

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Caption [use short title]

Docket Number(s): 05-CV-5106 (DRH) (ETB) CHESNEY VS. VALLEY STREAM U.F.S.D. NO. 24, ET AL. 09-1824 CV (2ND CIR.)

Motion for: DEATH KNELL SANCTIONS AND RELATED RELIEF

Set forth below precise, complete statement of relief sought:

1) ORDER GRANTING DEATH KNELL JUDGMENT and DEFAULT JUDGMENT. 2) ORDER GRANTING SEQUESTERING OF COURT FILE. 3) ORDER FOR CRIMINAL INVESTIGATION INTO DESTRUCTION AND TAMPERING. 4) TURNOVER OF FLT-APPELLANTS WORK RECORDS FOR FORENSIC ANALYSIS; 5) SUCH OTHER AID AND RELIEF AS IS PROPER.

MOVING PARTY: CHESNEY/POLLACK
Plaintiff Defendant
Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: VALLEY STREAM U.F.S.D. NO. 24 EDNY

MOVING ATTORNEY: RUTH M. POLLACK, ATTY
WEST SECOND STREET - STE. 13
POST OFFICE BOX 120
RIVERHEAD, N.Y. 11901
T-631-591-13160
F-631-591-3162
ruth@ruthmpollackesq.com

OPPOSING ATTORNEY [Name]: STEVEN STERN, ESQ.
STERN SOKOLOFF LLP
355 POST AVENUE - STE. 201
WEST BURY, NY 11590
516-334-4500
sstern@sokoloffstern.com

Court-Judge/Agency appealed from: EDNY (Hurley, Boyle)

Please check appropriate boxes:

Has consent of opposing counsel:
A. been sought? Yes No
B. been obtained? Yes No

Is oral argument requested? Yes No
(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No
If yes, enter date

Signature of Moving Attorney: [Handwritten Signature]

Date: 9/23/09

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No

Has this relief been previously sought in this Court? Yes No

Requested return date and explanation of emergency: SOME HAS.

Emergency is continued spoliation of case and docket - STATUTORY return date is acceptable.

Has service been effected? Yes No
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT: CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: By:

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

KEVIN G. CHESNEY and LORRAINE CHESNEY, ^x

Plaintiff-Appellant,

-against-

**PLAINTIFF-
APPELLANTS'
AFFIDAVIT
IN SUPPORT OF
EMERGENCY
APPLICATION
FOR
DEATH KNELL
SANCTIONS AND
DEFAULT
JUDGMENT**

Case No.: 05CV5106

(DRH)(ETB)

2d Cir. No. 09-1824-cv

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.

State of New York)
County of Nassau) ss.:

Kevin G. Chesney, being duly sworn, deposes and says:

1. I am the plaintiff-appellant in the above captioned case.

I make this affidavit in support of my application for a) an order of

default judgment against defendants and all of their legal counsels on my prior unanswered application; b) for an order granting me and my counsel death knell sanctions and damages as permitted by current law for the destruction of our case file, tampering with our official docket in EDNY and ex parte communications in the absence of my attorney; c) an order immediately sequestering my court file from the Eastern District of New York so that I may examine it with my attorney and forensic analyst immediately and make copies¹; d) for an order for the immediate institution of a criminal probe by an independent federal prosecutor, the Department of Justice and the Federal Bureau of Investigation and Inspector General of this case due to the complete destruction and spoliation of my original case files and tampering of my official electronic docket on EDNY ECF which has prevented my appeal from proceeding, e) an order requiring the turnover to the Court of my **original** time records for June 2004 submitted as evidence EDNY Court by the District by its attorney Steven Stern of Stern Sokoloff, LLP and my original COBRA forms submitted as evidence to the EDNY Court by Michelle Feldman, Esq. of Lamb Barnosky, LLP, purportedly mailed to me in June 2004 by the District from the Valley Stream Union Free School District No. 24 for immediate forensic evaluation by our bonified, licensed and

¹ I made a previous application for sequestering of my file on July 27, 2009 to this court in a T-1080 motion and that application was never responded to by the defendants or ruled on by this Court.

forensic analyst well-regarded in the State of New York; and f) for such other and further relief as to this Court seems just and proper. This remains urgent because I fear that further destruction and tampering will occur and continue to prevent me and my attorney from litigating orders of this Court and prosecuting this appeal and prevent official investigations from occurring. I also ask for an order requiring the immediate turnover of the original cancelled check for June 2004 for my payroll at the District. It is directly related to the tampered, forged time records sent by defendants and its counsels to the EDNY as evidence under oath.²

2. This application is based upon new information that my attorney and I have obtained. As is seen by Exhibit “A”, a copy of the T-1080 for which is annexed, my entire EMERGENCY application dated July 27, 2009 in which we demanded oral argument has been ignored, even after defendants defaulted in answering it. We have not been informed of what authorized defendants to disregard and default on this serious and landmark application. The EMERGENCY at hand includes the undisputed wholesale destruction of our entire court case file and the continuing sabotaging of our electronic docket since 2004. According to FRCP §79 (a)-(c) and FRAP §45: “Clerk’s Duties” and Second Circuit website, the “ACCO” files must be maintained

² This relief was also sought in our July 27, 2009 application to this Court, also defaulted on by defendants and not ruled on by any Court.

until the closing of the case after which the files are **preserved** in the Federal Records Center. F. Rule App. P. § 11 (b)(2) mandates that the EDNY Court Clerk “must number the documents constituting the record and send them promptly to the circuit clerk together with a list of the documents correspondingly numbered and reasonably identified.” Subdivision (c) mandates that the record be “retained”... [T]emporarily in the District Court for Use in Preparing the Appeal.” At this point it is clear that there is no record of my case in the EDNY courthouse and so none of the required steps have or may be followed. FRAP 10. “The Record on Appeal” provides explicitly that to do an appeal the following records must exist:

(a) Composition of the Record on Appeal. The following items constitute the record on appeal:

- (1) the original papers and exhibits filed in the district court;**
- (2) the transcripts of proceedings, if any; and**
- (3) a certified copy of the docket entries prepared by the district clerk.**

In this case, it is clear that the materials enumerated in number (1) above have been destroyed, the transcripts of proceedings in number (2) above prove ex parte communications between the Magistrate and defense counsel with no objection full participation by defense counsel Michelle Feldman, Esq. and a third transcript was secretly recorded as an “**FTR**”

on an FTR drive, unbeknownst to my attorney Ms. Pollack or me until I ordered the transcript on July 13, 2009. The secret recording was fraudulently added to the official docket as a notation after I ordered the transcripts and long after the actual date of the recording itself on November 2, 2007, one and a half years later. (See copy of Exhibit "B" annexed to our T-1080 motion of July 27, 2009 at ECF No 86 wherein "FTR" is inserted.)

3. Since my last application, I have received an order only by seeing it on the Court's Official docket (Exhibit "B"), despite my written request that both our attorney and I be copied with all documents in our appeal submitted in our T-1080 motion of July 27, 2009 (Exhibit "A"). The order with a purported "stay" under FRCP 4(a) 4(B) (i) dated August 20, 2009 is on the official U.S Court of Appeals Docket dated September 4, 2009. The same order is not signed by any judge. True and correct copies of our **certified** docket sheets from **April 30, 2009** and **July 31, 2009** each markedly tampered and differing one from the other are annexed hereto as Exhibit "C". Another order dated August 25, 2009 also not signed by any judge but signed by a Second Circuit Staff Attorney, Michael Zachary, seeking "clarification", and misrepresents my wife as "pro se Appellant" (Exhibit "D"). It fails to request an affidavit from my wife who is united in interest with me as a co-plaintiff in all papers and whose name appears on all of my filed notices of appeal as a "plaintiff-appellant". The June 19, 2009 never requested any

separate affidavit from my wife. No legal authority is cited for such a frivolous demand from Mr. Zachary at this late date. The **“Subsequent Corrected/Amended Notice of Appeal”** we both signed and filed on May 27, 2009 is still omitted from the official Second Circuit docket and should be filed there in consecutive order under the FRCP and FRAP. A copy of our “Acknowledgement and Notice of Appearance” and our **“Subsequent Corrected/Amended Notice of Appeal”** filed in the EDNY on May 27, 2009 and the EDNY **bounce** which states that it was sent to the Second Circuit are annexed as Exhibit “E”. It was signed by both of us. Notwithstanding all of this, Mr. Zachary sent an “ORDER OF GRIEVANCE PANEL” dated August 25, 2009 demanding, with no legal citations or support, an affidavit from my wife and again calls her “pro se”. It is fraudulent for the official Second Circuit Court of Appeals docket to not contain any of these orders when the same docket a) heading, b) acknowledgement of appearance entered on May 18, 2009 and c) case information all state in black and white that as of at least today, both of us are represented by Ms. Pollack. (Order of Grievance Panel is annexed as Exhibit “F”) No further clarification is required. Again, Mr. Zachary, and not any judge, is now requiring an affidavit never before required. Mr. Zachary now calls himself “Supervisory Staff Attorney - Counsel to the Grievance Panel” in that order. This is an obvious conflict of interest and an unlawful order. It is prejudicial and proves bias to force my wife to submit yet another document. Why

doesn't Mr. Zachary demand the production of the original case file in EDNY, my original documents, orders and exhibits and my work related materials from the defendant School District and its attorneys? Why does he fail to set this down for oral argument? Why has he failed in all of these months, to order a criminal probe of our complaints set forth in our pending T-1080 motion, never addressed at all, but ignored? Why has he failed to demand an affidavit from EDNY as to the missing files? Why has he failed to report this matter to officials and initiate an immediate criminal probe? Instead, he focuses on trivia, such as my wife's name which is everywhere on the official Second Circuit Docket.

4. The Court's latest citation of FRAP 4(a) (4) in the August 20, 2009 "order" by Mr. Zachary does not apply to this case and does not support a stay of our appeal. As the record reflects in the EDNY docket, a final judgment as a separate document was entered on May 15, 2009 by Chief Clerk Heinemann. (Judgment annexed as Exhibit "G") The FRAP, as amended in 2002, is clear that our appeal cannot be stayed because of the rule itself and **most important, the destruction of our case file and tampered ECF docket.** FRAP 4(a)(B)(i), which refers to FRAP 4(a)(4)(A), cited in the August 25, 2009 Grievance "order" does not operate to stay our appeal because our ability to appeal has been destroyed by the destruction of our official court files and docket tampering, all required to perfect an appeal. More disturbing is the fact that under these most outrageous of circumstances, the Court of Appeals Clerk's Office, which

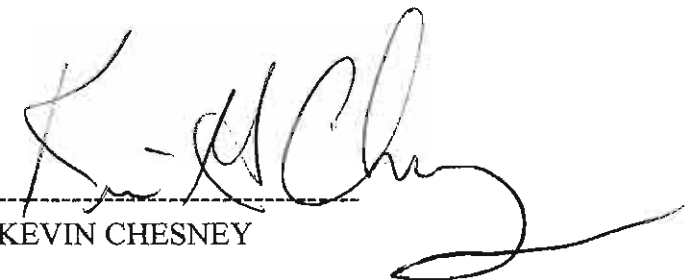
appears to be litigating our appeal and covering up the crimes of EDNY and defendants and their legal counsels, has declared our appeal “stayed” when neither defendants, its counsel nor we have requested any stay. Why is this Court delaying this case? It is unconstitutional as a denial of due process, obstruction of justice and equal protection at the very least. We are being prejudiced by this willful or grossly negligent miss-application of the law. It would appear that a conspiracy to obstruct justice and a criminal investigation exists, and has been aided by the stay.

5. Finally, on this issue, a copy of a certified document I was forced to prepare for the EDNY Clerk’s Office acknowledging the destruction of my file is annexed as Exhibit “H”. A memorandum of law is annexed to support our application for a Death Knell Order. We are relying on my affidavit and exhibits submitted to this Court in our T-1080 motion dated July 27, 2009 in support of this motion for Death Knell sanctions. For all of the above reasons, I respectfully request an order granting the emergency relief requested in this application.

In connection with this application, I state that I am one of the plaintiff-appellants in the within appeal. I have read this notice of motion and affidavits of Lorraine Chesney and my attorney Ruth M. Pollack and Form T1080 with exhibits and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief; and as to those matters I believe them to be true.

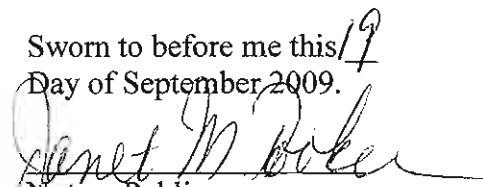
WHEREFORE, plaintiff-appellants and its legal counsel Ruth M. Pollack, Esq. respectfully request a) an order immediately sequestering its entire original court file from the Eastern District of New York so that they may examine it with their attorney and forensic analyst immediately and make copies; b) an order requiring the turnover to this Court of plaintiff-appellants' **original** time records for June 2004 submitted as evidence EDNY Court by the District by its attorney Steven Stern of Stern Sokoloff, LLP and plaintiff-appellant's original COBRA forms submitted as evidence to the EDNY Court by Michelle Feldman, Esq. of Lamb Barnosky, LLP, purportedly mailed to him in June 2004 by the District from the Valley Stream Union Free School District No. 24 for immediate forensic evaluation by its own bonified, licensed and forensic analyst; c) the Death Knell default judgment and damages demanded herein and d) for such other and further relief as to this Court seems just and proper.

Dated: September 18, 2009
Valley Stream, New York



KEVIN CHESNEY

Sworn to before me this 19
Day of September 2009.


Notary Public
JANET M. TOOKER
Notary Public, State of New York
No. 01705951905
Qualified in Suffolk County
Commission Expires November 13, 2009

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

x

KEVIN G. CHESNEY and LORRAINE CHESNEY,

Plaintiff-Appellant,

-against-

**PLAINTIFF-
APPELLANTS'
AFFIDAVIT
IN SUPPORT OF
EMERGENCY
APPLICATION
FOR
DEATH KNELL
SANCTIONS AND
DEFAULT
JUDGMENT**

Case No.: 05CV5106

(DRH)(ETB)

2d Cir. No. 09-1824-cv

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.

x

State of New York)
County of Nassau) ss.:

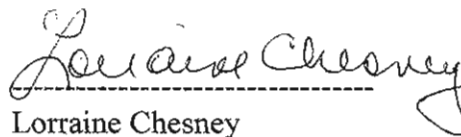
Lorraine Chesney, being duly sworn, deposes and says:

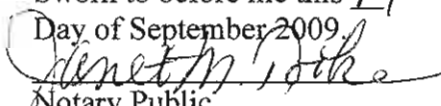
1. I am a plaintiff-appellant in the above case and I make this affidavit in support of the application for death knell sanctions discussed by my husband and my attorney, Ruth M. Pollack, Esq. in the annexed papers.
2. I am fully aware of the orders about my attorney and I want to continue to have her as my attorney here in this appeal. I have read my husband's affidavit and all exhibits and agree with it to the extent that I was present and as to all other matters in it I verify they are true upon information and belief. I was personally present when my husband waited for three (3) hours as a disabled person at the EDNY Clerk's Office only to learn that his entire case file **and the motion for reconsideration** was destroyed.
3. I seek the relief we have requested in the application.

In connection with this application, I state that I am one of the plaintiff-appellants in the within appeal. I have read this notice of motion and affidavits of ^{Kevin G. [Signature]} Lorraine Chesney and my attorney Ruth M. Pollack and Form T1080 with exhibits and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief; and as to those matters I believe them to be true.

WHEREFORE, plaintiff-appellants and its legal counsel Ruth M. Pollack, Esq. respectfully request a) an order immediately sequestering its entire original court file from the Eastern District of New York so that they may examine it with their attorney and forensic analyst immediately and make copies; b) an order requiring the turnover to this Court of plaintiff-appellants' **original** time records for June 2004 submitted as evidence EDNY Court by the District by its attorney Steven Stern of Stern Sokoloff, LLP and plaintiff-appellant's original COBRA forms submitted as evidence to the EDNY Court by Michelle Feldman, Esq. of Lamb Barnosky, LLP, purportedly mailed to him in June 2004 by the District from the Valley Stream Union Free School District No. 24 for immediate forensic evaluation by its own bonified, licensed and forensic analyst; c) the Death Knell default judgment and damages demanded herein and d) for such other and further relief as to this Court seems just and proper.

Dated: September 18, 2009
Valley Stream, New York


Lorraine Chesney

Sworn to before me this 19
Day of September 2009.

Notary Public

JANET M. TOOKER
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UNITED STATES COURT OF APPEALS
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KEVIN G. CHESNEY and LORRAINE CHESNEY, ^x

Plaintiff-Appellant,

-against-

**PLAINTIFF-
APPELLANTS'
COUNSEL'S
AFFIDAVIT
IN SUPPORT OF
EMERGENCY
APPLICATION
FOR
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SANCTIONS AND
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VALLEY STREAM UNION FREE SCHOOL DISTRICT
NO. 24; VALLEY STREAM UNION FREE SCHOOL
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the latter being persons and/or entities unknown to complainant,
NASSAU COUNTY DIVISION CIVIL SERVICE
COMMISSION OF NEW YORK STATE,

Defendant-Appellee.

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

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

1. I am the plaintiff-appellant's legal counsel in the above-captioned case. In addition, I was their attorney throughout the entire case in state and federal courts. I make this affidavit in support of our application for a) an order of default judgment against defendants and all of their legal counsels on our prior unanswered application; b) for an order granting them and me death knell sanctions and damages as permitted by current law for the destruction of our case file, tampering with our official docket in EDNY and ex parte communications in the absence of me as their legal counsel; c) an order immediately sequestering our court file from the Eastern District of New York so that I may examine it with my clients and forensic analyst immediately and make copies¹; d) for an order for the immediate institution of a criminal probe by an independent federal prosecutor, the Department of Justice and the Federal Bureau of Investigation and Inspector General of this case due to the complete destruction and spoliation of our original case files and tampering of our official electronic docket on EDNY ECF which has prevented our appeal from proceeding, e) an order requiring the turnover to the Court of my client's **original** time records for June 2004 submitted as evidence EDNY Court by the District by its attorney Steven Stern of Stern Sokoloff, LLP and his original COBRA forms submitted as evidence to the EDNY Court

¹ We made a previous application for sequestering of the file on July 27, 2009 to this court in a T-1080 motion and that application was never responded to by the defendants or ruled on by this Court.

by Michelle Feldman, Esq. of Lamb Barnosky, LLP, purportedly mailed to him in June 2004 by the District from the Valley Stream Union Free School District No. 24 for immediate forensic evaluation by our bonified, licensed and forensic analyst well-regarded in the State of New York; and f) for such other and further relief as to this Court seems just and proper.

2. I adopt as true the statements made by my client Kevin G. Chesney and his wife, my client Lorraine Chesney, and as to those matters that I was not personally present to witness as stated by Mr. and Mrs. Chesney and believe them to be true upon information and belief.
3. It is true that I did not learn of the docket tampering in this case until I reviewed the electronic case filing (ECF) docket and discovered in early January 2009 that my case file docket had been severely tampered with and I wrote a letter to report this misconduct to the EDNY Court per my ethical obligation to my client and the Court to do so. Upon further review, my client and I discovered the tampering and destruction was so pervasive and continuing that we had to make a T-1080 motion to this Court on July 27, 2009. I rely on that motion and its extensive exhibits in this application for Death Knell sanctions and default judgment for this truly **criminal** conduct.
4. This is the first time an application for this relief is being made.

5. I believe that, based upon our extensive, nationwide research, this criminal destruction of a file over a 5 ½ year period is unprecedented and a case of first impression. **I also believe that I have been targeted as a whistle blower about an unprecedented scandal that I have never seen in a quarter century of the practice of law.** As a result of this criminal conduct, we have suffered years of lost work, attorneys' fees, lost evidence, loss of our ability to perfect an appeal, defamation across the world wide Internet , the EDNY website, the WDNY website, the SDNY website, and countless other places still being disclosed to us. The modern law of the Death Knell Doctrine as it relates to e-evidence and case a file is on point and applicable here and now.
6. Such open-ended breaching of professional conduct by defense counsel in this case should be addressed at some point by the defendant parties, especially the Board of Education. In addition, the board members themselves have each breached, either benignly or intentionally, their fiduciary obligations to protect the District from further harm; by allowing the professional misconduct of the District, the Superintendent, its agents, servants and employees, as well as its four (4) firms of legal counsels paid for five years with public funds, to continue ongoing without being addressed, and not ordered halted or changed seems to me to render the Board members' fiduciary failure as incontrovertible proof of malicious

intent. As such, under the law of spoliation and the Death Knell Doctrine, the imposition of damage charges in this case may be raised to the treble degree.

7. We are entitled to the remedies in the annexed Memorandum of Law. No words can express the magnitude of the spoliation and destruction in our case as compared to all of the cases we have found reported across the country in this area of law. Our damages cannot begin to be calculated as of yet, but this application is one remedy we are entitled to under prevailing civil and criminal law and constitutional standards of due process.
8. I am personally appalled by the ex parte communications which the record that my client ordered prove beyond a doubt actually occurred. These communications were never denied by either the Court or legal counsels for the District defendants and must be deemed admitted by each of them. This wholesale tampering and destruction described in detail in our T-1080 motion of July 27, 2009 were never answered or denied by the Court or defense counsels either and must also be deemed admitted by each of them.
9. This conduct is criminal in nature as a felony on a state and federal level. It must be investigated at once in a federal independent probe. The electronic PACER and ECF system we all pay for and rely on for accurate information has not reduced paperwork, but has created a hothouse for widespread fraud within the justice


system. Here, it has provided a means of cover-up for the acts of a school system which functions on state and federal public funds.

10. As a result of the many uncontroverted acts set forth in our papers, we respectfully demand an order awarding us a Death Knell default judgment and sanctions as permitted by prevailing case law and federal civil and criminal statutes. Keeping in mind that the “rationales underlying the spoliation doctrine” are “prophylactic, punitive, and remedial,” West v. Goodyear Tire & Rubber Co., 167 F.3d 776, 779 (2d Cir. 1999), we are entitled to the harshest of remedies against those involved here.

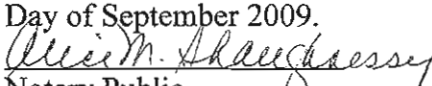
In connection with this application, I state that I have read this notice of motion and affidavits of Lorraine and Kevin G. Chesney and Form T1080 with exhibits and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief; and as to those matters I believe them to be true.

WHEREFORE, plaintiff-appellants and its legal counsel Ruth M. Pollack, Esq. respectfully request a) an order immediately sequestering its entire original court file from the Eastern District of New York so that they may examine it with their attorney and forensic analyst immediately and make copies; b) an order requiring the turnover to this Court of plaintiff-appellants' **original** time records for June 2004 submitted as evidence EDNY Court by the District by its attorney Steven Stern of Stern Sokoloff, LLP and plaintiff-appellant's original COBRA forms submitted as evidence to the EDNY Court by Michelle Feldman, Esq. of Lamb Barnosky, LLP, purportedly mailed to him in June 2004 by the District from the Valley Stream Union Free School District No. 24 for immediate forensic evaluation by its own bonified, licensed and forensic analyst; c) the Death Knell default judgment and damages demanded herein and d) for such other and further relief as to this Court seems just and proper.

Dated: September 18, 2009
Valley Stream, New York



Ruth M. Pollack, Esq.

Sworn to before me this 22nd
Day of September 2009.

Notary Public

~~ALICE M. SHAUGHNESSY
Notary Public, State of New York
No. 4528113
Qualified in Suffolk County
Commission Expires _____~~

ALICE M. SHAUGHNESSY
Notary Public, State of New York
No. 52-4528113
Qualified in Suffolk County
Commission Expires Aug 31, 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; 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.

x

**MEMORANDUM OF LAW: DEATH KNELL SANCTIONS
AND DEFAULT JUDGMENT**

RUTH M. POLLACK, ESQ. (RP1407)
Counsel for Plaintiff-Appellants
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Post Office Box 120
Riverhead, New York 11901
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Fax. 631-591-3162
ruth@ruthmpollackesq.com

RUTH M. POLLACK, ESQ. (RP1407)
Counsel for Plaintiff-Appellants
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UNITED STATES COURT OF APPEALS
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Plaintiff-Appellant,

Case No.: 05CV5106
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-against-

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DISTRICT NO. 24 BOARD OF EDUCATION; EDWARD M.
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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.

^x

**MEMORANDUM OF LAW: DEATH KNELL SANCTIONS
AND DEFAULT JUDGMENT**

INTRODUCTION:

This case involves the unlawful termination of a full-time, male
cleaner/custodian from the Valley Stream Union Free School District
No. 24 following his injury at work on May 17, 2004. Plaintiff and his

wife filed a summons and complaint in the New York Supreme Court of Nassau County. Plaintiff alleged, *inter alia*, unlawful termination as a result of his injury and disability and the false accusation that he was committing insurance fraud by operating a cab in a second job. The District itself falsely claimed in official papers submitted to the health providers that plaintiff had been injured in an automobile accident. Plaintiff's discrimination complaint was immediately removed by District defendants to Eastern District of New York, Central Islip, New York. Plaintiff applied for worker's compensation and was eventually awarded a 70% marked disability by judge and board panel. The panel also cited the law permitting plaintiff to engage in concurrent employment while he received worker's compensation benefits. As a result of the lengthy appeals by the District of the Worker's Compensation orders, plaintiff's spinal surgery was delayed for two years, resulting in a permanent disability at age 34. He was married on November 7, 2003, just months before his injury. He was terminated on June 30, 2004, less than 24 hours before he was eligible to receive his vacation, sick and personal days earned the previous year as a full time worker.

Procedurally, all of plaintiff-appellant's causes of action were dismissed by the Court except for COBRA claim without any discovery. In fact, all discovery was stayed by the Magistrate while defendant School District and its counsels, two law firms – four (4)

defense firms were involved in all of the litigation -- moved for dismissal by submitting false and perjurious affidavits, tampered time sheets, and false and perjurious COBRA forms. Plaintiff also complained in his papers to the Court of the larceny of his paycheck and time due him as well as the perjurious materials, to no avail. Defense counsel never denied plaintiff's claims of fraud and tampering.

In January 2007, plaintiffs were force to proceed pro se due to the unlawful suspension of their counsel in EDNY. who represented them until her suspension. Plaintiffs continued pro se until they discovered the destruction and spoliation of their case file in the EDNY Clerk's Office after their case was unlawfully dismissed and a judgment entered by the Chief Clerk in the tampered electronic docket. This was immediately appealed by plaintiffs pro se. The four (4) notices of appeal included the dismissal by summary judgment of the COBRA claim, dismissal of plaintiffs' amended complaint which included three causes of action which amendment was granted. The basis for the dismissal was the alleged "absence" of plaintiffs' papers filed with the court.

Due to the destruction of the case file, this claim of "absent" papers can no longer be disputed by plaintiffs in an appeal.

The Death Knell Sanctions for Spoliation Are Appropriate Under Prevailing Law

“Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another’s use as evidence in pending or reasonably foreseeable litigation.” West v. Goodyear Tire & Rubber Co., 167 F.3d 776, 779 (2d Cir. 1999) (citation omitted). A party bringing a spoliation claim must demonstrate

(1) that the party having control over the evidence had an obligation to preserve it at the time it was destroyed;

(2) that the [evidence was] destroyed with a culpable state of mind; and

(3) that the destroyed evidence was relevant to the party’s claim or defense such that a reasonable trier of fact could find that it would support that claim or defense.

Residential Funding Corp. v. DeGeorge Fin. Corp., 306 F.3d 99, 107 (2d Cir. 2002) (internal quotation marks and citation omitted).

