

CLOSED, EFILE

**U.S. District Court**  
**United States District Court for the District of Connecticut (New Haven)**  
**CIVIL DOCKET FOR CASE #: 3:04-cv-01338-JCH**

Protection & Advocacy for Persons With Disabilities et al v.  
Hartford Bd of Ed et al  
Assigned to: Judge Janet C. Hall  
Cause: 29:0794 Job Discrimination (Handicap)

Date Filed: 08/11/2004  
Date Terminated: 02/08/2005  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Protection & Advocacy for Persons With  
Disabilities**  
*State of CT*

represented by **Nancy B. Alisberg**  
State Of Connecticut  
Office Of Prot. & Adv. For Handicapped  
60B Weston St.  
Hartford, CT 06120  
800-842-7303  
Fax: 860-566-8714  
Email: nancy.alisberg@po.state.ct.us  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Paulette G. Annon**  
State of Connecticut  
Office of Protection & Advocacy  
for Persons with Disabilities  
60B Weston St.  
Hartford, CT 06120-1551  
860-297-4329  
Email: paulette.annon@po.state.ct.us  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**James McGaughey**  
*Exec Dir, State of CT Ofc of Protection &  
Advocacy for Persons with Disabilities*

represented by **Nancy B. Alisberg**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Paulette G. Annon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Hartford Bd of Ed**

represented by **Ann F. Bird**  
Corporation Counsel's Office  
550 Main St.

Room 303  
 Hartford, CT 06103  
 860-543-8575  
 Fax: 860-722-8085  
 Email: birda001@hartford.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John Rose, Jr.**  
 Corporation Counsel-City of Hartford  
 550 Main St.  
 Hartford, CT 06103  
 860-543-8575  
 Fax: 860-722-8114  
 Email: RoseJ001@hartford.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Hartford Public Schools**

represented by **Ann F. Bird**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John Rose, Jr.**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Robert Henry**  
*Supt of Schools, /O*

