

















		Memorandum in Opposition, <a href="#">90</a> Affidavit, <a href="#">64</a> Letter, <a href="#">92</a> Letter, <a href="#">86</a> Set Hearings, <a href="#">120</a> Letter, <a href="#">6</a> Order, Set Hearings, <a href="#">12</a> Response in Opposition to Motion, <a href="#">46</a> Letter, <a href="#">87</a> Order on Motion to Compel, <a href="#">34</a> Reply to Response to Motion, <a href="#">48</a> Motion for Extension of Time to File, <a href="#">124</a> Memorandum & Opinion, <a href="#">52</a> Affidavit in Opposition to Motion, <a href="#">71</a> Letter, <a href="#">123</a> Letter, <a href="#">88</a> Letter, <a href="#">131</a> Notice of Appeal, <a href="#">114</a> Order, <a href="#">7</a> Letter, <a href="#">85</a> Pretrial Conference - Final, Set Hearings, <a href="#">20</a> Affidavit in Support of Motion, <a href="#">10</a> Motion for Extension of Time to File Response/Reply, <a href="#">84</a> Order, <a href="#">83</a> Motion to Adjourn Conference, <a href="#">130</a> Letter, <a href="#">74</a> Scheduling Order, <a href="#">62</a> Order on Motion for Judgment on the Pleadings, Order on Motion to Dismiss, <a href="#">89</a> Letter, <a href="#">118</a> Letter, <a href="#">31</a> Memorandum in Support, <a href="#">119</a> Letter, <a href="#">11</a> Motion to Dismiss, <a href="#">21</a> Letter, <a href="#">19</a> Memorandum in Support, <a href="#">2</a> Answer to Complaint, <a href="#">18</a> Motion for Judgment on the Pleadings, <a href="#">14</a> Motion to Disqualify Counsel, <a href="#">59</a> Motion to Dismiss, <a href="#">117</a> Letter, <a href="#">122</a> Letter, <a href="#">9</a> Motion for Leave to File Excess Pages, <a href="#">61</a> Letter, <a href="#">126</a> Letter, <a href="#">53</a> Memorandum in Opposition, <a href="#">45</a> Response to Motion, <a href="#">22</a> Letter, <a href="#">39</a> Scheduling Order, <a href="#">63</a> Motion for Extension of Time to File, <a href="#">95</a> Scheduling Order, <a href="#">56</a> Scheduling Order, <a href="#">81</a> Response to Motion, (Duong, Susan) (Entered: 04/29/2009)
04/30/2009	 <a href="#">134</a>	USCA Appeal Fees received \$ 455 receipt number 29702 re <a href="#">133</a> Subsequent Notice of Appeal, filed by Kevin G. Chesney, Lorraine Chesney, <a href="#">131</a> Notice of Appeal filed by Kevin G. Chesney, Lorraine Chesney. (Duong, Susan) (Entered: 04/30/2009)
04/30/2009		Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. <a href="#">134</a> USCA Appeal Fees (Duong, Susan) (Entered: 04/30/2009)
05/07/2009	 <a href="#">135</a>	ORDER re <a href="#">127</a> Letter MOTION to Vacate <a href="#">124</a> Memorandum & Opinion,: Plaintiff's letter application dated April 13, 2009 is denied. See attached Memorandum & Order. Ordered by Senior Judge Denis R. Hurley on 5/7/2009. (Hurley, Denis) (Entered: 05/07/2009)
05/14/2009	 <a href="#">136</a>	ORDER re <a href="#">102</a> : Motion to Amend filed by Kevin G. Chesney: For the reasons set forth in the accompanying Memorandum & Order, Plaintiff's motion for leave to file the second amended complaint is denied. The Clerk of Court shall close this case on or after May 15, 2009 (the date on which the Court's March 31, 2009 Order granting summary judgment on the COBRA claim becomes effective). Ordered by Senior Judge Denis R. Hurley on 5/14/2009. (Hurley, Denis) (Entered: 05/14/2009)
05/15/2009	 <a href="#">137</a>	CLERK'S JUDGMENT; That Pltffs take nothing of Defts; that Pltffs' motion for leave to file the second amended complaint is denied; that Defts' motion for summary judgment is granted; and that this case is hereby closed. ( Signed by: Catherine Vukovich, Deputy Clerk, on 5/15/09.) c/m c/ecf (Fagan, Linda) (Entered: 05/15/2009)
05/17/2009	  <a href="#">138</a>	First MOTION for Reconsideration re <a href="#">135</a> Order, <a href="#">136</a> Order, <a href="#">137</a> Clerk's Judgment, <i>pro se</i> by Kevin G. Chesney, Lorraine Chesney. (Attachments: # <a href="#">1</a> Supplement plaintiff P. 4 of affidavit reconsideration,