In Gutman v. Klein, Magistrate Judge Robert M. Levy determined that defendant searched for and downloaded software to erase its hard drive of evidence relevant to the case. 03-Civ. 1570 (BMC), 2008 WL 5084182 (E.D.N.Y.) (Dec. 2, 2008) *approving* Report & Recommendation, 2008 WL 4682208 (Oct. 15, 2008) Instead of using the data “wiping” software, defendant manually deleted files and reinstalled Windows XP, ostensibly to cover-up the

erasing of evidence. The Court ordered a forensic examination of the laptop. Much of the spoliation evidence was located by virtue of a forensic analysis of file system meta data, file meta data, and system logs. Based on this spoliation, the magistrate judge recommended a sanction of default judgment against the defendant and a sanction of attorneys fees related to the discovery. The District Court (Cogan, J.) approved the Report and Recommendation of M.J. Levy.

The Gutman Court then applied spoliation law:

In the first prong, a party becomes obligated to preserve evidence when it “has notice that the evidence is relevant to litigation . . . [or] should have known that the evidence may be relevant to future litigation.” Kronisch v. United States, 150 F.3d 112, 126 (2d Cir. 1998) (citations omitted); accord Fujitsu Ltd. v. Fed. Express Corp., 247 F.3d 423, 436 (2d Cir. 2001). In the instant case, it is undeniable that the Court’s (and litigants’) **original case file** was destroyed in its entirety in an apparent attempt to obstruct and prevent pro se plaintiffs from perfecting its appeal and proving that its papers were, in fact timely submitted to the Court months earlier. The submission of these documents was evidenced by the certified tampered docket a copy of which was retained by plaintiffs as of July 31, 2009. Plaintiffs and its counsel reasonably relied on the Court to retain and preserve its case file and the integrity of the ECF docket at least until the end of any appeals. The same reliance by plaintiff and its counsel was proper

for defendant School District and its counsels to preserve all evidence at issue.

In the second prong, the Second Circuit has held that negligence is a sufficiently culpable state of mind for spoliation. *See Residential Funding Corp.*, 306 F.3d at 108; *see also NTL, Inc. Sec. Litig.*, 244 F.R.D. 179, 197-98 (S.D.N.Y. 2007); *Phoenix Four, Inc. v. Strategic Res. Corp.*, No. 05 Civ. 4837, 2006 WL 1409413, at *4 (S.D.N.Y. May 23, 2006).

In the instant case, negligence is apparent from the wholesale destruction and spoliation of both the case file and the docket itself since 2004. Indeed, it may be inferred that gross negligence and **specific** intent exists here on the facts. 18 U.S.C. §1503 prohibits destruction of tangible evidence to impede a pending judicial action. 18 U.S.C. §1510 permits criminal prosecution of a person who impedes federal criminal investigations. 18 U.S.C. §1512(b)(2)(A) permits criminal prosecution of a person who corruptly persuades, or attempts to persuade, another person to withhold testimony or documents from an official proceeding. Sarbanes-Oxley Act of 2002, 18 U.S.C. §1519 imposes steep fines and up to a 20 year prison terms for anyone found guilty of altering, destroying or falsifying documents in order to impede a federal investigation or official proceeding. It is not necessary to cite here the numerous state statutes which imposing

criminal punishment for tampering with physical evidence, making it a felony to destroy, mutilate, conceal or alter physical evidence, including documents , with the intent to impair their availability in a pending or official proceeding. See, e.g. FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE in violation of N.Y. Penal Law 175.10, COMPUTER TAMPERING IN THE SECOND DEGREE in violation of N.Y. Penal Law 156.20.

The third prong has been established in the instant case, that is, the burden of proving that evidence would have been relevant to a party's claims or defense is proportional to the mens rea of the party who destroyed the evidence. For example, a court may infer relevance when "a party acted in bad faith because 'bad faith alone is sufficient circumstantial evidence from which a reasonable fact finder could conclude that the missing evidence was unfavorable to that party.'" Phoenix Four, Inc., 2006 WL 1409413, at *4 (citing Residential Funding Corp., 306 F.3d at 109). In contrast, where the party destroyed evidence due to ordinary negligence, "[t]he burden falls on the 'prejudiced party' to produce 'some evidence suggesting that a document or documents relevant to substantiating his claim would have been included among the destroyed files.'" Byrnie v. Town of Cromwell, Bd. of Educ., 243 F.3d 93, 108 (2d Cir. 2001) (quoting Kronisch, 150 F.3d at 128). However, the court should avoid "holding the prejudiced party to too strict a standard of proof regarding the

likely contents of the destroyed evidence,” as doing so “would subvert the prophylactic and punitive purposes of the [spoliation sanctions].” Kronisch, 150 F.3d at 128.

In Gutman, the Court found that “. . . the record demonstrates that Klein acted in bad faith when he destroyed evidence on the Klein laptop. See Phoenix Four, Inc., 2006 WL 1409413, at *4 (citing Residential Funding Corp., 306 F.3d at 109); see also Handwerker v. AT&T Corp., 211 F.R.D. 203, 209 (S.D.N.Y. 2002) (“Noncompliance may be deemed willful ‘when the court’s orders have been clear, when the party has understood them, and when the party’s non-compliance is not due to factors beyond the party’s control.’” (quoting Bambu Sales, Inc. v. Ozak Trading Inc., 58 F.3d 849, 852-53 (2d Cir. 1995))). In the instant case, the complete destruction of a case file in the Court and the extensive docket tampering and court involved ex parte communications against plaintiff’s interests, coupled with the participation in the ex parte acts and failure to deny participation in the spoliation more than meet the *mens rea* threshold because it could be construed as an admission of guilt and bad faith referred to by Magistrate Judge Levy.

As in Gutman, in the more recent EDNY case of ACORN, et al. v. County of Nassau, et al. the EDNY Court (Bianco, J. and Wall, M.J.), citing most of the applicable cases, the Court only partially

granted plaintiffs' letter application seeking extensive sanctions for the County's finding of **gross negligence** in its failure to implement a litigation hold, among other discovery abuses. CV 05-2301(JB)(WDW), 2009 U.S. Dist. LEXIS 19459. In stark contrast to the Chesney case, the ACORN and Gutman discovery abuses pale. Accordingly, plaintiffs and its counsel are entitled to a substantial award of damages for this reprehensible act of sabotage and destruction.

Such open-ended breaching of professional conduct by defense counsel in this case should be addressed at some point by the defendant parties, especially the Board of Education. In addition, the board members themselves have each breached, either benignly or intentionally, their fiduciary obligations to protect the District from further harm; by allowing the professional misconduct of the District, the Superintendent, its agents, servants and employees, as well as its four (4) firms of legal counsels paid for five years with public funds, to continue ongoing without being addressed, and not ordered halted or changed seems to me to render the Board members' fiduciary failure as incontrovertible proof of malicious intent.

The central role of federal Court personnel and the Chief Clerk in the spoliation in this case, may rise to the level of RICO violations. 28 U.S.C. §1735. As such, under the law of spoliation and the Death

Knell Doctrine, the imposition of damage charges in this case may be raised to the treble degree.

Conclusion:

The magnitude of destruction and length of time of the destruction as well as its apparent timing in this case require the most severe of sanctions and damages to plaintiff and its counsel. Using prevailing case law as a guide, a default judgment in favor of plaintiffs, sanctions in the amount of an award to plaintiff of the damages sought in plaintiffs' the *ad damnum* clause of \$26,000,000.00, plus attorneys' fees, costs of over five years of litigation, Fed. R. Civ. P. §37 sanctions, with the exception of striking pleadings as defendants never filed an answer in this case, would all be appropriate as would consequential damages such as future lost wages, physical and psychological damages. Damages for defamation, infliction of emotional distress, punitive damages for deterrence, interest, back pay, out of pocket costs to plaintiffs, permanent pain and suffering, loss of business of attorney and defamation of plaintiff and their counsel as a result of false and misleading publication of this case as a victory on Internet, publications, PACER, and on web sites of defense counsels. Indeed, an inquest would be in order to ascertain some of the damages. In the event a criminal investigation is launched as it has been requested, any damages which may be specifically attributed to

particular Court personnel or a defendant or its attorney, may be levied accordingly. In the interim, plaintiffs are entitled to an immediate award of death knell damages in at least the amounts described.

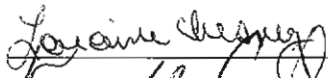
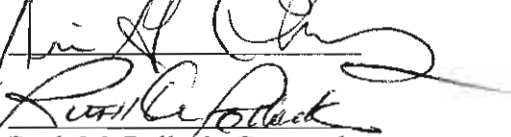
Questions remain unanswered. The silence is deafening. Defense counsels were caught willingly having ex parte conversations with the Magistrate Judge as to the merits of the case in the absence of plaintiff's counsel even as an adjournment was placed on the docket on two occasions. Defense counsel Steven Stern failed to respond to plaintiff's T-1080 motion dated July 27, 2009 in which application was made for a) a criminal investigation of the file and ECF spoliation and destruction, b) production of original COBRA, payroll records and cancelled paychecks pertaining to the tampered timesheets, for forensic review; and c) an order sequestering the original court file which was apparently destroyed and spoliated. No permission was provided for this default by defendants. Their utter silence is proof of culpable conduct on their part, there is no other explanation.

This Court's "order" of August 20, 2009, unsigned by a judge, stating "**We are informed...that the Appellants' district court motion for reconsideration of the judgment dismissing their action remains pending**" is equally troubling. First, what is meant by "We"? Who are "we"? Plaintiff-appellant Kevin Chesney's affidavit of June 27, 2009 to Ms. O'Hagan-Wolfe and the Grievance Committee addressed this and informed the Court. (Affidavit annexed as Exhibit "I")

The record also proves (Exhibit "H") that as of at least July 10, 2009 there was no file or motion in any file in the Courthouse for the Court to consider. Accordingly, it is logical to conclude that any attempt to stay this destroyed appeal is frivolous, negligent, and an apparent attempt to delay justice to plaintiff-appellants, who alone have suffered prejudice in not only EDNY but also the U.S. C.A. Second Circuit. It seems incumbent on this Honorable Court to hold those persons, clerks and entities responsible for this unprecedented damage to the appeal process and this Court's history of fairness and judicial excellence.

Dated: Riverhead, New York
September 23, 2009

Respectfully submitted,



Ruth M. Pollack, Esq. and
Plaintiff-appellants Chesneys

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General Docket

US Court of Appeals for the Second Circuit

Second Circuit Court of
Appeals

INDIV

OPEN

Court of Appeals Docket #: 09-1824-cv
Nsuit : 3442 CIVIL RIGHTS-Jobs

Chesney v. Valley Stream Union Free School District No. 24 Filed 4/29/09

Appeal EDNY (CENTRAL ISLIP)
from:

Case type information:

Civil

Private

None

Lower court information:

District: 05-cv-5106

Trial Judge: Denis R. Hurley

MagJudge: E. Thomas Boyle

Date Filed: 11/01/05

Date order/judgement: 3/31/2009

Date NOA filed: 4/28/2009

Fee status: Paid

Panel Assignment:

Panel:

Date of decision:

Prior cases: NONE

EXHIBIT 11

Current cases NONE

Official Caption 1/

□

INDIV

OPEN

Docket No. [s] : 09-1824 -cv

Kevin G. Chesney, Lorraine Chesney,

Plaintiffs-Appellants,

v.

Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24, 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 Haramif, Custodian and Union Representative, John Does, Jane Does, the latter being personal and/or entities unknown to complainant, Joseph Conrad, President, Carole Meaney, Vice President, Henrietta Carbonaro, Paul DePace, Anthony Ladevaio, Frank Nuara, Lawrence Trogel, each in its individual and official capacity,

Defendants-Appellees.

Local 74 SEIU, Nassau County Division Civil Service Commission,

Defendants,

Authorized Abbreviated Caption 2/

Docket No. [s] : 09-1824 -cv

Chesney v. Valley Stream Union Free School District No.

24

1/ Fed. R. App. P. Rule 12 [a] and 32 [a].
2/ For use on correspondence and motions only.

Docket as of August 21, 2009 2:17 am Page 2

□ INDIV
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Local 74 SEIU

Defendant

Nassau County Division Civil
Service Commission of New York
Defendant

Kevin G. Chesney

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Plaintiff-Appellant

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Lorraine Chesney

Ruth M. Pollack Esq.(See above)

Plaintiff-Appellant

[LD ret]

Docket as of August 21, 2009 2:17 am Page 3

□ INDIV
OPEN

Anthony Ladevaio

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Defendant-Appellee

[LD ret]
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Westbury , NY , 11590

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Carole Meaney

Steven C. Stern Esq.(See above)

Defendant-Appellee

[LD ret]

- 7/6/09 APPELLANTS Kevin Chesney, Lorraine Chesney, Form C filed, with proof of service. [Entry date Jul 9 2009] [GW]
- 7/6/09 APPELLANTS Kevin Chesney, Lorraine Chesney, Form D filed, with proof of service. [Entry date Jul 9 2009] [GW]
- 8/3/09 Appellant Kevin Chesney, Appellant Lorraine Chesney motion for order to sequester court file of EDNY filed with proof of service. [Entry date Aug 4 2009] [GW]
- 8/20/09 ORDER FILED: We are informed that the Appellants` district court motion for

Docket as of August 21, 2009 2:17 am Page 7

□ INDIV

OPEN

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.

Present:

José A. Cabranes,

Robert D. Sack,
Richard C. Wesley,

Circuit Judges. [Entry date Aug 20

2009] [GW]

8/20/09 Notice to counsel: Order dated 8/20/09
[Entry date Aug 20 2009] [GW]

Docket as of August 21, 2009 2:17 am

Page 8

PACER Service Center			
Transaction Receipt			
09/18/2009 17:49:58			
PACER Login:	kc2524	Client Code:	
Description:	dkt report	Case Number:	09-1824
Billable Pages:	7	Cost:	0.56

ORIGINAL

A082 SWEDA
(Rev. 3/02)

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT 029703

for the
EASTERN DISTRICT OF NEW YORK

at CENTRAL ISLIP
04-30-2009 (THU) 01:48 PM

Fund	
6855XX	Deposit Funds
604700	Registry Funds
	General and Special Funds
508800	Immigration Fees
085000	Attorney Admission Fees
086900	Filing Fees
322340	Sale of Publications
322350	Copy Fees
322360	Miscellaneous Fees
143500	Interest
322380	Recoveries of Court Costs
322386	Restitution to U.S. Government
121000	Conscience Fund
129900	Gifts
504100	Crime Victims Fund
613300	Unclaimed Monies
510000	Civil Filing Fee (1/2)
510100	Registry Fee

DRAW 1
Receipt#29703

MISC. FEES	9.00
.. # 322360	
COPY FEES	17.00
.. # 322350	
TOTAL--*	26.00
CASH	26.00

*Docket certification
E. D. N. Y*

CASE REFERENCE:

05CV-5106

RECEIVED FROM

KEVIN G. CHESNEY

DEPUTY CLERK

[Signature]

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

APPEAL

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:05-cv-05106-DRH-ETB
Internal Use Only**

Chesney et al v. Valley Stream Union Free School District No. 24 et al
Assigned to: Senior-Judge Denis R. Hurley
Referred to: Magistrate-Judge E. Thomas Boyle
Demand: \$26,000,000
Case in other court: Supreme Court-County of Nassau, 05-09454
Cause: 28:1441 Petition for Removal - Employment Discrim

Date Filed: 11/01/2005
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Kevin G. Chesney

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TERMINATED: 01/16/2009
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Plaintiff

Lorraine Chesney

represented by **Lorraine Chesney**
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TERMINATED: 01/16/2009
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V.

Defendant

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District No. 24**

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Defendant

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Defendant

Edward M. Fale
*Ph.D., Superintendent of Schools, in his
individual and official capacity*

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Defendant

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Defendant

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John Does

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Defendant

Jane Does
the latter being personal and/or entities
unknown to complainant

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Defendant

Nassau County Division Civil Service
Commission of New York State
TERMINATED: 04/30/2007

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Defendant

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Defendant

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Defendant

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Michelle S. Feldman
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Defendant

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Defendant

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Michelle S. Feldman
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ATTORNEY TO BE NOTICED

Defendant

Lawrence Trogel
each in its individual and official capacity

represented by **Steven C. Stern**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Lauren Holtzer
 (See above for address)
 ATTORNEY TO BE NOTICED

Michelle S. Feldman
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Local 74 SEIU
 TERMINATED: 09/22/2006

represented by **Gary Silverman**
 (See above for address)
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/01/2005	<u>1</u>	NOTICE OF REMOVAL by Edward M. Fale, Lisa K. Conte, Charles Broceaur, Stephen Haramif, Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education from Supreme Court-County of Nassau, case number 05-9454. (Filing fee \$ 250 Receipt# 17994) (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Exhibit A-Summons and Complaint)(Duong, Susan) (Entered: 11/03/2005)
11/03/2005		Case Ineligible for Arbitration(Bollbach, Jean) (Entered: 11/03/2005)
11/04/2005	<u>2</u>	ANSWER to Complaint by Local 74 SEIU.(Garcia, Raul) (Entered: 11/04/2005)
11/07/2005	<u>3</u>	Letter from Steven C. Stern to District Judge Denis R. Hurley Regarding requesting pre-motion conference. (Stern, Steven) (Entered: 11/07/2005)
11/15/2005	<u>4</u>	NOTICE of Appearance by Mary E. Neggie on behalf of Nassau County Division Civil Service Commission of New York State (Neggie, Mary) (Entered: 11/15/2005)
11/18/2005	<u>5</u>	First MOTION for Extension of Time to File Answer <i>and file motion to dismiss</i> by Nassau County Division Civil Service Commission of New York State. (Neggie, Mary) (Entered: 11/18/2005)
11/21/2005		ORDER: The Court is in receipt of <u>5</u> Defendant's First MOTION for Extension of Time to File Answer and Request for Permission to File a Motion to Dismiss. Defendant's request for extension is GRANTED. The Answer will be filed with the Court by December 21, 2005. As for Defendant's request for permission to file a motion to dismiss, pursuant to this Court's Individual Practice Rule 2(B), the party requesting permission to file such a motion must submit a pre-motion conference letter. The November 18, 2005 Letter does not satisfy Rule 2(B)'s requirements. Ordered by Judge Denis R. Hurley on 11/21/05. (Hurley, Denis) (Entered: 11/21/2005)
11/21/2005		ORDER: The Court is in receipt of <u>3</u> November 7, 2005, Letter from Defendants Valley Stream Union Free School District and Board of

		Education, Superintendent Edward M. Fale, Principal Lisa K. Conte, Maintenance Supervisor Charles Brocher, and Custodian Stephen Haramis requesting leave to file a 12(b)(6) motion. Plaintiff did not submit a letter in reply. The pre-motion conference is hereby waived and the Court sets the following briefing schedule: Defendants will submit their 12(b)(6) Motion by December 23, 2005; Plaintiff will submit his opposition by January 27, 2005; and Defendants will submit their reply by February 10, 2005. Ordered by Judge Denis R. Hurley on 11/21/05. (Hurley, Denis) (Entered: 11/21/2005)
11/21/2005		(Court only) ***Motions terminated: <u>5</u> First MOTION for Extension of Time to File Answer <i>and file motion to dismiss</i> filed by Nassau County Division Civil Service Commission of New York State. (Fagan, Linda) (Entered: 11/22/2005)
11/22/2005	<u>6</u>	ORDER Initial Conference set for 3/17/2006 09:30 AM before Magistrate-Judge E. Thomas Boyle. See order for further instructions. Counsel for Plaintiff(s) or Plaintiff pro se is obligated to serve a copy of this order on each defendant. Ordered by Judge E. Thomas Boyle on 11/22/05. (Lundy, Lisa) (Entered: 12/05/2005)
12/06/2005	<u>7</u>	Letter from Raul Garcia to Honorable Denis R. Hurley Regarding motion pursuant to Rule 12(c) for judgment on the pleadings. (Garcia, Raul) (Entered: 12/06/2005)
12/08/2005	<u>8</u>	AMENDED COMPLAINT <i>AND FIRST AMENDED SUMMONS</i> against all defendants, filed by all plaintiffs.(Pollack, Ruth) (Entered: 12/08/2005)
12/08/2005		(Court only) ***Party Joseph Conrad, and Carole Meaney, and Henrietta Carbonaro, and Paul DePace, and Anthony Ladevaio, and Frank Nuara, and Lawrence Trogel, Local 74 SEIU added. (Fagan, Linda) Modified on 12/12/2005 (Fagan, Linda). (Entered: 12/12/2005)
12/20/2005	<u>9</u>	Letter request for Leave to File Excess Pages <i>in memorandum of law in support of motion to dismiss</i> 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) Modified on 1/3/2006 (Fagan, Linda). (Entered: 12/20/2005)
12/20/2005	<u>10</u>	Letter MOTION for Extension of Time to File Response/Reply as to <u>3</u> Letter, <u>6</u> Order,, Set Hearings,, <u>4</u> Notice of Appearance, <u>7</u> Letter by Kevin G. Chesney. (Attachments: # <u>1</u> Appendix affidavits of service of summons and complaint on parties and of letter on counsel# <u>2</u> Affidavit certificate of service of letter motion on counsel# <u>3</u> Affidavit supplemental certificate of service of application for enlargement and certificate of service of first amended summons and amended complaint on defense counsel with letter of enclosure)(Pollack, Ruth) (Entered: 12/20/2005)
12/20/2005		Motions terminated, docketed incorrectly <u>9</u> Letter MOTION for Leave to File Excess Pages <i>in memorandum of law in support of motion to dismiss</i> filed by Valley Stream Union Free School District No. 24, Valley Stream

		Union Free School District No. 24 Board of Education, Edward M. Fale, Lisa K. Conte, Charles Broceaur, Stephen Haramif, Joseph Conrad, Carole Meaney, Henrietta Carbonaro, Paul DePace, Anthony Ladevaio, Frank Nuara, Lawrence Trogel. (Fagan, Linda) (Entered: 01/03/2006)
12/20/2005		Incorrect Case/Document/Entry Information. Document <u>10</u> Motion, filed on 12/20/05 has been deleted. (The document was filed as a Motion, and should have been filed as a letter. All corrections have been made.) (Fagan, Linda) (Entered: 01/03/2006)
12/20/2005		Motions terminated, docketed incorrectly <u>10</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>3</u> Letter, <u>6</u> Order, Set Hearings, <u>4</u> Notice of Appearance, <u>7</u> Letter filed by Kevin G. Chesney. (Fagan, Linda) (Entered: 01/03/2006)
12/21/2005	<u>11</u>	Letter request for a pre-motion conference MOTION to Dismiss, by Nassau County Division Civil Service Commission of New York State. Responses due by 1/3/2006 (Neggie, Mary) Modified on 1/3/2006 (Fagan, Linda). (Entered: 12/21/2005)
12/21/2005	<u>12</u>	RESPONSE in Opposition re <u>10</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>3</u> Letter, <u>6</u> Order,, Set Hearings,, <u>4</u> Notice of Appearance, <u>7</u> Letter <i>opposing plaintiffs' request to file belated response to pre-motion conference letter</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: 12/21/2005)
12/21/2005		Motions terminated, docketed incorrectly <u>11</u> Letter MOTION to Dismiss (<i>Request to file</i>) filed by Nassau County Division Civil Service Commission of New York State. (Fagan, Linda) Modified on 1/3/2006 (Fagan, Linda). (Entered: 01/03/2006)
12/21/2005		Incorrect Case/Document/Entry Information. Document <u>11</u> Motion, filed on 12/21/05 has been deleted. (The document was filed as a motion, and should have been filed as a Letter request. All corrections have been made). (Fagan, Linda) (Entered: 01/03/2006)
12/22/2005	<u>13</u>	Letter from Raul Garcia to Judge Denis Hurley. (Garcia, Raul) (Entered: 12/22/2005)
12/28/2005		ORDER: The Court is in receipt of <u>9</u> Letter from Defendants Valley Stream Union Free School District and Board of Education, Superintendent Edward M. Fale, Principal Lisa K. Conte, Mintenance Supervisor Charles Brocher, and Custodian Stephen Haramis requesting leave to file a motion to dismiss in excess of the Court's 20-page limit. Defendants' request is DENIED. Because of the lateness of Defendants' request, the Court sets the following revised briefing schedule: Defendants will submit their 12(b)(6) Motion by January 4, 2006; Plaintiff will submit his opposition by February 3, 2006; and Defendants will submit their reply by February 17, 2006. Ordered by Judge Denis R. Hurley on 12/28/2005. (Hurley, Denis) (Entered: 12/28/2005)

		12/28/2005)
12/28/2005		ORDER: The Court is in receipt of <u>7</u> Defendant Local 74's December 5, 2005 Letter requesting permission to move pursuant to 12(c) and <u>13</u> Defendant Local 74's December 22, 2005 Letter requesting the same. In <u>10</u> Plaintiff's December 20, 2005 letter, Plaintiff requested leave to extend the time to reply. Plaintiff's request was clearly after the Court's 10-day deadline as indicated in Individual Practice Rule 2(B). As such, Plaintiff's request is denied and the Court establishes the following briefing schedule: Defendant Local 74 will submit its 12(c) Motion by January 28, 2006; Plaintiff will submit his opposition by February 28, 2006; and Defendant Local 74 will submit its reply by March 14, 2006. Ordered by Judge Denis R. Hurley on 12/28/2005. (Hurley, Denis) Modified on 1/3/2006 (Fagan, Linda). (Entered: 12/28/2005)
01/13/2006	<u>14</u>	Letter requesting to Disqualify Counsel for defendant Local #74 and for conference re: other relief by Kevin G. Chesney. (Pollack, Ruth) Modified on 1/17/2006 (Fagan, Linda). (Entered: 01/13/2006)
01/13/2006		Motions terminated, docketed incorrectly <u>14</u> Letter MOTION to Disqualify Counsel for defendant Local #74 and for conference re: other relief filed by Kevin G. Chesney. (Fagan, Linda) (Entered: 01/17/2006)
01/13/2006		Incorrect Case/Document/Entry Information. Document <u>14</u> Letter Motion has been deleted. (The document was filed as a Motion, and should have been filed as a Letter request. All corrections have been made.) (Fagan, Linda) (Entered: 01/17/2006)
01/20/2006	<u>15</u>	Letter response to 1/13/06 letter from Ruth Pollack, Esq. 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: 01/20/2006)
01/24/2006	<u>16</u>	Letter to Honorable Denis R. Hurley by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 01/24/2006)
01/25/2006	<u>17</u>	AFFIDAVIT of Service for Clarification Letter served on Ruth M. Pollack, Esq., Steven C. Stern, Esq., Nassau County Attorney's Office, Magistrate Judge Thomas E. Boyle on 1/24/06, filed by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 01/25/2006)
01/30/2006	<u>18</u>	MOTION for Judgment on the Pleadings by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 01/30/2006)
01/30/2006	<u>19</u>	MEMORANDUM in Support re <u>18</u> MOTION for Judgment on the Pleadings by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 01/30/2006)
01/30/2006	<u>20</u>	AFFIDAVIT in Support re <u>18</u> MOTION for Judgment on the Pleadings

		filed by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Affidavit of Service) (Silverman, Gary) (Entered: 01/30/2006)
01/31/2006	<u>21</u>	Letter <i>Honorable Denis R. Hurley</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 01/31/2006)
02/03/2006	<u>22</u>	Letter from Ruth M. Pollack to Hon. Judge Denis R. Hurley, dated 2/2/06 re: To apply to the Court for an enlargement of time within which to serve plttfs answering papers upon deft District relative to its Fed. R.Civ. P. 12 motion. (Fagan, Linda) (Entered: 02/03/2006)
02/03/2006		Endorsed ORDER on <u>22</u> Letter filed by Kevin G. Chesney, Lorraine Chesney. Application granted. (Ordered by Judge Denis R. Hurley on 2/3/06.) (Fagan, Linda) (Entered: 02/03/2006)
02/27/2006	<u>23</u>	Letter to <i>Honorable E. Thomas Boyle</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 02/27/2006)
02/28/2006	<u>24</u>	Letter request for Extension of Time to File Response/Reply re: <i>Local 74 motion for judgment on the pleadings</i> by Kevin G. Chesney. (Pollack, Ruth) Modified on 3/1/2006 (Fagan, Linda). (Entered: 02/28/2006)
02/28/2006		Motions terminated, docketed incorrectly <u>24</u> Second MOTION for Extension of Time to File Response/Reply re: <i>Local 74 motion for judgment on the pleadings</i> filed by Kevin G. Chesney. (Fagan, Linda) (Entered: 03/01/2006)
02/28/2006		Incorrect Case/Document/Entry Information. Document <u>24</u> MOTION, filed on 2/28/06has been deleted. (The document was filed as a Motion, and should have been filed as a Letter request. The document will be addressed by the Court as a Letter request. All corrections have been made.) (Fagan, Linda) (Entered: 03/01/2006)
03/01/2006		ORDER re <u>23</u> Letter filed by Local 74 SEIU. The application to adjourn the initial conference based on the filing of motions to dismiss is denied. Any party seeking a stay of discovery shall file a motion, pursuant to Rule 26(c), Fed. R. Civ. P. Ordered by Judge E. Thomas Boyle on 3/1/06. Local 74's counsel is directed to notify all parties of this order upon receipt.(Joy, Dolores) (Entered: 03/01/2006)
03/06/2006	<u>25</u>	Letter <i>motion</i> by Local 74 SEIU. (Garcia, Raul) (Entered: 03/06/2006)
03/07/2006	<u>26</u>	Letter <i>seeking permission to file motion</i> by Nassau County Division Civil Service Commission of New York State. (Neggie, Mary) (Entered: 03/07/2006)
03/08/2006	<u>27</u>	Letter <i>joining Local 74's motion to stay discovery</i> 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: 03/08/2006)

