

ADVISE,MOTREF

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:14-cv-30116-MGM**

S.S. et al v. City of Springfield et al
Assigned to: Judge Mark G. Mastroianni
Case in other court: USCA – First Circuit, 18-01778
USCA – First Circuit, 18-01813
USCA – First Circuit, 18-01867
USCA – First Circuit, 18-01976
Cause: 42:1218(2) Americans with Disabilities Act

Date Filed: 06/27/2014
Date Terminated: 09/25/2018
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities – Other
Jurisdiction: Federal Question

Intervenor Plaintiff

S B

represented by **Elizabeth M. Bresnahan**
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ATTORNEY TO BE NOTICED

Intervenor Plaintiff

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Plaintiff

S. S.
*a minor, by his mother, S.Y., on behalf of
himself and other similarly situated
students.*
TERMINATED: 12/01/2017

represented by **Alison Barkoff**
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V.

Defendant

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Massachusetts

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Defendant

Springfield Public Schools

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Melinda M. Phelps
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ATTORNEY TO BE NOTICED

Stephen L. Holstrom
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ATTORNEY TO BE NOTICED

Defendant

Domenic Sarno
*in his official capacity as Mayor of City
of Springfield*
TERMINATED: 11/19/2015

represented by **Edward M. Pikula**
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Anthony I. Wilson
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TERMINATED: 02/09/2016
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Melinda M. Phelps
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Defendant

Superintendent Daniel J. Warwick
*in his official capacity as Superintendent
 of Springfield Public Schools,*
 TERMINATED: 11/19/2015

represented by **Edward M. Pikula**
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 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

ADR Provider

Kenneth P. Neiman
 TERMINATED: 06/14/2018

Interested Party

United States of America

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Date Filed	#	Docket Text
06/27/2014	<u>1</u>	COMPLAINT against All Defendants Filing fee: \$ 400, receipt number 0101-5079090 (Fee Status: Filing Fee paid), filed by Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Category Form, # <u>2</u> Civil Cover Sheet)(Head, Carol) (Entered: 06/27/2014)
06/27/2014	<u>2</u>	CORPORATE DISCLOSURE STATEMENT by Parent/Professional Advocacy League, S. S.. (Head, Carol) (Entered: 06/27/2014)
06/27/2014	<u>3</u>	MOTION to Seal Document by Parent/Professional Advocacy League, S. S..(Head, Carol) (Entered: 06/27/2014)
06/27/2014	<u>4</u>	MOTION Ex Parte Application to Proceed Under a Fictitious Name by Parent/Professional Advocacy League, S. S..(Head, Carol) (Entered: 06/27/2014)
06/27/2014	<u>5</u>	MEMORANDUM in Support re <u>4</u> MOTION Ex Parte Application to Proceed Under a Fictitious Name filed by Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Exhibit)(Head, Carol) (Entered: 06/27/2014)

06/30/2014	<u>6</u>	NOTICE of Appearance by Robert D. Fleischner on behalf of Parent/Professional Advocacy League, S. S. (Fleischner, Robert) (Entered: 06/30/2014)
06/30/2014	<u>7</u>	ELECTRONIC NOTICE of Case Assignment. Judge Mark G. Mastroianni assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Kenneth P. Neiman. (Abaid, Kimberly) (Entered: 06/30/2014)
06/30/2014	<u>8</u>	Summons Issued as to DOMENIC J SARNO, City of Springfield, Springfield Public Schools, Daniel J. Warwick. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Lindsay, Maurice) (Entered: 06/30/2014)
06/30/2014	<u>9</u>	NOTICE of Appearance by Elizabeth M. Sartori on behalf of Parent/Professional Advocacy League, S. S. (Sartori, Elizabeth) (Entered: 06/30/2014)
06/30/2014	<u>10</u>	NOTICE of Appearance by Jacqueline S. Delbasty on behalf of Parent/Professional Advocacy League, S. S. (Delbasty, Jacqueline) (Entered: 06/30/2014)
06/30/2014	<u>11</u>	NOTICE of Appearance by Robert E. McDonnell on behalf of Parent/Professional Advocacy League, S. S. (McDonnell, Robert) (Entered: 06/30/2014)
06/30/2014	<u>13</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered REFERRING CASE to Magistrate Judge Kenneth P. Neiman. Motions referred: <u>3</u> MOTION to Seal Document, <u>4</u> MOTION Ex Parte Application to Proceed Under a Fictitious Name. (Lindsay, Maurice) Modified on 8/4/2014 to correct text and referral type. (Healy, Bethaney). (Entered: 06/30/2014)
07/01/2014	<u>14</u>	Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>3</u> Plaintiffs' Motion to Seal Document and <u>4</u> Plaintiffs' Ex Parte Application to Proceed Under a Fictitious Name. So ordered. (Neiman, Kenneth) (Entered: 07/01/2014)
07/01/2014	<u>15</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Deborah Dorfman Filing fee: \$ 100, receipt number 0101-5083387 by Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Certification)(Fleischner, Robert) (Entered: 07/01/2014)
07/01/2014	<u>16</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Samuel Miller Filing fee: \$ 100, receipt number 0101-5083413 by Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Certification)(Fleischner, Robert) (Entered: 07/01/2014)
07/01/2014	<u>17</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>15</u> Motion for Leave to Appear Pro Hac Vice Added Deborah A. Dorfman. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Lindsay, Maurice) (Entered: 07/01/2014)
07/01/2014	<u>18</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>16</u> Motion for Leave to Appear Pro Hac Vice Added Samuel Miller. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Lindsay, Maurice) (Entered: 07/01/2014)
07/02/2014	<u>20</u>	SUMMONS Returned Executed City of Springfield served on 6/30/2014, answer due 7/21/2014. (Delbasty, Jacqueline) (Entered: 07/02/2014)
07/02/2014	<u>21</u>	SUMMONS Returned Executed Domenic Sarno served on 6/30/2014, answer due 7/21/2014. (Delbasty, Jacqueline) (Entered: 07/02/2014)
07/02/2014	<u>22</u>	SUMMONS Returned Executed Springfield Public Schools served on 6/30/2014, answer due 7/21/2014. (Delbasty, Jacqueline) (Entered: 07/02/2014)