		# <u>2</u> Exhibit Certified copy of ECF docket in case dated 4/30/09, # <u>3</u> Exhibit Part 2 of Exhibit "A", docket for case dated 4/3/09, first part, # <u>4</u> Exhibit part 2 of Exhibit "A", docket sheet in case dated 4/3/09) (Chesney, Kevin) (Entered: 05/17/2009)
05/17/2009	 <u>139</u>	Subsequent NOTICE OF APPEAL <u>135</u> ORDER, <u>136</u> ORDER, <u>137</u> CLERK'S JUDGMENT by Kevin G. Chesney, Lorraine Chesney ( <i>second</i> ). (Chesney, Kevin) Modified on 5/18/2009 (Duong, Susan). (Entered: 05/17/2009)
05/18/2009		Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. <u>136</u> Order, <u>139</u> Subsequent Notice of Appeal, <u>137</u> Clerk's Judgment, <u>135</u> Order, <u>138</u> Motion for Reconsideration, (Duong, Susan) (Entered: 05/18/2009)
05/22/2009		ORDER : On May 17, 2009, Plaintiff filed a motion entitled "First Motion for Reconsideration." ( See Dkt. No. 138) The Court hereby establishes the following briefing schedule for said motion: Defendants shall serve and file opposing papers on or before June 5, 2009; Plaintiff shall serve and file reply papers, if any, on or before June 15, 2009. Ordered by Senior Judge Denis R. Hurley on 5/22/2009. (Gapinski, Michele) (Entered: 05/22/2009)
05/27/2009	 <u>140</u>	Subsequent CORRECTED/AMENDED NOTICE OF APPEAL as to Order, Order, Order, Order, Order, Order, Order, Order on Motion for Extension of Time to Complete Discovery, <u>6</u> Order, Set Hearings, Order, <u>87</u> Order on Motion to Compel, Order, <u>124</u> Memorandum & Opinion, <u>135</u> Order, Order, <u>40</u> Order, <u>114</u> Order, Order on Motion for Extension of Time to File Response/Reply, Order, Order, Order on Motion for Extension of Time to Complete Discovery, <u>136</u> Order, <u>84</u> Order, <u>78</u> Order on Motion to Dismiss, <u>77</u> Scheduling Order, <u>74</u> Scheduling Order, Order, <u>62</u> Order on Motion for Judgment on the Pleadings, Order on Motion to Dismiss, <u>137</u> Clerk's Judgment, Order on Motion to Substitute Attorney, Order, Order, Order, Order on Motion for Extension of Time to File, Order, Order, Order, <u>96</u> Order, Order, <u>106</u> Scheduling Order, Order, Order, <u>39</u> Scheduling Order, Order on Motion to Amend/Correct/Supplement, Order, <u>110</u> Order, <u>95</u> Scheduling Order, Order, <u>56</u> Scheduling Order, by Kevin G. Chesney, Lorraine Chesney. (Duong, Susan) (Entered: 05/27/2009)
05/27/2009		Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. <u>140</u> Subsequent Corrected/Amended Notice of Appeal. (Duong, Susan) (Entered: 05/27/2009)
06/05/2009	 <u>141</u>	MEMORANDUM in Opposition re <u>138</u> First MOTION for Reconsideration re <u>135</u> Order, <u>136</u> Order, <u>137</u> Clerk's Judgment, <i>pro se</i> First MOTION for Reconsideration re <u>135</u> Order, <u>136</u> Order, <u>137</u> Clerk's Judgment, <i>pro se</i> filed by Edward M. Fale, Lisa K. Conte,

		Charles Broceaur, Stephen Haramif, Joseph Conrad, Carole Meaney, Henrietta Carbonaro, Paul DePace, Anthony Ladevaio, Frank Nuara, Lawrence Trogel, Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education. (Stern, Steven) (Entered: 06/05/2009)
06/05/2009	 <a href="#">142</a>	MEMORANDUM in Opposition re <a href="#">138</a> First MOTION for Reconsideration re <a href="#">135</a> Order, <a href="#">136</a> Order, <a href="#">137</a> Clerk's Judgment, <i>pro se</i> First MOTION for Reconsideration re <a href="#">135</a> Order, <a href="#">136</a> Order, <a href="#">137</a> Clerk's Judgment, <i>pro se</i> filed by Edward M. Fale, Lisa K. Conte, Charles Broceaur, Stephen Haramif, Joseph Conrad, Carole Meaney, Henrietta Carbonaro, Paul DePace, Anthony Ladevaio, Frank Nuara, Lawrence Trogel, Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education. (Feldman, Michelle) (Entered: 06/05/2009)
06/13/2009	 <a href="#">143</a>	REPLY in Support re <a href="#">138</a> First MOTION for Reconsideration re <a href="#">135</a> Order, <a href="#">136</a> Order, <a href="#">137</a> Clerk's Judgment, <i>pro se</i> First MOTION for Reconsideration re <a href="#">135</a> Order, <a href="#">136</a> Order, <a href="#">137</a> Clerk's Judgment, <i>pro se</i> filed by Kevin G. Chesney, Lorraine Chesney. (Attachments: # <a href="#">1</a> Affidavit in Support Page 5) (Chesney, Kevin) (Entered: 06/13/2009)
06/13/2009	 <a href="#">144</a>	REPLY in Support re <a href="#">138</a> First MOTION for Reconsideration re <a href="#">135</a> Order, <a href="#">136</a> Order, <a href="#">137</a> Clerk's Judgment, <i>pro se</i> First MOTION for Reconsideration re <a href="#">135</a> Order, <a href="#">136</a> Order, <a href="#">137</a> Clerk's Judgment, <i>pro se signature page 5</i> filed by Kevin G. Chesney, Lorraine Chesney. (Chesney, Kevin) (Entered: 06/13/2009)