03/15/2006	<u>28</u>	Letter to <i>Honorable E. Thomas Boyle</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 03/15/2006)
03/16/2006		ORDER re <u>28</u> Letter filed by Local 74 SEIU. The initial conference scheduled for March 17, 2006 at 9:30 a.m. is adjourned to March 28, 2006 at 11:30 a.m. Counsel for SEIU Local 74 is directed to notify all parties of this Order upon receipt. So Ordered . Ordered by Judge E. Thomas Boyle on 3/16/06. (Hancock, Lauren) (Entered: 03/16/2006)
03/17/2006	<u>29</u>	Notice of MOTION to Dismiss 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: 03/17/2006)
03/17/2006	<u>30</u>	AFFIDAVIT in Support re <u>29</u> Notice of MOTION to Dismiss <i>Declartion of Steven Stern</i> 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. (Attachments: # <u>1</u> Affidavit Edward M. Fale# <u>2</u> Exhibit "A" to Stern Declaration# <u>3</u> Exhibit "B" to Declaration# <u>4</u> Exhibit "C" to Declaration# <u>5</u> Exhibit "D" to Declaration# <u>6</u> Exhibit "E" to Declaration# <u>7</u> Exhibit "F" to Declaration# <u>8</u> Exhibit "G" to Declaration# <u>9</u> Exhibit "H" to Declaration# <u>10</u> Exhibit "I" to Declaration# <u>11</u> Exhibit "J" to Declaration# <u>12</u> Exhibit "K" to Declaration)(Stern, Steven) (Entered: 03/17/2006)
03/17/2006	<u>31</u>	MEMORANDUM in Support re <u>29</u> Notice of MOTION to Dismiss 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: 03/17/2006)
03/17/2006	<u>32</u>	MEMORANDUM in Opposition re <u>29</u> Notice of MOTION to Dismiss by Kevin G. Chesney, Lorraine Chesney. (Stern, Steven) (Entered: 03/17/2006)
03/17/2006	<u>33</u>	AFFIDAVIT in Opposition re <u>32</u> Memorandum in Opposition to <i>defendants' motion to dismiss</i> by all plaintiffs. (Stern, Steven) (Entered: 03/17/2006)
03/17/2006	<u>34</u>	REPLY to Response to Motion re <u>29</u> Notice of MOTION to Dismiss <i>Defendants' Memorandum of Law In Reply</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: 03/17/2006)

03/17/2006	<u>35</u>	Amended MOTION to Dismiss 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: 03/17/2006)
03/17/2006	<u>36</u>	REPLY in Support re <u>35</u> Amended MOTION to Dismiss <i>Reply Declaration in Support of Motion to Dismiss</i> 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. (Attachments: # <u>1</u> Exhibit "A" to Reply Declaration# <u>2</u> Exhibit "L" to Reply Declaration# <u>3</u> Exhibit "M" to Reply Declaration)(Stern, Steven) (Entered: 03/17/2006)
03/17/2006		Motions terminated; <u>29</u> Notice of MOTION to Dismiss filed by Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education, Edward M. Fale, Lisa K. Conte, Charles Broceaur, Stephen Haramif, Joseph Conrad, Carole Meaney, Henrietta Carbonaro, Paul DePace, Anthony Ladevaio, Frank Nuara, Lawrence Trogel. (see <u>35</u> Amended Motion to Dismiss.) (Fagan, Linda) (Entered: 03/20/2006)
03/21/2006	<u>37</u>	Letter request for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Judgment on the Pleadings, <u>22</u> Letter, <u>35</u> Amended MOTION to Dismiss, <u>33</u> Affidavit in Opposition, <u>32</u> Memorandum in Opposition, <u>34</u> Reply to Response to Motion,, <u>20</u> Affidavit in Support of Motion, <u>36</u> Reply in Support,, <u>31</u> Memorandum in Support,, <u>19</u> Memorandum in Support, <u>30</u> Affidavit in Support,, and <i>objecting to exhibits annexed to District's Motion and Reply papers</i> by Kevin G. Chesney. (Pollack, Ruth) Modified on 3/22/2006 (Fagan, Linda). (Entered: 03/21/2006)
03/21/2006		Motions terminated, docketed incorrectly <u>37</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Judgment on the Pleadings, <u>22</u> Letter, <u>35</u> Amended MOTION to Dismiss, <u>33</u> Affidavit in Opposition, <u>32</u> Memorandum in Opposition, <u>34</u> Reply to Response to Motion,, <u>20</u> filed by Kevin G. Chesney. (Fagan, Linda) (Entered: 03/22/2006)
03/21/2006		Incorrect Case/Document/Entry Information. Document <u>37</u> MOTION, filed on 3/21/06 has been deleted. (The document was filed as a Motion, and should have been filed as a Letter request. The Court will address the document as a Letter request. All corrections have been made.) (Fagan, Linda) (Entered: 03/22/2006)
03/22/2006	<u>38</u>	Letter <i>Honorable Hurley</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 03/22/2006)
03/27/2006	<u>39</u>	SCHEDULING ORDER: The initial conference previously set for March 28, 2006 at 11:30 a.m. before the undersigned has been rescheduled for September 15, 2006 at 9:30 a.m. at the Alfonse M. D'Amato U.S.

		Courthouse, Courtroom 830, Central Islip, New York. All counsel shall be present. SEE order for further details. Ordered by Judge E. Thomas Boyle on 3/27/06. Plaintiffs' counsel is directed to serve a copy of this order on all parties upon receipt.(Joy, Dolores) (Entered: 03/27/2006)
03/28/2006	<u>40</u>	ORDER re <u>27</u> Letter, filed by Valley Stream Union Free School District et al. <u>25</u> Letter filed by Local 74 SEIU requesting stay of discovery. For the reasons stated in the Memorandum Opinion and Order, pursuant to Rule 26 (c), all discovery is stayed pending the outcome of the pending motion to dismiss, pursuant to Rule 12(c), Fed. R. Civ. P. So Ordered . Ordered by Judge E. Thomas Boyle on 3/28/06. (Hancock, Lauren) (Entered: 03/28/2006)
03/30/2006	<u>41</u>	Letter to <i>Honorable Denis R. Hurley</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 03/30/2006)
04/03/2006		ORDER: The Court is in receipt of <u>37</u> Plaintiff's Letter requesting an Extension of Time to File Response. This is Plaintiff's second request. The request is hereby granted. Plaintiff's response is due by April 21, 2006. Ordered by Judge Denis R. Hurley on 04/03/2006. (Hurley, Denis) (Entered: 04/03/2006)
04/03/2006		ORDER: The Court is in receipt of <u>26</u> Defendant Nassau County Civil Service Commission's Letter requesting permission to file a motion to dismiss. Defendant originally made this request on December 21, 2005. The Court establishes the following briefing schedule: Defendant's motion papers will be due on May 1, 2006; Plaintiff's opposition papers will be due on June 2, 2006; and Defendant's reply will be due on June 16, 2006. Ordered by Judge Denis R. Hurley on 04/03/2006. (Hurley, Denis) (Entered: 04/03/2006)
04/22/2006	<u>42</u>	AFFIDAVIT in Opposition re <u>18</u> MOTION for Judgment on the Pleadings <i>and in support of cross-motion to disqualify Local 74 counsel</i> filed by Kevin G. Chesney. (Pollack, Ruth) (Entered: 04/22/2006)
04/22/2006	<u>43</u>	Cross MOTION to Disqualify Counsel <i>for defendant Local 74 SEIU</i> by Kevin G. Chesney. (Pollack, Ruth) (Entered: 04/22/2006)
04/22/2006	<u>44</u>	RESPONSE to Motion re <u>18</u> MOTION for Judgment on the Pleadings, <u>43</u> Cross MOTION to Disqualify Counsel <i>for defendant Local 74 SEIU MEMORANDUM OF LAW ON MOTION AND CROSS-MOTION</i> filed by Kevin G. Chesney. (Attachments: # <u>1</u> BLUEBACK)(Pollack, Ruth) (Entered: 04/22/2006)
04/22/2006	<u>45</u>	RESPONSE to Motion re <u>43</u> Cross MOTION to Disqualify Counsel <i>for defendant Local 74 SEIU coverpage memorandum of law</i> filed by Kevin G. Chesney. (Pollack, Ruth) (Entered: 04/22/2006)
04/24/2006	<u>46</u>	Letter <i>notifying Court of error in premature filing of motion papers by ECF</i> by Kevin G. Chesney. (Pollack, Ruth) (Entered: 04/24/2006)
04/25/2006		ORDER: The Court is in receipt of <u>46</u> Plaintiffs' Letter regarding the

		premature filing of their response papers. Though the submissions will not be removed from the docket--as such a procedure is contrary to the ECF policy practiced in this district--Plaintiffs' submission is noted and copies of the response papers should be submitted with the bundle when such papers are due. Ordered by Judge Denis R. Hurley on 04/26/2006. (Hurley, Denis) (Entered: 04/25/2006)
04/26/2006	<u>47</u>	Letter <i>Hon Hurley</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 04/26/2006)
04/27/2006	<u>48</u>	Letter request for Extension of Time to File <i>Motion to Dismiss</i> by Nassau County Division Civil Service Commission of New York State. (Neggie, Mary) Modified on 4/28/2006 (Fagan, Linda). (Entered: 04/27/2006)
04/27/2006		Motions terminated, docketed incorrectly <u>48</u> First MOTION for Extension of Time to File <i>Motion to Dismiss</i> filed by Nassau County Division Civil Service Commission of New York State. (Fagan, Linda) (Entered: 04/28/2006)
04/27/2006		Incorrect Case/Document/Entry Information. Document <u>48</u> , filed on 4/27/06 as a MOTION, has been modified. The document should have been filed as a Letter request, and the Court will address the document as such. All corrections have been made. (Fagan, Linda) (Entered: 04/28/2006)
05/02/2006		Motions terminated; <u>43</u> Cross MOTION to Disqualify Counsel for <i>defendant Local 74 SEIU</i> filed by Kevin G. Chesney. (See Order dated 5/2/06) (Fagan, Linda) (Entered: 05/04/2006)
05/03/2006		ORDER: Plaintiffs filed <u>43</u> a cross-motion to disqualify counsel in contravention of Judge Hurley's Individual Practice Rules. Therefore, the Cross-Motion is hereby terminated and Defendant Local 74 is not required to reply to the motion to disqualify at this point. Should Plaintiffs wish to move to disqualify counsel, they must submit the pre-motion conference letter before filing the motion. When that occurs, the Court will set a separate briefing schedule for the motion to disqualify. Ordered by Judge Denis R. Hurley on 05/03/2006. Modified on 5/4/2006 (Fagan, Linda). (Entered: 05/03/2006)
05/03/2006		ORDER: The Court is in receipt of <u>48</u> Defendant Nassau County Division Civil Service Commission of New York State's request for an extension to the briefing schedule regarding the motion to dismiss. SO ORDERED. Ordered by Judge Denis R. Hurley on 05/03/2006. (Entered: 05/03/2006)
05/05/2006	<u>49</u>	First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. Responses due by 4/21/2006 (Attachments: # <u>1</u> Original Notice of Motion)(Silverman, Gary) (Entered: 05/05/2006)
05/05/2006	<u>50</u>	AFFIDAVIT in Support re <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> filed by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Affidavit of Service)(Silverman, Gary) (Entered: 05/05/2006)

05/05/2006	<u>51</u>	MEMORANDUM in Support re <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 05/05/2006)
05/05/2006	<u>52</u>	AFFIDAVIT in Opposition re <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> filed by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 05/05/2006)
05/05/2006	<u>53</u>	MEMORANDUM in Opposition re <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 05/05/2006)
05/05/2006	<u>54</u>	REPLY to Response to Motion re <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> filed by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 05/05/2006)
06/29/2006	<u>55</u>	Letter re: request for Extension of Time to File Response/Reply <i>Re: Civil Service Rule 12 Application</i> by Kevin G. Chesney. (Pollack, Ruth) Modified on 6/30/2006 (Fagan, Linda). (Entered: 06/29/2006)
06/29/2006		Motions terminated, docketed incorrectly <u>55</u> Letter MOTION for Extension of Time to File Response/Reply <i>Re: Civil Service Rule 12 Application</i> filed by Kevin G. Chesney. (Fagan, Linda) (Entered: 06/30/2006)
06/29/2006		Incorrect Case/Document/Entry Information. Document <u>55</u> Letter MOTION, filed on 6/29/06 has been modified. (The document should have been filed as a Letter and not as a Letter MOTION. The Court will address the document as a Letter request. All corrections have been made.) (Fagan, Linda) (Entered: 06/30/2006)
07/14/2006	<u>56</u>	SCHEDULING ORDER: The initial conference previously set for September 15, 2006 at 9:30 a.m. with the undersigned has been rescheduled as a status conference for March 15, 2007 at 10:00 a.m. by telephone. Plaintiffs' counsel shall initiate the call and have all parties on the line before connecting chambers (631-712-5710). The conference call should be made through the teleconference operator provided by your long-distance service (e.g., AT&T, MCI, Sprint). All counsel must participate. SEE order for further details. Ordered by Judge E. Thomas Boyle on 7/14/06. Plaintiffs' counsel shall serve a copy of this order on all parties upon receipt.(Joy, Dolores) (Entered: 07/14/2006)
07/16/2006		ORDER: The Court is in receipt of <u>55</u> Plaintiff's Letter requesting an Extension of Time to File Response. Defendants have consented to this request. SO ORDERED. Ordered by Judge Denis R. Hurley on 07/16/2006. (Entered: 07/16/2006)
07/25/2006		Email Notification Test - DO NOT REPLY (Mahon, Cinthia) (Entered: 07/25/2006)

09/13/2006	<u>57</u>	NOTICE of Appearance by Barbara E. Van Riper on behalf of Nassau County Division Civil Service Commission of New York State (Van Riper, Barbara) (Entered: 09/13/2006)
09/14/2006	<u>58</u>	NOTICE of Appearance by Veronica Boland on behalf of Nassau County Division Civil Service Commission of New York State (Boland, Veronica) (Entered: 09/14/2006)
09/19/2006	<u>59</u>	MOTION to Dismiss by Nassau County Division Civil Service Commission of New York State. (Boland, Veronica) (Entered: 09/19/2006)
09/19/2006	<u>60</u>	MEMORANDUM OF LAW in Support re: <u>59</u> Motion to Dismiss by Nassau County Division Civil Service Commission of New York State. (Boland, Veronica) Modified on 9/20/2006 (Fagan, Linda). (Entered: 09/19/2006)
09/19/2006	<u>61</u>	Letter <i>re motion to dismiss</i> by Nassau County Division Civil Service Commission of New York State. (Boland, Veronica) (Entered: 09/19/2006)
09/19/2006		Motions terminated, docketed incorrectly <u>60</u> MOTION to Dismiss filed by Nassau County Division Civil Service Commission of New York State. (The document should have been filed as a Memorandum in Support, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 09/20/2006)
09/22/2006	<u>62</u>	ORDER: The Court grants District Defendants' motion to dismiss the state law claims for failure to serve a notice of claim, and grants the motion to dismiss the federal claims on various grounds. The lone surviving claim against District Defendants is Plaintiff's COBRA claim. As for Defendant Local 74, all of the claims asserted against it are dismissed. Ordered by Judge Denis R. Hurley on 09/22/2006. (Hurley, Denis) (Entered: 09/22/2006)
09/22/2006		(Court only) *** Party Local 74 SEIU and Local 74 SEIU terminated. (Fagan, Linda) (Entered: 09/25/2006)
10/11/2006	<u>63</u>	LETTER re: Request for Extension of Time to File <i>Appeal of Memorandum and Order of Court</i> by Kevin G. Chesney, Lorraine Chesney. (Pollack, Ruth) Modified on 10/12/2006 (Fagan, Linda). (Entered: 10/11/2006)
10/11/2006		Motions terminated, docketed incorrectly <u>63</u> Emergency MOTION for Extension of Time to File <i>Appeal of Memorandum and Order of Court</i> filed by Kevin G. Chesney, Lorraine Chesney. (The document should have been filed as a Letter request, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 10/12/2006)
10/12/2006		ORDER re <u>63</u> : The Court is in receipt of Plaintiff's letter request for a nunc pro tunc enlargement of the time to appeal the decision of this Court dated September 22, 2006. An enlargement is sought to and including October 16, 2006. It would appear, subject to verification by plaintiff's counsel, that the time to appeal has not run and, in fact, extends past October 16, 2006. See Rule 4 of the Rules of Appellate Procedure. Accordingly, the application is denied. Ordered by Judge Denis R. Hurley on 10/12/06. (Hurley, Denis)

		(Entered: 10/12/2006)
10/13/2006	<u>64</u>	Letter <i>requesting extension of time to answer amended complaint</i> 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: 10/13/2006)
10/24/2006		ORDER re <u>64</u> : Defendants' request for an extension of time to answer the complaint is granted. Defendants shall serve and file their answer on or before October 27, 2006. Ordered by Judge Denis R. Hurley on 10/23/06. (Gapinski, Michele) (Entered: 10/24/2006)
10/24/2006	<u>65</u>	Letter <i>Request for Extension of Time to File Answer to Complaint</i> by Valley Stream Union Free School District No. 24. (Feldman, Michelle) (Entered: 10/24/2006)
10/26/2006		ORDER re <u>65</u> : Defendant's request for an additional extension of time to and including November 10, 2006 to respond to the complaint is granted. Ordered by Judge Denis R. Hurley on 10/25/06. (Gapinski, Michele) (Entered: 10/26/2006)
10/26/2006	<u>66</u>	CERTIFICATE of Counsel re <u>62</u> Order on Motion for Judgment on the Pleadings,, Order on Motion to Dismiss,,, <i>Fee Paid \$455.00 Check</i> by Ruth M. Pollack on behalf of Kevin G. Chesney (Attachments: # <u>1</u> Exhibit Notice of Interlocutory Appeal# <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> # <u>13</u> # <u>14</u> # <u>15</u> # <u>16</u> # <u>17</u> # <u>18</u> # <u>19</u> # <u>20</u> # <u>21</u> # <u>22</u> # <u>23</u> # <u>24</u>)(Pollack, Ruth) (Entered: 10/26/2006)
10/27/2006		NOTICE OF APPEAL as to <u>62</u> Order on Motion by Kevin G. Chesney. Filing fee \$ 455. (See document #62. The Clerk's Office in Brooklyn was notified by Ms. Ruth Pollack, Esq. that she filed her appeal under CERTIFICATE OF COUNSEL rather than the correct event of NOTICE OF APPEAL because she was unable to bypass the payment screen. According to Ms. Pollack, the fee of \$455 was previously sent by check to the Clerk of Court, Central Islip). (Chee, Alvin) (Entered: 10/27/2006)
10/29/2006	<u>67</u>	Letter <i>to Clarify Request for Reconsideration and Enlargement</i> by Kevin G. Chesney. (Pollack, Ruth) (Entered: 10/29/2006)
10/30/2006		Electronic Index to Record on Appeal sent to US Court of Appeals re <u>2</u> Answer to Complaint, <u>3</u> Letter, <u>44</u> Response to Motion,, <u>10</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>3</u> Letter, <u>6</u> Order,, Set Hearings,, <u>4</u> Notice of Appearance, <u>7</u> Letter, <u>18</u> MOTION for Judgment on the Pleadings, <u>1</u> Notice of Removal,, <u>52</u> Affidavit in Opposition to Motion, <u>39</u> Scheduling Order,, <u>48</u> First MOTION for Extension of Time to File <i>Motion to Dismiss</i> , <u>6</u> Order,, Set Hearings,, <u>62</u> Order on Motion for Judgment on the Pleadings,, Order on Motion to Dismiss,,, <u>29</u> Notice of MOTION to Dismiss, <u>22</u> Letter, <u>67</u> Letter, <u>64</u> Letter,, <u>61</u> Letter, <u>37</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Judgment on the Pleadings, <u>22</u> Letter, <u>35</u> Amended MOTION to Dismiss, <u>33</u> Affidavit in Opposition, <u>32</u>

		<p>Memorandum in Opposition, <u>34</u> Reply to Response to Motion,, <u>20</u> , <u>50</u> Affidavit in Support of Motion,, <u>27</u> Letter,, <u>59</u> MOTION to Dismiss, <u>17</u> Affidavit of Service,, <u>55</u> Letter MOTION for Extension of Time to File Response/Reply <i>Re: Civil Service Rule 12 Application</i>, <u>5</u> First MOTION for Extension of Time to File Answer <i>and file motion to dismiss</i>, <u>57</u> Notice of Appearance, <u>21</u> Letter, <u>47</u> Letter, <u>58</u> Notice of Appearance, <u>4</u> Notice of Appearance, <u>35</u> Amended MOTION to Dismiss, <u>53</u> Memorandum in Opposition, <u>14</u> Letter MOTION to Disqualify Counsel <i>for defendant Local #74 and for conference re: other relief</i>, <u>23</u> Letter, <u>8</u> Amended Complaint, <u>60</u> MOTION to Dismiss, <u>40</u> Order,, <u>26</u> Letter, <u>56</u> Scheduling Order,, <u>63</u> Emergency MOTION for Extension of Time to File <i>Appeal of Memorandum and Order of Court</i>, <u>33</u> Affidavit in Opposition, <u>54</u> Reply to Response to Motion, <u>32</u> Memorandum in Opposition, <u>51</u> Memorandum in Support, <u>12</u> Response in Opposition to Motion,, <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i>, <u>46</u> Letter, <u>15</u> Letter,, <u>66</u> Certificate of Counsel,, <u>16</u> Letter, <u>11</u> Letter MOTION to Dismiss (<i>Request to file</i>), <u>24</u> Second MOTION for Extension of Time to File Response/Reply <i>re: Local 74 motion for judgment on the pleadings</i>, <u>28</u> Letter, <u>34</u> Reply to Response to Motion,, <u>42</u> Affidavit in Opposition to Motion, <u>65</u> Letter, <u>41</u> Letter, <u>9</u> Letter MOTION for Leave to File Excess Pages <i>in memorandum of law in support of motion to dismiss</i>, <u>43</u> Cross MOTION to Disqualify Counsel <i>for defendant Local 74 SEIU</i>, <u>7</u> Letter, <u>20</u> Affidavit in Support of Motion, <u>45</u> Response to Motion, <u>38</u> Letter, <u>36</u> Reply in Support,, <u>13</u> Letter, <u>31</u> Memorandum in Support,, <u>25</u> Letter, <u>19</u> Memorandum in Support, <u>30</u> Affidavit in Support,, For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. (Romano, Daniel) (Entered: 10/30/2006)</p>
10/30/2006		(Court only) ***Staff notes - Notice of Appeal was filed as exhibit no.1 under Certificate of Counsel. (Romano, Daniel) (Entered: 10/30/2006)
10/30/2006		ORDER re <u>67</u> : Plaintiff's "clarified" request for an extension of time to and including November 8, 2006 to move for reconsideration of this Court's Memorandum and Order dated September 22, 2006 is granted. Plaintiff is reminded that the standard for a motion for reconsideration "is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or [factual] data that the court overlooked - matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." <i>Shrader v. CSX Transp., Inc.</i> , 70 F.3d 255, 257 (2d Cir. 1995). Ordered by Judge Denis R. Hurley on 10/30/06. (Hurley, Denis) (Entered: 10/30/2006)
11/10/2006	<u>68</u>	NOTICE of Appearance by Michelle S. Feldman on behalf of 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: 11/10/2006)
11/10/2006	<u>69</u>	ANSWER to Amended Complaint 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: 11/10/2006)
11/12/2006	<u>70</u>	AFFIDAVIT OF COUNSEL'S ACTUAL ENGAGEMENT by Kevin G. Chesney. (Pollack, Ruth) (Entered: 11/12/2006)
11/13/2006	<u>71</u>	Letter concerning Ruth Pollack's Affirmation of Actual Engagement 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: 11/13/2006)
11/13/2006		ORDER: The Court is in receipt of the "Affirmation of Actual Engagement" <u>71</u> filed by Plaintiff's counsel. According to the Affirmation, counsel will be engaged in a jury trial before Judge Spatt of this Court and therefore counsel "will not be present to move to amend my complaint, move for reconsideration or proceed with discovery" in this case "until further notice." The Affirmation concludes with a request that "all activity in the above case be temporarily stayed pending Plaintiff's counsel's availability."To the extent the Affirmation is seeking a further extension of time to move for reconsideration of this Court's Memorandum & Order dated September 22, 2006 and a stay of this proceeding it is denied. The request fails to comply with this Court's Individual Practice Rules (e.g., Rules 1F and 1G.) In addition, the request is untimely as the time for Plaintiff to serve a motion for reconsideration was extended to November 8, 2006 and the Affirmation was not filed until November 12, 2006. Ordered by Judge Denis R. Hurley on 11/13/06. (Hurley, Denis) (Entered: 11/13/2006)
11/17/2006	<u>72</u>	Letter requesting refiling Motion to Dismiss by Nassau County Division Civil Service Commission of New York State. (Boland, Veronica) (Entered: 11/17/2006)
11/20/2006		ORDER re <u>72</u> : The Court is in receipt of Defendant Nassau County Civil Service Commission's letter request to refile its motion to dismiss. The Court hereby establishes the following briefing schedule: Defendant shall re-serve its motion to dismiss on or before December 1, 2006; Plaintiff shall serve its opposing papers on or before January 10, 2007; Defendant shall serve reply papers, if any, and file all papers with the Court, including a courtesy copy for Chambers, on or before January 26, 2007. Any requests for adjournment or extension of this briefing schedule must conform with Rules 1F and 1G of this Court's Individual Practice Rules. Ordered by Judge Denis R. Hurley on 11/20/06. (Gapinski, Michele) (Entered: 11/20/2006)
12/01/2006	<u>73</u>	MANDATE of USCA as to Notice of Appeal, filed by Kevin G. Chesney, dismissing the appeal. Copy sent to chambers. (Romano, Daniel) (Entered: 12/01/2006)