07/03/2014	<u>23</u>	NOTICE of Appearance by Samuel Miller on behalf of Parent/Professional Advocacy League, S. S. (Miller, Samuel) (Entered: 07/03/2014)
07/03/2014	<u>24</u>	SUMMONS Returned Executed Daniel J. Warwick served on 6/30/2014, answer due 7/21/2014. (Delbasty, Jacqueline) (Entered: 07/03/2014)
07/03/2014	<u>25</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Jennifer Mathis Filing fee: \$ 100, receipt number 0101-5086944 by Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Certification of Jennifer Mathis)(Delbasty, Jacqueline) (Entered: 07/03/2014)
07/03/2014	<u>26</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Ira Burnim Filing fee: \$ 100, receipt number 0101-5087252 by Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Certification of Ira Burnim)(Delbasty, Jacqueline) (Entered: 07/03/2014)
07/08/2014	27	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>25</u> Motion for Leave to Appear Pro Hac Vice Added Jennifer Mathis. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Lindsay, Maurice) (Entered: 07/08/2014)
07/08/2014	28	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>26</u> Motion for Leave to Appear Pro Hac Vice Added Ira Burnim. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Lindsay, Maurice) (Entered: 07/08/2014)
07/17/2014	<u>29</u>	NOTICE of Appearance by Edward M. Pikula on behalf of Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick (Pikula, Edward) (Entered: 07/17/2014)
07/21/2014	<u>30</u>	First MOTION for Extension of Time to July 28, 2014 to File Answer or Responsive Pleading by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick.(Pikula, Edward) (Entered: 07/21/2014)
07/22/2014	31	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>30</u> Motion for Extension of Time to July 28, 2014 to File Answer or Responsive Pleading (Pelegano, Theresa) (Entered: 07/22/2014)
07/22/2014	32	Set/Reset Answer due Deadlines: Domenic Sarno 7/28/2014; City of Springfield 7/28/2014; Springfield Public Schools 7/28/2014; Daniel J. Warwick 7/28/2014. (Finn, Mary) (Entered: 07/22/2014)
07/28/2014	<u>33</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick.(Pikula, Edward) (Entered: 07/28/2014)
07/28/2014	<u>34</u>	MEMORANDUM in Support re <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick. (Attachments: # <u>1</u> Exhibit "A" BSEA decision, # <u>2</u> Exhibit "B" CPR report, # <u>3</u> Exhibit "C" CAP report, # <u>4</u> Exhibit "D" state approve elementary school, # <u>5</u> Exhibit "E" state approve middle school, # <u>6</u> Exhibit "F" state approve high school)(Pikula, Edward) (Entered: 07/28/2014)
08/01/2014	<u>35</u>	Assented to MOTION for Extension of Time to August 27, 2014 to File Response/Reply as to <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Parent/Professional Advocacy League, S. S..(Head, Carol) (Entered: 08/01/2014)
08/04/2014	36	Case no longer referred to Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 08/04/2014)