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PREPARED BY: K Jones

JUDGE:

REMARKS: Hourly

HEARING DATE	1/26/2007
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RE: EDNY

DATE ORDERED	7/13/2009
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DC#:

CASE NAME	CASE NO.	PAGES	PER PAGE	AMOUNT
Chesney v Valley Stream	05-CV-5106			
1/26/07		8	7.98	63.84
10/16/07		6	7.98	47.88
11/2/07		22	7.98	175.56

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*EXH-B-3*

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 20<sup>th</sup> day of August, two thousand nine,

Present:

José A. Cabranes,  
Robert D. Sack,  
Richard C. Wesley,  
*Circuit Judges.*



Kevin G. Chesney, Lorraine Chesney,  
*Plaintiffs-Appellants,*

v.

09-1824-cv


Valley Stream Union Free School District No. 24,  
*et al.,*

*Defendants-Appellees.*

We are informed that the Appellants' district court motion for reconsideration of the judgment dismissing their action **remains pending**. Since that motion is governed by Federal Rule of Appellate Procedure 4(a)(4), the notices of appeal which led to the docketing of the present appeal are not yet effective, and will become effective only upon entry of the district court's order disposing of the pending motion. *See* Fed. R. App. P. 4(a)(4)(B)(i) (stating that a notice of appeal "becomes effective to appeal a judgment or order ... when the order disposing of [a motion listed in Rule 4(a)(4)(A)] is entered"). Thus, proceedings in this appeal are stayed, by operation of Rule 4(a)(4), pending resolution of the Appellants' motion for reconsideration by the district court. The Appellants must notify this Court of the district court's decision on **that motion** within thirty days of the entry of that decision on the district court's docket.

Furthermore, the representation of the Appellants requires clarification: Appellant Kevin G. Chesney is represented by Ruth M. Pollack, while Appellant Lorraine Chesney is proceeding *pro se*.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By:   
Michael Zachary  
Supervisory Staff Attorney

EXH D

FILE COPY  
FILE COPY

Ruth M. Pollack Esq.

Law Offices of Ruth M. Pollack

21 West 2nd Street, P.O. Box 120 Suite 13

Riverhead, NY 119010120

*m*  
*8/20 order*

NOTICE OF APPEAL

\*\*\*\*\*

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF NEW YORK

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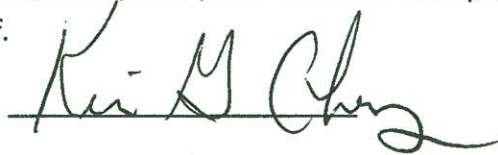
Kevin G. Chesney and \*  
Lorraine Chesney, \*  
Plaintiff-Appellant, \*  
-against- \*  
Valley Stream Union Free School \*  
District No. 24, et al., \*  
Defendant-Respondent. \*

---

NOTICE OF APPEAL

Docket No. 05cv5106 (ETB)(DRH)

Notice is hereby given that Kevin G. Chesney and Lorraine Chesney hereby appeal to the United States Court of Appeals for the Second Circuit from the "Memorandum and Order" (Hurley, D.R., J.) "ordered", "dated" and "filed" on March 31, 2009, and "entered" on April 3, 2009 in this action and each and every part thereof.



KEVIN G. CHESNEY  
31 Ivy Place

Valley Stream NY 11581

Date: April 28, 2009

516-284-7043

EXNE

NOTICE OF APPEAL

\*\*\*\*\*

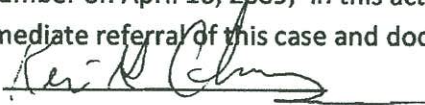
UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_  
Kevin G. Chesney and \*  
Lorraine Chesney, \*  
Plaintiff-Appellant, \*  
-against- \*  
\*  
Valley Stream Union Free School \*  
District No. 24, et al., \*  
Defendant-Respondent. \*

NOTICE OF APPEAL

Docket No. 05cv5106 (ETB)(DRH)

Notice is hereby given that Kevin G. Chesney and Lorraine Chesney hereby appeal to the United States Court of Appeals for the Second Circuit from the entire docket in the within action; included but not limited to "Order" ECF # 110 dated 1/16/2009 (Hurley, D.R., J.); unnumbered "Order"(Hurley, D.R, J.) docketed on 2/18/2009; "Order" filed as ECF #121 on 3/31/2009 and also filed unnumbered on 3/31/2009 on the official docket (Hurley, D.R., J.); the "Memorandum and Order" (Hurley, D.R., J.) "ordered", "dated" and "filed" on March 31, 2009 as ECF #124, and "entered" on April 3, 2009; the "Order re 127 letter MOTION to vacate #124, etc." (Hurley, D.R., J.) filed on ECF docket without number on April 16, 2009; in this action and each and every part thereof. Plaintiff also seeks immediate referral of this case and docket tampering to FBI.