12/05/2006	<u>74</u>	SCHEDULING ORDER: An initial scheduling conference (concerning the COBRA claim) will be held in this case at 11:00 a.m. on January 26, 2007, before Judge Boyle, in Courtroom 830, Alfonse M. D'Amato U.S. Courthouse, Central Islip, New York. All counsel must be present unless excused by the court. Counsel for plaintiff(s) is obligated to serve a copy of this order on each defendant. SEE order for further details. Ordered by Judge E. Thomas Boyle on 12/5/06. (Joy, Dolores) (Entered: 12/05/2006)
01/12/2007	<u>75</u>	REPORT of Rule 26(f) Planning Meeting (Pollack, Ruth) (Entered: 01/12/2007)
01/26/2007	<u>76</u>	Minute Entry for proceedings held before E. Thomas Boyle : Plaintiff No appearance caller at 11:30 in criminal court Hempstead Defendant Michelle S. Feldman Initial Pretrial Conference held on 1/26/2007 Discovery due by 6/15/2007 limited to the remaining Cobra issue., Status Conference by phone set for 12/12/2007 02:00 PM before Magistrate-Judge E. Thomas Boyle. The conference call should be made through the teleconference operator provided by your long distance service (e.g, AT&T, MCI, SPRINT). (So ordered by Mag. Judge Boyle on 1/26/07).(Tape #11:33-11:42.) (Lundy, Lisa) Modified on 1/29/2007 (Lundy, Lisa). (Entered: 01/26/2007)
01/26/2007	<u>77</u>	SCHEDULING ORDER: granting document #75 Proposed Scheduling Order. Ordered by Judge E. Thomas Boyle on 1/26/07. (Lundy, Lisa) (Entered: 01/26/2007)
04/30/2007	<u>78</u>	ORDER granting <u>59</u> Motion to Dismiss: The motion of defendant Nassau County Civil Service Commission to dismiss the complaint as against it is GRANTED. See attached Memorandum & Order. Ordered by Judge Denis R. Hurley on 4/30/07.(Hurley, Denis) (Entered: 04/30/2007)
04/30/2007		(Court only) *** Party Nassau County Division Civil Service Commission of New York State terminated. (See <u>78</u> Order). (Fagan, Linda) (Entered: 05/01/2007)
06/13/2007	<u>79</u>	Joint MOTION for Extension of Time to Complete Discovery by all parties. (Attachments: # <u>1</u> Text of Proposed Order) (Pollack, Ruth) (Entered: 06/13/2007)
06/14/2007		ENDORSED ORDER granting in part and denying in part <u>79</u> Motion for Extension of Time to Complete Discovery. Application is granted in part, based on the single discrete area of discovery now before the court. Discovery, including any experts, is extended to 7/15/07. In all other respects, the application is denied. There shall be no further extensions unless consistent with the order dated 12/5/06 at 2, no. 4. The final conference is rescheduled to 7/24/07 at 2:30 p.m. by phone. Plaintiff shall initiate the call (631-712-5710). The conference call should be made through the teleconference operator provided by your long-distance service (e.g., AT&T, MCI, Sprint). Ordered by Judge E. Thomas Boyle on 6/14/07. Plaintiffs' counsel is directed to notify all counsel of this order upon receipt. (Joy, Dolores) (Entered: 06/14/2007)
07/12/2007	<u>80</u>	Letter MOTION for Extension of Time to Complete Discovery <i>in</i>

		<i>accordance with Proposed Discovery Schedule</i> by Kevin G. Chesney. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Affidavit cert. service) (Pollack, Ruth) (Entered: 07/12/2007)
07/16/2007	<u>81</u>	RESPONSE to Motion re <u>80</u> Letter MOTION for Extension of Time to Complete Discovery <i>in accordance with Proposed Discovery Schedule</i> filed by Edward M. Fale, Lisa K. Conte, Charles Broceaur, 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: 07/16/2007)
07/18/2007		ENDORSED ORDER granting <u>80</u> Motion for Extension of Time to Complete Discovery. Discovery is extended to October 15, 2007. This is the final extension. The final conference is 10/16/07 at 9:30 a.m. Ordered by Judge E. Thomas Boyle on 7/17/07. Plaintiff's counsel is directed to notify all counsel of this order upon receipt. (Joy, Dolores) (Entered: 07/18/2007)
10/11/2007	<u>82</u>	Letter MOTION to Compel <i>Plaintiffs to Respond to Discovery</i> 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. (Attachments: # <u>1</u> Exhibits A - I) (Feldman, Michelle) (Entered: 10/11/2007)
10/15/2007	<u>83</u>	(Emergency) LETTER re: Request to Adjourn Conference <i>Due to Injury of Counsel for Plaintiff</i> by Kevin G. Chesney, Lorraine Chesney. (Pollack, Ruth) Modified on 10/16/2007 (Fagan, Linda). (Entered: 10/15/2007)
10/15/2007		Motions terminated, docketed incorrectly: <u>83</u> Emergency MOTION to Adjourn Conference <i>Due to Injury of Counsel for Plaintiff</i> filed by Kevin G. Chesney, Lorraine Chesney. (The document should have been filed as a Letter request, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 10/16/2007)
10/16/2007	<u>84</u>	ORDER re <u>83</u> Emergency MOTION to Adjourn Conference <i>Due to Injury of Counsel for Plaintiff</i> filed by Kevin G. Chesney, Lorraine Chesney; This conference is adjourned to 11/2/07 at 11:30 a.m.. Ordered by Judge E. Thomas Boyle on 10/16/07. (Lundy, Lisa) (Entered: 10/16/2007)
10/16/2007	<u>85</u>	Minute Entry for proceedings held before E. Thomas Boyle : Plaintiff no appearance no communication;Defendant Michele Feldman;Final Pretrial Conference held on 10/16/2007 Final Pretrial Conference reset for 11/2/2007 11:30 AM before Magistrate-Judge E. Thomas Boyle. (So ordered by Mag. Judge Boyle on 10/16/07).(Tape #10:00-10:07.) (Lundy, Lisa) (Entered: 10/16/2007)
11/02/2007	<u>86</u>	Minute Entry for proceedings held before E. Thomas Boyle:Pre trial order suspended pending the outcome of any dispositive motions; Status Conference by phone set for 5/14/2008 01:30 PM before Magistrate-Judge E. Thomas Boyle. The conference call should be made through the

		teleconference operator provided by your long-distance service (e.g., AT&T, MCI, Sprint). Discovery is certified as complete as of 10/16/07 with the exception of Defendant's outstanding motion to compel preclude dated 10/11/07. Plaintiff is afforded to 11/6/07 to file any opposition to defendant's letter motion. (So ordered by Mag. Judge Boyle on 11/2/07). (Lundy, Lisa) Additional attachment(s) added on 11/7/2007 (Lundy, Lisa). (Entered: 11/07/2007)
11/07/2007		Incorrect Case/Document/Entry Information. The Order terminating the <u>82</u> LETTER Motion, has been deleted. (The entry was made en error. The <u>82</u> LETTER motion is still pending. All corrections have been made.) (Fagan, Linda) (Entered: 11/08/2007)
11/08/2007	<u>87</u>	ORDER granting <u>82</u> Motion to Compel. For the foregoing reasons, the defendants' letter motion is granted, without any opposition. Plaintiffs are directed to comply with automatic discovery under Rule 26(a)(1), Fed. R. Civ. P., and with defendants' outstanding demands for documents and interrogatories within ten (10) days. SEE order for further details. Ordered by Judge E. Thomas Boyle on 11/8/07. Defendants' counsel is directed to serve a copy of this order on all counsel upon receipt. (Joy, Dolores) (Entered: 11/08/2007)
02/13/2008	<u>88</u>	Letter <i>Part I of II Parts</i> by Kevin G. Chesney (Attachments: # <u>1</u> Exhibit Proposed Second Amended Complaint, # <u>2</u> Affidavit Plaintiff's Affidavit in Support, # <u>3</u> Exhibit McClellan Notice of Claim letter, # <u>4</u> Exhibit Page 2 of McClellan Notice letter, # <u>5</u> Exhibit MRI of plaintiff P. 1) (Pollack, Ruth) (Entered: 02/13/2008)
02/13/2008	<u>89</u>	Letter <i>Application Part II for leave to move for leave to file and serve Second Amended Complaint</i> by Kevin G. Chesney (Attachments: # <u>1</u> Exhibit Dr. Fale's Termination Letter, # <u>2</u> Exhibit Workerscompboarddecisions, # <u>3</u> Certif. Service by ECF) (Pollack, Ruth) (Entered: 02/13/2008)
02/21/2008	<u>90</u>	AFFIDAVIT/AFFIRMATION re <u>88</u> Letter, <u>89</u> Letter, <i>Filed Correct Affidavit with Correction of Typographical Error in Para. 7 and 16 added an omitted Exhibit "D"</i> by Kevin G. Chesney (Attachments: # <u>1</u> TAB "D", # <u>2</u> Exhibit tampered timesheets, # <u>3</u> certservice) (Pollack, Ruth) (Entered: 02/21/2008)
02/25/2008	<u>91</u>	Letter <i>in Opposition to Plaintiffs' Letter Application for Leave to Serve a Second Amended Complaint and other relief</i> 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: 02/25/2008)
02/25/2008	<u>92</u>	Letter <i>Application for Pre-Motion Conference</i> 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: 02/25/2008)
03/31/2008	<u>93</u>	REPLY in Support re <u>91</u> Letter, <u>92</u> Letter, <i>RE: Fraud of Valley Stream UFSD</i> filed by Kevin G. Chesney. (Attachments: # <u>1</u> Certificate of Service) (Pollack, Ruth) (Entered: 03/31/2008)
03/31/2008	<u>94</u>	Notice re: attached Employment Discrimination Report. (Attachments: # <u>1</u> Certificate of Service) (Pollack, Ruth) Modified on 4/1/2008 (Fagan, Linda). (Entered: 03/31/2008)
03/31/2008		Motions terminated, docketed incorrectly: <u>94</u> Supplemental MOTION to Reopen Case <i>NOTE RE: Rule 8 (Supplement to Reply)</i> filed by Kevin G. Chesney. (The document was incorrectly filed as a motion, and the Court will address the document as a Notice.) (Fagan, Linda) Modified on 4/1/2008 (Fagan, Linda). (Entered: 04/01/2008)
04/01/2008	<u>95</u>	SCHEDULING ORDER: The telephone conference previously set for May 14, 2008 at 1:30 p.m. with the undersigned has been rescheduled for December 3, 2008 at 10:30 a.m. Plaintiffs' counsel shall initiate the call and have all parties on the line before connecting chambers (631-712-5710). The conference call should be made through the teleconference operator provided by your long-distance service (e.g., AT&T, MCI, Sprint). All counsel must participate. SEE order for further details. Ordered by Magistrate Judge E. Thomas Boyle on 4/1/08. Plaintiffs' counsel is directed to serve a copy of this order on all counsel upon receipt. (Joy, Dolores) (Entered: 04/01/2008)
04/02/2008	<u>96</u>	ORDER re <u>91</u> Letter, filed by Lawrence Trogel, Edward M. Fale, Anthony Ladevaio, Lisa K. Conte, Charles Broceaur, Carole Meaney, Stephen Haramif, Joseph Conrad, Henrietta Carbonaro, Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education, Frank Nuara, Paul DePace, <u>90</u> Affidavit, filed by Kevin G. Chesney, <u>92</u> Letter, filed by Lawrence Trogel, Edward M. Fale, Anthony Ladevaio, Charles Broceaur, Lisa K. Conte, Carole Meaney, Joseph Conrad, Stephen Haramif, Henrietta Carbonaro, Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education, Frank Nuara, Paul DePace, <u>93</u> Reply in Support filed by Kevin G. Chesney, <u>88</u> Letter, filed by Kevin G. Chesney, <u>89</u> Letter, filed by Kevin G. Chesney : To the extent Plaintiff seeks to move for reconsideration, the application is denied. To the extent Plaintiff seeks leave to amend complaint to assert three new causes of action, the application is granted and briefing schedule is established. Defendants' application for leave to move for summary judgment is granted and briefing schedule is established. See attached Order for details. Ordered by Senior Judge Denis R. Hurley on 4/02/08. (Hurley, Denis) (Entered: 04/02/2008)
04/30/2008	<u>97</u>	Letter MOTION for Extension of Time to File <i>Motions and to Modify Briefing Schedule</i> 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: 04/30/2008)
05/01/2008		ORDER granting <u>97</u> Motion for Extension of Time to File; The application to modify the briefing schedule is granted on consent. Ordered by Senior Judge Denis R. Hurley on 5/1/08.(Gapinski, Michele) (Entered: 05/01/2008)
06/06/2008	<u>98</u>	Letter re: Request for Extension of Time to File Response/Reply by Valley Stream Union Free School District No. 24. (Stern, Steven) Modified on 6/9/2008 (Fagan, Linda). (Entered: 06/06/2008)
06/06/2008		Motions terminated, docketed incorrectly: <u>98</u> Letter MOTION for Extension of Time to File Response/Reply. (The document should have been filed as a Letter request, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 06/09/2008)
06/09/2008		ORDER granting <u>98</u> Letter re: for Extension of Time to File Response/Reply : The application to modify the briefing schedule is hereby granted. Opposition papers shall be served on or before June 30, 2008; reply papers, if any, shall be served and all papers filed with the Court on or before July 14, 2008. Ordered by Senior Judge Denis R. Hurley on 06-09-08. (Gapinski, Michele) Modified on 6/9/2008 (Fagan, Linda). (Entered: 06/09/2008)
07/14/2008	<u>99</u>	Fully Briefed MOTION for Summary Judgment 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. Responses due by 7/14/2008 (Attachments: # <u>1</u> Rule 56.1 Statement by District Defendants, # <u>2</u> Affidavit in Support Declaration of Michelle S. Feldman, # <u>3</u> Exhibit Exhibits A-D Annexed to Feldman Declaration, # <u>4</u> Affidavit in Support Luzzi Affidavit in Support, # <u>5</u> Exhibit Exhibits E-G annexed to Luzzi Affidavit, # <u>6</u> Affidavit in Support Affidavit of Edward M. Fale, # <u>7</u> Exhibit Exhibit H annexed to Fale Affidavit, # <u>8</u> Memorandum in Support Dist Defs Memorandum of Law, # <u>9</u> Affidavit of Service of Notice of Motion, Rule 56.1 Statement, Feldman Declaration, Luzzi Affidavit, Fale Affidavit, Exhibits and Memorandum of Law, # <u>10</u> Affidavit Plaintiff's Counsel's Rule 56(f) Affirmation, # <u>11</u> Rule 56.1 Statement Plaintiff's Rule 56.1 Statement, # <u>12</u> Affidavit in Opposition Plaintiff's Affidavit in Opposition, # <u>13</u> Exhibit Exhibits A-P Annexed to Plaintiff's Affidavit in Opposition, # <u>14</u> Memorandum in Opposition Plaintiff's Memorandum of Law, # <u>15</u> Affidavit Reply Declaration of Michelle S. Feldman, # <u>16</u> Exhibit Exhibits A-B Annexed to Feldman Reply Declaration, # <u>17</u> Affidavit Reply Affidavit of Edward M. Fale, # <u>18</u> Affidavit Reply Affidavit of Ann Luzzi, # <u>19</u> Memorandum in Support District Defendants Reply Memorandum of Law, # <u>20</u> Affidavit of Service of Feldman Reply Declaration, Fale Reply Affidavit, Luzzi Reply Affidavit and Reply Memorandum of Law, # <u>21</u> Certificate of Service of Plaintiff's Opposition to Defendants Motion) (Feldman, Michelle) (Entered: 07/14/2008)

		07/14/2008)
07/22/2008	<u>100</u>	Letter <i>requesting denial of motion to file second amended complaint</i> 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: 07/22/2008)
07/22/2008	<u>101</u>	Letter re: Request for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> by Kevin G. Chesney. (Attachments: # <u>1</u> Letter to Court continued, PP2-4, # <u>2</u> TAB "A", # <u>3</u> Exhibit Pollack Letter re: Adjournment, # <u>4</u> TAB B, # <u>5</u> Exhibit Copy of Envelope Miss-addressed to Pollack, # <u>6</u> Certificate of Service Cert. Service) (Pollack, Ruth) Modified on 7/23/2008 (Fagan, Linda). (Entered: 07/22/2008)
07/22/2008		Motions terminated, docketed incorrectly: <u>101</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> filed by Kevin G. Chesney. (The document should have been filed as a Letter request, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 07/23/2008)
07/23/2008		ORDER re <u>101</u> LETTER re: Request for Extension of Time to File Response/Reply ; <u>100</u> Letter, filed by Lawrence Trogel et al: The Court has reviewed the parties' correspondence. Plaintiff was under an obligation to file his motion to amend on July 14, 1008 in accordance with the Court's scheduling Orders even if no opposition papers were received. (In any event, a courtesy phone call to inquire as to the status of the opposition papers could have been placed). Counsel should have filed the motion with a cover letter advising the Court that no opposition to the motion had been received. Nonetheless, the Court shall grant Plaintiff an extension to and including August 4, 2008 to serve his reply papers on the motion to amend and file all papers with the Court pursuant to the bundle rule. Based on the contents of plaintiff's letter, it would appear that sanctions are not warranted. Ordered by Senior Judge Denis R. Hurley on 7/23/08. (Gapinski, Michele) Modified on 7/24/2008 (Fagan, Linda). (Entered: 07/23/2008)
08/04/2008	<u>102</u>	MEMORANDUM in Opposition, AFFIDAVIT/DECLARATION in Opposition re <u>101</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> , <u>99</u> Fully Briefed MOTION for Summary Judgment filed by Kevin G. Chesney. (Attachments: # <u>1</u> P. 10 affidavit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Affidavit in Support Plaintiff's Aff., # <u>13</u> Exhibit, # <u>14</u> Exhibit proposed Second A.C., # <u>15</u> Exhibit, # <u>16</u> Exhibit Redacted Criminal charges Certified, # <u>17</u>

		Affidavit in Opposition, # <u>18</u> Memorandum in Opposition, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit, # <u>26</u> Exhibit, # <u>27</u> Exhibit, # <u>28</u> Exhibit) (Pollack, Ruth) (Entered: 08/04/2008)
08/04/2008	<u>103</u>	AFFIDAVIT/AFFIRMATION re <u>102</u> Memorandum in Opposition, Affidavit in Opposition to Motion,,,,,, RE: <i>Service by Mail and ECF per Bundle Rule</i> by Kevin G. Chesney (Pollack, Ruth) (Entered: 08/04/2008)
08/13/2008	<u>104</u>	RESPONSE in Opposition re <u>99</u> Fully Briefed MOTION for Summary Judgment, <u>101</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, RE: <i>Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, RE: <i>Defendants Answer to Plaintiff's Motion to File Amended Complaint Which was not filed by defendants Under Court's Bundle Rule</i> filed by Kevin G. Chesney. (Attachments: # <u>1</u> Affidavit in Opposition Plaintiff's Affidavit in Opposition With Correction*, # <u>2</u> Supplement Page 7 of Plaintiff's Affidavit in Opposition With Correction, # <u>3</u> Supplement Blueback, # <u>4</u> Rule 56.1 Statement With Corrections Noted*PP1-16, # <u>5</u> Supplement Rule 56.1 (With Corrections Noted*) P. 17, # <u>6</u> Memorandum in Opposition Plaintiff's Memorandum In Opp (With Corrections Noted*), # <u>7</u> Affidavit of Service Affidavit of) (Pollack, Ruth) (Entered: 08/13/2008)
08/20/2008	<u>105</u>	Letter <i>in response to correspondence of plaintiff's counsel dated August 12, 2008</i> 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: 08/20/2008)
12/02/2008	<u>106</u>	SCHEDULING ORDER: The telephone conference previously set for December 3, 2008 at 10:30 a.m. with the undersigned has been rescheduled for June 4, 2009 at 10:00 a.m. Plaintiffs' counsel shall initiate the call and have all parties on the line before connecting chambers (631-712-5710). The conference call should be made through the teleconference operator provided by your long-distance service (e.g., AT&T, MCI, Sprint). All counsel must participate. SEE order for further details. Ordered by Magistrate Judge E. Thomas Boyle on 12/2/08. Plaintiffs' counsel is directed to serve a copy of this order on all counsel upon receipt. (Joy, Dolores) (Entered: 12/02/2008)
12/11/2008	<u>107</u>	CERTIFICATE of Counsel re <u>106</u> Scheduling Order,, <i>With Order annexed, served on all counsel</i> by Ruth M. Pollack on behalf of Kevin G. Chesney, Lorraine Chesney (Pollack, Ruth) (Entered: 12/11/2008)
12/11/2008	<u>108</u>	Letter MOTION to Substitute Attorney by Edward M. Fale, Lisa K. Conte, Charles Broceaur, Stephen Haramif, John Does, Jane Does, 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. (Attachments: # <u>1</u> Affidavit in Support Declaration, # <u>2</u> Appendix Stipulation of Substitution of Counsel) (Holtzer, Melissa) (Entered: 12/11/2008)
12/12/2008		ENDORSED ORDER granting <u>108</u> Motion to Substitute Sokoloff Stern LLP as attorneys for defendants. Ordered by Magistrate Judge E. Thomas Boyle on 12/12/08. (Joy, Dolores) (Entered: 12/12/2008)
01/15/2009	<u>109</u>	Letter MOTION to Amend/Correct/Supplement <u>86</u> Set Hearings,, <u>85</u> Pretrial Conference - Final, Set Hearings,, <u>84</u> Order, <i>Correct ECF Docket entries to reflect proceedings actually held and to acknowledge that discovery was never certified as closed or complete by the parties or the Court</i> by Kevin G. Chesney, Lorraine Chesney. (Pollack, Ruth) Modified on 1/20/2009 (Fagan, Linda). (Entered: 01/15/2009)
01/16/2009	<u>110</u>	ORDER re <u>109</u> Letter MOTION: It is Ordered that the Clerk of Court strike from the docket the January 15, 2009 letter motion filed by Ruth M. Pollack, Esq. (Docket No. 109) and terminate Ruth M. Pollack's appearance as counsel for Plaintiffs; and it is further Ordered that Ruth M. Pollack, Esq. shall forthwith notify the Plaintiffs that she is unauthorized to practice before this Court and that Plaintiffs shall be deemed proceeding pro se until such time an an attorney authorized to practice before this Court enters an appearance on their behalf; and it is further Ordered, that the above referenced action is stayed for thirty (30) days to allow plaintiffs to retain counsel to represent them, should they elect to do so. See attached Order. Ordered by Senior Judge Denis R. Hurley on 1/16/2009. [A copy of Order was mailed by Chambers to Kevin G. and Lorraine Chesney at 19 Fifth Street, Valley Stream, NY 11581] (Hurley, Denis) (Entered: 01/16/2009)
01/16/2009	<u>111</u>	Supplemental MOTION to Amend/Correct/Supplement <i>ECF Docket (with typographical errors noted on letter 109)</i> by Kevin G. Chesney. (Pollack, Ruth) (Entered: 01/16/2009)
02/02/2009	<u>112</u>	Letter to Judge Denis R. Hurley, from Kevin Chesney, dated 1/29/09 re: To respond to the <u>110</u> Order of this Court (Attachments: # <u>1</u> attachment 1, # <u>2</u> attachment 2, # <u>3</u> attachment 3, # <u>4</u> attachment 4, # <u>5</u> attachment 5, # <u>6</u> attachment 6, # <u>7</u> attachment 7, # <u>8</u> attachment 8, # <u>9</u> attachment 9, # <u>10</u> attachment 10, # <u>11</u> attachment 11, # <u>12</u> attachment 12) (Fagan, Linda) (Entered: 02/03/2009)
02/11/2009	<u>113</u>	Letter from Kevin G. and Lorraine Chesney (signed by Kevin G. Chesney only) to The Honorable Judge Denis R. Hurley, (not dated), file stamped 2/11/09 re: To request the Court's permission to allow plttfs. access to electronically file documents to the U.S. District Court, E.D.N.Y. (Fagan, Linda) (Entered: 02/11/2009)
02/13/2009	<u>114</u>	ORDER re <u>113</u> Letter.; Plaintiffs' application for permission to be allowed access to electronically file documents is granted subject to Plaintiffs meeting the requirements necessary for the establishment of an ECF account. See attached Order. Ordered by Senior Judge Denis R. Hurley on 2/13/2009. (Hurley, Denis)(Copy of Order mailed by Chambers to Plaintiffs at 31 Ivy Place, Valley Stream, NY 11581.) (Entered: 02/13/2009)

02/18/2009		ORDER striking <u>111</u> Motion to Amend/Correct/Supplement: For the reasons set forth in the Court's Order dated January 16, 2009 (docket no. 110), the motion is stricken. Ordered by Senior Judge Denis R. Hurley on 2/18/2009. (Gapinski, Michele) (Entered: 02/18/2009)
02/18/2009	<u>115</u>	Letter (revised) from Kevin G. and Lorraine Chesney to The Honorable Judge Denis R. Hurley, dated 2/11/09 re: To request the Court's permission to allow plttfs. access to electronically file documents to the U.S. District Court, E.D.N.Y. (Fagan, Linda) (Attachments: # <u>1</u> Cover Letter) (Fagan, Linda) (Entered: 02/18/2009)
02/19/2009	<u>116</u>	Letter <i>Responding to January 29, 2009 Correspondence from Kevin Chesney</i> 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: 02/19/2009)
02/19/2009	<u>118</u>	Letter from Kevin and Lorraine Chesney to Honorable Judge Denis R. Hurley, dated 2/16/09 in Response re: the <u>110</u> Order regarding the <u>109</u> Letter MOTION to Amend/Correct/Supplement. (Fagan, Linda) (Entered: 02/23/2009)
02/20/2009	<u>117</u>	Letter from Kevin G. Chesney to Honorble Denis R. Huley, dated 2/19/09 in Response re: the <u>116</u> Letter "to your Committee on Grievances by the law firm of Lamb & Barnosky." (Fagan, Linda) (Entered: 02/23/2009)
02/23/2009	<u>119</u>	Letter to Magistrate Judge Boyle from Kevin G. Chesney dated 2/19/09; In re: letter in response to the February 19, 2009 letter to your Committee on Grievance by the law firm of Lamb & Barnosky. (Lundy, Lisa) (Entered: 02/24/2009)
03/26/2009	<u>120</u>	Letter from Mr. & Mrs. Kevin G. Chesney to Honorable Denis R. Hurley, Magistrate Judge E. Thomas Boyle, Committee on Grievances, and The State of New York Committee on Grievances, dated 3/25/09 re: To request that the Court have the crimes listed herein, and the evidence attached herein, investigated by the appropriate law enforcement agency or agencies. (Attachments: # <u>1</u> attachment 1., # <u>2</u> attachment 2., # <u>3</u> attachment 3., # <u>4</u> attachment 4., # <u>5</u> attachment 5., # <u>6</u> attachment 6., # <u>7</u> attachment 7., # <u>8</u> attachment 8., # <u>9</u> attachment 9., # <u>10</u> attachment 10., # <u>11</u> attachment 11., # <u>12</u> attachment 12., # <u>13</u> attachment 13., # <u>14</u> attachment 14., # <u>15</u> attachment 15., # <u>16</u> attachment 16., # <u>17</u> attachment 17., # <u>18</u> attachment 18., # <u>19</u> attachment 19.) (Fagan, Linda) (Entered: 03/26/2009)
03/31/2009		ORDER : In reviewing the court docket in this matter, it appears that while the opposition papers and reply papers regarding Plaintiff's motion for leave to serve his Second Amended Complaint were filed via ECF (see Docket no. 102) the actual moving papers were not filed. Inasmuch as Plaintiff is currently proceeding pro se, the Court directs District Defendants to file under cover of letter, a copy of Plaintiff's moving papers that were served upon them. Ordered by Senior Judge Denis R. Hurley on 3/31/2009.