08/06/2014	<u>37</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>35</u> Motion for Extension of Time to File Response/Reply re <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Responses due by 8/27/2014 (Pelegano, Theresa) (Entered: 08/06/2014)
08/27/2014	<u>38</u>	NOTICE by Parent/Professional Advocacy League, S. S. (Attachments: # <u>1</u> Appendix)(Dorfman, Deborah) (Entered: 08/27/2014)
08/27/2014	<u>39</u>	NOTICE of Appearance by Anne Langford on behalf of United States of America (Langford, Anne) (Entered: 08/27/2014)
08/27/2014	<u>40</u>	AMICUS BRIEF filed by United States of America (<i>Statement of Interest</i>). (Langford, Anne) (Entered: 08/27/2014)
08/27/2014	<u>41</u>	Opposition re <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Head, Carol) (Entered: 08/27/2014)
09/03/2014	<u>42</u>	MOTION for Leave to File <i>Reply Brief</i> by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick.(Pikula, Edward) (Entered: 09/03/2014)
09/08/2014	<u>43</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>42</u> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Pelegano, Theresa) (Entered: 09/08/2014)
09/12/2014	<u>44</u>	NOTICE of Appearance by Anthony I. Wilson on behalf of Domenic Sarno, City of Springfield (Wilson, Anthony) (Entered: 09/12/2014)
09/15/2014	<u>45</u>	REPLY to Response to <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick. (Attachments: # <u>1</u> Affidavit Dr Morris, # <u>2</u> Affidavit M Martin)(Pikula, Edward) (Entered: 09/15/2014)
09/17/2014	<u>46</u>	MOTION for Leave to File <i>Surreply in Opposition to Defendants' Motion to Dismiss</i> by Parent/Professional Advocacy League, S. S..(Head, Carol) (Entered: 09/17/2014)
12/02/2014	<u>47</u>	NOTICE of Change of Address or Firm Name by Elizabeth M. Sartori (Sartori, Elizabeth) (Entered: 12/02/2014)
12/05/2014	<u>48</u>	MOTION for Leave to File <i>Amended Complaint</i> by Parent/Professional Advocacy League, S. S..(Head, Carol) (Entered: 12/05/2014)
12/05/2014	<u>49</u>	MEMORANDUM in Support re <u>48</u> MOTION for Leave to File <i>Amended Complaint</i> filed by Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Head, Carol) (Entered: 12/05/2014)
12/16/2014	<u>50</u>	Opposition re <u>48</u> MOTION for Leave to File <i>Amended Complaint</i> filed by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick. (Attachments: # <u>1</u> Affidavit Dr. Morris)(Pikula, Edward) (Entered: 12/16/2014)
01/15/2015	<u>51</u>	<i>Unobjected – to</i> Letter/request (non–motion) from Plaintiffs (<i>Requesting that the Court set a Scheduling Conference</i>). (Head, Carol) (Entered: 01/15/2015)
01/30/2015	<u>52</u>	MOTION for Protective Order <i>as to discovery</i> by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick.(Pikula, Edward) (Entered: 01/30/2015)
02/10/2015	<u>53</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>48</u> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. The court finds the proposed amendments do not prejudice the non–moving party and will not cause more than minor delay. Plaintiffs' motion is therefore granted, consistent with Fed. R. Civ. P. 15(a). (Pelegano, Theresa) (Entered: 02/10/2015)

02/10/2015	<u>54</u>	ELECTRONIC NOTICE Setting Hearing on Motion <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : Motion Hearing set for 3/17/2015 11:00 AM in Franklin Courtroom before Judge Mark G. Mastroianni. (Pelegano, Theresa) (Entered: 02/10/2015)
02/11/2015	<u>55</u>	AMENDED COMPLAINT <i>Leave to file granted on February 10, 2015, Dkt. No. 53</i> against All Defendants, filed by Parent/Professional Advocacy League, S. S., Disability Law Center, Inc..(Head, Carol) (Entered: 02/11/2015)
02/13/2015	<u>56</u>	MEMORANDUM in Opposition re <u>52</u> MOTION for Protective Order <i>as to discovery</i> filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Declaration of Carol E. Head)(Head, Carol) (Entered: 02/13/2015)
02/24/2015	<u>57</u>	NOTICE of Appearance by Carol E. Head on behalf of Disability Law Center, Inc., Parent/Professional Advocacy League, S. S. (Head, Carol) (Entered: 02/24/2015)
02/26/2015	58	ELECTRONIC NOTICE Setting Hearing on Motion <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : Motion Hearing set for 3/25/2015 10:30 AM in Franklin Courtroom before Judge Mark G. Mastroianni. (The hearing on 3/17/15 has been rescheduled.)(Pelegano, Theresa) (Entered: 02/26/2015)
03/18/2015	<u>59</u>	NOTICE of Appearance by Sandra J. Staub on behalf of Disability Law Center, Inc., Parent/Professional Advocacy League, S. S. (Staub, Sandra) (Entered: 03/18/2015)
03/18/2015	60	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>46</u> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. Must be filed by 3/20/15. (Pelegano, Theresa) (Entered: 03/18/2015)
03/19/2015	<u>61</u>	NOTICE of Appearance by Karen L. Goodwin on behalf of United States of America (Goodwin, Karen) (Main Document 61 replaced on 3/19/2015 with notice of appearance in the correct PDF format) (Finn, Mary). Modified on 3/19/2015 (Finn, Mary). (Entered: 03/19/2015)
03/19/2015	<u>62</u>	NOTICE of Appearance by Michelle L. Leung on behalf of United States of America (Leung, Michelle) (Entered: 03/19/2015)
03/20/2015	<u>63</u>	SUR-REPLY to Motion re <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Leave to file granted on March 18, 2015, Dkt. No. 60</i> filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Exhibit A)(Head, Carol) (Entered: 03/20/2015)
03/23/2015	64	ELECTRONIC NOTICE Resetting Hearing on Motion <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : Motion Hearing rescheduled for 4/8/2015 11:00 AM in Franklin Courtroom before Judge Mark G. Mastroianni. (The hearing on 3/25/15 is canceled.)(Pelegano, Theresa) (Entered: 03/23/2015)
04/03/2015	65	ELECTRONIC NOTICE Resetting Hearing on Motion <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : Motion Hearing set for 4/23/2015 02:30 PM in Franklin Courtroom before Judge Mark G. Mastroianni. (The hearing on 4/8/15 has been rescheduled.)(Pelegano, Theresa) (Entered: 04/03/2015)
04/10/2015	<u>66</u>	Joint MOTION to Continue Hearing on Motion to Dismiss to April 30, 2015 by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Head, Carol) (Entered: 04/10/2015)
04/10/2015	67	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>66</u> Motion to Continue Hearing on Motion to Dismiss Hearing rescheduled for 4/30/2015 10:00 AM in Franklin Courtroom before Judge Mark G. Mastroianni. (Pelegano, Theresa) (Entered: 04/10/2015)
04/27/2015	<u>68</u>	Emergency MOTION to Continue Hearing on Motion to Dismiss to May 8, 2015 by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick.(Pikula, Edward) (Entered: 04/27/2015)
04/28/2015	69	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>68</u> Motion to Continue April 30, 2015 Motion Hearing. Allowed. The clerk shall set a new date.

