

CASREF,CLOSED_2015,MEDIATION

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:12-cv-00960-WMS-LGF

R.A.G. by her parent, R.B., v. Buffalo City School District
Board of Education et al
Assigned to: Hon. William M. Skretny
Referred to: Hon. Leslie G. Foschio
Cause: 29:0794 Job Discrimination (Handicap)

Date Filed: 10/11/2012
Date Terminated: 03/25/2015
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities – Other
Jurisdiction: Federal Question

Plaintiff

R.A.G. by parent, R.B.
*individually and on behalf of all other
(parents and students) similarly situated*

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V.

Defendant

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Defendant**Pamela C. Brown**

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/11/2012	<u>1</u>	COMPLAINT against All Defendants, filed by R.A.G. by her parent, R.B., R.B..(DLC) (Entered: 10/12/2012)
10/11/2012		Notice of Right to Consent before a Magistrate Judge form. (DLC) (Entered: 10/12/2012)
10/11/2012		Remark – Summons not issued. (DLC) (Entered: 10/12/2012)
10/12/2012	<u>2</u>	MOTION to Seal by R.A.G. by parent, R.B.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Certificate of Service)(Goldstein, Bruce) (Entered: 10/12/2012)
10/12/2012		Summons Issued as to Pamela C. Brown, Buffalo City School District Board of Education. (DLC) (Entered: 10/12/2012)
10/17/2012	<u>3</u>	TEXT ORDER. IT HEREBY IS ORDERED THAT, the Plaintiff's <u>2</u> Motion for Leave to File under Seal an Addendum to the Complaint is GRANTED. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 10/17/2012. (MEAL) (Entered: 10/17/2012)
10/22/2012	<u>4</u>	Sealed Document. (DLC) (Entered: 10/22/2012)
11/07/2012	<u>5</u>	MOTION to Certify Class by R.A.G. by parent, R.B.. (Attachments: # <u>1</u> Motion for Class Certification, # <u>2</u> Affidavit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Affidavit, # <u>8</u> Memorandum in Support, # <u>9</u> Supplement, # <u>10</u> Certificate of Service)(Goldstein, Bruce) (Entered: 11/07/2012)
11/08/2012	<u>6</u>	AFFIDAVIT of Service , filed by R.A.G. by parent, R.B.. (Goldstein, Bruce) (Entered: 11/08/2012)
11/08/2012	<u>7</u>	SUMMONS Returned Executed by R.A.G. by parent, R.B.. (Goldstein, Bruce) (Entered: 11/08/2012)

