

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BOBETTE J. MORIN,

Plaintiff,

-v-

5:07-CV-517

HON. JAMES C. TORMEY, et al.

Defendants.

APPEARANCES:

SAPIR & FRUMKIN LLP
Attorneys for Plaintiff
399 Knollwood Road, Suite 310
White Plains, New York 10603

HON. ANDREW M. CUOMO
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224-0341

OF COUNSEL:

WILLIAM D. FRUMKIN, ESQ.
DANIEL T. DRIESEN, ESQ.

CHARLES J. QUACKENBUSH, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

ORDER

Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on October 11, 2007, in Utica, New York, it is hereby

ORDERED that

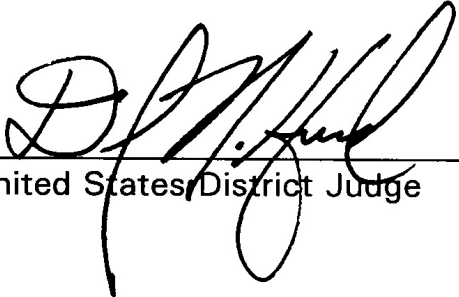
1. Defendants' motion to dismiss plaintiff's Family Medical Leave Act claims; Section 1983 claims against New York State, the OCA, and the Unified Court System; and

the official capacity claims against the individuals is GRANTED and those claims are DISMISSED;

2. Defendant's motion to dismiss plaintiff's Section 1983 claims against the defendants in their individual capacities is DENIED; and

3. Defendants shall file and serve an answer to the remaining claims on or before October 19, 2007.

IT IS SO ORDERED.



United States District Judge

Dated: October 11, 2007
Utica, New York.