		(Healy, Bethaney) (Entered: 04/28/2015)
04/29/2015	70	ELECTRONIC NOTICE of Hearing.Hearing rescheduled for 5/13/2015 03:00 PM in Franklin Courtroom before Judge Mark G. Mastroianni. (Pelegano, Theresa) (Entered: 04/29/2015)
05/11/2015	<u>71</u>	NOTICE of Withdrawal of Appearance by Samuel R. Miller (Miller, Samuel) (Entered: 05/11/2015)
05/13/2015	72	ELECTRONIC Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Motion Hearing held on 5/13/2015 re <u>33</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by City of Springfield, Domenic Sarno, Springfield Public Schools, Daniel J. Warwick. Argument completed. Court takes matter under advisement. (Court Reporter: Alice Moran atalice.moran@verizon.net.)(Attorneys present: Dorfman, Fleischner, Head, Pikula) (Pelegano, Theresa) (Entered: 05/13/2015)
05/18/2015	<u>73</u>	Transcript of Motion to Dismiss Hearing held on May 13, 2015, before Judge Mark G. Mastroianni. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at alice.moran@verizon.net Redaction Request due 6/8/2015. Redacted Transcript Deadline set for 6/18/2015. Release of Transcript Restriction set for 8/17/2015. (Scalfani, Deborah) (Entered: 05/18/2015)
05/18/2015	74	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 05/18/2015)
06/29/2015	75	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>52</u> Motion for Protective Order as to discovery to clarify docket while motion is pending. (Pelegano, Theresa) (Entered: 06/29/2015)
08/14/2015	<u>76</u>	MOTION for Rule 16 Scheduling Conference and to Lift Protective Order by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S. (Head, Carol) (Entered: 08/14/2015)
08/18/2015	77	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Katherine A. Robertson. (Abaid, Kimberly) (Entered: 08/18/2015)
08/18/2015	78	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered. REFERRING CASE to Magistrate Judge Katherine A. Robertson Referred for: Full Pretrial, No Dispositive Motions (ptn). Motions referred: <u>76</u> MOTION for Rule 16 Scheduling Conference and to Lift Protective Order . (Pelegano, Theresa) (Entered: 08/18/2015)
08/19/2015	79	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting <u>76</u> Motion for a Rule 16 Scheduling Conference and to Lift Stay of Discovery. This motion was referred by District Judge Mastroianni to the undersigned for decision. In ruling on the plaintiffs' motion for an initial scheduling conference and to lift the stay on discovery that is presently in effect, the court has reviewed and carefully considered Defendants' Response to Unobjected-To Letter/Request (Non-Motion) from Plaintiffs Requesting that the Court Set a Scheduling Conference and Request for Protective Order, filed on January 30, 2015, in response to plaintiff's first request for a scheduling conference (Dkt. No. 51). Plaintiffs filed this case well over a year ago, in June 2014. In civil cases, Federal Rule of Civil Procedure 16 and Local Rule 16.1 of this district require that an initial case management conference be held and a scheduling order issued within 120 days after any defendant has been served or any defendant has appeared. See Fed. R. Civ. P. 16(b). No case management conference has been held in this case and no scheduling order has issued. Defendants sought and, over plaintiffs' objection, obtained a stay of discovery on the basis of a motion to dismiss, which was argued and remains pending (Dkt. Nos. 33, 52). By the instant motion, plaintiffs seek to have the court set a date for an initial scheduling conference so that counsel may engage in discussions about discovery and jointly propose a schedule of discovery and related events, including the preservation of electronically stored information. "In potential class actions [such as this one], like in other kinds of litigation, '[c]ourts

