**
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ATTORNEY TO BE NOTICED

ThirdParty Plaintiff**Utica City School District Board of Education**represented by **Donald R. Gerace**
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V.

ThirdParty Defendant**Mohawk Valley Resource Center for Refugees**represented by **Julie Pasquariello Apter**
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Date Filed	#	Docket Text
04/23/2015	<u>3</u>	G.O. 25 FILING ORDER ISSUED: Initial Conference set for 7/22/2015 09:30 AM by telephone before Magistrate Judge Therese Wiley Dancks. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 7/15/2015. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (hmr) (Entered: 04/23/2015)
04/24/2015		CLERK'S CORRECTION OF DOCKET ENTRY re <u>3</u> G.O. 25 Filing Order: Clerk changed the entry to state that the initial conference set for 7/22/2015 at 9:30 a.m. is by telephone not in Syracuse. (hmr) (Entered: 04/24/2015)
04/24/2015	5	TEXT ORDER : Court has reviewed docket. Clerk is directed to restrict the Complaint at Dkt. No. 1 and the Summonses issued at Dkt. No. 2 due to personal identifying information regarding a certain plaintiff. Plaintiff's attorney is directed to file an amended complaint, with proposed amended summonses accordingly, by 5/1/2015. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 4/24/2015. (sg) (Entered: 04/24/2015)
04/24/2015		***Answer due date updated for Bruce J. Karam answer due 5/14/2015; Utica City School District answer due 5/14/2015; Utica City School District Board of Education answer due 5/14/2015. (hmr) (Entered: 04/24/2015)
04/27/2015	<u>6</u>	AMENDED COMPLAINT against All Defendants filed by Cho Cho Win, Suk Maya Rai, Patrick Tuyizere, B. B-T, Ali Janar, Ado Lar. (Attachments: # <u>1</u> Proposed Amended Summons for Utica City School District Board of Education, # <u>2</u> Proposed Amended Summons for Utica City School District, # <u>3</u> Proposed Amended Summons for Bruce J. Karam)(Desgranges, Philip) (Entered: 04/27/2015)
04/27/2015	<u>7</u>	Summons Issued as to Bruce J. Karam, Utica City School District and Utica City School District Board of Education. (Attachments: # <u>1</u> Summons Issued as to Utica City School District Board of Education, # <u>2</u> Summons Issued as to Utica City School

		District)(dpk) (Entered: 04/28/2015)
04/28/2015	<u>8</u>	AFFIDAVIT of Service for Amended Summons and Amended Complaint served on Bruce Karam, Utica City School District and Utica City School District Board of Education on April 28, 2015, filed by Patrick Tuyizere. (Young, Samuel) (Entered: 04/28/2015)
04/30/2015		***Answer due date updated for Bruce J. Karam answer due 5/20/2015; Utica City School District answer due 5/20/2015; Utica City School District Board of Education answer due 5/20/2015. (dpk) (Entered: 04/30/2015)
05/06/2015	<u>9</u>	Letter Motion from Philip Desgranges for B. B–T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting Initial Conference for Preliminary Injunction submitted to Judge Therese Wiley Dancks . (Desgranges, Philip) (Entered: 05/06/2015)
05/06/2015	<u>10</u>	Letter Motion from Philip Desgranges for B. B–T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting Initial Conference for Preliminary Injunction submitted to Judge Thomas J. McAvoy . (Desgranges, Philip) (Entered: 05/06/2015)
05/07/2015	<u>11</u>	TEXT ORDER: Court has reviewed letter motion (Dkt. No. <u>9</u>) regarding request to reschedule the Rule 16 Conference to an earlier date than the current date of 7/22/2015 (See Dkt. No. <u>3</u>). Letter motion DENIED without prejudice at this time. Plaintiffs may renew their request once Defendants have been served and have filed a response to the Complaint. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 5/7/2015. (sg) (Entered: 05/07/2015)
05/13/2015	<u>12</u>	<i>Verified</i> ANSWER to <u>6</u> Amended Complaint, by Bruce J. Karam, Utica City School District, Utica City School District Board of Education. (Attachments: # <u>1</u> Affirmation)(Gerace, Donald) (Entered: 05/13/2015)
05/18/2015	<u>13</u>	<i>Amended Verified</i> ANSWER to 1 Complaint, <i>and Certificate of Service</i> by Bruce J. Karam, Utica City School District, Utica City School District Board of Education. (Attachments: # <u>1</u> Affirmation)(Gerace, Donald) (Entered: 05/18/2015)
05/18/2015	<u>14</u>	Letter Motion from Donald R. Gerace, Esq., attorney for Named Defendants, for Bruce J. Karam, Utica City School District, Utica City School District Board of Education requesting filing Amended Verified Answer submitted to Judge McEvoy . (Gerace, Donald) (Entered: 05/18/2015)