		(Gapinski, Michele) (Entered: 03/31/2009)
03/31/2009	<u>121</u>	Letter <i>in response to request for motion papers</i> 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 (Attachments: # <u>1</u> Appendix Copy of plaintiff's motion papers) (Stern, Steven) (Entered: 03/31/2009)
03/31/2009	<u>124</u>	MEMORANDUM AND ORDER re: <u>99</u> Fully Brief MOTION For Summary Judgment; For the reasons set forth herein, District Defts' motion for summary judgment is granted. As noted earlier, the COBRA claim is the only claim remaining in the amended complaint. However, Pltff has moved for leave to file a Second Amended Complaint asserting three new causes of action. When that motion was filed, however, certain of the papers served in connection with Pltff's motion were not filed with the Court. By Order dated March 31, 2009, the Court directed that the omitted papers be filed. Accordingly, the instant Order on District Defts' motion for summary judgment shall not take effect until forty-five days from the date hereof, during which period the Court anticipates issuing a decision of Pltff's motion. (Ordered by Senior Judge Denis R. Hurley on 3/31/09.) (Fagan, Linda) (Entered: 04/03/2009)
04/01/2009	<u>122</u>	Letter <i>in Response to Order Requesting Copy of Plaintiffs' Motion Papers</i> 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 (Attachments: # <u>1</u> Notice of Motion for Leave to File Second Amended Complaint) (Feldman, Michelle) (Entered: 04/01/2009)
04/01/2009	<u>123</u>	Letter from Kevin G. Chesney to Honorable Judge Denis R. Hurley, dated 4/1/09 re: To request that the Court include the documents attached herein, which were previously omitted from pltff's moving papers; that the Court grant pltff's request for the filing of his proposed Second Amended Complaint; and that full discovery on all issues be permitted. (Attachments: # <u>1</u> attachment 1., # <u>2</u> attachment 2., # <u>3</u> attachment 3.) (Fagan, Linda) (Entered: 04/01/2009)
04/03/2009	<u>125</u>	Letter from Kevin G. Chesney to Honorable Judge Denis R. Hurley, dated 4/2/09 re: To advise the Court of the referral to an incorrect document number set forth in a previous filing. (Fagan, Linda). (Entered: 04/03/2009)
04/13/2009	<u>126</u>	Letter <i>responding to plaintiff's allegations</i> 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: 04/13/2009)

04/13/2009	<u>127</u>	LETTER Application to Vacate <u>124</u> Memorandum & Opinion,,, Order,, <u>121</u> Letter, by Kevin G. Chesney, Lorraine Chesney. (Attachments: # <u>1</u> Exhibit Exhibits #1-8 fraud and tampered dockets) (Chesney, Kevin) Modified on 4/14/2009 (Fagan, Linda). (Entered: 04/13/2009)
04/13/2009	<u>128</u>	Letter <i>responding to plaintiffs' correspondence</i> 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: 04/13/2009)
04/13/2009		Motions terminated, docketed incorrectly: <u>127</u> Letter MOTION to Vacate <u>124</u> Memorandum & Opinion, Order, <u>121</u> Letter, filed by Kevin G. Chesney, Lorraine Chesney. (The document should have been filed as a LETTER application, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 04/14/2009)
04/16/2009		ORDER re <u>127</u> Letter MOTION to Vacate <u>124</u> Memorandum & Opinion,,, Order,, <u>121</u> Letter, filed by Kevin G. Chesney, Lorraine Chesney: Defendants are directed to serve and file their opposition, if any, to Plaintiff's April 13, 2009 application on or before April 24, 2009. Ordered by Senior Judge Denis R. Hurley on 4/16/2009. (Gapinski, Michele) (Entered: 04/16/2009)
04/24/2009	<u>129</u>	RESPONSE to Motion re <u>127</u> Letter MOTION to Vacate <u>124</u> Memorandum & Opinion,,, Order,, <u>121</u> Letter, <i>Oppositon</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: 04/24/2009)
04/26/2009	<u>130</u>	Letter <i>responding to plaintiff's 4/13/09 letter</i> 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: 04/26/2009)
04/28/2009	<u>131</u>	NOTICE OF APPEAL as to Order, <u>124</u> Memorandum & Opinion,,, Order,, by Kevin G. Chesney, Lorraine Chesney. Filing fee \$ 455. Appeal Record due by 7/31/2009. (Chesney, Kevin) (Entered: 04/28/2009)
04/28/2009	<u>132</u>	AFFIDAVIT/DECLARATION in Support re <u>80</u> Letter MOTION for Extension of Time to Complete Discovery <i>in accordance with Proposed Discovery Schedule</i> , <u>94</u> Supplemental MOTION to Reopen Case <i>NOTE RE: Rule 8 (Supplement to Reply)</i> , <u>99</u> Fully Briefed MOTION for Summary Judgment, <u>60</u> MOTION to Dismiss, <u>24</u> Second MOTION for Extension of Time to File Response/Reply <i>re: Local 74 motion for judgment on the pleadings</i> , <u>37</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Judgment on the Pleadings, <u>22</u>

Letter, 35 Amended MOTION to Dismiss, 33 Affidavit in Opposition, 32 Memorandum in Opposition, 34 Reply to Response to Motion,, 20 Letter MOTION for Extension of Time to File Response/Reply as to 18 MOTION for Judgment on the Pleadings, 22 Letter, 35 Amended MOTION to Dismiss, 33 Affidavit in Opposition, 32 Memorandum in Opposition, 34 Reply to Response to Motion,, 20 Letter MOTION for Extension of Time to File Response/Reply as to 18 MOTION for Judgment on the Pleadings, 22 Letter, 35 Amended MOTION to Dismiss, 33 Affidavit in Opposition, 32 Memorandum in Opposition, 34 Reply to Response to Motion,, 20 , 29 Notice of MOTION to Dismiss, 35 Amended MOTION to Dismiss, 5 First MOTION for Extension of Time to File Answer and file motion to dismiss, 109 Letter MOTION to Amend/Correct/Supplement 86 Set Hearings,, 85 Pretrial Conference - Final, Set Hearings,, 84 Order, Correct ECF Docket entries to reflect proceedings actually held and to acknowledge that discovery was never certified as closLetter MOTION to Amend/Correct/Supplement 86 Set Hearings,, 85 Pretrial Conference - Final, Set Hearings,, 84 Order, Correct ECF Docket entries to reflect proceedings actually held and to acknowledge that discovery was never certified as clos, 108 Letter MOTION to Substitute Attorney, 48 First MOTION for Extension of Time to File Motion to Dismiss, 10 Letter MOTION for Extension of Time to File Response/Reply as to 3 Letter, 6 Order,, Set Hearings,, 4 Notice of Appearance, 7 LetterLetter MOTION for Extension of Time to File Response/Reply as to 3 Letter, 6 Order,, Set Hearings,, 4 Notice of Appearance, 7 LetterLetter MOTION for Extension of Time to File Response/Reply as to 3 Letter, 6 Order,, Set Hearings,, 4 Notice of Appearance, 7 Letter, 82 Letter MOTION to Compel Plaintiffs to Respond to Discovery, 97 Letter MOTION for Extension of Time to File Motions and to Modify Briefing Schedule, 83 Emergency MOTION to Adjourn Conference Due to Injury of Counsel for Plaintiff, 127 Letter MOTION to Vacate 124 Memorandum & Opinion,, Order,, 121 Letter,, 98 Letter MOTION for Extension of Time to File Response/Reply, 111 Supplemental MOTION to Amend/Correct/Supplement ECF Docket (with typographical errors noted on letter 109), 79 Joint MOTION for Extension of Time to Complete Discovery, 55 Letter MOTION for Extension of Time to File Response/Reply Re: Civil Service Rule 12 Application, 11 Letter MOTION to Dismiss (Request to file), 101 Letter MOTION for Extension of Time to File Response/Reply as to 89 Letter, RE: Defendants Answer to Plaintiff's Motion to File Amended ComplaintLetter MOTION for Extension of Time to File Response/Reply as to 89 Letter, RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint, 18 MOTION for Judgment on the Pleadings, 14 Letter MOTION to Disqualify Counsel for defendant Local #74 and for conference re: other relief, 59 MOTION to Dismiss, 49 First MOTION for Judgment on the Pleadings pursuant to Fed. R. Civ. P. 12(c), 9 Letter MOTION for Leave to File Excess Pages in memorandum of law in support of motion to dismiss, 43 Cross MOTION to Disqualify Counsel for defendant Local 74 SEIU, 63 Emergency MOTION for Extension of Time to File Appeal of Memorandum and Order of Court in Reply filed by Kevin G. Chesney, Lorraine Chesney. (Attachments: # 1 Affidavit affidavit page3) (Chesney, Kevin) (Entered: 04/28/2009)

04/28/2009	<u>133</u>	Subsequent NOTICE OF APPEAL as to <u>6</u> Order, Set Hearings, <u>87</u> Order on Motion to Compel, <u>124</u> Memorandum & Opinion, <u>40</u> Order, <u>114</u> Order, <u>84</u> Order, <u>78</u> Order on Motion to Dismiss, <u>77</u> Scheduling Order, <u>74</u> Scheduling Order, <u>62</u> Order on Motion for Judgment on the Pleadings, Order on Motion to Dismiss, <u>96</u> Order, <u>106</u> Scheduling Order, <u>39</u> Scheduling Order, <u>110</u> Order, <u>95</u> Scheduling Order, <u>56</u> Scheduling Order, by Kevin G. Chesney, Lorraine Chesney. Filing fee \$ 455. No Fee Paid. (Duong, Susan) (Entered: 04/29/2009)
04/29/2009		Incorrect Case/Document/Entry Information. Docket# 133-Notice of Appeal has been deleted and redocketed as Subsequent Notice of Appeal. (Duong, Susan) (Entered: 04/29/2009)
04/29/2009		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>129</u> Response to Motion, <u>80</u> Motion for Extension of Time to Complete Discovery, <u>94</u> Motion to Reopen Case, <u>60</u> Motion to Dismiss, <u>24</u> Motion for Extension of Time to File Response/Reply, <u>37</u> Motion for Extension of Time to File Response/Reply, <u>29</u> Motion to Dismiss, <u>35</u> Motion to Dismiss, <u>68</u> Notice of Appearance, <u>44</u> Response to Motion, <u>57</u> Notice of Appearance, <u>42</u> Affidavit in Opposition to Motion, <u>27</u> Letter, <u>5</u> Motion for Extension of Time to File Answer, <u>109</u> Motion to Amend/Correct/Supplement, <u>93</u> Reply in Support, <u>108</u> Motion to Substitute Attorney, <u>104</u> Response in Opposition to Motion, <u>30</u> Affidavit in Support, <u>58</u> Notice of Appearance, <u>26</u> Letter, <u>23</u> Letter, <u>40</u> Order, <u>73</u> USCA Mandate, <u>107</u> Certificate of Counsel, <u>102</u> Memorandum in Opposition, Affidavit in Opposition to Motion, <u>76</u> Set Deadlines/Hearings, Pretrial Conference - Initial, <u>115</u> Letter, <u>82</u> Motion to Compel, <u>72</u> Letter, <u>50</u> Affidavit in Support of Motion, <u>97</u> Motion for Extension of Time to File, <u>125</u> Letter, <u>132</u> Affidavit in Support of Motion, <u>127</u> Motion to Vacate, <u>78</u> Order on Motion to Dismiss, <u>70</u> Affidavit, <u>67</u> Letter, <u>77</u> Scheduling Order, <u>36</u> Reply in Support, <u>98</u> Motion for Extension of Time to File Response/Reply, <u>16</u> Letter, <u>8</u> Amended Complaint, <u>47</u> Letter, <u>128</u> Letter, <u>116</u> Letter, <u>41</u> Letter, <u>111</u> Motion to Amend/Correct/Supplement, <u>79</u> Motion for Extension of Time to Complete Discovery, <u>55</u> Motion for Extension of Time to File Response/Reply, <u>3</u> Letter, <u>101</u> Motion for Extension of Time to File Response/Reply, <u>49</u> Motion for Judgment on the Pleadings, <u>65</u> Letter, <u>113</u> Letter, <u>96</u> Order, <u>106</u> Scheduling Order, <u>100</u> Letter, <u>4</u> Notice of Appearance, <u>121</u> Letter, <u>69</u> Answer to Amended Complaint, <u>43</u> Motion to Disqualify Counsel, <u>17</u> Affidavit of Service, <u>38</u> Letter, <u>15</u> Letter, <u>54</u> Reply to Response to Motion, <u>110</u> Order, <u>25</u> Letter, <u>28</u> Letter, <u>133</u> Subsequent Notice of Appeal, <u>112</u> Letter, <u>33</u> Affidavit in Opposition, <u>99</u> Motion for Summary Judgment, <u>1</u> Notice of Removal, <u>13</u> Letter, <u>66</u> Certificate of Counsel, <u>51</u> Memorandum in Support, <u>91</u> Letter, <u>75</u> Report of Rule 26(f) Planning Meeting, <u>103</u> Affidavit, <u>105</u> Letter, <u>32</u> Memorandum in Opposition, <u>90</u> Affidavit, <u>64</u> Letter, <u>92</u> Letter, <u>86</u> Set Hearings, <u>120</u> Letter, <u>6</u> Order, Set Hearings, <u>12</u> Response in Opposition to Motion, <u>46</u> Letter, <u>87</u> Order on Motion to Compel, <u>34</u> Reply to Response to Motion, <u>48</u> Motion for Extension of Time to File, <u>124</u> Memorandum & Opinion, <u>52</u> Affidavit in Opposition to Motion, <u>71</u> Letter, <u>123</u> Letter, <u>88</u> Letter, <u>131</u> Notice of Appeal, <u>114</u> Order,

7 Letter, 85 Pretrial Conference - Final, Set Hearings, 20 Affidavit in Support of Motion, 10 Motion for Extension of Time to File Response/Reply, 84 Order, 83 Motion to Adjourn Conference, 130 Letter, 74 Scheduling Order, 62 Order on Motion for Judgment on the Pleadings, Order on Motion to Dismiss, 89 Letter, 118 Letter, 31 Memorandum in Support, 119 Letter, 11 Motion to Dismiss, 21 Letter, 19 Memorandum in Support, 2 Answer to Complaint, 18 Motion for Judgment on the Pleadings, 14 Motion to Disqualify Counsel, 59 Motion to Dismiss, 117 Letter, 122 Letter, 9 Motion for Leave to File Excess Pages, 61 Letter, 126 Letter, 53 Memorandum in Opposition, 45 Response to Motion, 22 Letter, 39 Scheduling Order, 63 Motion for Extension of Time to File, 95 Scheduling Order, 56 Scheduling Order, 81 Response to Motion, (Duong, Susan)
(Entered: 04/29/2009)

AUG 2009
DATED April 30 2009
BY Sandra Carmo CLERK
DEPUTY CLERK

APPEAL

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:05-cv-05106-DRH-ETB
Internal Use Only**

Chesney et al v. Valley Stream Union Free School District
No. 24 et al
Assigned to: Senior-Judge Denis R. Hurley
Referred to: Magistrate-Judge E. Thomas Boyle
Demand: \$26,000,000
Case in other court: Supreme Court-County of Nassau, 05-09454
Cause: 28:1441 Petition for Removal - Employment Discrim

Date Filed: 11/01/2005
Date Terminated: 05/15/2009
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Kevin G. Chesney

represented by **Kevin G. Chesney**
31 Ivy Place
Valley Stream, NY 11581
516-284-7043
Email: kevchez@mail.com
PRO SE

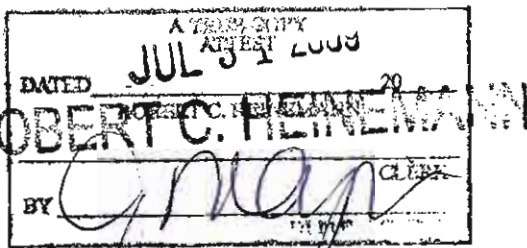
Ruth M. Pollack
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Riverhead, NY 11901-0120
631 591-3160
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TERMINATED: 01/16/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Lorraine Chesney

represented by **Lorraine Chesney**
PRO SE

Ruth M. Pollack
(See above for address)
TERMINATED: 01/16/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V. 
A TRIAL COPY
JUL 31 2005
DATED
ROBERT C. HEINEMANN
BY *[Signature]* CLERK

EXH B-2

Defendant

**Valley Stream Union Free School
District No. 24**

represented by **Steven C. Stern**
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ATTORNEY TO BE NOTICED

Defendant

**Valley Stream Union Free School
District No. 24 Board of Education**

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ATTORNEY TO BE NOTICED

Melissa Lauren Holtzer
(See above for address)
ATTORNEY TO BE NOTICED

Michelle S. Feldman
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Edward M. Fale
*Ph.D., Superintendent of Schools, in his
individual and official capacity*

represented by **Steven C. Stern**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Lauren Holtzer
(See above for address)

ATTORNEY TO BE NOTICED

Michelle S. Feldman
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Lisa K. Conte
Principal

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Melissa Lauren Holtzer
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ATTORNEY TO BE NOTICED

Michelle S. Feldman
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ATTORNEY TO BE NOTICED

Defendant

Charles Broceaur
*Maintenance Supervisor, in his
individual and official capacity*

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Melissa Lauren Holtzer
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ATTORNEY TO BE NOTICED

Michelle S. Feldman
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ATTORNEY TO BE NOTICED

Defendant

Stephen Haramif
Custodian and Union Representative

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ATTORNEY TO BE NOTICED

Melissa Lauren Holtzer
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Michelle S. Feldman
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ATTORNEY TO BE NOTICED

Defendant

Local 74 SEIU

represented by **Raul Garcia**

in his individual and official capacity
TERMINATED: 09/22/2006

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ATTORNEY TO BE NOTICED

Defendant

John Does

represented by **Melissa Lauren Holtzer**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jane Does
the latter being personal and/or entities
unknown to complainant

represented by **Melissa Lauren Holtzer**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Nassau County Division Civil Service
Commission of New York State
TERMINATED: 04/30/2007

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Defendant

President Joseph Conrad

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ATTORNEY TO BE NOTICED

Michelle S. Feldman
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ATTORNEY TO BE NOTICED

Defendant

Vice President Carole Meaney

represented by **Steven C. Stern**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Lauren Holtzer
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Michelle S. Feldman
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Defendant

Henrietta Carbonaro

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Melissa Lauren Holtzer
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Michelle S. Feldman
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Defendant

Paul DePace

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Melissa Lauren Holtzer
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Michelle S. Feldman
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ATTORNEY TO BE NOTICED

Defendant

Anthony Ladevaio

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Melissa Lauren Holtzer
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ATTORNEY TO BE NOTICED

Michelle S. Feldman
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Defendant

Frank Nuara

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Melissa Lauren Holtzer
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ATTORNEY TO BE NOTICED

Michelle S. Feldman
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Lawrence Trogel
each in its individual and official
capacity

represented by **Steven C. Stern**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Lauren Holtzer









(See above for address)
ATTORNEY TO BE NOTICED









Michelle S. Feldman
 (See above for address)
ATTORNEY TO BE NOTICED






Defendant

Local 74 SEIU
TERMINATED: 09/22/2006













represented by **Gary Silverman**
 (See above for address)
ATTORNEY TO BE NOTICED









Date Filed	#	Docket Text
11/01/2005	 <u>1</u>	NOTICE OF REMOVAL by Edward M. Fale, Lisa K. Conte, Charles Broceaur, Stephen Haramif, Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education from Supreme Court-County of Nassau, case number 05-9454. (Filing fee \$ 250 Receipt# 17994) (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Exhibit A-Summons and Complaint)(Duong, Susan) (Entered: 11/03/2005)
11/03/2005		Case Ineligible for Arbitration(Bollbach, Jean) (Entered: 11/03/2005)
11/04/2005	 <u>2</u>	ANSWER to Complaint by Local 74 SEIU.(Garcia, Raul) (Entered: 11/04/2005)
11/07/2005	 <u>3</u>	Letter from Steven C. Stern to District Judge Denis R. Hurley Regarding requesting pre-motion conference. (Stern, Steven) (Entered: 11/07/2005)
11/15/2005	 <u>4</u>	NOTICE of Appearance by Mary E. Neggie on behalf of Nassau County Division Civil Service Commission of New York State (Neggie, Mary) (Entered: 11/15/2005)
11/18/2005	 <u>5</u>	First MOTION for Extension of Time to File Answer <i>and file motion to dismiss</i> by Nassau County Division Civil Service Commission of New York State. (Neggie, Mary) (Entered: 11/18/2005)
11/21/2005		ORDER: The Court is in receipt of <u>5</u> Defendant's First MOTION for Extension of Time to File Answer and Request for Permission to File a Motion to Dismiss. Defendant's request for extension is GRANTED. The Answer will be filed with the Court by December 21, 2005. As for Defendant's request for permission to file a motion to dismiss, pursuant to this Court's Individual Practice Rule 2(B), the party requesting permission to file such a motion must submit a pre-motion conference letter. The November 18, 2005 Letter does not satisfy Rule 2(B)'s requirements. Ordered by Judge Denis R. Hurley on 11/21/05. (Hurley, Denis) (Entered: 11/21/2005)
11/21/2005		ORDER: The Court is in receipt of <u>3</u> November 7, 2005, Letter from Defendants Valley Stream Union Free School District and Board of







		to File Excess Pages <i>in memorandum of law in support of motion to dismiss</i> filed by Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education, Edward M. Fale, Lisa K. Conte, Charles Broceaur, Stephen Haramif, Joseph Conrad, Carole Meaney, Henrietta Carbonaro, Paul DePace, Anthony Ladevaio, Frank Nuara, Lawrence Trogel. (Fagan, Linda) (Entered: 01/03/2006)
12/20/2005		Incorrect Case/Document/Entry Information. Document <u>10</u> Motion, filed on 12/20/05 has been deleted. (The document was filed as a Motion, and should have been filed as a letter. All corrections have been made.) (Fagan, Linda) (Entered: 01/03/2006)
12/20/2005		Motions terminated, docketed incorrectly <u>10</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>3</u> Letter, <u>6</u> Order, Set Hearings, <u>4</u> Notice of Appearance, <u>7</u> Letter filed by Kevin G. Chesney. (Fagan, Linda) (Entered: 01/03/2006)
12/21/2005	 <u>11</u>	Letter request for a pre-motion conference MOTION to Dismiss, by Nassau County Division Civil Service Commission of New York State. Responses due by 1/3/2006 (Neggie, Mary) Modified on 1/3/2006 (Fagan, Linda). (Entered: 12/21/2005)
12/21/2005	 <u>12</u>	RESPONSE in Opposition re <u>10</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>3</u> Letter, <u>6</u> Order,, Set Hearings,, <u>4</u> Notice of Appearance, <u>7</u> Letter <i>opposing plaintiffs' request to file belated response to pre-motion conference letter</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: 12/21/2005)
12/21/2005		Motions terminated, docketed incorrectly <u>11</u> Letter MOTION to Dismiss (<i>Request to file</i>) filed by Nassau County Division Civil Service Commission of New York State. (Fagan, Linda) Modified on 1/3/2006 (Fagan, Linda). (Entered: 01/03/2006)
12/21/2005		Incorrect Case/Document/Entry Information. Document <u>11</u> Motion, filed on 12/21/05has been deleted. (The document was filed as a motion, and should have been filed as a Letter request. All corrections have been made). (Fagan, Linda) (Entered: 01/03/2006)
12/22/2005	 <u>13</u>	Letter from Raul Garcia to Judge Denis Hurley. (Garcia, Raul) (Entered: 12/22/2005)
12/28/2005		ORDER: The Court is in receipt of <u>9</u> Letter from Defendants Valley Stream Union Free School District and Board of Education, Superintendent Edward M. Fale, Principal Lisa K. Conte, Mintenance Supervisor Charles Brocher, and Custodian Stephen Haramis requesting leave to file a motion to dismiss in excess of the Court's 20-page limit. Defendants' request is DENIED. Because of the lateness of Defendants' request, the Court sets the following revised briefing schedule:











		Education, Superintendent Edward M. Fale, Principal Lisa K. Conte, Maintenance Supervisor Charles Brocher, and Custodian Stephen Haramis requesting leave to file a 12(b)(6) motion. Plaintiff did not submit a letter in reply. The pre-motion conference is hereby waived and the Court sets the following briefing schedule: Defendants will submit their 12(b)(6) Motion by December 23, 2005; Plaintiff will submit his opposition by January 27, 2005; and Defendants will submit their reply by February 10, 2005. Ordered by Judge Denis R. Hurley on 11/21/05. (Hurley, Denis) (Entered: 11/21/2005)
11/21/2005		(Court only) ***Motions terminated: <u>5</u> First MOTION for Extension of Time to File Answer <i>and file motion to dismiss</i> filed by Nassau County Division Civil Service Commission of New York State. (Fagan, Linda) (Entered: 11/22/2005)
11/22/2005	 <u>6</u>	ORDER Initial Conference set for 3/17/2006 09:30 AM before Magistrate-Judge E. Thomas Boyle. See order for further instructions. Counsel for Plaintiff(s) or Plaintiff pro se is obligated to serve a copy of this order on each defendant. Ordered by Judge E. Thomas Boyle on 11/22/05. (Lundy, Lisa) (Entered: 12/05/2005)
12/06/2005	 <u>7</u>	Letter from Raul Garcia to Honorable Denis R. Hurley Regarding motion pursuant to Rule 12(c) for judgment on the pleadings. (Garcia, Raul) (Entered: 12/06/2005)
12/08/2005	 <u>8</u>	AMENDED COMPLAINT <i>AND FIRST AMENDED SUMMONS</i> against all defendants, filed by all plaintiffs.(Pollack, Ruth) (Entered: 12/08/2005)
12/08/2005		(Court only) ***Party Joseph Conrad, and Carole Meaney, and Henrietta Carbonaro, and Paul DePace, and Anthony Ladevaio, and Frank Nuara, and Lawrence Trogel, Local 74 SEIU added. (Fagan, Linda) Modified on 12/12/2005 (Fagan, Linda). (Entered: 12/12/2005)
12/20/2005	 <u>9</u>	Letter request for Leave to File Excess Pages <i>in memorandum of law in support of motion to dismiss</i> 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) Modified on 1/3/2006 (Fagan, Linda). (Entered: 12/20/2005)
12/20/2005	 <u>10</u>	Letter MOTION for Extension of Time to File Response/Reply as to <u>3</u> Letter, <u>6</u> Order,, Set Hearings,, <u>4</u> Notice of Appearance, <u>7</u> Letter by Kevin G. Chesney. (Attachments: # <u>1</u> Appendix affidavits of service of summons and complaint on parties and of letter on counsel# <u>2</u> Affidavit certificate of service of letter motion on counsel# <u>3</u> Affidavit supplemental certificate of service of application for enlargement and certificate of service of first amended summons and amended complaint on defense counsel with letter of enclosure)(Pollack, Ruth) (Entered: 12/20/2005)
12/20/2005		Motions terminated, docketed incorrectly <u>9</u> Letter MOTION for Leave