		generally frown on motions to stay discovery and deny them in the absence of compelling reasons.'" Evans v. Yum Brands, Inc., 326 F. Supp. 2d 214, 226 (D.N.H. 2004) (quoting 3 Alba Conte & Herbert B. Newberg, Newberg on Class Actions, section 9:43 at 404 (4th ed. 2002); collecting cases). As Chief Judge Saris observed in In re Lotus Dev. Corp. Secs. Litig., 875 F. Supp. 48, 51 (D. Mass. 1995), "to make a stay more readily obtainable simply because there is a colorable motion to dismiss, would undermine the spirit of [Rule 26.]" Here, the only bases for the stay articulated by the defendants are the burden and expense of providing discovery and their belief that they are likely to prevail on the motion to dismiss (Dkt. No. 52 at 2-9). "A defendant's confidence that it will prevail on a dispositive motion does not in and of itself justify holding discovery in abeyance." Yum Brands, Inc., 326 F. Supp. 2d at 226. Discovery entails burden and expense in every case. There are not, therefore, compelling reasons for staying discovery in this matter. On the other hand, plaintiffs have asserted their right to see progress in this case and have raised the specter that evidence, including electronically stored evidence, may be lost if the parties are not required to confer about a discovery plan. The plaintiffs have the better of the arguments. For the reasons set forth above, the plaintiffs' motion is allowed. A scheduling conference will be held on September 23, 2015 at 2:00 p.m. The parties are directed to confer for purposes of preparing a joint discovery plan pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 16.1, which shall be filed with the court by September 16, 2015. It is so ordered. (Robertson, Katherine) (Entered: 08/19/2015)
08/19/2015	<u>80</u>	MOTION for Reconsideration re 79 Order on Motion for Scheduling conf. and Motion to Lift Stay and Opposition to <u>76</u> motion to lift protective order by Domenic Sarno, City of Mpringfield, Springfield Public Schools, Daniel J. Warwick.(Pikula, Edward) Modified on 8/20/2015 to add – and opposition to Motion to lift protective order to the text. (Finn, Mary). (Entered: 08/19/2015)
08/20/2015	<u>81</u>	NOTICE of Scheduling Conference ISSUED: A Scheduling Conference is set for 9/23/2015 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. Joint statement due 9/16/2015 . (Calderon, Melissa) (Entered: 08/20/2015)
08/20/2015	<u>82</u>	Opposition re <u>80</u> MOTION for Reconsideration re 79 Order on Motion for Miscellaneous Relief,,,,,,,,,,,,, filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Head, Carol) (Entered: 08/20/2015)
08/24/2015	<u>83</u>	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered denying <u>80</u> defendants' motion for reconsideration. The court is not persuaded that it committed a manifest error of law in allowing plaintiffs' motion to convene a scheduling conference and lift the protective order staying all planning for discovery in this case. See, e.g., Fabrica de Muebles J.J. Alvarez, Inc. v. Inversiones, Inc., 682 F.3d 26, 31 (1st Cir. 2012). The court carefully considered the arguments the defendants made in support of their motion for a stay of discovery, which are similar to those made in its motion for reconsideration. Federal Rule of Civil Procedure 16(b), which directs the convening of initial scheduling conferences, contains no exception for cases in which a motion to dismiss has been filed, nor are private entities treated differently from public entities under the rule. For these reasons, the defendants' motion for reconsideration is denied. It is so ordered. (Robertson, Katherine) (Entered: 08/24/2015)
09/16/2015	<u>84</u>	JOINT STATEMENT of counsel and <i>Proposed Discovery Plan</i> . (Attachments: # <u>1</u> Exhibit [Proposed] Joint Stipulation and Electronic Discovery Agreement)(Head, Carol) (Entered: 09/16/2015)
09/16/2015	<u>85</u>	CERTIFICATION pursuant to Local Rule 16.1 (D)(3) of Plaintiff Parent/Professional Advocacy League. (Head, Carol) (Entered: 09/16/2015)
09/16/2015	<u>86</u>	CERTIFICATION pursuant to Local Rule 16.1 (D)(3) of Plaintiff Disability Law Center. (Head, Carol) (Entered: 09/16/2015)
09/16/2015	<u>87</u>	CERTIFICATION pursuant to Local Rule 16.1 (D)(3) of Plaintiff S.S., a Minor, by His Mother, S.Y.. (Head, Carol) (Entered: 09/16/2015)
09/23/2015	<u>88</u>	CERTIFICATION pursuant to Local Rule 16.1 by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick.(Pikula, Edward) (Entered: 09/23/2015)