05/18/2015	<u>15</u>	Letter Motion from Philip Desgranges for B. B–T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting Initial Conference for Preliminary Injunction submitted to Judge Therese Wiley Dancks . (Desgranges, Philip) (Entered: 05/18/2015)
05/19/2015	<u>16</u>	TEXT ONLY ORDER granting Defts' <u>14</u> Letter Request to restrict access to defts' <u>12</u> answer based upon NDNY Local Rule 8.1; SO ORDERED – Authorized on 5/19/2015 by Sr. District Judge Thomas J. McAvoy (cml) (Entered: 05/19/2015)
05/19/2015	<u>17</u>	Letter Motion from Donald R. Gerace, Esq. for Bruce J. Karam, Utica City School District, Utica City School District Board of Education requesting Responding to Plaintiff's Motion submitted to Judge Dancks . (Gerace, Donald) (Entered: 05/19/2015)
05/19/2015	<u>18</u>	THIRD PARTY COMPLAINT against Mohawk Valley Resource Center for Refugees filed by Bruce J. Karam, Utica City School District, Utica City School District Board of Education. (Attachments: # <u>1</u> Proposed Summons, # <u>2</u> Civil Cover Sheet)(Gerace, Donald) (Entered: 05/19/2015)
05/20/2015	<u>19</u>	Third–Party Summons Issued as to Mohawk Valley Resource Center for Refugees. (lah) (Entered: 05/20/2015)
05/20/2015	<u>20</u>	Letter Motion from Philip Desgranges for B. B–T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win submitted to Judge Therese Wiley Dancks <i>in Response to Defendants' 5–19–2015 Letter (at Dkt. No. 17)</i> . (Desgranges, Philip) (Entered: 05/20/2015)

05/21/2015	<u>21</u>	TEXT ORDER : Court has reviewed Plaintiffs' letter motion (Dkt. No. <u>15</u>) regarding request to reschedule Rule 16 Conference to an earlier date than the current date of 7/22/2015 (see Dkt. No. 3), and further letter (Dkt. No. <u>20</u>) of Plaintiffs' in support of their request. Court has also reviewed Defendants' letter motion (Dkt. No. <u>17</u>) requesting Rule 16 Conference to remain as scheduled, and that no expedited discovery schedule be issued. Court also notes a Third Party Complaint (Dkt. No. 18) has been filed and a summons (Dkt. No. 19) has been issued in accordance with that Third Party Complaint. Letter motions are determined as follows: Dkt. Nos. <u>15</u> and <u>20</u> are denied without prejudice at this time. Plaintiffs may renew their request once the Third Party Defendant has been served and filed a response to the Third Party Complaint. Dkt. No. <u>17</u> is granted insofar as it seeks to have the Rule 16 conference remain as scheduled. Issues regarding an expedited discovery schedule will be addressed at the Rule 16 Conference, which remains scheduled for 7/22/2015 at the present time per Dkt. No. 3. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 5/21/2015. (sg) (Entered: 05/21/2015)
05/21/2015	<u>22</u>	AFFIDAVIT of Service for Summons and Third Party Complaint served on Mohawk Valley Resource Center for Refugees on May 21, 2015, filed by Bruce J. Karam, Utica City School District, Utica City School District Board of Education. (Gerace, Donald) (Entered: 05/21/2015)
05/21/2015		***Answer due date updated for Mohawk Valley Resource Center for Refugees answer due 6/11/2015. (lah) (Entered: 05/21/2015)
06/03/2015	<u>23</u>	NOTICE of Appearance by Julie Pasquariello Apter on behalf of Mohawk Valley Resource Center for Refugees (Apter, Julie) (Entered: 06/03/2015)
06/03/2015	<u>24</u>	NOTICE of Appearance by Kenneth M. Alweis on behalf of Mohawk Valley Resource Center for Refugees (Alweis, Kenneth) (Entered: 06/03/2015)
06/08/2015	<u>25</u>	STIPULATION re <u>18</u> Third Party Complaint, <i>Extension of Time to Answer</i> by Mohawk Valley Resource Center for Refugees. (Apter, Julie) (Entered: 06/08/2015)
06/09/2015	26	TEXT ORDER re: <u>25</u> Stipulation for extension : Answer due date updated for Third Party Defendant Mohawk Valley Resource Center for Refugees : answer to third party complaint due 6/26/2015. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 6/9/2015. (sg) (Entered: 06/09/2015)
06/25/2015	<u>27</u>	ANSWER to <u>18</u> Third Party Complaint, by Mohawk Valley Resource Center for Refugees. (Attachments: # <u>1</u> Certificate of Service)(Apter, Julie) (Entered: 06/25/2015)
07/15/2015	<u>28</u>	CIVIL CASE MANAGEMENT PLAN by B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win. (Desgranges, Philip) (Entered: 07/15/2015)