KEVIN G. CHESNEY  
31 Ivy Place

Valley Stream NY 11581

Date: April 28, 2009

516-284-7043

EXH "E"



United States District Court  
Eastern District of New York

\_\_\_\_\_ X

Kevin Chesney and Lorraine Chesney,  
Plaintiffs-appellants.

-against-

Valley Stream Union Free School District,  
Et al.,  
Defendant-appellees.

\_\_\_\_\_ X

Sirs:

PLEASE TAKE NOTICE, that plaintiffs file this subsequent appeal to appeal from the Memorandum and Orders dated May 7, 2009 (ECF135), May 14, 2009 (ECF 136), the Judgment filed May 15, 2009 (ECF 137) and each and every part thereof.

Dated: Valley Stream, New York  
May 17, 2009

**NOTICE OF Second  
SUBSEQUENT APPEAL**  
CV-05-5106(ETB)(DRH)  
Ct. Appeals No. 09-1824-cv



Kevin Chesney and Lorraine Chesney

Plaintiffs- Appellants

31 Ivy Place

516-284-7043

EXH "E"

**FILED**  
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★ MAY 27 2009 ★

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United States District Court  
Eastern District of New York

\_\_\_\_\_<sup>x</sup>  
Kevin Chesney and Lorraine Chesney,  
Plaintiffs-appellants.

-against-

**CORRECTED/AMENDED  
NOTICE OF APPEAL**

Valley Stream Union Free School District #24,  
Et al.,

CV-05-5106(ETB) (DRH)  
Ct. Appeals No. 09-1824-cv

Defendant-appellees.


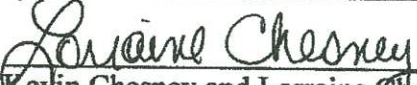
\_\_\_\_\_<sup>x</sup>

Sirs:

**Please take notice**, that plaintiffs-appellants file this corrected /amended appeal to the United States Court of Appeals for the second circuit from the entire (certified) docket dated April 30, 2009 and copy of docket dated April 3, 2009 in the within action; included but not limited to three entrees unnumbered and "dated" November 21, 2005 on (certified) copy of docket dated April 30, 2009. Two entries unnumbered and "dated" November 21, 2005 unnumbered on copy of docket "dated" April 3, 2009. (ECF 6) "dated" November 22, 2005, "order" by (ETB) and "entered" and bounced to Ms. Pollack, my attorney on December 5, 2005, fourteen days later! (EFC 9) "dated" December 20, 2005, "modified" on January 3, 2006 and "entered" and bounced to Ms. Pollack on December 20, 2005? (ECF 86) "order" (ETB) "dated" November 2, 2007 and "entered" November 7,2007 and bounced to Ms. Pollack on November 7,2007? (ECF 90) "dated" February 21,2008, exhibit #2, tampered time sheets, has been removed from the docket. (ECF 110) "order"(DRH) "dated" January 16, 2009. Unnumbered "order" (DRH) docketed on February 18, 2009. (ECF 121) "order" filed on March 31, 2009, and also filed unnumbered on March 31, 2009 on the official docket (DRH). The "Memorandum and Order" (DRH) "ordered", "dated" and "filed" on March 31, 2009 as (ECF 124), and "entered" and "bounced" to plaintiffs on April 3, 2009. "Order" regarding (ECF 127) letter motion to vacate (ECF 124) etc. (DRH), "filed" on ECF docket "unnumbered" on April 16, 2009. "Memorandum and Orders", (ECF 135) May 7, 2009, (ECF 136) May 14, 2009, (ECF 137), the judgement "filed" and "entered" prematurely on May 15, 2009. In this action and each and every part thereof, plaintiffs also seek immediate referral of this case, docket fraud and tampering to the F.B.I.