		Defendants will submit their 12(b)(6) Motion by January 4, 2006; Plaintiff will submit his opposition by February 3, 2006; and Defendants will submit their reply by February 17, 2006. Ordered by Judge Denis R. Hurley on 12/28/2005. (Hurley, Denis) (Entered: 12/28/2005)
12/28/2005	 7	ORDER: The Court is in receipt of <u>7</u> Defendant Local 74's December 5, 2005 Letter requesting permission to move pursuant to 12(c) and <u>13</u> Defendant Local 74's December 22, 2005 Letter requesting the same. In <u>10</u> Plaintiff's December 20, 2005 letter, Plaintiff requested leave to extend the time to reply. Plaintiff's request was clearly after the Court's 10-day deadline as indicated in Individual Practice Rule 2(B). As such, Plaintiff's request is denied and the Court establishes the following briefing schedule: Defendant Local 74 will submit its 12(c) Motion by January 28, 2006; Plaintiff will submit his opposition by February 28, 2006; and Defendant Local 74 will submit its reply by March 14, 2006. Ordered by Judge Denis R. Hurley on 12/28/2005. (Hurley, Denis) Modified on 1/3/2006 (Fagan, Linda). (Entered: 12/28/2005)
01/13/2006	 <u>14</u>	Letter requesting to Disqualify Counsel <i>for defendant Local #74 and for conference re: other relief</i> by Kevin G. Chesney. (Pollack, Ruth) Modified on 1/17/2006 (Fagan, Linda). (Entered: 01/13/2006)
01/13/2006		Motions terminated, docketed incorrectly <u>14</u> Letter MOTION to Disqualify Counsel <i>for defendant Local #74 and for conference re: other relief</i> filed by Kevin G. Chesney. (Fagan, Linda) (Entered: 01/17/2006)
01/13/2006		Incorrect Case/Document/Entry Information. Document <u>14</u> Letter Motion has been deleted. (The document was filed as a Motion, and should have been filed as a Letter request. All corrections have been made.) (Fagan, Linda) (Entered: 01/17/2006)
01/20/2006	 <u>15</u>	Letter <i>response to 1/13/06 letter from Ruth Pollack, Esq.</i> 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: 01/20/2006)
01/24/2006	 <u>16</u>	Letter <i>to Honorable Denis R. Hurley</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 01/24/2006)
01/25/2006	 <u>17</u>	AFFIDAVIT of Service for Clarification Letter served on Ruth M. Pollack, Esq., Steven C. Stern, Esq., Nassau County Attorney's Office, Magistrate Judge Thomas E. Boyle on 1/24/06, filed by Local 74 SEIU (in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 01/25/2006)
01/30/2006	 <u>18</u>	MOTION for Judgment on the Pleadings by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 01/30/2006)












01/30/2006	 <u>19</u>	MEMORANDUM in Support re <u>18</u> MOTION for Judgment on the Pleadings by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 01/30/2006)
01/30/2006	 <u>20</u>	AFFIDAVIT in Support re <u>18</u> MOTION for Judgment on the Pleadings filed by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Affidavit of Service)(Silverman, Gary) (Entered: 01/30/2006)
01/31/2006	 <u>21</u>	Letter <i>Honorable Denis R. Hurley</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 01/31/2006)
02/03/2006	 <u>22</u>	Letter from Ruth M. Pollack to Hon. Judge Denis R. Hurley, dated 2/2/06 re: To apply to the Court for an enlargement of time within which to serve plttfs answering papers upon deft District relative to its Fed. R.Civ. P. 12 motion. (Fagan, Linda) (Entered: 02/03/2006)
02/03/2006		Endorsed ORDER on <u>22</u> Letter filed by Kevin G. Chesney, Lorraine Chesney. Application granted. (Ordered by Judge Denis R. Hurley on 2/3/06.) (Fagan, Linda) (Entered: 02/03/2006)
02/27/2006	 <u>23</u>	Letter to <i>Honorable E. Thomas Boyle</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 02/27/2006)
02/28/2006	 <u>24</u>	Letter request for Extension of Time to File Response/Reply re: <i>Local 74 motion for judgment on the pleadings</i> by Kevin G. Chesney. (Pollack, Ruth) Modified on 3/1/2006 (Fagan, Linda). (Entered: 02/28/2006)
02/28/2006		Motions terminated, docketed incorrectly <u>24</u> Second MOTION for Extension of Time to File Response/Reply re: <i>Local 74 motion for judgment on the pleadings</i> filed by Kevin G. Chesney. (Fagan, Linda) (Entered: 03/01/2006)
02/28/2006		Incorrect Case/Document/Entry Information. Document <u>24</u> MOTION, filed on 2/28/06has been deleted. (The document was filed as a Motion, and should have been filed as a Letter request. The document will be addressed by the Court as a Letter request. All corrections have been made.) (Fagan, Linda) (Entered: 03/01/2006)
03/01/2006		ORDER re <u>23</u> Letter filed by Local 74 SEIU. The application to adjourn the initial conference based on the filing of motions to dismiss is denied. Any party seeking a stay of discovery shall file a motion, pursuant to Rule 26(c), Fed. R. Civ. P. Ordered by Judge E. Thomas Boyle on 3/1/06. Local 74's counsel is directed to notify all parties of this order upon receipt.(Joy, Dolores) (Entered: 03/01/2006)
03/06/2006	 <u>25</u>	Letter <i>motion</i> by Local 74 SEIU. (Garcia, Raul) (Entered: 03/06/2006)
03/07/2006	 <u>26</u>	Letter <i>seeking permission to file motion</i> by Nassau County Division Civil Service Commission of New York State. (Neggie, Mary) (Entered: 03/07/2006)










03/08/2006	 27	Letter <i>joining Local 74's motion to stay discovery</i> 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: 03/08/2006)
03/15/2006	 28	Letter <i>to Honorable E. Thomas Boyle</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 03/15/2006)
03/16/2006		ORDER re 28 Letter filed by Local 74 SEIU. The initial conference scheduled for March 17, 2006 at 9:30 a.m. is adjourned to March 28, 2006 at 11:30 a.m. Counsel for SEIU Local 74 is directed to notify all parties of this Order upon receipt. So Ordered . Ordered by Judge E. Thomas Boyle on 3/16/06. (Hancock, Lauren) (Entered: 03/16/2006)
03/17/2006	 29	Notice of MOTION to Dismiss 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: 03/17/2006)
03/17/2006	 30	AFFIDAVIT in Support re 29 Notice of MOTION to Dismiss <i>Declartion of Steven Stern</i> 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. (Attachments: # 1 Affidavit Edward M. Fale# 2 Exhibit "A" to Stern Declaration# 3 Exhibit "B" to Declaration# 4 Exhibit "C" to Declaration# 5 Exhibit "D" to Declaration# 6 Exhibit "E" to Declaration# 7 Exhibit "F" to Declaration# 8 Exhibit "G" to Declaration# 9 Exhibit "H" to Declaration# 10 Exhibit "I" to Declaration# 11 Exhibit "J" to Declaration# 12 Exhibit "K" to Declaration)(Stern, Steven) (Entered: 03/17/2006)
03/17/2006	 31	MEMORANDUM in Support re 29 Notice of MOTION to Dismiss 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: 03/17/2006)
03/17/2006	 32	MEMORANDUM in Opposition re 29 Notice of MOTION to Dismiss by Kevin G. Chesney, Lorraine Chesney. (Stern, Steven) (Entered: 03/17/2006)
03/17/2006	 33	AFFIDAVIT in Opposition re 32 Memorandum in Opposition <i>to defendants' motion to dismiss</i> by all plaintiffs. (Stern, Steven) (Entered: 03/17/2006)









		03/17/2006)
03/17/2006	 34	REPLY to Response to Motion re 29 Notice of MOTION to Dismiss <i>Defendants' Memorandum of Law In Reply</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: 03/17/2006)
03/17/2006	 35	Amended MOTION to Dismiss 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: 03/17/2006)
03/17/2006	 36	REPLY in Support re 35 Amended MOTION to Dismiss <i>Reply Declaration in Support of Motion to Dismiss</i> 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. (Attachments: # 1 Exhibit "A" to Reply Declaration# 2 Exhibit "L" to Reply Declaration# 3 Exhibit "M" to Reply Declaration) (Stern, Steven) (Entered: 03/17/2006)
03/17/2006		Motions terminated; 29 Notice of MOTION to Dismiss filed by Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education, Edward M. Fale, Lisa K. Conte, Charles Broceaur, Stephen Haramif, Joseph Conrad, Carole Meaney, Henrietta Carbonaro, Paul DePace, Anthony Ladevaio, Frank Nuara, Lawrence Trogel. (see 35 Amended Motion to Dismiss.) (Fagan, Linda) (Entered: 03/20/2006)
03/21/2006	 37	Letter request for Extension of Time to File Response/Reply as to 18 MOTION for Judgment on the Pleadings, 22 Letter, 35 Amended MOTION to Dismiss, 33 Affidavit in Opposition, 32 Memorandum in Opposition, 34 Reply to Response to Motion,, 20 Affidavit in Support of Motion, 36 Reply in Support,, 31 Memorandum in Support,, 19 Memorandum in Support, 30 Affidavit in Support,, and <i>objecting to exhibits annexed to District's Motion and Reply papers</i> by Kevin G. Chesney. (Pollack, Ruth) Modified on 3/22/2006 (Fagan, Linda). (Entered: 03/21/2006)
03/21/2006		Motions terminated, docketed incorrectly 37 Letter MOTION for Extension of Time to File Response/Reply as to 18 MOTION for Judgment on the Pleadings, 22 Letter, 35 Amended MOTION to Dismiss, 33 Affidavit in Opposition, 32 Memorandum in Opposition, 34 Reply to Response to Motion,, 20 filed by Kevin G. Chesney. (Fagan, Linda) (Entered: 03/22/2006)

03/21/2006	 <u>37</u>	Incorrect Case/Document/Entry Information. Document <u>37</u> MOTION, filed on 3/21/06 has been deleted. (The document was filed as a Motion, and should have been filed as a Letter request. The Court will address the document as a Letter request. All corrections have been made.) (Fagan, Linda) (Entered: 03/22/2006)
03/22/2006	 <u>38</u>	Letter <i>Honorable Hurley</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 03/22/2006)
03/27/2006	 <u>39</u>	SCHEDULING ORDER: The initial conference previously set for March 28, 2006 at 11:30 a.m. before the undersigned has been rescheduled for September 15, 2006 at 9:30 a.m. at the Alfonse M. D'Amato U.S. Courthouse, Courtroom 830, Central Islip, New York. All counsel shall be present. SEE order for further details. Ordered by Judge E. Thomas Boyle on 3/27/06. Plaintiffs' counsel is directed to serve a copy of this order on all parties upon receipt.(Joy, Dolores) (Entered: 03/27/2006)
03/28/2006	 <u>40</u>	ORDER re <u>27</u> Letter, filed by Valley Stream Union Free School District et al. <u>25</u> Letter filed by Local 74 SEIU requesting stay of discovery. For the reasons stated in the Memorandum Opinion and Order, pursuant to Rule 26(c), all discovery is stayed pending the outcome of the pending motion to dismiss, pursuant to Rule 12(c), Fed. R. Civ. P. So Ordered . Ordered by Judge E. Thomas Boyle on 3/28/06. (Hancock, Lauren) (Entered: 03/28/2006)
03/30/2006	 <u>41</u>	Letter to <i>Honorable Denis R. Hurley</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 03/30/2006)
04/03/2006		ORDER: The Court is in receipt of <u>37</u> Plaintiff's Letter requesting an Extension of Time to File Response. This is Plaintiff's second request. The request is hereby granted. Plaintiff's response is due by April 21, 2006. Ordered by Judge Denis R. Hurley on 04/03/2006. (Hurley, Denis) (Entered: 04/03/2006)
04/03/2006		ORDER: The Court is in receipt of <u>26</u> Defendant Nassau County Civil Service Commission's Letter requesting permission to file a motion to dismiss. Defendant originally made this request on December 21, 2005. The Court establishes the following briefing schedule: Defendant's motion papers will be due on May 1, 2006; Plaintiff's opposition papers will be due on June 2, 2006; and Defendant's reply will be due on June 16, 2006. Ordered by Judge Denis R. Hurley on 04/03/2006. (Hurley, Denis) (Entered: 04/03/2006)
04/22/2006	 <u>42</u>	AFFIDAVIT in Opposition re <u>18</u> MOTION for Judgment on the Pleadings <i>and in support of cross-motion to disqualify Local 74 counsel</i> filed by Kevin G. Chesney. (Pollack, Ruth) (Entered: 04/22/2006)
04/22/2006	 <u>43</u>	Cross MOTION to Disqualify Counsel <i>for defendant Local 74 SEIU</i> by Kevin G. Chesney. (Pollack, Ruth) (Entered: 04/22/2006)
04/22/2006	 <u>44</u>	RESPONSE to Motion re <u>18</u> MOTION for Judgment on the Pleadings,







		<u>43</u> Cross MOTION to Disqualify Counsel for <i>defendant Local 74 SEIU MEMORANDUM OF LAW ON MOTION AND CROSS-MOTION</i> filed by Kevin G. Chesney. (Attachments: # <u>1</u> BLUEBACK)(Pollack, Ruth) (Entered: 04/22/2006)
04/22/2006	 <u>45</u>	RESPONSE to Motion re <u>43</u> Cross MOTION to Disqualify Counsel for <i>defendant Local 74 SEIU coverpage memorandum of law</i> filed by Kevin G. Chesney. (Pollack, Ruth) (Entered: 04/22/2006)
04/24/2006	 <u>46</u>	Letter <i>notifying Court of error in premature filing of motion papers by ECF</i> by Kevin G. Chesney. (Pollack, Ruth) (Entered: 04/24/2006)
04/25/2006		ORDER: The Court is in receipt of <u>46</u> Plaintiffs' Letter regarding the premature filing of their response papers. Though the submissions will not be removed from the docket--as such a procedure is contrary to the ECF policy practiced in this district--Plaintiffs' submission is noted and copies of the response papers should be submitted with the bundle when such papers are due. Ordered by Judge Denis R. Hurley on 04/26/2006. (Hurley, Denis) (Entered: 04/25/2006)
04/26/2006	 <u>47</u>	Letter <i>Hon Hurley</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Garcia, Raul) (Entered: 04/26/2006)
04/27/2006	 <u>48</u>	Letter request for Extension of Time to File <i>Motion to Dismiss</i> by Nassau County Division Civil Service Commission of New York State. (Neggie, Mary) Modified on 4/28/2006 (Fagan, Linda). (Entered: 04/27/2006)
04/27/2006		Motions terminated, docketed incorrectly <u>48</u> First MOTION for Extension of Time to File <i>Motion to Dismiss</i> filed by Nassau County Division Civil Service Commission of New York State. (Fagan, Linda) (Entered: 04/28/2006)
04/27/2006		Incorrect Case/Document/Entry Information. Document <u>48</u> , filed on 4/27/06 as a MOTION, has been modified. The document should have been filed as a Letter request, and the Court will address the document as such. All corrections have been made. (Fagan, Linda) (Entered: 04/28/2006)
05/02/2006		Motions terminated; <u>43</u> Cross MOTION to Disqualify Counsel for <i>defendant Local 74 SEIU</i> filed by Kevin G. Chesney. (See Order dated 5/2/06) (Fagan, Linda) (Entered: 05/04/2006)
05/03/2006		ORDER: Plaintiffs filed <u>43</u> a cross-motion to disqualify counsel in contravention of Judge Hurley's Individual Practice Rules. Therefore, the Cross-Motion is hereby terminated and Defendant Local 74 is not required to reply to the motion to disqualify at this point. Should Plaintiffs wish to move to disqualify counsel, they must submit the pre-motion conference letter before filing the motion. When that occurs, the Court will set a separate briefing schedule for the motion to disqualify. Ordered by Judge Denis R. Hurley on 05/03/2006. Modified on 5/4/2006 (Fagan, Linda). (Entered: 05/03/2006)








05/03/2006		ORDER: The Court is in receipt of <u>48</u> Defendant Nassau County Division Civil Service Commission of New York State's request for an extension to the briefing schedule regarding the motion to dismiss. SO ORDERED. Ordered by Judge Denis R. Hurley on 05/03/2006. (Entered: 05/03/2006)
05/05/2006	 <u>49</u>	First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. Responses due by 4/21/2006 (Attachments: # <u>1</u> Original Notice of Motion)(Silverman, Gary) (Entered: 05/05/2006)
05/05/2006	 <u>50</u>	AFFIDAVIT in Support re <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> filed by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Affidavit of Service)(Silverman, Gary) (Entered: 05/05/2006)
05/05/2006	 <u>51</u>	MEMORANDUM in Support re <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 05/05/2006)
05/05/2006	 <u>52</u>	AFFIDAVIT in Opposition re <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> filed by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 05/05/2006)
05/05/2006	 <u>53</u>	MEMORANDUM in Opposition re <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> by Local 74 SEIU(in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 05/05/2006)
05/05/2006	 <u>54</u>	REPLY to Response to Motion re <u>49</u> First MOTION for Judgment on the Pleadings <i>pursuant to Fed. R. Civ. P. 12(c)</i> filed by Local 74 SEIU (in his individual and official capacity), Local 74 SEIU. (Silverman, Gary) (Entered: 05/05/2006)
06/29/2006	 <u>55</u>	Letter re: request for Extension of Time to File Response/Reply <i>Re: Civil Service Rule 12 Application</i> by Kevin G. Chesney. (Pollack, Ruth) Modified on 6/30/2006 (Fagan, Linda). (Entered: 06/29/2006)
06/29/2006		Motions terminated, docketed incorrectly <u>55</u> Letter MOTION for Extension of Time to File Response/Reply <i>Re: Civil Service Rule 12 Application</i> filed by Kevin G. Chesney. (Fagan, Linda) (Entered: 06/30/2006)
06/29/2006		Incorrect Case/Document/Entry Information. Document <u>55</u> Letter MOTION, filed on 6/29/06 has been modified. (The document should have been filed as a Letter and not as a Letter MOTION. The Court will address the document as a Letter request. All corrections have been made.) (Fagan, Linda) (Entered: 06/30/2006)
07/14/2006	 <u>56</u>	SCHEDULING ORDER: The initial conference previously set for









		September 15, 2006 at 9:30 a.m. with the undersigned has been rescheduled as a status conference for March 15, 2007 at 10:00 a.m. by telephone. Plaintiffs' counsel shall initiate the call and have all parties on the line before connecting chambers (631-712-5710). The conference call should be made through the teleconference operator provided by your long-distance service (e.g., AT&T, MCI, Sprint). All counsel must participate. SEE order for further details. Ordered by Judge E. Thomas Boyle on 7/14/06. Plaintiffs' counsel shall serve a copy of this order on all parties upon receipt.(Joy, Dolores) (Entered: 07/14/2006)
07/16/2006		ORDER: The Court is in receipt of <u>55</u> Plaintiff's Letter requesting an Extension of Time to File Response. Defendants have consented to this request. SO ORDERED. Ordered by Judge Denis R. Hurley on 07/16/2006. (Entered: 07/16/2006)
07/25/2006		Email Notification Test - DO NOT REPLY (Mahon, Cinthia) (Entered: 07/25/2006)
09/13/2006	 <u>57</u>	NOTICE of Appearance by Barbara E. Van Riper on behalf of Nassau County Division Civil Service Commission of New York State (Van Riper, Barbara) (Entered: 09/13/2006)
09/14/2006	 <u>58</u>	NOTICE of Appearance by Veronica Boland on behalf of Nassau County Division Civil Service Commission of New York State (Boland, Veronica) (Entered: 09/14/2006)
09/19/2006	 <u>59</u>	MOTION to Dismiss by Nassau County Division Civil Service Commission of New York State. (Boland, Veronica) (Entered: 09/19/2006)
09/19/2006	 <u>60</u>	MEMORANDUM OF LAW in Support re: <u>59</u> Motion to Dismiss by Nassau County Division Civil Service Commission of New York State. (Boland, Veronica) Modified on 9/20/2006 (Fagan, Linda). (Entered: 09/19/2006)
09/19/2006	 <u>61</u>	Letter <i>re motion to dismiss</i> by Nassau County Division Civil Service Commission of New York State. (Boland, Veronica) (Entered: 09/19/2006)
09/19/2006		Motions terminated, docketed incorrectly <u>60</u> MOTION to Dismiss filed by Nassau County Division Civil Service Commission of New York State. (The document should have been filed as a Memorandum in Support, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 09/20/2006)
09/22/2006	 <u>62</u>	ORDER: The Court grants District Defendants' motion to dismiss the state law claims for failure to serve a notice of claim, and grants the motion to dismiss the federal claims on various grounds. The lone surviving claim against District Defendants is Plaintiff's COBRA claim. As for Defendant Local 74, all of the claims asserted against it are dismissed. Ordered by Judge Denis R. Hurley on 09/22/2006. (Hurley, Denis) (Entered: 09/22/2006)








09/22/2006		(Court only) *** Party Local 74 SEIU and Local 74 SEIU terminated. (Fagan, Linda) (Entered: 09/25/2006)
10/11/2006	 63	LETTER re: Request for Extension of Time to File <i>Appeal of Memorandum and Order of Court</i> by Kevin G. Chesney, Lorraine Chesney. (Pollack, Ruth) Modified on 10/12/2006 (Fagan, Linda). (Entered: 10/11/2006)
10/11/2006		Motions terminated, docketed incorrectly 63 Emergency MOTION for Extension of Time to File <i>Appeal of Memorandum and Order of Court</i> filed by Kevin G. Chesney, Lorraine Chesney. (The document should have been filed as a Letter request, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 10/12/2006)
10/12/2006		ORDER re 63 : The Court is in receipt of Plaintiff's letter request for a nunc pro tunc enlargement of the time to appeal the decision of this Court dated September 22, 2006. An enlargement is sought to and including October 16, 2006. It would appear, subject to verification by plaintiff's counsel, that the time to appeal has not run and, in fact, extends past October 16, 2006. See Rule 4 of the Rules of Appellate Procedure. Accordingly, the application is denied. Ordered by Judge Denis R. Hurley on 10/12/06. (Hurley, Denis) (Entered: 10/12/2006)
10/13/2006	 64	Letter <i>requesting extension of time to answer amended complaint</i> 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: 10/13/2006)
10/24/2006		ORDER re 64 : Defendants' request for an extension of time to answer the complaint is granted. Defendants shall serve and file their answer on or before October 27, 2006. Ordered by Judge Denis R. Hurley on 10/23/06. (Gapinski, Michele) (Entered: 10/24/2006)
10/24/2006	 65	Letter <i>Request for Extension of Time to File Answer to Complaint</i> by Valley Stream Union Free School District No. 24. (Feldman, Michelle) (Entered: 10/24/2006)
10/26/2006		ORDER re 65 : Defendant's request for an additional extension of time to and including November 10, 2006 to respond to the complaint is granted. Ordered by Judge Denis R. Hurley on 10/25/06. (Gapinski, Michele) (Entered: 10/26/2006)
10/26/2006	 66	CERTIFICATE of Counsel re 62 Order on Motion for Judgment on the Pleadings,, Order on Motion to Dismiss,, <i>Fee Paid \$455.00 Check</i> by Ruth M. Pollack on behalf of Kevin G. Chesney (Attachments: # 1 Exhibit Notice of Interlocutory Appeal# 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9 # 10 # 11 # 12 # 13 # 14 # 15 # 16 # 17 # 18 # 19 # 20 # 21 # 22 # 23 # 24)(Pollack, Ruth) (Entered: 10/26/2006)