07/22/2015		TEXT Minute Entry for proceedings held before Magistrate Judge Therese Wiley Dancks: Initial Pretrial Conference held on 7/22/2015. Mandatory disclosures have been exchanged. First set of Rule 33 and 34 requests will be served by 8/21/2015. Plaintiffs' counsel requests to exceed the deposition limit allowed. Defendants' counsel believes this issue is premature. Judge defers this issue at this time. The schedule for class certification is deferred until the next telephone conference. Joinder deadline is set for 9/14/2015. Mandatory mediation deadline is set for 10/20/2015. Amendment deadline is set for 11/9/2015. The deadline for completion of fact discovery is set for 1/29/2016. Plaintiffs' expert report is due by 2/29/2016. Defendants & Third-Party Plaintiffs' expert report is due by 3/28/2016. Third-Party Defendants' expert report is due by 4/25/2016. Any rebuttal expert report is due by 4/29/2016. Completion of all discovery, including expert depositions, is due by 5/31/2016. Any discovery motions must be filed by 6/7/2016. Dispositive motions must be filed by 7/29/2016. This will be a non-jury trial that will last approximately 7 days in Albany. A trial ready deadline and trial date before Senior District Judge McAvoy will be set shortly. A follow-up status telephone conference will be set for some time in mid to late October. APP: Alexis Karteron, Esq., Philip Desgranges, Esq., Samuel Young, Esq., Susan Young, Esq., Adam Crowley, Esq., Donald Gerace, Esq., and Juli Pasquariello-Apter, Esq.. (FTR Recorded 9:30 AM - 10:20 AM). (sal,) (Entered: 07/23/2015)
07/23/2015	<u>29</u>	ORDER REFERRING CASE to Mandatory Mediation. Deadline for Mediator Selection is 8/20/2015. Deadline for completion of Mandatory Mediation is 10/20/2015. Signed by Magistrate Judge Therese Wiley Dancks on 7/23/15. (sal,)

		(Entered: 07/23/2015)
07/23/2015		Set/Reset Hearings: A Telephone Conference is set for 10/23/2015 at 11:00 AM before Magistrate Judge Therese Wiley Dancks. The conference will be conducted by telephone. Attorney Gerace is directed to initiate the call by using AT&T or other teleconferencing service and call Judge Dancks' chambers at 315-234-8618, a dedicated conference line which is not to be used for other purposes. (sal) (Entered: 07/23/2015)
07/24/2015	<u>30</u>	UNIFORM PRETRIAL SCHEDULING ORDER: Anticipated length of non-jury trial: 7 days. Preferred Trial Location: Albany. Joinder deadline is set for 9/14/2015. Mandatory mediation deadline is set for 10/20/2015. Amendment deadline is set for 11/9/2015. The deadline for completion of fact discovery is set for 1/29/2016. Plaintiffs' expert report is due by 2/29/2016. Defendants & Third-Party Plaintiffs' expert report is due by 3/28/2016. Third-Party Defendants' expert report is due by 4/25/2016. Any rebuttal expert report is due by 4/29/2016. Completion of all discovery, including expert depositions, is due by 5/31/2016. Any discovery motions must be filed by 6/7/2016. Dispositive motions must be filed by 7/29/2016. Trial Ready Deadline is 10/2/2016. Bench Trial set for 10/12/2016 at 10:00 AM in Albany before Senior Judge Thomas J. McAvoy. Signed by Magistrate Judge Therese Wiley Dancks on 7/24/15. (sal,) (Entered: 07/24/2015)
08/07/2015	31	STIPULATION SELECTING MEDIATOR: IT IS HEREBY STIPULATED AND AGREED that Richard Pertz has been selected, contacted and has agreed to serve as Mediator for this action. IT IS FURTHER STIPULATED AND AGREED, that counsel will participate in the mediation session in good faith and confer with the Mediator regarding the scheduling of additional conferences, bearing in mind the deadline for completion of Mediation set forth in the Court's Order Referring the Case to Mediation. Stipulation signed by: Philip Desgranges, Donald R. Gerace, Julie P. Apter and. Dated: August 7, 2015(Apter, Julie) (Entered: 08/07/2015)
08/07/2015	<u>32</u>	MOTION for Extension of Time to Complete Discovery filed by Mohawk Valley Resource Center for Refugees. Motions referred to Therese Wiley Dancks. (Apter, Julie) Modified on 8/10/2015 (sg). (Entered: 08/07/2015)
08/10/2015	33	TEXT ORDER granting <u>32</u> Letter Request for extension of mediation deadline. Deadline for completion of Mandatory Mediation is 11/2/2015. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 8/7/2015. (sg) (Entered: 08/10/2015)