represented by **Ann F. Bird**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John Rose, Jr.**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| <b>Date Filed</b> | <b>#</b>          | <b>Docket Text</b>   |
|-------------------|-------------------|--|
| 08/11/2004        | <a href="#">1</a> | COMPLAINT against Hartford Bd of Ed, Hartford Public Schools, Robert Henry ( Filing fee \$ 150 receipt number H013377.), filed by James McGaughey, Protection & Advocacy for Persons With Disabilities. (Attachments: # <a href="#">1</a> Exhibits 1-6# <a href="#">2</a> Exhibits 7-11)(Ferguson, L.) (Entered: 08/13/2004) |
| 08/11/2004        |                   | Summons Issued as to Hartford Bd of Ed, Hartford Public Schools, Robert Henry. (Ferguson, L.) (Entered: 08/13/2004)  |
| 08/11/2004        | <a href="#">2</a> | Order on Pretrial Deadlines: Motions to Dismiss due on 11/11/04. Amended Pleadings due by 10/10/2004. Discovery due by 2/10/2005. Dispositive Motions due by 3/12/2005. (Ferguson, L.) (Entered: 08/13/2004)   |
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| 08/11/2004 | <a href="#">3</a>  | MOTION for Preliminary Injunction by James McGaughey, Protection & Advocacy for Persons With Disabilities. Responses due by 9/1/2004 (Ferguson, L.) (Entered: 08/13/2004)  |
| 08/11/2004 | <a href="#">4</a>  | Memorandum in Support re <a href="#">3</a> MOTION for Preliminary Injunction filed by James McGaughey, Protection & Advocacy for Persons With Disabilities. (Attachments: # <a href="#">1</a> Exhibits 1-6# <a href="#">2</a> Exhibits 7-12# <a href="#">3</a> Exhibit 12 cont'd)(Ferguson, L.) (Entered: 08/13/2004)  |
| 08/19/2004 | <a href="#">5</a>  | SUMMONS Returned Executed by James McGaughey, Protection & Advocacy for Persons With Disabilities. Hartford Public Schools served on 8/13/2004, answer due 9/2/2004. (Candee, D.) (Entered: 08/19/2004)  |
| 08/19/2004 | <a href="#">6</a>  | SUMMONS Returned Executed by James McGaughey, Protection & Advocacy for Persons With Disabilities. Hartford Bd of Ed served on 8/13/2004, answer due 9/2/2004. (Candee, D.) (Entered: 08/19/2004)  |
| 08/19/2004 | <a href="#">7</a>  | SUMMONS Returned Executed by James McGaughey, Protection & Advocacy for Persons With Disabilities. Robert Henry served on 8/13/2004, answer due 9/2/2004. (Candee, D.) (Entered: 08/19/2004)   |
| 08/23/2004 | <a href="#">8</a>  | NOTICE RE: INTENT TO DESIGNATE AS AN ELECTRONICALLY FILED CASE. Response due by 9/7/2004. Signed by Judge Janet C. Hall on 8/23/04. (Cody, C.) (Entered: 08/23/2004)   |
| 08/26/2004 |                    | NOTICE TO COUNSEL RE: E-FILE CALENDAR. THIS IS THE ONLY NOTICE COUNSEL WILL RECEIVE. TELEPHONIC STATUS CONFERENCE set for 8/31/2004 2:00 PM before Judge Janet C. Hall. Counsel are requested to participate in this conference, via telephone. This conference call is to be arranged between counsel. Once all parties are on the line, please telephone chambers at (203) 579-5554. (Szczygiel, G.) (Entered: 08/26/2004) |
| 08/30/2004 | <a href="#">9</a>  | NOTICE of Appearance by John Rose Jr., Ann F. Bird on behalf of Hartford Bd of Ed, Hartford Public Schools, Robert Henry (Candee, D.) (Entered: 08/31/2004)  |
| 08/31/2004 | <a href="#">10</a> | Minute Entry for proceedings held before Judge Janet C. Hall : Status Conference held on 8/31/2004. (Court Reporter Fidanza.) (Boroskey, C.) (Entered: 09/01/2004)   |
| 09/13/2004 | <a href="#">11</a> | ORDER DESIGNATING CASE AS E-FILED CASE. Signed by Judge Janet C. Hall on 9/13/04. (Cody, C.) (Entered: 09/13/2004)   |
| 09/27/2004 | <a href="#">12</a> | OBJECTION re <a href="#">3</a> MOTION for Preliminary Injunction filed by Hartford Bd of Ed, Hartford Public Schools, Robert Henry. (Exhibit 1 submitted in paper form.) (Candee, D.) (Entered: 09/28/2004)  |
| 09/28/2004 | <a href="#">13</a> | Statement of Material Facts re <a href="#">3</a> MOTION for Preliminary Injunction filed by James McGaughey, Protection & Advocacy for Persons With Disabilities. (Attachments: # (1) Exhibits A-D #(2) Exhibit E-G #(3) Exhibits H-K) with Notice of Manual Filing. (Candee, D.) (Entered: 09/30/2004)  |
| 10/08/2004 | <a href="#">14</a> | REPLY to Response to <a href="#">3</a> MOTION for Preliminary Injunction filed by James McGaughey, Protection & Advocacy for Persons With Disabilities. (Alisberg, Nancy) (Entered: 10/08/2004)  |
| 10/08/2004 | <a href="#">15</a> | AFFIDAVIT of Elizabeth Daly re: <a href="#">3</a> MOTION for Preliminary Injunction filed by James McGaughey, Protection & Advocacy for Persons With Disabilities. (Attachments: # <a href="#">1</a> Copy of Reply to Response <a href="#">14</a> )(Alisberg, Nancy) Modified on 10/14/2004 (Cody, C.). (Entered: 10/08/2004)  |