10/27/2006	●	NOTICE OF APPEAL as to <u>62</u> Order on Motion by Kevin G. Chesney. Filing fee \$ 455. (See document #62. The Clerk's Office in Brooklyn was notified by Ms. Ruth Pollack, Esq. that she filed her appeal under CERTIFICATE OF COUNSEL rather than the correct event of NOTICE OF APPEAL because she was unable to bypass the payment screen. According to Ms. Pollack, the fee of \$455 was previously sent by check to the Clerk of Court, Central Islip). (Chee, Alvin) (Entered: 10/27/2006)
10/29/2006	● <u>67</u>	Letter to Clarify Request for Reconsideration and Enlargement by Kevin G. Chesney. (Pollack, Ruth) (Entered: 10/29/2006)
10/30/2006	●	Electronic Index to Record on Appeal sent to US Court of Appeals re <u>2</u> Answer to Complaint, <u>3</u> Letter, <u>44</u> Response to Motion,, <u>10</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>3</u> Letter, <u>6</u> Order,, Set Hearings,, <u>4</u> Notice of Appearance, <u>7</u> Letter, <u>18</u> MOTION for Judgment on the Pleadings, <u>1</u> Notice of Removal,, <u>52</u> Affidavit in Opposition to Motion, <u>39</u> Scheduling Order,, <u>48</u> First MOTION for Extension of Time to File <i>Motion to Dismiss</i> , <u>6</u> Order,, Set Hearings,, <u>62</u> Order on Motion for Judgment on the Pleadings,, Order on Motion to Dismiss,,, <u>29</u> Notice of MOTION to Dismiss, <u>22</u> Letter, <u>67</u> Letter, <u>64</u> Letter,, <u>61</u> Letter, <u>37</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION for Judgment on the Pleadings, <u>22</u> Letter, <u>35</u> Amended MOTION to Dismiss, <u>33</u> Affidavit in Opposition, <u>32</u> Memorandum in Opposition, <u>34</u> Reply to Response to Motion,, <u>20</u> , <u>50</u> Affidavit in Support of Motion,, <u>27</u> Letter,, <u>59</u> MOTION to Dismiss, <u>17</u> Affidavit of Service,, <u>55</u> Letter MOTION for Extension of Time to File Response/Reply <i>Re: Civil Service Rule 12 Application</i> , <u>5</u> First MOTION for Extension of Time to File Answer <i>and file motion to dismiss</i> , <u>57</u> Notice of Appearance, <u>21</u> Letter, <u>47</u> Letter, <u>58</u> Notice of Appearance, <u>4</u> Notice of Appearance, <u>35</u> Amended MOTION to Dismiss, <u>53</u> Memorandum in Opposition, <u>14</u> Letter MOTION to Disqualify Counsel for defendant Local #74 and for conference re: other relief, <u>23</u> Letter, <u>8</u> Amended Complaint, <u>60</u> MOTION to Dismiss, <u>40</u> Order,, <u>26</u> Letter, <u>56</u> Scheduling Order,,, <u>63</u> Emergency MOTION for Extension of Time to File <i>Appeal of Memorandum and Order of Court</i> , <u>33</u> Affidavit in Opposition, <u>54</u> Reply to Response to Motion, <u>32</u> Memorandum in Opposition, <u>51</u> Memorandum in Support, <u>12</u> Response in Opposition to Motion,,, <u>49</u> First MOTION for Judgment on the Pleadings pursuant to Fed. R. Civ. P. 12(c), <u>46</u> Letter, <u>15</u> Letter,, <u>66</u> Certificate of Counsel,, <u>16</u> Letter, <u>11</u> Letter MOTION to Dismiss (<i>Request to file</i>), <u>24</u> Second MOTION for Extension of Time to File Response/Reply re: <i>Local 74 motion for judgment on the pleadings</i> , <u>28</u> Letter, <u>34</u> Reply to Response to Motion,, <u>42</u> Affidavit in Opposition to Motion, <u>65</u> Letter, <u>41</u> Letter, <u>9</u> Letter MOTION for Leave to File Excess Pages in memorandum of law in support of motion to dismiss, <u>43</u> Cross MOTION to Disqualify Counsel for defendant Local 74 SEIU, <u>7</u> Letter, <u>20</u> Affidavit in Support of Motion, <u>45</u> Response to Motion, <u>38</u> Letter, <u>36</u> Reply in Support,,, <u>13</u> Letter, <u>31</u> Memorandum in Support,, <u>25</u> Letter, <u>19</u> Memorandum in Support, <u>30</u> Affidavit in Support,,, For docket entries without a hyperlink, contact the court and we'll arrange







		for the document(s) to be made available to you. (Romano, Daniel) (Entered: 10/30/2006)
10/30/2006		(Court only) ***Staff notes - Notice of Appeal was filed as exhibit no.1 under Certificate of Counsel. (Romano, Daniel) (Entered: 10/30/2006)
10/30/2006		ORDER re <u>67</u> : Plaintiff's "clarified" request for an extension of time to and including November 8, 2006 to move for reconsideration of this Court's Memorandum and Order dated September 22, 2006 is granted. Plaintiff is reminded that the standard for a motion for reconsideration "is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or [factual] data that the court overlooked - matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." <i>Shrader v. CSX Transp., Inc.</i> , 70 F.3d 255, 257 (2d Cir. 1995). Ordered by Judge Denis R. Hurley on 10/30/06. (Hurley, Denis) (Entered: 10/30/2006)
11/10/2006	 <u>68</u>	NOTICE of Appearance by Michelle S. Feldman on behalf of 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: 11/10/2006)
11/10/2006	 <u>69</u>	ANSWER to Amended Complaint 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: 11/10/2006)
11/12/2006	 <u>70</u>	AFFIDAVIT OF COUNSEL'S ACTUAL ENGAGEMENT by Kevin G. Chesney. (Pollack, Ruth) (Entered: 11/12/2006)
11/13/2006	 <u>71</u>	Letter concerning Ruth Pollack's Affirmation of Actual Engagement 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: 11/13/2006)
11/13/2006		ORDER: The Court is in receipt of the "Affirmation of Actual Engagement" <u>71</u> filed by Plaintiff's counsel. According to the Affirmation, counsel will be engaged in a jury trial before Judge Spatt of this Court and therefore counsel "will not be present to move to amend my complaint, move for reconsideration or proceed with discovery" in this case "until further notice." The Affirmation concludes with a request that "all activity in the above case be temporarily stayed pending Plaintiff's counsel's availability." To the extent the Affirmation is seeking a further extension of time to move for reconsideration of this Court's Memorandum & Order dated September 22, 2006 and a stay of




		this proceeding it is denied. The request fails to comply with this Court's Individual Practice Rules (e.g., Rules 1F and 1G.) In addition, the request is untimely as the time for Plaintiff to serve a motion for reconsideration was extended to November 8, 2006 and the Affirmation was not filed until November 12, 2006. Ordered by Judge Denis R. Hurley on 11/13/06. (Hurley, Denis) (Entered: 11/13/2006)
11/17/2006	 <u>72</u>	Letter <i>requesting refiling Motion to Dismiss</i> by Nassau County Division Civil Service Commission of New York State. (Boland, Veronica) (Entered: 11/17/2006)
11/20/2006		ORDER re <u>72</u> : The Court is in receipt of Defendant Nassau County Civil Service Commission's letter request to refile its motion to dismiss. The Court hereby establishes the following briefing schedule: Defendant shall re-serve its motion to dismiss on or before December 1, 2006; Plaintiff shall serve its opposing papers on or before January 10, 2007; Defendant shall serve reply papers, if any, and file all papers with the Court, including a courtesy copy for Chambers, on or before January 26, 2007. Any requests for adjournment or extension of this briefing schedule must conform with Rules 1F and 1G of this Court's Individual Practice Rules. Ordered by Judge Denis R. Hurley on 11/20/06. (Gapinski, Michele) (Entered: 11/20/2006)
12/01/2006	 <u>73</u>	MANDATE of USCA as to Notice of Appeal, filed by Kevin G. Chesney, dismissing the appeal. Copy sent to chambers. (Romano, Daniel) (Entered: 12/01/2006)
12/05/2006	 <u>74</u>	SCHEDULING ORDER: An initial scheduling conference (concerning the COBRA claim) will be held in this case at 11:00 a.m. on January 26, 2007, before Judge Boyle, in Courtroom 830, Alfonse M. D'Amato U.S. Courthouse, Central Islip, New York. All counsel must be present unless excused by the court. Counsel for plaintiff(s) is obligated to serve a copy of this order on each defendant. SEE order for further details. Ordered by Judge E. Thomas Boyle on 12/5/06. (Joy, Dolores) (Entered: 12/05/2006)
01/12/2007	 <u>75</u>	REPORT of Rule 26(f) Planning Meeting (Pollack, Ruth) (Entered: 01/12/2007)
01/26/2007	 <u>76</u>	Minute Entry for proceedings held before E. Thomas Boyle : Plaintiff No appearance caller at 11:30 in criminal court Hempstead Defendant Michelle S. Feldman Initial Pretrial Conference held on 1/26/2007 Discovery due by 6/15/2007 limited to the remaining Cobra issue., Status Conference by phone set for 12/12/2007 02:00 PM before Magistrate-Judge E. Thomas Boyle. The conference call should be made through the teleconference operator provided by your long distance service (e.g, AT&T, MCI, SPRINT). (So ordered by Mag. Judge Boyle on 1/26/07).(Tape #11:33- 11:42.) (Lundy, Lisa) Modified on 1/29/2007 (Lundy, Lisa). (Entered: 01/26/2007)
01/26/2007	 <u>77</u>	SCHEDULING ORDER: granting document #75 Proposed Scheduling Order. Ordered by Judge E. Thomas Boyle on 1/26/07. (Lundy, Lisa)

		(Entered: 01/26/2007)
04/30/2007	 <u>78</u>	ORDER granting <u>59</u> Motion to Dismiss: The motion of defendant Nassau County Civil Service Commission to dismiss the complaint as against it is GRANTED. See attached Memorandum & Order. Ordered by Judge Denis R. Hurley on 4/30/07.(Hurley, Denis) (Entered: 04/30/2007)
04/30/2007		(Court only) *** Party Nassau County Division Civil Service Commission of New York State terminated. (See <u>78</u> Order). (Fagan, Linda) (Entered: 05/01/2007)
06/13/2007	 <u>79</u>	Joint MOTION for Extension of Time to Complete Discovery by all parties. (Attachments: # <u>1</u> Text of Proposed Order) (Pollack, Ruth) (Entered: 06/13/2007)
06/14/2007		ENDORSED ORDER granting in part and denying in part <u>79</u> Motion for Extension of Time to Complete Discovery. Application is granted in part, based on the single discrete area of discovery now before the court. Discovery, including any experts, is extended to 7/15/07. In all other respects, the application is denied. There shall be no further extensions unless consistent with the order dated 12/5/06 at 2, no. 4. The final conference is rescheduled to 7/24/07 at 2:30 p.m. by phone. Plaintiff shall initiate the call (631-712-5710). The conference call should be made through the teleconference operator provided by your long-distance service (e.g., AT&T, MCI, Sprint). Ordered by Judge E. Thomas Boyle on 6/14/07. Plaintiffs' counsel is directed to notify all counsel of this order upon receipt. (Joy, Dolores) (Entered: 06/14/2007)
07/12/2007	 <u>80</u>	Letter MOTION for Extension of Time to Complete Discovery <i>in accordance with Proposed Discovery Schedule</i> by Kevin G. Chesney. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Affidavit cert. service) (Pollack, Ruth) (Entered: 07/12/2007)
07/16/2007	 <u>81</u>	RESPONSE to Motion re <u>80</u> Letter MOTION for Extension of Time to Complete Discovery <i>in accordance with Proposed Discovery Schedule</i> filed by Edward M. Fale, Lisa K. Conte, Charles Broceaur, 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: 07/16/2007)
07/18/2007		ENDORSED ORDER granting <u>80</u> Motion for Extension of Time to Complete Discovery. Discovery is extended to October 15, 2007. This is the final extension. The final conference is 10/16/07 at 9:30 a.m. Ordered by Judge E. Thomas Boyle on 7/17/07. Plaintiff's counsel is directed to notify all counsel of this order upon receipt. (Joy, Dolores) (Entered: 07/18/2007)
10/11/2007	 <u>82</u>	Letter MOTION to Compel <i>Plaintiffs to Respond to Discovery</i> 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. (Attachments: # <u>1</u> Exhibits A - I) (Feldman, Michelle) (Entered: 10/11/2007)
10/15/2007	 <u>83</u>	(Emergency) LETTER re: Request to Adjourn Conference <i>Due to Injury of Counsel for Plaintiff</i> by Kevin G. Chesney, Lorraine Chesney. (Pollack, Ruth) Modified on 10/16/2007 (Fagan, Linda). (Entered: 10/15/2007)
10/15/2007		Motions terminated, docketed incorrectly: <u>83</u> Emergency MOTION to Adjourn Conference <i>Due to Injury of Counsel for Plaintiff</i> filed by Kevin G. Chesney, Lorraine Chesney. (The document should have been filed as a Letter request, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 10/16/2007)
10/16/2007	 <u>84</u>	ORDER re <u>83</u> Emergency MOTION to Adjourn Conference <i>Due to Injury of Counsel for Plaintiff</i> filed by Kevin G. Chesney, Lorraine Chesney; This conference is adjourned to 11/2/07 at 11:30 a.m.. Ordered by Judge E. Thomas Boyle on 10/16/07. (Lundy, Lisa) (Entered: 10/16/2007)
10/16/2007	 <u>85</u>	Minute Entry for proceedings held before E. Thomas Boyle : Plaintiff no appearance no communication;Defendant Michele Feldman;Final Pretrial Conference held on 10/16/2007 Final Pretrial Conference reset for 11/2/2007 11:30 AM before Magistrate-Judge E. Thomas Boyle. (So ordered by Mag. Judge Boyle on 10/16/07).(Tape #10:00-10:07.) (Lundy, Lisa) (Entered: 10/16/2007)
11/02/2007	 <u>86</u>	Minute Entry for proceedings held before E. Thomas Boyle:Pre trial order suspended pending the outcome of any dispositive motions; Status Conference by phone set for 5/14/2008 01:30 PM before Magistrate-Judge E. Thomas Boyle. The conference call should be made through the teleconference operator provided by your long-distance service (e.g.,AT&T,MCI, Sprint). Discovery is certified as complete as of 10/16/07 with the exception of Defendant's outstanding motion to compell preclude dated 10/11/07. Plaintiff is afforded to 11/6/07 to file any opposition to defendant's letter motion.(So ordered by Mag. Judge Boyle on 11/2/07). FTR 11:44-12:08 (Lundy, Lisa) Additional attachment(s) added on 11/7/2007 (Lundy, Lisa). (Entered: 11/07/2007)
11/07/2007		Incorrect Case/Document/Entry Information. The Order terminating the <u>82</u> LETTER Motion, has been deleted. (The entry was made en error. The <u>82</u> LETTER motion is still pending. All corrections have been made.) (Fagan, Linda) (Entered: 11/08/2007)
11/08/2007	 <u>87</u>	ORDER granting <u>82</u> Motion to Compel. For the foregoing reasons, the defendants' letter motion is granted, without any opposition. Plaintiffs are directed to comply with automatic discovery under Rule 26(a)(1), Fed. R. Civ. P., and with defendants' outstanding demands for documents and interrogatories within ten (10) days. SEE order for further details. Ordered by Judge E. Thomas Boyle on 11/8/07.








		Defendants' counsel is directed to serve a copy of this order on all counsel upon receipt. (Joy, Dolores) (Entered: 11/08/2007)
02/13/2008	 88	Letter <i>Part I of II Parts</i> by Kevin G. Chesney (Attachments: # 1 Exhibit Proposed Second Amended Complaint, # 2 Affidavit Plaintiff's Affidavit in Support, # 3 Exhibit McClellan Notice of Claim letter, # 4 Exhibit Page 2 of McClellan Notice letter, # 5 Exhibit MRI of plaintiff P. 1) (Pollack, Ruth) (Entered: 02/13/2008)
02/13/2008	 89	Letter <i>Application Part II for leave to move for leave to file and serve Second Amended Complaint</i> by Kevin G. Chesney (Attachments: # 1 Exhibit Dr. Fale's Termination Letter, # 2 Exhibit Workerscompboarddecisions, # 3 Certif. Service by ECF) (Pollack, Ruth) (Entered: 02/13/2008)
02/21/2008	 90	AFFIDAVIT/AFFIRMATION re 88 Letter, 89 Letter, <i>Filed Correct Affidavit with Correction of Typographical Error in Para. 7 and 16 added an omitted Exhibit "D"</i> by Kevin G. Chesney (Attachments: # 1 TAB "D", # 2 Exhibit tampered timesheets, # 3 certservice) (Pollack, Ruth) (Entered: 02/21/2008)
02/25/2008	 91	Letter <i>in Opposition to Plaintiffs' Letter Application for Leave to Serve a Second Amended Complaint and other relief</i> 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: 02/25/2008)
02/25/2008	 92	Letter <i>Application for Pre-Motion Conference</i> 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: 02/25/2008)
03/31/2008	 93	REPLY in Support re 91 Letter, 92 Letter, <i>RE: Fraud of Valley Stream UFSD</i> filed by Kevin G. Chesney. (Attachments: # 1 Certificate of Service) (Pollack, Ruth) (Entered: 03/31/2008)
03/31/2008	 94	Notice re: attached Employment Discrimination Report. (Attachments: # 1 Certificate of Service) (Pollack, Ruth) Modified on 4/1/2008 (Fagan, Linda). (Entered: 03/31/2008)
03/31/2008		Motions terminated, docketed incorrectly: 94 Supplemental MOTION to Reopen Case <i>NOTE RE: Rule 8 (Supplement to Reply)</i> filed by Kevin G. Chesney. (The document was incorrectly filed as a motion, and the Court will address the document as a Notice.) (Fagan, Linda) Modified on 4/1/2008 (Fagan, Linda). (Entered: 04/01/2008)
04/01/2008	 95	SCHEDULING ORDER: The telephone conference previously set for May 14, 2008 at 1:30 p.m. with the undersigned has been rescheduled for December 3, 2008 at 10:30 a.m. Plaintiffs' counsel shall initiate the








		call and have all parties on the line before connecting chambers (631-712-5710). The conference call should be made through the teleconference operator provided by your long-distance service (e.g., AT&T, MCI, Sprint). All counsel must participate. SEE order for further details. Ordered by Magistrate Judge E. Thomas Boyle on 4/1/08. Plaintiffs' counsel is directed to serve a copy of this order on all counsel upon receipt. (Joy, Dolores) (Entered: 04/01/2008)
04/02/2008	 96	ORDER re 91 Letter, filed by Lawrence Trogel, Edward M. Fale, Anthony Ladevaio, Lisa K. Conte, Charles Broceaur, Carole Meaney, Stephen Haramif, Joseph Conrad, Henrietta Carbonaro, Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education, Frank Nuara, Paul DePace, 90 Affidavit, filed by Kevin G. Chesney, 92 Letter, filed by Lawrence Trogel, Edward M. Fale, Anthony Ladevaio, Charles Broceaur, Lisa K. Conte, Carole Meaney, Joseph Conrad, Stephen Haramif, Henrietta Carbonaro, Valley Stream Union Free School District No. 24, Valley Stream Union Free School District No. 24 Board of Education, Frank Nuara, Paul DePace, 93 Reply in Support filed by Kevin G. Chesney, 88 Letter, filed by Kevin G. Chesney, 89 Letter, filed by Kevin G. Chesney : To the extent Plaintiff seeks to move for reconsideration, the application is denied. To the extent Plaintiff seeks leave to amend complaint to assert three new causes of action, the application is granted and briefing schedule is established. Defendants' application for leave to move for summary judgment is granted and briefing schedule is established. See attached Order for details. Ordered by Senior Judge Denis R. Hurley on 4/02/08. (Hurley, Denis) (Entered: 04/02/2008)
04/30/2008	 97	Letter MOTION for Extension of Time to File <i>Motions and to Modify Briefing Schedule</i> 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: 04/30/2008)
05/01/2008		ORDER granting 97 Motion for Extension of Time to File; The application to modify the briefing schedule is granted on consent. Ordered by Senior Judge Denis R. Hurley on 5/1/08.(Gapinski, Michele) (Entered: 05/01/2008)
06/06/2008	 98	Letter re: Request for Extension of Time to File Response/Reply by Valley Stream Union Free School District No. 24. (Stern, Steven) Modified on 6/9/2008 (Fagan, Linda). (Entered: 06/06/2008)
06/06/2008		Motions terminated, docketed incorrectly: 98 Letter MOTION for Extension of Time to File Response/Reply. (The document should have been filed as a Letter request, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 06/09/2008)
06/09/2008		ORDER granting 98 Letter re: for Extension of Time to File

		Response/Reply : The application to modify the briefing schedule is hereby granted. Opposition papers shall be served on or before June 30, 2008; reply papers, if any, shall be served and all papers filed with the Court on or before July 14, 2008. Ordered by Senior Judge Denis R. Hurley on 06-09-08. (Gapinski, Michele) Modified on 6/9/2008 (Fagan, Linda). (Entered: 06/09/2008)
07/14/2008	 <u>99</u>	Fully Briefed MOTION for Summary Judgment 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. Responses due by 7/14/2008 (Attachments: # <u>1</u> Rule 56.1 Statement by District Defendants, # <u>2</u> Affidavit in Support Declaration of Michelle S. Feldman, # <u>3</u> Exhibit Exhibits A-D Annexed to Feldman Declaration, # <u>4</u> Affidavit in Support Luzzi Affidavit in Support, # <u>5</u> Exhibit Exhibits E-G annexed to Luzzi Affidavit, # <u>6</u> Affidavit in Support Affidavit of Edward M. Fale, # <u>7</u> Exhibit Exhibit H annexed to Fale Affidavit, # <u>8</u> Memorandum in Support Dist Defs Memorandum of Law, # <u>9</u> Affidavit of Service of Notice of Motion, Rule 56.1 Statement, Feldman Declaration, Luzzi Affidavit, Fale Affidavit, Exhibits and Memorandum of Law, # <u>10</u> Affidavit Plaintiff's Counsel's Rule 56(f) Affirmation, # <u>11</u> Rule 56.1 Statement Plaintiff's Rule 56.1 Statement, # <u>12</u> Affidavit in Opposition Plaintiff's Affidavit in Opposition, # <u>13</u> Exhibit Exhibits A-P Annexed to Plaintiff's Affidavit in Opposition, # <u>14</u> Memorandum in Opposition Plaintiff's Memorandum of Law, # <u>15</u> Affidavit Reply Declaration of Michelle S. Feldman, # <u>16</u> Exhibit Exhibits A-B Annexed to Feldman Reply Declaration, # <u>17</u> Affidavit Reply Affidavit of Edward M. Fale, # <u>18</u> Affidavit Reply Affidavit of Ann Luzzi, # <u>19</u> Memorandum in Support District Defendants Reply Memorandum of Law, # <u>20</u> Affidavit of Service of Feldman Reply Declaration, Fale Reply Affidavit, Luzzi Reply Affidavit and Reply Memorandum of Law, # <u>21</u> Certificate of Service of Plaintiff's Opposition to Defendants Motion) (Feldman, Michelle) (Entered: 07/14/2008)
07/22/2008	 <u>100</u>	Letter <i>requesting denial of motion to file second amended complaint</i> 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: 07/22/2008)
07/22/2008	 <u>101</u>	Letter re: Request for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> by Kevin G. Chesney. (Attachments: # <u>1</u> Letter to Court continued, PP2-4, # <u>2</u> TAB "A", # <u>3</u> Exhibit Pollack Letter re: Adjournment, # <u>4</u> TAB B, # <u>5</u> Exhibit Copy of Envelope Miss-addressed to Pollack, # <u>6</u> Certificate of Service Cert. Service) (Pollack, Ruth) Modified on 7/23/2008 (Fagan, Linda). (Entered: 07/22/2008)

07/22/2008	●	Motions terminated, docketed incorrectly: <u>101</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> filed by Kevin G. Chesney. (The document should have been filed as a Letter request, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 07/23/2008)
07/23/2008	●	ORDER re <u>101</u> LETTER re: Request for Extension of Time to File Response/Reply ; <u>100</u> Letter, filed by Lawrence Trogel et al: The Court has reviewed the parties' correspondence. Plaintiff was under an obligation to file his motion to amend on July 14, 1008 in accordance with the Court's scheduling Orders even if no opposition papers were received. (In any event, a courtesy phone call to inquire as to the status of the opposition papers could have been placed). Counsel should have filed the motion with a cover letter advising the Court that no opposition to the motion had been received. Nonetheless, the Court shall grant Plaintiff an extension to and including August 4, 2008 to serve his reply papers on the motion to amend and file all papers with the Court pursuant to the bundle rule. Based on the contents of plaintiff's letter, it would appear that sanctions are not warranted. Ordered by Senior Judge Denis R. Hurley on 7/23/08. (Gapinski, Michele) Modified on 7/24/2008 (Fagan, Linda). (Entered: 07/23/2008)
08/04/2008	● <u>102</u>	MOTION to File Second Amended Complaint/MEMORANDUM in Opposition, AFFIDAVIT/DECLARATION in Opposition re <u>101</u> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> , <u>99</u> Fully Briefed MOTION for Summary Judgment filed by Kevin G. Chesney. (Attachments: # <u>1</u> P. 10 affidavit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Affidavit in Support Plaintiff's Aff., # <u>13</u> Exhibit, # <u>14</u> Exhibit proposed Second A.C., # <u>15</u> Exhibit, # <u>16</u> Exhibit Redacted Criminal charges Certified, # <u>17</u> Affidavit in Opposition, # <u>18</u> Memorandum in Opposition, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit, # <u>26</u> Exhibit, # <u>27</u> Exhibit, # <u>28</u> Exhibit) (Pollack, Ruth) Modified on 5/15/2009 (Fagan, Linda). (Entered: 08/04/2008)
08/04/2008	● <u>103</u>	AFFIDAVIT/AFFIRMATION re <u>102</u> Memorandum in Opposition, Affidavit in Opposition to Motion,,,,,,,,, <i>RE: Service by Mail and ECF per Bundle Rule</i> by Kevin G. Chesney (Pollack, Ruth) (Entered: 08/04/2008)
08/13/2008	● <u>104</u>	RESPONSE in Opposition re <u>99</u> Fully Briefed MOTION for Summary Judgment, <u>101</u> Letter MOTION for Extension of Time to File

		Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint</i> Letter MOTION for Extension of Time to File Response/Reply as to <u>89</u> Letter, <i>RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint Which was not filed by defendants Under Court's Bundle Rule</i> filed by Kevin G. Chesney. (Attachments: # <u>1</u> Affidavit in Opposition Plaintiff's Affidavit in Opposition With Correction*, # <u>2</u> Supplement Page 7 of Plaintiff's Affidavit in Opposition With Correction, # <u>3</u> Supplement Blueback, # <u>4</u> Rule 56.1 Statement With Corrections Noted*PP1-16, # <u>5</u> Supplement Rule 56.1 (With Corrections Noted*) P. 17, # <u>6</u> Memorandum in Opposition Plaintiff's Memorandum In Opp (With Corrections Noted*), # <u>7</u> Affidavit of Service Affidavit of) (Pollack, Ruth) (Entered: 08/13/2008)
08/20/2008	 <u>105</u>	Letter in response to correspondence of plaintiff's counsel dated August 12, 2008 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: 08/20/2008)
12/02/2008	 <u>106</u>	SCHEDULING ORDER: The telephone conference previously set for December 3, 2008 at 10:30 a.m. with the undersigned has been rescheduled for June 4, 2009 at 10:00 a.m. Plaintiffs' counsel shall initiate the call and have all parties on the line before connecting chambers (631-712-5710). The conference call should be made through the teleconference operator provided by your long-distance service (e.g., AT&T, MCI, Sprint). All counsel must participate. SEE order for further details. Ordered by Magistrate Judge E. Thomas Boyle on 12/2/08. Plaintiffs' counsel is directed to serve a copy of this order on all counsel upon receipt. (Joy, Dolores) (Entered: 12/02/2008)
12/11/2008	 <u>107</u>	CERTIFICATE of Counsel re <u>106</u> Scheduling Order,, <i>With Order annexed, served on all counsel</i> by Ruth M. Pollack on behalf of Kevin G. Chesney, Lorraine Chesney (Pollack, Ruth) (Entered: 12/11/2008)
12/11/2008	 <u>108</u>	Letter MOTION to Substitute Attorney by Edward M. Fale, Lisa K. Conte, Charles Broceaur, Stephen Haramif, John Does, Jane Does, 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. (Attachments: # <u>1</u> Affidavit in Support Declaration, # <u>2</u> Appendix Stipulation of Substitution of Counsel) (Holtzer, Melissa) (Entered: 12/11/2008)
12/12/2008		ENDORSED ORDER granting <u>108</u> Motion to Substitute Sokoloff Stern LLP as attorneys for defendants. Ordered by Magistrate Judge E. Thomas Boyle on 12/12/08. (Joy, Dolores) (Entered: 12/12/2008)
01/15/2009	 <u>109</u>	Letter MOTION to Amend/Correct/Supplement <u>86</u> Set Hearings,, <u>85</u> Pretrial Conference - Final, Set Hearings,, <u>84</u> Order, <i>Correct ECF</i>