09/17/2015	<u>34</u>	Letter Motion from Philip Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting that the Court enter the proposed protective order submitted to Judge Therese Wiley Dancks . (Attachments: # <u>1</u> Proposed Order/Judgment Proposed Protective Order Regarding Confidential Materials, # <u>2</u> Exhibit(s) Letter Desgranges to Don Gerace Regarding Proposed Protective Order)(Desgranges, Philip) (Entered: 09/17/2015)
09/21/2015	<u>35</u>	STIPULATED PROTECTIVE ORDER REGARDING CONFIDENTIAL MATERIALS. Signed by Magistrate Judge Therese Wiley Dancks on 9/21/2015. (sg) (Entered: 09/21/2015)
10/21/2015	<u>36</u>	Letter Motion from Philip Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting that the Court direct defendants' counsel to meet and confer with plaintiffs' counsel regarding plaintiffs' discovery concerns. submitted to Judge Dancks . (Attachments: # <u>1</u> Exhibit(s) Exhibit A)(Desgranges, Philip) (Entered: 10/21/2015)
10/22/2015	37	TEXT ORDER : Court has reviewed letter motion (Dkt. No. <u>36</u>). Court will address the motion at the telephone conference on 10/23/2015. Defendants' counsel should be prepared to discuss the issues raised in Dkt. No. 36. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 10/22/2015. (sg) (Entered: 10/22/2015)
10/23/2015		TEXT Minute Entry for proceedings held before Magistrate Judge Therese Wiley Dancks: Telephone Status Conference held on 10/23/2015. Appearances: Alexis Karteron, Esq., Philip Desgranges, Esq., Sam Thypyn-Berne, Samuel Young, Esq. and Susan Young, Esq. for Plaintiffs; Donald Gerace, Esq. for Defendants; and Juli Pasquariello, Esq. for third party Defendant. Court inquires on status of discovery, discusses Dkt. <u>36</u> . Defendant to serve Rule 33 and 34 requests by 10/23/2015. Court

		reviews Dkt. [36-1] and hears from all counsel re: issues raised in Dkt. [36-1]. Plaintiff's letter motion (Dkt. No. <u>36</u>) is granted as follows: Defendant to serve corrected and/or updated responses to Plaintiff's discovery demands by 10/29/2015; Defendant to provide amended answers to Plaintiff's Interrogatories which are to be complete and shall clarify previous answers by 10/29/2015. Defendant to provide clarification of Defendant's Rule 26 disclosures, as requested by Plaintiff in Dkt. [36-1], by 10/29/2015. A separate text order will be issued as to these rulings. Court discusses Request No. 15 of Dkt. No. [36-1]. Counsel are to meet and confer to work out the issues of a proposed confidentiality stipulation and order, and submit to the Court. Attorney Desgranges to file status report re: the confidentiality stipulation and order by 11/16/2015. Another telephone status conference will be set for mid-December. Judge Dancks reminds counsel to follow the Local Rules of the Northern District of New York with respect to communicating with each other on discovery issues that arise, and encourages parties to schedule depositions if the case does not settle at mediation. (FTR Recorded: 11:06AM-12:08PM) (sg) (Entered: 11/02/2015)
10/23/2015	38	TEXT ORDER : Based upon directives issued on the record during the 10/23/2015 Telephone Conference, it is hereby: ORDERED, that Plaintiff's letter motion (Dkt. No. <u>36</u>) is granted as follows: Defendant to serve corrected and/or updated responses to Plaintiff's discovery demands by 10/29/2015; Defendant to provide amended answers to Plaintiff's Interrogatories which are to be complete and shall clarify previous answers by 10/29/2015. Defendant to provide clarification of Defendant's Rule 26 disclosures, as requested by Plaintiff in Dkt. [36-1], by 10/29/2015. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 10/23/2015. (sg) (Entered: 11/02/2015)
11/02/2015		TEXT NOTICE OF TELEPHONE CONFERENCE: Telephone Status Conference has been set for 12/14/2015 at 10:00 AM before Magistrate Judge Therese Wiley Dancks. Attorney Gerace is directed to initiate the call using AT&T or other teleconferencing service, and to contact Chambers at (315) 234-8618 (the dedicated conference line) once all parties are on the line. (sg) (Entered: 11/02/2015)
11/16/2015	<u>39</u>	STATUS REPORT <i>Required by the Court's November 2nd Text Minute Entry</i> by B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win. (Desgranges, Philip) (Entered: 11/16/2015)
11/20/2015	40	REPORT OF MANDATORY MEDIATION – A Mandatory Mediation session was held on November 2, 2015. Total Hours Spent by Mediator: 3; The outcome of Mandatory Mediation is: MEDIATION IS COMPLETE. CASE DID NOT SETTLE. The case will proceed toward trial pursuant to the Courts Uniform Pretrial Scheduling Order. (Pertz, Richard) (Entered: 11/20/2015)