09/23/2015	<u>89</u>	ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Katherine A. Robertson: A Scheduling Conference was held on 9/23/2015. Attorneys Present: Carol E. Head, Sandra J. Staub, Deborah A Dorfman and Edward M. Pikula. Colloquy re: status of the case. A schedule was established. Scheduling order to issue. If the parties would like court-sponsored mediation, they should notify the clerk. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.) (Calderon, Melissa) (Entered: 09/24/2015)
09/24/2015	<u>90</u>	Magistrate Judge Katherine A. Robertson: ORDER entered. SCHEDULING ORDER ISSUED: A Case Management Conference is set for 3/22/2016 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. See attached scheduling order for complete details. (Calderon, Melissa) (Entered: 09/24/2015)
10/06/2015	<u>91</u>	Transcript of Initial Scheduling Conference held on September 23, 2015, before Magistrate Judge Katherine A. Robertson. The Transcript may be purchased through Karen Aveyard at 978-466-9383, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name: No Reporter Used. Digital Recording transcribed by Karen Aveyard. Redaction Request due 10/27/2015. Redacted Transcript Deadline set for 11/6/2015. Release of Transcript Restriction set for 1/4/2016. (Scalfani, Deborah) (Entered: 10/06/2015)
10/06/2015	<u>92</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 10/06/2015)
10/09/2015	<u>93</u>	Joint MOTION for Protective Order <i>and Stipulation Regarding the Production of Directory Information</i> by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Exhibit 1)(Head, Carol) (Entered: 10/09/2015)
10/16/2015	<u>94</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>93</u> Motion for Protective Order and Stipulation Regarding the Production of Directory Information (Pelegano, Theresa) (Entered: 10/16/2015)
10/16/2015	<u>95</u>	Judge Mark G. Mastroianni: ORDER entered. RE; MOTION for Protective Order and Stipulation Regarding the Production of Directory Information(Pelegano, Theresa) (Entered: 10/16/2015)
10/16/2015	<u>96</u>	MOTION to Certify Class by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Head, Carol) (Entered: 10/16/2015)
10/16/2015	<u>97</u>	MEMORANDUM in Support re <u>96</u> MOTION to Certify Class filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Head, Carol) (Entered: 10/16/2015)
11/16/2015	<u>98</u>	MOTION for Leave to File Excess Pages by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick. (Attachments: # <u>1</u> Exhibit Memo of law in opp, # <u>2</u> Affidavit Paul Foster, # <u>3</u> Exhibit Resume Pstoer, # <u>4</u> Exhibit Altern Schools Impact Analysis)(Pikula, Edward) (Entered: 11/16/2015)
11/17/2015	<u>99</u>	Opposition re <u>98</u> MOTION for Leave to File Excess Pages filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Head, Carol) (Entered: 11/17/2015)
11/18/2015	<u>100</u>	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting <u>98</u> Motion for Leave to File Excess Pages. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Robertson, Katherine) (Entered: 11/18/2015)
11/18/2015	<u>101</u>	Opposition re <u>96</u> MOTION to Certify Class (<i>leave granted to file excess pages 11/18/15</i>) filed by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick. (Attachments: # <u>1</u> Affidavit Paul Foster, # <u>2</u> Exhibit Paul Foster CV, # <u>3</u> Exhibit Foster Impact Analysis)(Pikula, Edward) (Entered: 11/18/2015)

11/19/2015	<u>102</u>	Judge Mark G. Mastroianni: MEMORANDUM AND ORDER entered. For the foregoing reasons, the Court DENIES Defts' Motion to Dismiss – <u>33</u> as to the claims against Defts. City of Springfield and Springfield Public Schools and ALLOWS the Motion – <u>33</u> as to the claims against Defts. Domenic Sarno and Daniel J. Warwick. (Finn, Mary) (Entered: 11/19/2015)
11/20/2015	103	ELECTRONIC NOTICE Setting Hearing on Motion <u>96</u> MOTION to Certify Class : Motion Hearing set for 1/7/2016 02:00 PM in Franklin Courtroom before Judge Mark G. Mastroianni. (Pelegano, Theresa) (Entered: 11/20/2015)
12/10/2015	<u>104</u>	Joint MOTION to Continue Hearing Date on Motion to Certify Class by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Head, Carol) (Entered: 12/10/2015)
12/10/2015	<u>105</u>	NOTICE of Appearance by Lisa C. deSousa on behalf of City of Springfield (deSousa, Lisa) (Entered: 12/10/2015)
12/11/2015	106	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>104</u> Motion to Continue Hearing on 1/7/2016 is granted. A new date re: motion will be set by the Magistrate Judge on 3/22/2016 case management conference. (Pelegano, Theresa) (Entered: 12/11/2015)
12/11/2015	107	ELECTRONIC NOTICE Canceling Hearing. The 1/7/2016 hearing re:MOTION to Certify Class by Disability Law Center is canceled. (Pelegano, Theresa) (Entered: 12/11/2015)
01/05/2016	<u>108</u>	NOTICE of Appearance by Lisa C. deSousa on behalf of City of Springfield (deSousa, Lisa) (Entered: 01/05/2016)
01/06/2016	<u>109</u>	ANSWER to <u>55</u> Amended Complaint by City of Springfield, Springfield Public Schools.(Pikula, Edward) (Entered: 01/06/2016)
01/06/2016	<u>110</u>	NOTICE of Appearance by Mary J. Kennedy on behalf of City of Springfield (Kennedy, Mary) (Entered: 01/06/2016)
01/19/2016	<u>111</u>	NOTICE of Appearance by Melinda M. Phelps on behalf of City of Springfield (Phelps, Melinda) (Entered: 01/19/2016)
02/08/2016	<u>112</u>	NOTICE of Withdrawal of Appearance by Anthony I. Wilson (Wilson, Anthony) (Entered: 02/08/2016)
02/16/2016	<u>113</u>	Joint MOTION to Amend <i>Scheduling Order</i> by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Proposed Amended Scheduling Order)(Sartori, Elizabeth) (Entered: 02/16/2016)
02/17/2016	114	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting Joint <u>113</u> Motion to Amend Scheduling Order. A separate scheduling order shall issue. (Calderon, Melissa) (Entered: 02/17/2016)
02/17/2016	<u>115</u>	Magistrate Judge Katherine A. Robertson: ORDER entered. AMENDED SCHEDULING ORDER ISSUED: Case Management Conferences are set for 2/24/2016 at 10:30 AM, 3/22/2016 at 2:00 PM and 5/24/2016 at 2:30 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. See attached order for complete details. (Calderon, Melissa) (Entered: 02/17/2016)
02/19/2016	<u>116</u>	NOTICE of Withdrawal of Appearance by Carol E. Head (Head, Carol) (Entered: 02/19/2016)
02/19/2016	<u>117</u>	NOTICE of Appearance by Jeff Goldman on behalf of Disability Law Center, Inc., Parent/Professional Advocacy League, S. S. (Goldman, Jeff) (Entered: 02/19/2016)
02/19/2016	<u>118</u>	Letter/request (non-motion) from Plaintiffs <i>Concerning February 24, 2016 Case Management Conference</i> . (Delbasty, Jacqueline) (Entered: 02/19/2016)
02/22/2016	<u>119</u>	NOTICE of Appearance by Michael D. Blanchard on behalf of Disability Law Center, Inc., Parent/Professional Advocacy League, S. S. (Blanchard, Michael) (Entered: 02/22/2016)
02/22/2016	120	ELECTRONIC NOTICE OF RESCHEDULING ISSUED: The Case Management Conference is reset for 2/24/2016 at 3:00 PM in Hampshire Courtroom before