11/08/2012	<u>8</u>	SUMMONS Returned Executed by R.A.G. by parent, R.B.. (Goldstein, Bruce) (Entered: 11/08/2012)
11/16/2012	<u>9</u>	NOTICE of Appearance by Jeffrey Joel Weiss on behalf of Pamela C. Brown, Buffalo City School District Board of Education (Weiss, Jeffrey) (Entered: 11/16/2012)
11/16/2012	<u>10</u>	NOTICE of Appearance by Richard T. Sullivan on behalf of Pamela C. Brown, Buffalo City School District Board of Education (Sullivan, Richard) (Entered: 11/16/2012)
11/28/2012	<u>11</u>	STIPULATION <i>Extending Defendants' Time to Answer</i> by Pamela C. Brown, Buffalo City School District Board of Education. (Sullivan, Richard) (Entered: 11/28/2012)
12/04/2012	12	TEXT ORDER. The <u>11</u> Stipulation for Extension of Time to Answer is HEREBY APPROVED. The Defendants' time to answer or otherwise make motions with respect to the Summons and Complaint is extended to 12/15/2012. Issued by William M. Skretny, Chief Judge U.S.D.C. on 12/4/2012. (CMD) (Entered: 12/04/2012)
12/17/2012	<u>13</u>	ANSWER to <u>1</u> Complaint by Pamela C. Brown, Buffalo City School District Board of Education.(Sullivan, Richard) (Entered: 12/17/2012)
12/18/2012	<u>14</u>	AUTOMATIC REFERRAL to Mediation. (DLC) (Entered: 12/18/2012)
12/21/2012	15	TEXT REFERRAL ORDER – Hon. Leslie G. Foschio, United States Magistrate Judge, is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. § 636(b)(1)(A), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall not hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), unless further ordered by this Court. All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. § 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by Chief Judge William M. Skretny on 12/21/2012. (JCD) (Entered: 12/21/2012)
01/07/2013	<u>16</u>	ORDER. Scheduling Conference set for 2/19/2013 11:00 AM before Hon. Leslie G. Foschio. Signed by Hon. Leslie G. Foschio on 1/7/2013. (SDW) (Entered: 01/07/2013)
02/15/2013	<u>17</u>	Proposed Pretrial Order by Pamela C. Brown, Buffalo City School District Board of Education. (Attachments: # <u>1</u> Certificate of Service)(Sullivan, Richard) (Entered: 02/15/2013)
02/19/2013	18	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Scheduling Conference held on 2/19/2013. Case management order discussed, same to be filed by the court. Appearances: Pltf–Bruce Goldstein, Esq., Jay Pletcher, Esq., Dft: Richard Sullivan, Esq., Nathaniel Kuzma, Asst Legal Cnsl Board of Education. (Court Reporter FTR Gold.) (SDW) (Entered: 02/20/2013)
02/20/2013	<u>19</u>	SCHEDULING ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Stipulation of Selection of Mediator due by 3/21/2013. First Mediation Session due by 5/6/2013. Further Pretrial Conference set for 5/15/2013 11:00 AM before Hon. Leslie G. Foschio.. Signed by Hon. Leslie G. Foschio on 2/20/2013. (SDW) (Entered: 02/20/2013)
03/11/2013	20	SCHEDULING NOTICE on <u>5</u> Motion to Certify Class. Response due by 3/28/2013. Reply due by 4/8/2013. Oral Argument will be scheduled by the Court as necessary. (MEAL) (Entered: 03/11/2013)
03/14/2013	<u>21</u>	MOTION for Extension of Time to File Response/Reply as to 20 Order, Set/Reset Motion and R&R Deadlines/Hearings by R.A.G. by parent, R.B.. (Attachments: # <u>1</u>