		<i>Docket entries to reflect proceedings actually held and to acknowledge that discovery was never certified as closed or complete by the parties or the Court by Kevin G. Chesney, Lorraine Chesney. (Pollack, Ruth) Modified on 1/20/2009 (Fagan, Linda). (Entered: 01/15/2009)</i>
01/16/2009	 110	ORDER re 109 Letter MOTION: It is Ordered that the Clerk of Court strike from the docket the January 15, 2009 letter motion filed by Ruth M. Pollack, Esq. (Docket No. 109) and terminate Ruth M. Pollack's appearance as counsel for Plaintiffs; and it is further Ordered that Ruth M. Pollack, Esq. shall forthwith notify the Plaintiffs that she is unauthorized to practice before this Court and that Plaintiffs shall be deemed proceeding pro se until such time an an attorney authorized to practice before this Court enters an appearance on their behalf; and it is further Ordered, that the above referenced action is stayed for thirty (30) days to allow plaintiffs to retain counsel to represent them, should they elect to do so. See attached Order. Ordered by Senior Judge Denis R. Hurley on 1/16/2009. [A copy of Order was mailed by Chambers to Kevin G. and Lorraine Chesney at 19 Fifth Street, Valley Stream, NY 11581] (Hurley, Denis) (Entered: 01/16/2009)
01/16/2009	 111	Supplemental MOTION to Amend/Correct/Supplement <i>ECF Docket (with typographical errors noted on letter 109)</i> by Kevin G. Chesney. (Pollack, Ruth) (Entered: 01/16/2009)
02/02/2009	 112	Letter to Judge Denis R. Hurley, from Kevin Chesney, dated 1/29/09 re: To respond to the 110 Order of this Court (Attachments: # 1 attachment 1, # 2 attachment 2, # 3 attachment 3, # 4 attachment 4, # 5 attachment 5, # 6 attachment 6, # 7 attachment 7, # 8 attachment 8, # 9 attachment 9, # 10 attachment 10, # 11 attachment 11, # 12 attachment 12) (Fagan, Linda) (Entered: 02/03/2009)
02/11/2009	 113	Letter from Kevin G. and Lorraine Chesney (signed by Kevin G. Chesney only) to The Honorable Judge Denis R. Hurley, (not dated), file stamped 2/11/09 re: To request the Court's permission to allow plttfs. access to electronically file documents to the U.S. District Court, E.D.N.Y. (Fagan, Linda) (Entered: 02/11/2009)
02/13/2009	 114	ORDER re 113 Letter,: Plaintiffs' application for permission to be allowed access to electronically file documents is granted subject to Plaintiffs meeting the requirements necessary for the establishment of an ECF account. See attached Order. Ordered by Senior Judge Denis R. Hurley on 2/13/2009. (Hurley, Denis)(Copy of Order mailed by Chambers to Plaintiffs at 31 Ivy Place, Valley Stream, NY 11581.) (Entered: 02/13/2009)
02/18/2009		ORDER striking 111 Motion to Amend/Correct/Supplement: For the reasons set forth in the Court's Order dated January 16, 2009 (docket no. 110), the motion is stricken. Ordered by Senior Judge Denis R. Hurley on 2/18/2009. (Gapinski, Michele) (Entered: 02/18/2009)
02/18/2009	 115	Letter (revised) from Kevin G. and Lorraine Chesney to The Honorable Judge Denis R. Hurley, dated 2/11/09 re: To request the Court's

		permission to allow plttfs. access to electronically file documents to the U.S. District Court, E.D.N.Y. (Fagan, Linda) (Attachments: # <u>1</u> Cover Letter) (Fagan, Linda) (Entered: 02/18/2009)
02/19/2009	 <u>116</u>	Letter <i>Responding to January 29, 2009 Correspondence from Kevin Chesney</i> 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: 02/19/2009)
02/19/2009	 <u>118</u>	Letter from Kevin and Lorraine Chesney to Honorable Judge Denis R. Hurley, dated 2/16/09 in Response re: the <u>110</u> Order regarding the <u>109</u> Letter MOTION to Amend/Correct/Supplement. (Fagan, Linda) (Entered: 02/23/2009)
02/20/2009	 <u>117</u>	Letter from Kevin G. Chesney to Honorable Denis R. Huley, dated 2/19/09 in Response re: the <u>116</u> Letter "to your Committee on Grievances by the law firm of Lamb & Barnosky." (Fagan, Linda) (Entered: 02/23/2009)
02/23/2009	 <u>119</u>	Letter to Magistrate Judge Boyle from Kevin G. Chesney dated 2/19/09; In re: letter in response to the February 19, 2009 letter to your Committee on Grievance by the law firm of Lamb & Barnosky. (Lundy, Lisa) (Entered: 02/24/2009)
03/26/2009	 <u>120</u>	Letter from Mr. & Mrs. Kevin G. Chesney to Honorable Denis R. Hurley, Magistrate Judge E. Thomas Boyle, Committee on Grievances, and The State of New York Committee on Grievances, dated 3/25/09 re: To request that the Court have the crimes listed herein, and the evidence attached herein, investigated by the appropriate law enforcement agency or agencies. (Attachments: # <u>1</u> attachment 1., # <u>2</u> attachment 2., # <u>3</u> attachment 3., # <u>4</u> attachment 4., # <u>5</u> attachment 5., # <u>6</u> attachment 6., # <u>7</u> attachment 7., # <u>8</u> attachment 8., # <u>9</u> attachment 9., # <u>10</u> attachment 10., # <u>11</u> attachment 11., # <u>12</u> attachment 12., # <u>13</u> attachment 13., # <u>14</u> attachment 14., # <u>15</u> attachment 15., # <u>16</u> attachment 16., # <u>17</u> attachment 17., # <u>18</u> attachment 18., # <u>19</u> attachment 19.) (Fagan, Linda) (Entered: 03/26/2009)
03/31/2009		ORDER : In reviewing the court docket in this matter, it appears that while the opposition papers and reply papers regarding Plaintiff's motion for leave to serve his Second Amended Complaint were filed via ECF (see Docket no. 102) the actual moving papers were not filed. Inasmuch as Plaintiff is currently proceeding pro se, the Court directs District Defendants to file under cover of letter, a copy of Plaintiff's moving papers that were served upon them. Ordered by Senior Judge Denis R. Hurley on 3/31/2009. (Gapinski, Michele) (Entered: 03/31/2009)
03/31/2009	 <u>121</u>	Letter <i>in response to request for motion papers</i> 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 (Attachments: # <u>1</u> Appendix Copy of plaintiff's motion papers) (Stern, Steven) (Entered: 03/31/2009)
03/31/2009	 <u>124</u>	MEMORANDUM AND ORDER re: <u>99</u> Fully Brief MOTION For Summary Judgment; For the reasons set forth herein, District Defts' motion for summary judgment is granted. As noted earlier, the COBRA claim is the only claim remaining in the amended complaint. However, Pltff has moved for leave to file a Second Amended Complaint asserting three new causes of action. When that motion was filed, however, certain of the papers served in connection with Pltff's motion were not filed with the Court. By Order dated March 31, 2009, the Court directed that the omitted papers be filed. Accordingly, the instant Order on District Defts' motion for summary judgment shall not take effect until forty-five days from the date hereof, during which period the Court anticipates issuing a decision of Pltff's motion. (Ordered by Senior Judge Denis R. Hurley on 3/31/09.) (Fagan, Linda) (Entered: 04/03/2009)
04/01/2009	 <u>122</u>	Letter <i>in Response to Order Requesting Copy of Plaintiffs' Motion Papers</i> 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 (Attachments: # <u>1</u> Notice of Motion for Leave to File Second Amended Complaint) (Feldman, Michelle) (Entered: 04/01/2009)
04/01/2009	 <u>123</u>	Letter from Kevin G. Chesney to Honorable Judge Denis R. Hurley, dated 4/1/09 re: To request that the Court include the documents attached herein, which were previously omitted from pltff's moving papers; that the Court grant pltff's request for the filing of his proposed Second Amended Complaint; and that full discovery on all issues be permitted. (Attachments: # <u>1</u> attachment 1., # <u>2</u> attachment 2., # <u>3</u> attachment 3.) (Fagan, Linda) (Entered: 04/01/2009)
04/03/2009	 <u>125</u>	Letter from Kevin G. Chesney to Honorable Judge Denis R. Hurley, dated 4/2/09 re: To advise the Court of the referral to an incorrect document number set forth in a previous filing. (Fagan, Linda). (Entered: 04/03/2009)
04/13/2009	 <u>126</u>	Letter <i>responding to plaintiff's allegations</i> 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: 04/13/2009)
04/13/2009	 <u>127</u>	LETTER Application to Vacate <u>124</u> Memorandum & Opinion,, Order,, <u>121</u> Letter, by Kevin G. Chesney, Lorraine Chesney. (Attachments: # <u>1</u>

		Exhibit Exhibits #1-8 fraud and tampered dockets) (Chesney, Kevin) Modified on 4/14/2009 (Fagan, Linda). (Entered: 04/13/2009)
04/13/2009	 128	Letter <i>responding to plaintiffs' correspondence</i> 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: 04/13/2009)
04/13/2009		Motions terminated, docketed incorrectly: 127 Letter MOTION to Vacate 124 Memorandum & Opinion, Order, 121 Letter, filed by Kevin G. Chesney, Lorraine Chesney. (The document should have been filed as a LETTER application, and the Court will address the document as such. All corrections have been made.) (Fagan, Linda) (Entered: 04/14/2009)
04/16/2009		ORDER re 127 Letter MOTION to Vacate 124 Memorandum & Opinion,,, Order,, 121 Letter, filed by Kevin G. Chesney, Lorraine Chesney: Defendants are directed to serve and file their opposition, if any, to Plaintiff's April 13, 2009 application on or before April 24, 2009. Ordered by Senior Judge Denis R. Hurley on 4/16/2009. (Gapinski, Michele) (Entered: 04/16/2009)
04/24/2009	 129	RESPONSE to Motion re 127 Letter MOTION to Vacate 124 Memorandum & Opinion,,, Order,, 121 Letter, <i>Oppositon</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: 04/24/2009)
04/26/2009	 130	Letter <i>responding to plaintiff's 4/13/09 letter</i> 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: 04/26/2009)
04/28/2009	 131	NOTICE OF APPEAL as to Order, 124 Memorandum & Opinion,,, Order,, by Kevin G. Chesney, Lorraine Chesney. Filing fee \$ 455. Appeal Record due by 7/31/2009. (Chesney, Kevin) (Entered: 04/28/2009)
04/28/2009	 132	AFFIDAVIT/DECLARATION in Support re 80 Letter MOTION for Extension of Time to Complete Discovery <i>in accordance with Proposed Discovery Schedule</i> , 94 Supplemental MOTION to Reopen Case <i>NOTE RE: Rule 8 (Supplement to Reply)</i> , 99 Fully Briefed MOTION for Summary Judgment, 60 MOTION to Dismiss, 24 Second MOTION for Extension of Time to File Response/Reply <i>re: Local 74 motion for judgment on the pleadings</i> , 37 Letter MOTION for Extension of Time to

File Response/Reply as to 18 MOTION for Judgment on the Pleadings, 22 Letter, 35 Amended MOTION to Dismiss, 33 Affidavit in Opposition, 32 Memorandum in Opposition, 34 Reply to Response to Motion,, 20 Letter MOTION for Extension of Time to File Response/Reply as to 18 MOTION for Judgment on the Pleadings, 22 Letter, 35 Amended MOTION to Dismiss, 33 Affidavit in Opposition, 32 Memorandum in Opposition, 34 Reply to Response to Motion,, 20 Letter MOTION for Extension of Time to File Response/Reply as to 18 MOTION for Judgment on the Pleadings, 22 Letter, 35 Amended MOTION to Dismiss, 33 Affidavit in Opposition, 32 Memorandum in Opposition, 34 Reply to Response to Motion,, 20 , 29 Notice of MOTION to Dismiss, 35 Amended MOTION to Dismiss, 5 First MOTION for Extension of Time to File Answer *and file motion to dismiss*, 109 Letter MOTION to Amend/Correct/Supplement 86 Set Hearings,, 85 Pretrial Conference - Final, Set Hearings,, 84 Order, *Correct ECF Docket entries to reflect proceedings actually held and to acknowledge that discovery was never certified as clos*Letter MOTION to Amend/Correct/Supplement 86 Set Hearings,, 85 Pretrial Conference - Final, Set Hearings,, 84 Order, *Correct ECF Docket entries to reflect proceedings actually held and to acknowledge that discovery was never certified as clos*, 108 Letter MOTION to Substitute Attorney, 48 First MOTION for Extension of Time to File Motion to Dismiss, 10 Letter MOTION for Extension of Time to File Response/Reply as to 3 Letter, 6 Order,, Set Hearings,, 4 Notice of Appearance, 7 LetterLetter MOTION for Extension of Time to File Response/Reply as to 3 Letter, 6 Order,, Set Hearings,, 4 Notice of Appearance, 7 LetterLetter MOTION for Extension of Time to File Response/Reply as to 3 Letter, 6 Order,, Set Hearings,, 4 Notice of Appearance, 7 Letter, 82 Letter MOTION to Compel Plaintiffs to Respond to Discovery, 97 Letter MOTION for Extension of Time to File Motions and to Modify Briefing Schedule, 83 Emergency MOTION to Adjourn Conference Due to Injury of Counsel for Plaintiff, 127 Letter MOTION to Vacate 124 Memorandum & Opinion,, Order,, 121 Letter,, 98 Letter MOTION for Extension of Time to File Response/Reply, 111 Supplemental MOTION to Amend/Correct/Supplement ECF Docket (with typographical errors noted on letter 109), 79 Joint MOTION for Extension of Time to Complete Discovery, 55 Letter MOTION for Extension of Time to File Response/Reply Re: Civil Service Rule 12 Application, 11 Letter MOTION to Dismiss (Request to file), 101 Letter MOTION for Extension of Time to File Response/Reply as to 89 Letter, RE: Defendants Answer to Plaintiff's Motion to File Amended ComplaintLetter MOTION for Extension of Time to File Response/Reply as to 89 Letter, RE: Defendants Answer to Plaintiff's Motion to File Amended Complaint, 18 MOTION for Judgment on the Pleadings, 14 Letter MOTION to Disqualify Counsel for defendant Local #74 and for conference re: other relief, 59 MOTION to Dismiss, 49 First MOTION for Judgment on the Pleadings pursuant to Fed. R. Civ. P. 12(c), 9 Letter MOTION for Leave to File Excess Pages in memorandum of law in support of motion to dismiss, 43 Cross MOTION to Disqualify Counsel for defendant Local 74 SEIU, 63 Emergency MOTION for Extension of Time to File Appeal

		<i>of Memorandum and Order of Court in Reply filed by Kevin G. Chesney, Lorraine Chesney. (Attachments: # 1 Affidavit affidavit page3) (Chesney, Kevin) (Entered: 04/28/2009)</i>
04/28/2009	 133	Subsequent NOTICE OF APPEAL as to 6 Order, Set Hearings, 87 Order on Motion to Compel, 124 Memorandum & Opinion, 40 Order, 114 Order, 84 Order, 78 Order on Motion to Dismiss, 77 Scheduling Order, 74 Scheduling Order, 62 Order on Motion for Judgment on the Pleadings, Order on Motion to Dismiss, 96 Order, 106 Scheduling Order, 39 Scheduling Order, 110 Order, 95 Scheduling Order, 56 Scheduling Order, by Kevin G. Chesney, Lorraine Chesney. (Duong, Susan) (Entered: 04/29/2009)
04/29/2009		Incorrect Case/Document/Entry Information. Docket# 133-Notice of Appeal has been deleted and redocketed as Subsequent Notice of Appeal. (Duong, Susan) (Entered: 04/29/2009)
04/29/2009		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. 129 Response to Motion, 80 Motion for Extension of Time to Complete Discovery, 94 Motion to Reopen Case, 60 Motion to Dismiss, 24 Motion for Extension of Time to File Response/Reply, 37 Motion for Extension of Time to File Response/Reply, 29 Motion to Dismiss, 35 Motion to Dismiss, 68 Notice of Appearance, 44 Response to Motion, 57 Notice of Appearance, 42 Affidavit in Opposition to Motion, 27 Letter, 5 Motion for Extension of Time to File Answer, 109 Motion to Amend/Correct/Supplement, 93 Reply in Support, 108 Motion to Substitute Attorney, 104 Response in Opposition to Motion, 30 Affidavit in Support, 58 Notice of Appearance, 26 Letter, 23 Letter, 40 Order, 73 USCA Mandate, 107 Certificate of Counsel, 102 Memorandum in Opposition, Affidavit in Opposition to Motion, 76 Set Deadlines/Hearings, Pretrial Conference - Initial, 115 Letter, 82 Motion to Compel, 72 Letter, 50 Affidavit in Support of Motion, 97 Motion for Extension of Time to File, 125 Letter, 132 Affidavit in Support of Motion, 127 Motion to Vacate, 78 Order on Motion to Dismiss, 70 Affidavit, 67 Letter, 77 Scheduling Order, 36 Reply in Support, 98 Motion for Extension of Time to File Response/Reply, 16 Letter, 8 Amended Complaint, 47 Letter, 128 Letter, 116 Letter, 41 Letter, 111 Motion to Amend/Correct/Supplement, 79 Motion for Extension of Time to Complete Discovery, 55 Motion for Extension of Time to File Response/Reply, 3 Letter, 101 Motion for Extension of Time to File Response/Reply, 49 Motion for Judgment on the Pleadings, 65 Letter, 113 Letter, 96 Order, 106 Scheduling Order, 100 Letter, 4 Notice of Appearance, 121 Letter, 69 Answer to Amended Complaint, 43 Motion to Disqualify Counsel, 17 Affidavit of Service, 38 Letter, 15 Letter, 54 Reply to Response to Motion, 110 Order, 25 Letter, 28 Letter, 133 Subsequent Notice of Appeal, 112 Letter, 33 Affidavit in Opposition, 99 Motion for Summary Judgment, 1 Notice of Removal, 13 Letter, 66 Certificate of Counsel, 51 Memorandum in Support, 91 Letter, 75 Report of Rule 26(f) Planning Meeting, 103 Affidavit, 105 Letter, 32

MOTION INFORMATION STATEMENT

Caption (use short title)

Docket Number(s): 05-CV-3106 (PRI)(ETB) 09-1824 CV 2ND CIRCUIT CHESENEY VS.
FILED IN EDNY, TURNOVER ORIGINAL RECORDS VALLEY STREAM UFS'D No. 24
DISTRICT RECORDS, CHANCE 7/31/09 DATE. ET AL.

Motion for: ORDER TO SEQUESTER COURT
FILED IN EDNY, TURNOVER ORIGINAL RECORDS
 Set forth below, precise, complete statement of relief sought:
A) SEQUESTER ORDER FOR ORIGINAL

- EDNY CASE FILE
- B) CANCELLATION OF 7/31/09 DATE
- C) TURNOVER OF ORIGINAL COBRA/PAYROLL
- RECORDS OF CHESENEY (TAMPERED)
- D) INSTITUTION OF CRIMINAL INVESTIGATION

MOVING PARTY: DAVID G. CHESENEY vs. FIRM, LLC OPPOSING PARTY: VALLEY STREAM UFS'D No. 24
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: RUTH M. POLLACK, ATTORNEY OPPOSING ATTORNEY (Name): STEVEN SERN, ESQ.
 [name of attorney, with firm, address, phone number and e-mail]
21 WEST SECOND STREET STE 13 STERN-SKOLOFF LLP
POST OFFICE BOX 120 (X REQUIRED) 355 POST AVENUE, STE 201
KIVKESBOD, N.Y. 11561 WESTBURY, NY 11590
631-391-3168 516-334-4500
ruthmpollack@a.yahoo.com

Court/Judge/Agency appealed from: EDNY (Husley, Reyle)

Please check appropriate boxes:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has consent of opposing counsel?
 A. been sought? Yes No
 B. been obtained? Yes No

Has request for relief been made below? Yes No

Has this relief been previously sought in this Court? Yes No

Is oral argument requested? Yes No
 (requests for oral argument will not necessarily be granted)

Requested return date and explanation of emergency:

Has argument date of appeal been set? Yes No
 If yes, enter date








Signature of Moving Attorney: [Signature] Date: 7/27/09
 Has service been effected? Yes No
 [Attach proof of service]







ORDER




IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.
 FOR THE COURT:
 CATHERINE O'HAGAN WOLFE, Clerk of Court

By: _____

EXH. "A"
 ORIGINAL

		Memorandum in Opposition, <u>90</u> Affidavit, <u>64</u> Letter, <u>92</u> Letter, <u>86</u> Set Hearings, <u>120</u> Letter, <u>6</u> Order, Set Hearings, <u>12</u> Response in Opposition to Motion, <u>46</u> Letter, <u>87</u> Order on Motion to Compel, <u>34</u> Reply to Response to Motion, <u>48</u> Motion for Extension of Time to File, <u>124</u> Memorandum & Opinion, <u>52</u> Affidavit in Opposition to Motion, <u>71</u> Letter, <u>123</u> Letter, <u>88</u> Letter, <u>131</u> Notice of Appeal, <u>114</u> Order, <u>7</u> Letter, <u>85</u> Pretrial Conference - Final, Set Hearings, <u>20</u> Affidavit in Support of Motion, <u>10</u> Motion for Extension of Time to File Response/Reply, <u>84</u> Order, <u>83</u> Motion to Adjourn Conference, <u>130</u> Letter, <u>74</u> Scheduling Order, <u>62</u> Order on Motion for Judgment on the Pleadings, Order on Motion to Dismiss, <u>89</u> Letter, <u>118</u> Letter, <u>31</u> Memorandum in Support, <u>119</u> Letter, <u>11</u> Motion to Dismiss, <u>21</u> Letter, <u>19</u> Memorandum in Support, <u>2</u> Answer to Complaint, <u>18</u> Motion for Judgment on the Pleadings, <u>14</u> Motion to Disqualify Counsel, <u>59</u> Motion to Dismiss, <u>117</u> Letter, <u>122</u> Letter, <u>9</u> Motion for Leave to File Excess Pages, <u>61</u> Letter, <u>126</u> Letter, <u>53</u> Memorandum in Opposition, <u>45</u> Response to Motion, <u>22</u> Letter, <u>39</u> Scheduling Order, <u>63</u> Motion for Extension of Time to File, <u>95</u> Scheduling Order, <u>56</u> Scheduling Order, <u>81</u> Response to Motion, (Duong, Susan) (Entered: 04/29/2009)
04/30/2009	 <u>134</u>	USCA Appeal Fees received \$ 455 receipt number 29702 re <u>133</u> Subsequent Notice of Appeal, filed by Kevin G. Chesney, Lorraine Chesney, <u>131</u> 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. <u>134</u> USCA Appeal Fees (Duong, Susan) (Entered: 04/30/2009)
05/07/2009	 <u>135</u>	ORDER re <u>127</u> Letter MOTION to Vacate <u>124</u> 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	 <u>136</u>	ORDER re <u>102</u> : 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	 <u>137</u>	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	  <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> by Kevin G. Chesney, Lorraine Chesney. (Attachments: # <u>1</u> 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	 142	MEMORANDUM in Opposition re 138 First MOTION for Reconsideration re 135 Order, 136 Order, 137 Clerk's Judgment, <i>pro se</i> First MOTION for Reconsideration re 135 Order, 136 Order, 137 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	 143	REPLY in Support re 138 First MOTION for Reconsideration re 135 Order, 136 Order, 137 Clerk's Judgment, <i>pro se</i> First MOTION for Reconsideration re 135 Order, 136 Order, 137 Clerk's Judgment, <i>pro se</i> filed by Kevin G. Chesney, Lorraine Chesney. (Attachments: # 1 Affidavit in Support Page 5) (Chesney, Kevin) (Entered: 06/13/2009)
06/13/2009	 144	REPLY in Support re 138 First MOTION for Reconsideration re 135 Order, 136 Order, 137 Clerk's Judgment, <i>pro se</i> First MOTION for Reconsideration re 135 Order, 136 Order, 137 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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Kevin G. Chesney
31 Ivy Place
Valley Stream, NY 11581
516-284-7043

PAID

DATE	INVOICE #	
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Invoice

PREPARED BY: K Jones

JUDGE:

REMARKS: Hourly

HEARING DATE

1/26/2007

RE: EDNY

DATE ORDERED

7/13/2009

DC#:

CASE NAME	CASE NO.	PAGES	PER PAGE	AMOUNT
Chesney v Valley Stream	05-CV-5106			
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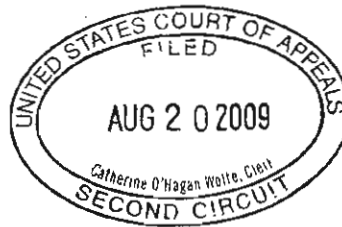
EXH-B-3

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 20th 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

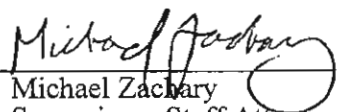
Valley Stream Union Free School District No. 24,
et al.,

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

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

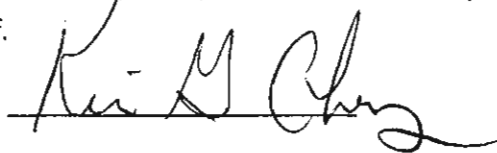
UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

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

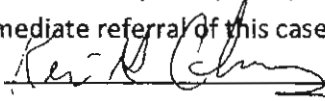
UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

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

ECN "E"

United States District Court
Eastern District of New York

_____x

Kevin Chesney and Lorraine Chesney,
Plaintiffs-appellants.

-against-

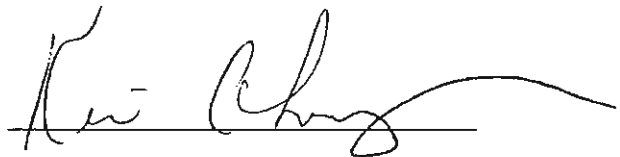
Valley Stream Union Free School District,
Et al.,
Defendant-appellees.

_____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



Kevin Chesney and Lorraine Chesney

Plaintiffs- Appellants

31 Ivy Place

516-284-7043

EXH "E"

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 27 2009 ★
LONG ISLAND OFFICE

United States District Court
Eastern District of New York

_____^x
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.


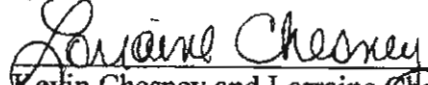
_____^x

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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Subject: Activity in Case 2:05-cv-05106-DRH-ETB Chesney et al v. Valley Stream Union Free School District No. 24 et al Electronic Index to Record on Appeal

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 5/27/2009 at 12:40 PM EDT and filed on 5/27/2009

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:

Michelle S. Feldman msf@lambbarnosky.com
 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 ss Stern@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

Veronica Boland
 Nassau County Attorney
 One West Street
 Mineola, NY 11501



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"E"

ACKNOWLEDGMENT AND NOTICE OF APPEARANCE

Chesney v. Valley Steam Union Free

09-1824-CV
05-CV-5706

Short Title: School DISTRICT No. 24 Docket No.: Docket No.:
Lead Counsel of Record (name/firm): RUTH M. POLLACK, ESR.

Appearance for (party/designation): KEVIN CHESNEY + 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, ESR.
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

Signature: Ruth M. Pollack, ESR.
Caption as indicated is:
(X) Correct as shortened.
() Incorrect. See attached caption page with corrections.

All correspondence MUST be address in the precise manner set forth above.
POST OFFICE BOX MUST APPEAR ABOVE TOWN per US POSTAL REGULATIONS -

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

Meat 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 25th 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

**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

Ch. "G"

MANDATE

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

EDNY/CIN4
05-cv-5106
Hurley

Thomas Asreen
ACTING CLERK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ DEC -1 2006 ★

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

LONG ISLAND OFFICE



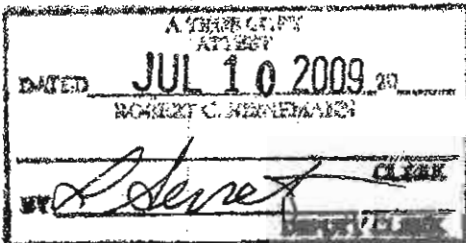
At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 20th day of November, two thousand 2006.

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
"Cannot be found"
"Not Available"
"Destroyed" 05-cv-5106



For the Court,
Thomas Asreen, Acting Clerk
[Signature]
By: Eniola O. Ajayi
Deputy Clerk

A TRUE COPY
Thomas Asreen, Acting Clerk
by [Signature]
Deputy Clerk

CERTIFIED:
EXH "H" 11/20/2006

7/3

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

_____ x
CHESNEY v. VALLEY STREAM UNION
FREE SCHOOL DISTRICT NO 24,

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

_____ x
State of New York)
County of Suffolk) ss.:

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 "2nd 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").

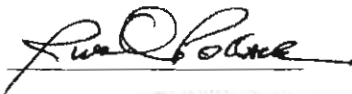
9. With all that I have now submitted and proven as to tampering, false statements, and my attorney's address being persistently miss-typed to delay and deprive her of her mail, while all other defendant's addresses are always correct in the Second Circuit, I am entitled to submit my Forms C and D and 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:

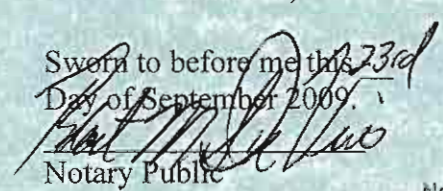
Sokoloff Stern, LLP
355 Post Avenue, Suite 201
Westbury, NY 11590

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. 01D5642695, Nassau CNTY
Commission Exp. July 24, 2013

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; 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.

x

**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
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Riverhead, New York 11901
Tel. 631-591-3160
Fax. 631-591-3162
ruth@ruthmpollackesq.com**