		Magistrate Judge Katherine A. Robertson. (PLEASE NOTE CHANGE AS TO TIME ONLY). (Calderon, Melissa) (Entered: 02/22/2016)
02/24/2016	121	Electronic Clerk's Notes for proceedings held before Magistrate Judge Katherine A. Robertson: Case Management Conference held on 2/24/2016. Attorneys Present: Jacqueline S. Delbasty, Deborah A Dorfman, Sandra J. Staub, Melinda M. Phelps and Edward M. Pikula. Colloquy re: status of the case and <u>118</u> Letter filed by Plaintiffs' counsel. Rulings were made in open court. The deadlines and hearings set forth in the <u>115</u> Amended Scheduling Order shall remain as set. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov .) (Calderon, Melissa) (Entered: 03/01/2016)
03/01/2016	122	Set Hearings (for the purpose of Case Management ONLY): Case Management Conference set for 3/22/2016 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. Case Management Conference set for 5/24/2016 at 2:30 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Dates and time have remained as set forth in the <u>115</u> Amended Scheduling Order) (Calderon, Melissa) (Entered: 03/01/2016)
03/07/2016	<u>123</u>	Transcript of Motion Hearing held on February 24, 2016, before Magistrate Judge Katherine A. Robertson. The Transcript may be purchased through Maryann Young at yts2@verizon.net , viewed at the public terminal, or viewed through PACER after it is released. Court Reporter: No Reporter Used. Digital Recording transcribed by Maryann Young. Redaction Request due 3/28/2016. Redacted Transcript Deadline set for 4/7/2016. Release of Transcript Restriction set for 6/6/2016. (Scalfani, Deborah) (Entered: 03/07/2016)
03/07/2016	124	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 03/07/2016)
03/10/2016	<u>125</u>	Letter/request (non-motion) from Defendant <i>Concerning February 24, 2016 Case Management Conference</i> . (Phelps, Melinda) (Entered: 03/10/2016)
03/22/2016	126	Electronic Clerk's Notes for proceedings held before Magistrate Judge Katherine A. Robertson: Case Management Conference held on 3/22/2016. Attorneys Present: Sandra J. Staub, Deborah A. Dorfman, Robert D. Fleischner, Lisa C. deSousa, Mary J. Kennedy, Melinda M. Phelps and Edward M. Pikula. Colloquy re: status of the case. A Case Management Conference is set for 4/13/2016 at 2:30 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. All other deadlines/hearings shall remain as set in the Amended Scheduled Order (Dkt. No. <u>115</u>) issued on 2/17/2016. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov .) (Calderon, Melissa) (Entered: 03/23/2016)
04/04/2016	<u>127</u>	Transcript of Status Conference held on March 22, 2016, before Magistrate Judge Katherine A. Robertson. The Transcript may be purchased through Maryann Young at yts2@verizon.net , viewed at the public terminal, or viewed through PACER after it is released. Court Reporter: No Reporter Used. Digital Recording transcribed by Maryann Young. Redaction Request due 4/25/2016. Redacted Transcript Deadline set for 5/5/2016. Release of Transcript Restriction set for 7/4/2016. (Scalfani, Deborah) (Entered: 04/04/2016)
04/04/2016	128	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 04/04/2016)
04/11/2016	129	ELECTRONIC NOTICE OF RESCHEDULING ISSUED: The Case Management Conference is reset for 4/21/2016 at 2:30 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Calderon, Melissa) (Entered: 04/11/2016)
04/15/2016	<u>130</u>	Letter/request (non-motion) from Plaintiffs <i>concerning April 21, 2016 Case Management Conference</i> . (Delbasty, Jacqueline) (Entered: 04/15/2016)