EXHIBIT

Dated: Valley Stream, NY  
May 26, 2009

  
  
Kevin Chesney and Lorraine Chesney

Plaintiffs – Appellants

31 Ivy Place

516-284-7043



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U.S. District Court

Eastern District of New York

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Case Name: Chesney et al v. Valley Stream Union Free School District No. 24 et al

Case Number: [2:05-cv-5106](#)

Filer:

WARNING: CASE CLOSED on 05/15/2009

Document Number: No document attached

**Docket Text:**

Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. [140] Subsequent Corrected/Amended Notice of Appeal. (Duong, Susan)

"E"

**2:05-cv-5106 Notice has been electronically mailed to:**

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 Barbara E. Van Riper bvanriper@nassaucountyny.gov  
 Gary Silverman gsilverman@odblaw.com, rgarcia@odblaw.com  
 Raul Garcia rgarcia@odblaw.com, gsilverman@odblaw.com  
 Steven C. Stern sstern@sokoloffstern.com  
 Mary E. Neggie mneggie@nassaucountyny.gov  
 Melissa Lauren Holtzer mholtzer@sokoloffstern.com, melissaholtzer@gmail.com  
 Kevin G. Chesney kevchez@mail.com

**2:05-cv-5106 Notice will not be electronically mailed to:**

Lorraine Chesney

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 Nassau County Attorney  
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 Mineola, NY 11501



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"E"

ACKNOWLEDGMENT AND NOTICE OF APPEARANCE

Chesney v. Valley Stream Union Free

Short Title: SCHOOL DISTRICT No. 24

Docket No.: Docket No.:

09-1824-CV  
05-CV-5706

Lead Counsel of Record (name/firm): RUTH M. POLLACK, ESQ.

Appearance for (party/designation): KEVIN CHESNEY v. LORRAINE CHESNEY - PLAINTIFF - APPELLANT

DOCKET SHEET ACKNOWLEDGMENT/AMENDMENTS

Lead Counsel's Contact Information is:

- ( ) Correct
(X) Incorrect or Incomplete, and should be amended as follows:

Name: RUTH M. POLLACK, ESQ.
Firm: LAW OFFICES OF RUTH M. POLLACK
Address: 21 WEST SECOND STREET - SUITE 13
Telephone: POST OFFICE BOX 120\* Fax: 631-591-3162 Tel: 631-591-3160
Email: RIVERHEAD, N.Y. 11901

Myth@ruthmpollackesq.com \*REQUIRED
Caption as indicated is:
(X) Correct as shortened.
( ) Incorrect. See attached caption page with corrections.

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Appellate Designation is:

- (X) Correct
( ) Incorrect. The following parties do not wish to participate in this appeal:

Parties:
( ) Incorrect. Please change the following parties' designations:
Party Correct Designation

RELATED CASES

- (X) This case has not been before this Court previously.
( ) This case has been before this Court previously. The short title, docket number, and citation are:
( ) Matters related to this appeal or involving the same issue have been or presently are before this Court. The short titles, docket numbers, and citations are:

CERTIFICATION

I certify that (X) I am admitted to practice in this Court and, if required by Interim Local Rule 46.1(a)(2), have renewed my admission on N/A OR that ( ) I applied for admission on

Signature of Lead Counsel of Record: [Signature]
Type or Print Name: RUTH M. POLLACK

Signature of pro se litigant: Plaintiff-Appellant Kevin G. Chesney + Lorraine Chesney
Type or Print Name: must also be notified of all activity at his address:
( ) I am a pro se litigant who is not an attorney.
( ) I am an incarcerated pro se litigant.

31 IVY PLACE
Valley Stream, NY 11581

EXN. E.

Neat copy



United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 25<sup>th</sup> day of August two thousand nine,

Present:

José A. Cabranes,  
Robert D. Sack,  
Richard C. Wesley,  
*Circuit Judges.*

In re Ruth M. Pollack,

09-90054-am

**ORDER OF  
GRIEVANCE  
PANEL**

*Attorney.*

**This order and all other documents filed under this docket number are confidential and may not be distributed to any unauthorized person, except as permitted by this Court's rules and the rules of the Committee on Admissions and Grievances.**

By order filed June 19, 2009, we suspended attorney Ruth M. Pollack from the practice of law before this Court, pursuant to Second Circuit Local Rule 46.1(f). The June 2009 order also stated that Pollack could seek leave to continue her representation of any litigant in any then-pending appeal by providing "an affidavit from each such litigant stating that Pollack has supplied the litigant with a copy of [the June 2009] order, and that the litigant wishes to proceed with the appeal with Pollack as counsel." June 19, 2009 Order.

On June 29, 2009, Pollack filed the affidavit of Kevin Chesney, one of the appellants in *Chesney v. Valley Stream Union Free School District No. 24*, 09-1824-cv. In the affidavit, Chesney states that he is aware of the suspension order and wishes to have Pollack continue as his attorney.

*EXH. "F"*

Upon due consideration, it is hereby ORDERED that Pollack is permitted to continue representing Kevin Chesney in that appeal. However, Pollack is warned that any failure on her part to properly prosecute that appeal, including complying with all of this Court's orders, rules and practices, will result in sanctions.


We note that Lorraine Chesney, the other appellant in the appeal docketed under 09-1824-cv, has not filed an affidavit in response to our June 2009 order. Thus, Lorraine Chesney will proceed *pro se* in that appeal unless, within twenty-one days of the filing of this order, Lorraine Chesney files an affidavit meeting the requirements of the June 2009 order.