11/23/2015		ADR COMPLETED – Did not settle. (jlm) (Entered: 11/23/2015)
11/24/2015		TEXT NOTICE OF TELEPHONE CONFERENCE: A Telephone Status Conference has been set for 1/28/2016 at 9:30 AM before Magistrate Judge Therese Wiley Dancks. Plaintiff's counsel is directed to initiate the call and to contact Chambers at (315) 234-8618 (the dedicated conference line) once all counsel are on the line. (sg) (Entered: 11/24/2015)
11/24/2015		TEXT NOTICE : In light of the Telephone Conference set for 1/28/2016, the conference previously scheduled for 12/14/2015 is OFF. (sg) (Entered: 11/24/2015)
12/02/2015	<u>41</u>	Letter Motion from Donald R. Gerace, Esq. for Bruce J. Karam, Bruce J. Karam, Utica City School District, Utica City School District, Utica City School District Board of Education, Utica City School District Board of Education requesting Adjournment of 1/28/2016 Telephone Status Conference submitted to Judge Dancks . (Gerace, Donald) (Entered: 12/02/2015)
12/02/2015	<u>42</u>	Letter Motion from Desgranges to Judge Dancks Regarding Mr. Gerace's Request for Adjournment for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting That the Status Conference Not Take Place on February 1 or 2 submitted to Judge Dancks . (Desgranges, Philip) (Entered: 12/02/2015)
12/07/2015	43	TEXT ORDER granting <u>41</u> Letter Request for rescheduling of the next scheduled telephone conference. Court has received Plaintiff's letter at Dkt. <u>42</u> which does not oppose Defendant's request. Therefore, it is SO ORDERED, that the Telephone Status

		Conference originally set for 1/28/2015 has been RESCHEDULED for 2/3/2016 at 10:30 AM before Magistrate Judge Therese Wiley Dancks. Plaintiffs' counsel is directed to initiate the call and to contact Chambers at (315) 234-8618 (the dedicated conference line) once all counsel are on the line. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 12/4/2015. (sg) (Entered: 12/07/2015)
12/16/2015	<u>44</u>	ORDER REASSIGNING CASE. Case reassigned to Judge David N. Hurd for all further proceedings. Senior Judge Thomas J. McAvoy no longer assigned to case. Signed by Senior Judge Thomas J. McAvoy on 12/16/2015. (dpk) (Entered: 12/16/2015)
12/17/2015	<u>45</u>	Letter Motion from Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting that the Court enter the attached Proposed Protective Order submitted to Judge Dancks . (Attachments: # <u>1</u> Exhibit(s) Proposed Protective Order)(Desgranges, Philip) (Entered: 12/17/2015)
12/18/2015		TEXT NOTICE OF TELEPHONE CONFERENCE: A Telephone Conference has been set for 12/21/2015 at 11:00 AM before Magistrate Judge Therese Wiley Dancks. Parties should be prepared to discuss Dkt. 45 – proposed Protective Order. Plaintiffs' counsel is directed to initiate the call and to contact Chambers at (315) 234-8618 (the dedicated conference line) once all counsel are on the line. (sg) (Entered: 12/18/2015)
12/21/2015		TEXT Minute Entry for proceedings held before Magistrate Judge Therese Wiley Dancks: Telephone Conference held on 12/21/2015. Appearances: Philip Desgranges, Esq. for Plaintiffs; Samuel Young, Esq., Susan Young, Esq., Donald Gerace, Esq. for Defendants; Julie Pasquariello Apter, Esq. for Third Party Defendant. Court discusses Dkt. 45 – proposed order re: information on records of other students. Court discusses revisions that must be made to the proposed order. Court advises that third party defendant must stipulate to the order as well. Counsel to re-submit the proposed order for Court review and approval. (FTR Recorded: 11:11AM-11:31AM) (sg) (Entered: 12/28/2015)
12/22/2015	<u>46</u>	Letter Motion from Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting that the Court enter the attached Proposed Protective Order submitted to Judge Dancks . (Attachments: # <u>1</u> Exhibit(s) Proposed Protective Order)(Desgranges, Philip) (Entered: 12/22/2015)
12/28/2015		TEXT NOTICE OF TELEPHONE CONFERENCE: A Telephone Status Conference has been set for 3/1/2016 at 10:30 AM before Magistrate Judge Therese Wiley Dancks. Attorney Gerace is directed to initiate the call and to contact Chambers at (315) 234-8618 (the dedicated conference line) once all counsel are on the line. (sg) (Entered: 12/28/2015)
01/05/2016	<u>47</u>	STIPULATION AND PROTECTIVE ORDER REGARDING CONFIDENTIAL EDUCATION RECORDS. Signed by Magistrate Judge Therese Wiley Dancks on 1/4/2016. (sg) (Entered: 01/05/2016)