		Affidavit, # <u>2</u> Certificate of Service)(Goldstein, Bruce) (Entered: 03/14/2013)
03/18/2013	<u>22</u>	TEXT ORDER. IT HEREBY IS ORDERED THAT, Plaintiffs' <u>21</u> Motion for Extension of Time to File Reply as to <u>5</u> Motion to Certify Class is GRANTED. Plaintiffs' reply is now due by 4/15/2013. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 3/16/2013. (CMD) (Entered: 03/18/2013)
03/21/2013	<u>23</u>	Stipulation–Selection of Mediator by Pamela C. Brown, Buffalo City School District Board of Education. (Sullivan, Richard) (Entered: 03/21/2013)
03/28/2013	<u>24</u>	Cross MOTION to Stay <i>Decision on Class Certification</i> by Pamela C. Brown, Buffalo City School District Board of Education. (Attachments: # <u>1</u> Affirmation of Jeffrey J. Weiss, Esq., with exhibits, # <u>2</u> Affidavit of Kim H. Curtin, # <u>3</u> Memorandum in Support, # <u>4</u> Certificate of Service)(Sullivan, Richard) (Entered: 03/28/2013)
04/01/2013	<u>25</u>	SCHEDULING NOTICE on Defendants' Cross Motion to Stay Decision on Class Certification. Response due by 4/15/2013. Reply due by 4/25/2013. Oral Argument will be scheduled by the Court as necessary. (MEAL) (Entered: 04/01/2013)
04/01/2013	<u>26</u>	MOTION for Leave to File Excess Pages <i>to reply to Defendant's Opposition to Plaintiff's Motion for Class Certification</i> by R.A.G. by parent, R.B.. (Attachments: # <u>1</u> Certificate of Service)(Goldstein, Bruce) (Entered: 04/01/2013)
04/05/2013	<u>27</u>	TEXT ORDER. IT HEREBY IS ORDERED THAT, Plaintiff's <u>26</u> Motion to file a Reply of 17 pages in further support of the <u>5</u> Motion to Certify Class is GRANTED. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 4/5/2013. (MEAL) (Entered: 04/05/2013)
04/15/2013	<u>28</u>	REPLY to Response to Motion re <u>5</u> MOTION to Certify Class filed by R.A.G. by parent, R.B.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Certificate of Service)(Goldstein, Bruce) (Entered: 04/15/2013)
04/15/2013	<u>29</u>	RESPONSE to Motion re <u>24</u> Cross MOTION to Stay <i>Decision on Class Certification</i> filed by R.A.G. by parent, R.B.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Certificate of Service)(Goldstein, Bruce) (Entered: 04/15/2013)
04/22/2013	<u>30</u>	MOTION for Leave to File <i>Sur–Reply in Further Opposition to Plaintiff's Motion for Class Certification</i> by Pamela C. Brown, Buffalo City School District Board of Education. (Attachments: # <u>1</u> Certificate of Service)(Sullivan, Richard) (Entered: 04/22/2013)
04/22/2013	<u>31</u>	AFFIDAVIT of Bruce Goldstein in Opposition re <u>30</u> MOTION for Leave to File <i>Sur–Reply in Further Opposition to Plaintiff's Motion for Class Certification ; or in the Alternative, in Support of Leave to Submit a Reply to Defendants' Sur–Reply</i> filed by R.A.G. by parent, R.B.. (Attachments: # <u>1</u> Certificate of Service)(Goldstein, Bruce) (Entered: 04/22/2013)
04/24/2013	<u>32</u>	Mediation Certification by Michael A. Brady(Brady, Michael) (Entered: 04/24/2013)
04/24/2013	<u>33</u>	REPLY/RESPONSE to re <u>31</u> Affidavit in Opposition to Motion, filed by Pamela C. Brown, Buffalo City School District Board of Education. (Weiss, Jeffrey) (Entered: 04/24/2013)
04/24/2013	<u>34</u>	TEXT ORDER. IT HEREBY IS ORDERED THAT, Defendants' <u>30</u> Motion for Leave to Submit <i>Sur–Reply in Further Opposition to Plaintiff's 5 Motion for Class Certification</i> , is GRANTED. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 4/23/2013. (CMD) (Entered: 04/24/2013)
04/25/2013	<u>35</u>	MEMORANDUM OF LAW re <u>29</u> Response to Motion, <u>28</u> Reply to Response to Motion <i>Memorandum of Law in Further Support of Motion to Stay and in Further Opposition to Plaintiff's Motion for Class Certification</i> by Pamela C. Brown, Buffalo City School District Board of Education. (Attachments: # <u>1</u> Certificate of Service)(Sullivan, Richard) Modified on 4/26/2013 (DLC). (Entered: 04/25/2013)
04/26/2013		E–Filing Notification: Incorrect event used to electronically file document. For future reference, use (Memorandum) event. No action required. Terminated <u>35</u> document as a MOTION and re–titled it as a MEMORANDUM. (DLC) (Entered: 04/26/2013)