We further note that, pursuant to Federal Rule of Appellate Procedure 4(a)(4), the appeal docketed under 09-1824-cv is stayed pending disposition of the Chesneys' pending motion for reconsideration by the district court. *See* Fed. R. App. P. 4(a)(4)(B)(i).

An order noting the Rule 4(a)(4) stay of proceedings and Pollack's continued representation of Kevin Chesney will be entered in the appeal docketed under 09-1824-cv.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By:   
\_\_\_\_\_  
Michael Zachary  
Supervisory Staff Attorney  
Counsel to the Grievance Panel



Ruth M. Pollack

21 West Second St. Suite 13. P.O. Box 120  
Riverhead NY 11901-0120

"F"

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
KEVIN CHESNEY and LORRAINE CHESNEY,

Plaintiffs,

- against -

**JUDGMENT**

CV-05-5106 (DRH)

VALLEY STREAM UNION FREE SCHOOL DISTRICT NO. 24; VALLEY STREAM UNION FREE SCHOOL DISTRICT NO. 24 BOARD OF EDUCATION; JOSEPH CONRAD, President; CAROLE MEANEY, Vice President; HENRIETTA CARBONARO, PAUL DePACE, ANTHONY IADEVAIO, FRANK NUARA, and LAWRENCE TROGEL; each in his individual and official capacity; EDWARD M. FALE, Ph.D., SUPERINTENDENT OF SCHOOLS, in his individual and official capacity; LISA K. CONTE, PRINCIPAL; CHARLES BROCEAUR, MAINTENANCE SUPERVISOR, in his individual and official capacity; STEPHEN HARAMIS, CUSTODIAN AND UNION REPRESENTATIVE, in his individual and official capacity; LOCAL 74 SEIU; "JOHN DOES and JANE DOES A through D", the latter being persons and/or entities unknown to complainant, and the NASSAU COUNTY DIVISION of the CIVIL SERVICE COMMISSION OF NEW YORK STATE, Defendants.

Defendant.

-----X  
A Memorandum and Order of Honorable Denis R. Hurley, United States District Judge, having been filed on May 14, 2009, denying Plaintiffs' motion for leave to file the second amended complaint, and directing the Clerk of Court to close this case on or after May 15, 2009 (the date on which the Court's March 31, 2009 Order granting summary judgment on the COBRA claim becomes effective), it is

**ORDERED AND ADJUDGED** that Plaintiffs take nothing of Defendants; that Plaintiffs' motion for leave to file the second amended complaint is denied; that Defendants' motion for summary judgment is granted; and that this case is hereby closed.

Dated: Central Islip, New York  
May 15, 2009

ROBERT C. HEINEMANN  
CLERK OF THE COURT

By: /s/ Catherine Vukovich  
Deputy Clerk

*Exh. "G"*

# MANDATE

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT  
THURGOOD MARSHALL U.S. COURT HOUSE  
40 FOLEY SQUARE  
NEW YORK 10007

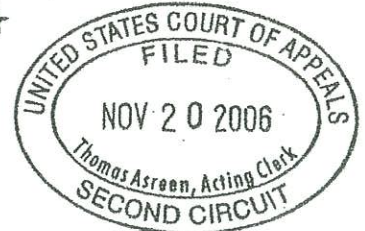
EDNY/CINY  
05-cv-5106  
Hurley

Thomas Asreen  
ACTING CLERK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ DEC -1 2006 ★

LONG ISLAND DISTRICT No.  
OFFICE



Date: 11/20/06  
Docket Number: 06-4976-cv  
Short Title: Chesney v. Valley Stream Union Free School District No.  
DC Docket Number: 05-cv-5106  
DC: EDNY (CENTRAL ISLIP)  
DC Judge: Honorable Denis Hurley

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 20th day of November, two thousand 2006.

Chesney v. Valley Stream U.F.S.D.

06-4976-cv

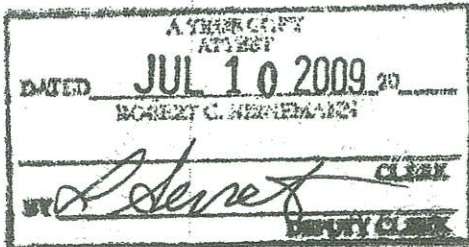
The *Civil Appeals Management Plan* of this court directs that within the (10) days after filing a Notice of Appeal, the appellant shall file and serve a Pre-Argument Statement (FORM C), order a transcript of the proceedings from the court reporter and file and serve a statement concerning same (FORM D), pay docketing fee, and that in the event of default of any of these requirements the Clerk may dismiss the appeal without further notice.

The appellant herein not having so proceeded, upon consideration thereof it is **ORDERED** that the appeal from the order of 9/22/06 United States Court for the Eastern District of New York be, and it hereby is **DISMISSED**. Any motions pending prior to the entry of this order of dismissal are deemed **MOOT**.