01/05/2016	48	TEXT STATUS REPORT ORDER: It is ORDERED, that Attorney Gerace shall file a status report by 2/5/2016 setting forth the date(s) notices were sent pursuant to Dkt. No. <u>47</u> at paragraph 7. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 1/5/2016. (sg) (Entered: 01/05/2016)
01/15/2016	<u>49</u>	STATUS REPORT/AFFIDAVIT of Service By Mail by Bruce J. Karam, Utica City School District, Utica City School District Board of Education. (Gerace, Donald) Modified on 1/20/2016 (sg). (Entered: 01/15/2016)
01/27/2016	50	TEXT ORDER: In light of the Telephone Conference scheduled for 3/1/2016 at 10:30AM, the Telephone Conference set for 2/3/2016 is CANCELLED. The 3/1/2016 call shall be made per the directive in the 12/28/2015 Text Notice. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 1/27/2016. (sg) (Entered: 01/27/2016)
01/27/2016	<u>51</u>	Letter Motion from Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting that the Court enter the attached Proposed Order submitted to Judge Dancks . (Attachments: # <u>1</u> Exhibit(s) Stipulation and Proposed Order to Extend Discovery Deadlines)(Desgranges, Philip) (Entered: 01/27/2016)

01/29/2016	<u>52</u>	Letter Motion from Donald R. Gerace, Esq. for Bruce J. Karam, Utica City School District, Utica City School District Board of Education requesting rescheduling telephone conference submitted to Judge Dancks . (Gerace, Donald) (Entered: 01/29/2016)
01/29/2016	53	TEXT ORDER granting <u>51</u> Letter Request and approving stipulation extending deadlines as follows: All fact discovery due 7/29/2016. Plaintiffs' expert disclosure due 9/1/2016. Defendants' and Third Party Plaintiff's expert disclosure due 10/3/2016. Third Party Defendant's expert disclosure due 11/1/2016. Rebuttal due 11/21/2016. All Discovery including expert depositions to be completed by 12/19/2016. Discovery motions due 1/9/2017. In light of case being reassigned to District Judge Hurd, the trial date will be reset by Judge Hurd at a future time. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 1/28/2016.(sg) (Entered: 01/29/2016)
02/01/2016	54	TEXT ORDER granting <u>52</u> Letter Request to reschedule telephone conference. The telephone conference set for 3/1/2016 has been RESCHEDULED for 2/22/2016 at 11:00 AM before Magistrate Judge Therese Wiley Dancks. Attorney Gerace is directed to initiate the call and to contact Chambers at (315) 234-8618 (the dedicated conference line) once all counsel are on the line. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 1/29/2016. (sg) (Entered: 02/01/2016)
02/04/2016	<u>55</u>	STATUS REPORT by Bruce J. Karam, Utica City School District, Utica City School District Board of Education. (Gerace, Donald) (Entered: 02/04/2016)
02/11/2016	<u>56</u>	Letter Motion from Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting to join the Rule 16 conference in case No. 15-cv-1364 submitted to Judge Dancks . (Desgranges, Philip) (Entered: 02/11/2016)
02/12/2016	57	TEXT ORDER : Defendant to file response to letter request (Dkt. No. <u>56</u>) setting forth reasons for objections to request regarding participation in Rule 16 Conference in related case (15-CV-1364) by 4:00PM on 2/12/2016.SO ORDERED by Magistrate Judge Therese Wiley Dancks on 2/11/2016. (sg) (Entered: 02/12/2016)
02/12/2016	<u>58</u>	Letter Motion from Donald R. Gerace, Esq. for Bruce J. Karam, Utica City School District, Utica City School District Board of Education requesting Objecting to Plaintiffs participation in the Rule 16 conference submitted to Judge Dancks . (Gerace, Donald) (Entered: 02/12/2016)
02/12/2016	<u>59</u>	Letter Motion from Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting responding to Mr. Gerace's letter from this afternoon submitted to Judge Dancks . (Desgranges, Philip) (Entered: 02/12/2016)
02/16/2016	60	TEXT ORDER : Court has reviewed letter motions (Dkt. Nos. <u>56</u> , <u>58</u> , and <u>59</u>) regarding request to participate in Rule 16 conference of related case 15-CV-1364 and objections to same. Plaintiffs' request to participate in Rule 16 conference of related case denied without prejudice to request that the Court consider joint conferences in the future. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 2/16/2016. (sg) (Entered: 02/16/2016)
02/19/2016	<u>61</u>	Letter Motion from Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting regarding upcoming status conference submitted to Judge Dancks . (Desgranges, Philip) (Entered: 02/19/2016)