04/26/2013	<u>36</u>	MOTION for Leave to File a <i>Reply in Further Support of Plaintiffs' Motion for Class Certification</i> by R.A.G. by parent, R.B.. (Attachments: # <u>1</u> Affidavit in Support, # <u>2</u> Certificate of Service)(Goldstein, Bruce) (Entered: 04/26/2013)
04/30/2013	37	TEXT ORDER. IT HEREBY IS ORDERED THAT, Plaintiffs' <u>36</u> Motion for Leave to Submit a Reply to Defendants' <u>35</u> Sur-Reply and in Further Support of Plaintiff's <u>5</u> Motion for Class Certification, is GRANTED. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 4/29/2013. (CMD) (Entered: 04/30/2013)
05/02/2013	<u>38</u>	REPLY/RESPONSE to re <u>35</u> MOTION to Stay re <u>29</u> Response to Motion, <u>28</u> Reply to Response to Motion <i>Memorandum of Law in Further Support of Motion to Stay and in Further Opposition to Plaintiff's Motion for Class Certification</i> , in Reply to Defendants' Sur-Reply and in Support of Motion for Class Certification filed by R.A.G. by parent, R.B.. (Attachments: # <u>1</u> Certificate of Service)(Goldstein, Bruce) (Entered: 05/02/2013)
05/14/2013	39	TEXT ORDER. Status conference scheduled for 5/15/2013 at 11:00 a.m. is cancelled pending disposition of the pending motions.. Issued by Hon. Leslie G. Foschio on 5/14/2013. (SDW) (Entered: 05/14/2013)
07/03/2013	<u>40</u>	DECISION AND ORDER GRANTING Plaintiffs' <u>5</u> Motion for Class Certification; DENYING Defendants' <u>24</u> Cross-Motion for a Stay of the Class Certification Determination; CERTIFYING the proposed class pursuant to Rule23(b)(2), consistent with the foregoing decision; APPOINTING the firm of Goldstein, Ackerhalt & Pletcher, LLP class counsel pursuant to Fed. R. Civ. P. 23(c)(1)(B). Signed by William M. Skretny, Chief Judge U.S.D.C. on 6/30/2013. (MEAL) (Entered: 07/03/2013)
07/17/2013	<u>41</u>	ORDER. Scheduling Conference set for 9/4/2013 10:00 AM before Hon. Leslie G. Foschio. Signed by Hon. Leslie G. Foschio on 7/17/2013. (SDW) (Entered: 07/17/2013)
08/14/2013	<u>42</u>	NOTICE by Pamela C. Brown, Buffalo City School District Board of Education, R.A.G. by parent, R.B. of <i>Proposed Scheduling Order</i> (Sullivan, Richard) (Entered: 08/14/2013)
09/04/2013	43	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Scheduling Conference held on 9/4/2013. Defendant granted adjournment as they are seeking appeal of a Judge Skretny decision. Further Scheduling Conference set for 10/2/2013 11:00 AM before Hon. Leslie G. Foschio. Appearances: Pltf-Arthur Ackerhalt, Esq., Jay Fletcher, Esq. Dft-Jeffrey Weiss, Esq., Nathaniel Kuzma, legal counsel Buffalo Board of Ed. (Court Reporter FTR Gold.) (SDW) (Entered: 09/09/2013)
09/24/2013	<u>44</u>	NOTICE of Appearance by Kelly S. Foss on behalf of All Defendants (Attachments: # <u>1</u> Certificate of Service)(Foss, Kelly) (Entered: 09/24/2013)
10/02/2013	45	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Scheduling Conference held on 10/2/2013. The Rule 16(b) hearing is adjourned generally until such time the 2d Circuit decides the intermediate appeal re: class certification. The court interpreted the Circuit's decision as granting Defendants' request for a stay. Appearances: Pltf: Bruce Goldstein, Arthur Ackerhalt, Esq.; Dft: Jeffrey Weiss, Esq. (Court Reporter FTR Gold.) (SDW) (Entered: 10/02/2013)
10/02/2013		Petition that was filed with the Second Circuit by defendants pursuant to FRAP5(d)(2) to file an Appeal fee paid: \$455.00, receipt number BUF037079. (DLC) (Entered: 10/02/2013)
10/02/2013	<u>46</u>	CLERKS CERTIFICATE filed and electronically sent to Court of Appeals (Attachments: #(1) Index). (DLC) (Additional attachment(s) added on 10/2/2013: # <u>2</u> Docket Sheet) (DLC). (Entered: 10/02/2013)
07/10/2014	<u>47</u>	MANDATE the decision and order of the district court hereby is AFFIRMED. (DLC) (Entered: 07/10/2014)
07/14/2014	<u>48</u>	ORDER affirming the Mandate and that it is made the Judgment of this Court. Signed by Hon. William M. Skretny on 7/13/2014. (DLC) (Entered: 07/14/2014)
07/16/2014	<u>49</u>	MANDATE Petitioners, petition for leaveto appeal the district courts order granting Respondents motion for class certification is hereby ORDERED that the petition is GRANTED. The Petitioners are directed to file a scheduling notification within 14