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| 10/14/2004 |                    | Document #15 corrected to identify Affidavit with attachment as document filed. (Cody, C.) (Entered: 10/14/2004)  |
| 11/19/2004 | <a href="#">16</a> | MOTION to Strike <i>Letter of November 12</i> by Hartford Bd of Ed, Hartford Public Schools, Robert Henry.Responses due by 12/10/2004 (Bird, Ann) (Entered: 11/19/2004)   |
| 11/23/2004 | <a href="#">17</a> | RESPONSE re <a href="#">16</a> MOTION to Strike <i>Letter of November 12</i> filed by James McGaughey, Protection & Advocacy for Persons With Disabilities. (Attachments: # <a href="#">1</a> Affidavit)(Alisberg, Nancy) (Entered: 11/23/2004)   |
| 11/29/2004 | <a href="#">18</a> | REPLY to Response to <a href="#">16</a> MOTION to Strike <i>Letter of November 12</i> filed by James McGaughey, Protection & Advocacy for Persons With Disabilities. (Attachments: # <a href="#">1</a> Affidavit of Nancy B. Ailsberg)(Candee, D.) (Entered: 12/01/2004)  |
| 12/22/2004 | 19                 | NOTICE TO COUNSEL RE: E-FILE CALENDAR. THIS IS THE ONLY NOTICE COUNSEL WILL RECEIVE. ORAL ARGUMENT RE: Motion for Preliminary/Permanent Injunction set for 1/4/2005 11:30 AM, U.S. District Court, 915 Lafayette Blvd.,Courtroom 2, Bridgeport, CT before Judge Janet C. Hall. All persons entering the courthouse must present photo identification.(Szczygiel, G.) (Entered: 12/22/2004)  |
| 12/23/2004 | 20                 | NOTICE TO COUNSEL RE: E-FILE CALENDAR. THIS IS THE ONLY NOTICE COUNSEL WILL RECEIVE. ORAL ARGUMENT RE: Motion for Preliminary/Permanent Injunction set for 1/21/2005 02:00 PM (rescheduled from 1/4/05), U.S. District Court, 915 Lafayette Blvd.,Courtroom 2, Bridgeport, CT before Judge Janet C. Hall. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION.(Szczygiel, G.) (Entered: 12/23/2004)   |
| 01/21/2005 | 21                 | Minute Entry for proceedings held before Judge Janet C. Hall : Motion Hearing held on 1/21/2005 re <a href="#">3</a> MOTION for Preliminary Injunction filed by Protection & Advocacy for Persons With Disabilities, James McGaughey, <a href="#">16</a> MOTION to Strike Letter of November 12filed by Hartford Bd of Ed, Hartford Public Schools, Robert Henry. (Court Reporter Fidanza.) (Boroskey, C.) (Entered: 01/21/2005)  |
| 01/21/2005 | 22                 | NOTICE OF ELECTRONIC ORDER. THIS IS THE ONLY NOTICE THE COURT WILL ISSUE. ORDER taking under advisement <a href="#">3</a> Motion for Preliminary Injunction, withdrawing <a href="#">16</a> Motion to Strike Letter of November 12. Signed by Judge Janet C. Hall on 1/21/05. (Boroskey, C.) (Entered: 01/21/2005)  |
| 01/21/2005 | <a href="#">23</a> | NOTICE of INTENTION to CITE to SUPPLEMENTAL AUTHORITY by James McGaughey, Protection & Advocacy for Persons With Disabilities ( ATTACHMENTS SUBMITTED IN PAPER FORM ) (Simpson, T.) (Entered: 01/25/2005)   |
| 02/08/2005 | <a href="#">24</a> | RULING ON PLAINTIFFS' <a href="#">3</a> Motion for Permanent Injunction . The defendants are ordered to grant physical access, names and contact information such that OPA can perform its statutory duty to investigate suspected abuse and neglect. Signed by Judge Janet C. Hall on 2/7/05. (Cody, C.) (Entered: 02/10/2005)   |
| 03/07/2005 | <a href="#">25</a> | NOTICE OF APPEAL as to <a href="#">24</a> RULING ON PLAINTIFFS' <a href="#">3</a> Motion for Permanent Injunction. The defendants are ordered to grant physical access, names and contact information such that OPA can perform its statutory duty to investigate suspected abuse and neglect. by Robert Henry, Hartford Bd of Ed, Hartford Public Schools. Filing fee \$ 255, receipt number B009748. Certified copy of docket and copy of NOA mailed to USCA. (Simpson, T.) (Entered: 03/09/2005) |

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| 03/16/2005 | <a href="#">26</a> | Index to Record on Appeal by Robert Henry, Hartford Bd of Ed, Hartford Public Schools re <a href="#">25</a> Notice of Appeal, (Bird, Ann) (Entered: 03/16/2005)   |
| 03/18/2005 | 27                 | TRANSCRIPT of Proceedings held on 1/21/05 before Judge Janet C. Hall. Court Reporter: Terri Fidanza. (Simpson, T.) (Entered: 03/18/2005)  |
| 03/21/2005 | <a href="#">28</a> | Acknowledged Receipt of NOA at USCA on 3/15/05 re <a href="#">25</a> Notice of Appeal (Simpson, T.) (Entered: 03/21/2005)   |
| 03/24/2005 | <a href="#">29</a> | Index to Record on Appeal by Robert Henry, Hartford Bd of Ed, Hartford Public Schools re <a href="#">25</a> Notice of Appeal, (Bird, Ann) (Entered: 03/24/2005)   |
| 04/06/2005 | <a href="#">30</a> | USCA Scheduling Order as to <a href="#">25</a> Notice of Appeal, filed by Hartford Bd of Ed,, Hartford Public Schools,, Robert Henry,. USCA Number: 05-1240cv (Fazekas, J.) (Entered: 04/07/2005)                         |
| 10/18/2006 | <a href="#">31</a> | MANDATE of USCA dated 10/18/06 Affirming the judgment of the District Court re <a href="#">25</a> Notice of Appeal, filed by Hartford Bd of Ed, Hartford Public Schools, Robert Henry, (Candee, D.) (Entered: 10/20/2006) |

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|-----------------------------|---------------|-------------------------|-------------------|
| <b>PACER Service Center</b> |               |                         |                   |
| <b>Transaction Receipt</b>  |               |                         |                   |
| 03/27/2007 10:44:36         |               |                         |                   |
| <b>PACER Login:</b>         | hs0328        | <b>Client Code:</b>     |                   |
| <b>Description:</b>         | Docket Report | <b>Search Criteria:</b> | 3:04-cv-01338-JCH |
| <b>Billable Pages:</b>      | 3             | <b>Cost:</b>            | 0.24              |