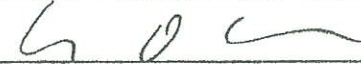
NO CASE FILE AT EDNY 7/10/09

05-CV-5106


"cannot be found"  
"Not Available"  
"Destroyed"



For the Court,  
Thomas Asreen, Acting Clerk

By:   
Eniola O. Ajayi  
Deputy Clerk

A TRUE COPY  
Thomas Asreen, Acting Clerk

by   
Deputy Clerk

CERTIFIED:

EXH "H" 11/20/2006

73

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

\_\_\_\_\_  
CHESNEY v. VALLEY STREAM UNION  
FREE SCHOOL DISTRICT NO 24,

\_\_\_\_\_  
State of New York)  
County of Suffolk ) ss.:

X  
**AFFIDAVIT OF APPELLANT**  
DC Docket No.05-cv-5106  
Docket No. 09-1824-cv

\_\_\_\_\_  
X  
KEVIN G. CHESNEY, plaintiff-appellant in the above captioned case, being duly sworn, under penalties for perjury, states as follows:

1. I am the plaintiff – appellant in the above referenced appeal. I make this affidavit in support of my response to an Order of Grievance Panel “filed” on June 19, 2009 in this Court under Docket 09-90054 –am, provided to me by my attorney Ruth M. Pollack, Esq. upon her receipt of it. I know that my appeal has NOT been dismissed by this Court for my alleged failure to file Forms C and D in ten calendar days and I am still litigating my case in the District Court, so this affidavit is made in support of my motion to reopen my case for appeal. My appeal must be reinstated because of the reasons below.

2. Because I filed this appeal pro se, I received an appeals packet at my home without Forms C and D enclosed. Because I was pro se, I did not know that the Forms existed or were required. Ms. Pollack advised me that the Forms are

customarily sent to each appellant in a packet. As I was pro se, I should have received the forms from the Second Circuit Clerk of Court. **I did not.** Had I received them, I would have given them to my attorney for completion or completed them myself. Ms. Pollack never received them either. She and I completed the packet I did receive, which included an “Acknowledgement and Notice of Appearance” which she completed in detail and timely returned to the Court, Certified Mail/RRR on May 14, 2009. Copy of Certified Mail Receipt and copy of incomplete docket “page 10” of Court of Appeals packet and downloaded General Docket showing receipt of the acknowledgement on May 18, 2009, entered May 19, 2009. (Copies annexed as “B-1 and B-2”) The acknowledgement, (copy annexed) is explicit as to Ms. Pollack’s correct, complete address. (“C”).

3. As of June 15, 2009, I was litigating pro se in the case in the EDNY under a court order. To date, I have not received an order of the Court on that motion. Ten (10) calendar days from June 15, 2009 is this Monday, June 29, 2009.

After I realized that I would not be able to perfect this appeal with out Ms. Pollack’s expertise and experience in this Court, I retained her to proceed with my appeal. It was then that we

realized that a) all of the decisions in my 2005 case had not been issued by Judge Hurley; b) the second amended complaint order took 16 months to issue from Judge Hurley; c) the three (3) criminal complaints of misconduct of the District Court Judge and Magistrate E. T. Boyle were never answered or acknowledged by this very Court (My Complaints as Exhibit "D"); d) this Court's docket is still incorrect and incomplete, despite my numerous calls to the Second Circuit and visits to and calls to EDNY Islip which calls have never been answered. EDNY claimed that they were going to assist me on this appeal and they failed to do so, as they **never** mentioned in a form, handbook or personally via the pro se paralegal, that I had to file forms C and D.

4. As late as May 27, 2009, EDNY pro se clerk Susan Duong, told me that I had to correct the appeal I had timely filed and have my wife sign it. I did this and it was entered by the Court at EDNY on May 29, 2009 and appears to be in the Second Circuit Docket as 5/27/09 but says "entered on 5/29/09" in "2<sup>nd</sup> Supplemental Index in lieu of Record on Appeals". (Copy annexed as B-2)

5. The docket entries in the EDNY are incomplete and false from 2005 to 2009. I never received a letter dated May

5, 2009 advising me that a filing fee of \$455 was due as it was paid on April 30, 2009 per my receipt, copy annexed as "D-1" and copy of PACER docket sheet page 35/37 as "D-2")

6. The docket entries in the public Second Circuit docket are incomplete, missing and false. Compare copy of docket mailed to me dated May 5, 2009. Contrary to this Court's Order about my attorney, the docket sheets from this Court, I paid my fee. The Fee Status sheet in my packet states "Due". This is false. (Fee Status sheet as "E")

7. The Court's order refers to another case unrelated to me or my attorney as "closed" using an incorrect docket number "06-04976" the Gonzalez case. (Copy of that docket as "F").