		days of the date of entry of this order pursuant to Second Circuit Local Rule 31.2. (DLC) (Entered: 07/16/2014)
08/04/2014	<u>50</u>	CORRECTED MANDATE re <u>49</u> Mandate. Petitioner filed a petition for leave to appeal the district court's order granting Respondents' motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is GRANTED. The Petitioners are directed to file a scheduling notification within 14 days of the date of entry of this order. (DLC) (Entered: 08/05/2014)
08/04/2014	<u>51</u>	SECOND AMENDED MANDATE re <u>50</u> Corrected Mandate. The Appeal Court concludes that the district court did not abuse its discretion in determining that Plaintiffs' class claims satisfied the commonality requirement under Rule 23(a)(2) of the Federal Rules of Civil Procedure. Plaintiffs' entire case is predicated on a policy that is applied uniformly to all students that qualify for supplemental services under the IDEA. We therefore affirm the district court on this ground as well. We have considered the remainder of Buffalo's arguments and find them to be without merit. Accordingly, the decision and order of the district court hereby is AFFIRMED. (DLC) (Entered: 08/05/2014)
08/12/2014	<u>52</u>	ORDER that the <u>51</u> SECOND AMENDED MANDATE is made the Judgment of this Court. Signed by Hon. William M. Skretny on 8/12/2014. (DLC) (Entered: 08/12/2014)
09/12/2014	53	TEXT ORDER. Status Conference set for 9/24/2014 11:00 AM before Hon. Leslie G. Foschio. Issued by Hon. Leslie G. Foschio on 9/12/2014. (SDW) (Entered: 09/12/2014)
09/24/2014	54	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Status Conference held on 9/24/2014. The parties have had settlement discussions and request 60 day adjournment to follow through with those discussions. Granted. Status / Scheduling Conference set for 11/25/2014 11:00 AM before Hon. Leslie G. Foschio. Appearances: Pltf: Bruce Goldstein, Esq., Dft: Jeffrey Weiss, Esq. (Court Reporter FTR Gold.) (SDW) (Entered: 09/24/2014)
11/25/2014	55	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Status Conference held on 11/25/2014. Parties report settlement in principle. Further Status Conference set for 1/27/2015 11:30 AM before Hon. Leslie G. Foschio and the parties are directed to report whether a fairness hearing will be required and if Judge Foschio will be conducting the hearing. Appearances: Pltf: Bruce Goldstein, Esq.; Dft: Jeffrey Weiss, Esq.; Buffalo City School District Law Dept: Nate Kuzma, Esq. (Court Reporter FTR Gold.) (SDW) (Entered: 11/25/2014)
01/27/2015	56	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Status Conference held on 1/27/2015. The parties have a written settlement agreement subject to the Buffalo Board of Education approval then the settlement would be subject to the court's approval. Deft agrees. This may be possible at the 2/25/2015 Board of Education meeting. Further Status Conference set for 3/19/2015 11:30 AM before Hon. Leslie G. Foschio. Appearances: Pltf-Bruce Goldstein, Esq., Dft-Jeffrey Weiss, Esq. (Court Reporter FTR Gold.) (SDW) (Entered: 01/27/2015)
03/13/2015	57	TEXT ORDER. Based on representations from the parties that the case has settled, the Status Conference scheduled for 3/19/2015 is cancelled. Issued by Hon. Leslie G. Foschio on 3/13/2015. (SDW) (Entered: 03/13/2015)
03/24/2015	<u>58</u>	STIPULATION AND ORDER OF SETTLEMENT. Signed by William M. Skretny, Senior United States District Judge. (CLERK TO FOLLOW UP). (CMD) Modified to add language for followup on 3/24/2015 (CMD). (Entered: 03/24/2015)
03/24/2015	<u>59</u>	Sealed Document. (CMD) (Entered: 03/24/2015)
04/12/2018		File is archived at the Federal Records Center. Location information: Accession RG 21 FY 18 Number 0060 Box 12 To obtain copies of documents for a fee, you may contact the Federal Records Center directly at their website: http://www.archives.gov/frc/ . They will require the location information contained in this entry. You may also contact the Clerks office to have the

		file shipped to the Court for your review or for copies of documents. Please refer to the current fee schedule to determine the cost to obtain documents or order the file for review. The fee schedule is located on our Public Web Site: http://www.nywd.uscourts.gov/fee-schedule . (edwards, melvin) (Entered: 04/12/2018)
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