02/22/2016		TEXT Minute Entry for proceedings held before Magistrate Judge Therese Wiley Dancks: Telephone Conference held on 2/22/2016. Appearances: Alexis Karteron, Esq., Philip Desgranges, Esq., Susan Young, Esq. for Plaintiffs; Donald Gerace, Esq. for Defendants; Julie Pasquariello Apter, Esq. for Third Party Defendant. Court discusses Dkt. 61. After hearing from the parties on the issues raised in the letter, Judge Dancks denies Dkt. 61 without prejudice to renew requests. A separate Text Order will be issued. Court inquires on status of discovery. Defendants to serve Rule 33 and 34 Requests on all parties by 2/26/2016. Review of the school records as agreed among the parties, with the exception of those who objected, to be completed by 3/31/2016. Attorney Desgranges is to file a status report by 2/29/2016 advising the Court of the date(s) of the inspection. Counsel request a settlement conference with the Court. Settlement conference scheduled, a separate text notice will be issued setting the date and time. This is an in-person settlement conference, as discussed during this conference. Should any party attending the settlement conference require an interpreter, the Court advises that counsel must engage their own interpreters. (FTR

		Recorded: 11:09AM–11:47AM) (sg) (Entered: 02/22/2016)
02/22/2016	<u>62</u>	TEXT ORDER as to <u>61</u> Letter Request: After hearing from the parties at the 2/22/2016 Telephone Conference with respect to Dkt. <u>61</u> , and consideration of the submission at Dkt. <u>61</u> , the Court DENIES plaintiff's request to review records of those individuals who submitted an objection, without prejudice; and further DENIES plaintiff's request to take more than 10 depositions, without prejudice. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 2/22/2016. (sg) (Entered: 02/22/2016)
02/22/2016	<u>63</u>	TEXT NOTICE OF SETTLEMENT CONFERENCE: An IN PERSON settlement conference has been scheduled for Thursday, March 24, 2016 at 1:00PM in Syracuse with Magistrate Judge Therese Wiley Dancks. The parties will meet in Chambers, located on the 3rd floor, James M Hanley Federal Building, 100 South Clinton Street, Syracuse, New York. Parties must appear in person. The attached Confidential Settlement Statement must be completed and received by Judge Wiley Dancks no later than Thursday, March 17, 2016. The settlement statement MUST NOT be electronically filed with the Court. The statement may be emailed to the Judge's Courtroom Deputy Clerk at suzanne_gunter@nynd.uscourts.gov, an email address provided solely for this purpose. (sg) (Entered: 02/22/2016)
02/29/2016	<u>64</u>	STATUS REPORT <i>advising the Court of the dates for inspecting the student records permitted by the Court's orders</i> by B. B–T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win. (Desgranges, Philip) (Entered: 02/29/2016)
03/24/2016		TEXT Minute Entry for proceedings held before Magistrate Judge Therese Wiley Dancks: Settlement Conference held on 3/24/2016 in Syracuse, New York. Appearances: Alexis Karteron, Esq., Philip Desgranges, Esq., Samuel Young, Esq. and Susan Young, Esq. for Plaintiffs; Donald Gerace, Esq. with Elizabeth Paul for Defendants; Julie Apter, Esq. with Shelly Callahan and Tracy Davis for Third Party Defendant. Parties have come to an agreement, subject to finalization of the settlement language and approval of Defendant Board of Education. Plaintiffs to submit a proposed settlement agreement to the Defendant by 4/15/2016. Attorney Gerace to file status report on settlement agreement and whether it has been finalized by 4/22/2016. Discovery in the case is stayed at this time. (Court Reporter (Jodi Hibbard) (sg) (Entered: 03/25/2016)
03/25/2016		TEXT NOTICE OF STATUS REPORT DEADLINE: Attorney Gerace to file status report on settlement by 4/22/2016 per 3/24/2016 Text Minute Entry. (sg) (Entered: 03/25/2016)
04/22/2016	<u>65</u>	Status Report from Donald R. Gerace, Esq. for Bruce J. Karam, Utica City School District, Utica City School District Board of Education requesting Status Update submitted to Judge Wiley Dancks . (Gerace, Donald) Modified on 4/22/2016 (sg). (Entered: 04/22/2016)
04/25/2016	66	TEXT ORDER: Court has reviewed status report (Dkt. No. <u>65</u>). Parties to file Notice of Dismissal by 4/29/2016 or Defendant to file further status report on settlement by 4/29/2016. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 4/25/2016. (sg) (Entered: 04/25/2016)
04/29/2016	<u>67</u>	STATUS REPORT by Bruce J. Karam, Utica City School District, Utica City School District Board of Education. (Gerace, Donald) (Entered: 04/29/2016)