8. I wish to have my attorney Ms. Pollack represent me in this appeal as she is not guilty of any wrongdoing, nor am my wife or I. However, as she and we have pointed out to the Court, the Court is involved in serious tampering of docket sheets, exhibits and public documents a felony in state and federal court. To deny this appeal, which is not dismissed, would be a manifest injustice. My motion with reply papers in

EDNY is still not decided. (Docket entry, no number as Exhibit "G").

9. With all that I have now submitted and proven as to tampering, false statements, and my attorney's address being persistently misstyped to delay and deprive her of her mail, while all other defendant's addresses are always correct in the Second Circuit, I am entitled to submit my Forms C and D and intend to do so with my attorney at this time. Considering this Court's breaking of its own rules in irrefutable tampering with official dockets, its failure to assist me as pro se and the false evidence and statements made in the lower court, I am entitled to proceed. The Court must correct its errors and acknowledge them publicly to absolve my attorney and me from false allegations of improper conduct.

WHEREFORE, plaintiff-appellant requests that this Court issue an order permitting appellant to proceed with its appeal with Ruth M. Pollack, Esq. as his counsel and such other relief as to the Court seems just and proper.

Dated: Riverhead, NY  
June 27, 2009

  
KEVIN G. CHESNEY

Sworn to before me this 27th day  
of June 2009.



RUTH M. POLLACK  
NOTARY PUBLIC, State of New York  
No. 02PO4812427  
Qualified in Suffolk County  
Commission Expires March 30, 2010



UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

\_\_\_\_\_  
KEVIN G. CHESNEY and LORRAINE CHESNEY, X

Plaintiff-Appellant,

Case No.: 05CV5106  
(DRH)(ETB)  
2d Cir. No. 091824cv

-against-

VALLEY STREAM UNION FREE SCHOOL DISTRICT  
NO. 24, et al.

Defendant-Appellee.  
\_\_\_\_\_ X

State of New York )  
County of Nassau )

**Affidavit of Service**

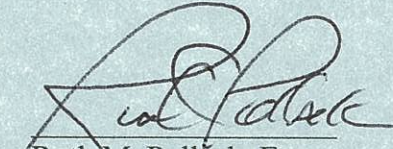
Ruth M. Pollack, being duly sworn, deposes and says:

On September 23, 2009, I served the Form T1080, affidavits of Kevin G. Chesney, Esq. Lorraine Chesney, Ruth M. Pollack, Esq. and exhibits upon the following by U.S. Mail by enclosing copies of them in a postage paid envelope and depositing them in a U.S. Mail repository for that purpose:

Sokoloff Stern, LLP  
355 Post Avenue, Suite 201  
Westbury, NY 11590

Michelle Feldman, Esq.  
Lamb Barnosky LLP  
534 Broadhollow Road, Suite 210  
Melville, NY 11747

Dated: September 23, 2009  
Riverhead, New York

  
Ruth M. Pollack, Esq.

Sworn to before me this 23rd  
Day of September 2009.

  
Notary Public

ROBERT M. DEVIVO  
Notary Public, State of N.Y.  
No. 01D25642985, Nassau, N.Y.  
Commission Exp. July 24, 2013

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

\_\_\_\_\_  
KEVIN G. CHESNEY and LORRAINE CHESNEY, <sup>x</sup>

Plaintiff-Appellant,

Case No.: 05CV5106  
(DRH)(ETB)  
**2d Cir. No. 091824cv**

-against-

VALLEY STREAM UNION FREE SCHOOL DISTRICT  
NO. 24; VALLEY STREAM UNION FREE SCHOOL  
DISTRICT NO. 24 BOARD OF EDUCATION; EDWARD M.  
FALE, Ph.D., SUPERINTENDENT OF SCHOOLS; LISA K.  
CONTE, PRINCIPAL; CHARLES BROCEAUR,  
MAINTENANCE SUPERVISOR, STEPHEN HARAMIS,  
CUSTODIAN AND UNION REPRESENTATIVE;  
LOCAL 74 SEIU, EACH IN THEIR INDIVIDUAL AND  
OFFICIAL CAPACITIES, "JOHN DOES and JANE DOES",  
the latter being persons and/or entities unknown to complainant,  
NASSAU COUNTY DIVISION CIVIL SERVICE  
COMMISSION OF NEW YORK STATE,

Defendant-Appellee.

\_\_\_\_\_  
<sup>x</sup>

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**PLAINTIFF-APPELLANTS' AFFIDAVITS, EXHIBITS AND  
MEMORANDUM OF LAW IN SUPPORT OF DEATH KNELL SANCTIONS  
AND RELATED RELIEF**

---

**RUTH M. POLLACK, ESQ. (RP1407)  
Counsel for Plaintiff-Appellants  
21 West Second Street · Suite 13  
Post Office Box 120  
Riverhead, New York 11901  
Tel. 631-591-3160  
Fax. 631-591-3162  
ruth@ruthmpollackesq.com**