05/03/2016	68	TEXT ORDER: The Court has reviewed the Status Report (Dkt. No. <u>67</u>). Plaintiff to file stipulation of dismissal or status report on settlement by 5/9/2016. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 5/2/2016. (sg) (Entered: 05/03/2016)
05/09/2016	<u>69</u>	STATUS REPORT <i>Required by the Court's May 3rd Text Order</i> by B. B–T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win. (Desgranges, Philip) (Entered: 05/09/2016)
05/10/2016	70	TEXT ORDER : Court reviewed plaintiffs' status report (Dkt. No. <u>69</u> .) Plaintiffs' counsel to file motion regarding Plaintiff Cho Cho Win by 5/13/2016 which includes all efforts to locate Win and certificates of service on all counsel and Plaintiff Win at last known address. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 5/10/2016. (sg) (Entered: 05/10/2016)

05/13/2016	<u>71</u>	STATUS REPORT by B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win. (Karteron, Alexis) (Entered: 05/13/2016)
05/19/2016	<u>72</u>	Letter Motion from Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting that the Court sign and enter the consent decree and protective order submitted to Judge Hurd . (Desgranges, Philip) (Entered: 05/19/2016)
05/19/2016	<u>73</u>	SETTLEMENT AGREEMENT by B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win. (Attachments: # <u>1</u> Exhibit(s) A – Stipulation of Dismissal, # <u>2</u> Exhibit(s) B – Protective Order, # <u>3</u> Exhibit(s) C – Letter to ELLs, # <u>4</u> Exhibit(s) D – Waiver Form, # <u>5</u> Exhibit(s) E – Opt-out Form, # <u>6</u> Exhibit(s) F – Checklist, # <u>7</u> Exhibit(s) G – Flyer, # <u>8</u> Exhibit(s) H – Poster)(Desgranges, Philip) (Entered: 05/19/2016)
06/02/2016	<u>74</u>	STIPULATION of Dismissal by B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win submitted to Judge Hurd. (Desgranges, Philip) (Entered: 06/02/2016)
06/03/2016	<u>75</u>	Letter Motion from Alexis Karteron for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting approval of motion to withdraw as counsel submitted to Judge Hurd . (Karteron, Alexis) (Entered: 06/03/2016)
06/03/2016	<u>76</u>	CONSENT DECREE "So Ordered" by U.S. District Judge David N. Hurd on 6/3/2016. (lah) (Entered: 06/06/2016)
06/03/2016	<u>77</u>	STIPULATION AND ORDER DISMISSING CASE. Signed by U.S. District Judge David N. Hurd on 6/3/2016. (lah) (Entered: 06/06/2016)
06/06/2016	<u>78</u>	ORDER granting Alexis Karteron's motion to withdraw as counsel, Dkt. No. <u>75</u> . Signed by U.S. District Judge David N. Hurd on 6/6/2016. (lah) (Entered: 06/06/2016)
06/06/2016	<u>79</u>	ORDER and STIPULATED PROTECTIVE ORDER Regarding Confidential Forms Pursuant to the Consent Decree. Signed by U.S. District Judge David N. Hurd on 6/6/2016. (lah) (Entered: 06/06/2016)
06/20/2016	<u>80</u>	STIPULATION <i>and Proposed Order to Extend Time for Motion for Attorneys' Fees and Costs</i> by B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win submitted to Judge Hurd. (Desgranges, Philip) (Entered: 06/20/2016)
06/20/2016	<u>81</u>	STIPULATION AND ORDER. The time within which Plaintiffs' counsel must move for attorneys' fees and costs is extended to July 15, 2016. Signed by Judge David N. Hurd on 6/20/2016. (lah) (Entered: 06/21/2016)
07/14/2016	<u>82</u>	STIPULATION <i>and Proposed Order to Extend Time for Motion for Attorneys' Fees and Costs</i> by B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win submitted to Judge Hurd. (Desgranges, Philip) (Entered: 07/14/2016)
07/19/2016	<u>83</u>	ORDER ON STIPULATION – That the time within which Plaintiffs counsel must move for attorneys fees and costs isextended to July 29, 2016. Signed by Judge David N. Hurd on 4/15/2016. (ptm) (Entered: 07/19/2016)
07/29/2016	<u>84</u>	Letter Motion from Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting Extension of Time to Move for Attorneys' Fees and Costs submitted to Judge Hurd . (Desgranges, Philip) (Entered: 07/29/2016)
08/01/2016	85	TEXT ORDER Granting <u>84</u> Letter Motion from Desgranges for B. B-T, Ali Janar, Ado Lar, Suk Maya Rai, Patrick Tuyizere, Cho Cho Win requesting an extension of time to move for Attorneys' Fees and Costs until 8/5/2016. So Ordered by Judge David N. Hurd on 8/1/2016. (ptm) (Entered: 08/01/2016)
08/04/2016	<u>86</u>	STIPULATION <i>and Proposed Order Concerning Attorneys' Fees and Costs</i> by Patrick Tuyizere submitted to Judge Hurd. (Cadin, Christopher) (Entered: 08/04/2016)