04/19/2016	<u>131</u>	Assented to MOTION to participate in case management conference by telephone by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S. (Delbasty, Jacqueline) (Entered: 04/19/2016)
04/20/2016	132	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting Plaintiffs' Assented-to <u>131</u> Motion for Counsel to Participate in Case Management Conference by Telephone. The clerk shall inform counsel of the procedures to follow in order to participate by telephone. (Calderon, Melissa) (Entered: 04/20/2016)
04/20/2016	133	Remark: Telephone conference information sent to counsel by email. (Calderon, Melissa) (Entered: 04/20/2016)
04/21/2016	<u>134</u>	Assented to MOTION to Amend <u>115</u> Scheduling Order,, Set Motion and R&R Deadlines/Hearings, <i>and proposed order</i> by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Text of Proposed Order)(Goldman, Jeff) (Entered: 04/21/2016)
04/21/2016	135	Electronic Clerk's Notes for proceedings held before Magistrate Judge Katherine A. Robertson: Case Management Conference held on 4/21/2016. Attorneys Present: Sandra J. Staub, Deborah A Dorfman, Jeff Goldman (by telephone), Elizabeth M. Bresnahan (by telephone), Lisa C. deSousa and Melinda M. Phelps. Colloquy re: status of the case. For the reasons stated in open court, Plaintiff's Assented-to Motion to Amend the Scheduling Order (Dkt. No. <u>134</u>) shall be allowed. A scheduling order shall issue. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.) (Calderon, Melissa) (Entered: 04/25/2016)
04/21/2016	136	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting Plaintiff's Assented-to <u>134</u> Motion to Amend the Scheduling Order. A separate scheduling order shall issue. (Calderon, Melissa) (Entered: 04/25/2016)
04/25/2016	<u>137</u>	Magistrate Judge Katherine A. Robertson: ORDER entered. AMENDED SCHEDULING ORDER ISSUED: A Case Management Conference is set for 5/24/2016 at 2:30 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. See attached scheduling order for complete details. (Calderon, Melissa) (Entered: 04/25/2016)
05/11/2016	<u>138</u>	NOTICE of Appearance by Matthew T. Bohenek on behalf of Parent/Professional Advocacy League, S. S. (Bohenek, Matthew) (Entered: 05/11/2016)
05/13/2016	<u>139</u>	Assented to MOTION for Extension of Time to May 16, 2016 to serve Plaintiffs' expert report on class certification, from May 13, 2016 by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S. (Goldman, Jeff) (Entered: 05/13/2016)
05/16/2016	140	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting <u>139</u> plaintiffs' assented-to motion for an extension of time to May 16, 2016 to serve plaintiffs' expert report on class certification. (Robertson, Katherine) (Entered: 05/16/2016)
05/16/2016	<u>141</u>	Transcript of Case Management Conference held on April 21, 2016, before Magistrate Judge Katherine A. Robertson. The Transcript may be purchased through Alice Moran at alice.moran@verizon.net, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter. No court reporter used. Digital Recording transcribed by Alice Moran. Redaction Request due 6/6/2016. Redacted Transcript Deadline set for 6/16/2016. Release of Transcript Restriction set for 8/15/2016. (Scalfani, Deborah) (Entered: 05/16/2016)
05/16/2016	142	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 05/16/2016)
05/19/2016	<u>143</u>	Letter/request (non-motion) from Mary J. Kennedy <i>regarding status of discovery</i> . (Kennedy, Mary) (Entered: 05/19/2016)
05/19/2016	<u>144</u>	Letter/request (non-motion) from Plaintiffs <i>concerning May 24, 2016 Case Management Conference</i> . (Bohenek, Matthew) (Entered: 05/19/2016)

05/24/2016	<u>145</u>	Electronic Clerk's Notes for proceedings held before Magistrate Judge Katherine A. Robertson: Case Management Conference held on 5/24/2016. Attorneys Present: Jacqueline S. Delbasty, Deborah A Dorfman, Matthew T. Bohenek, Melinda M. Phelps, Mary J. Kennedy and Lisa C. deSousa. Colloquy re: status of the case and proposed deadlines. The parties are to file a joint proposed schedule by no later than June 3, 2016 . Once a proposal has been filed, a further scheduling order shall issue. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov .) (Calderon, Melissa) (Entered: 06/01/2016)
06/03/2016	<u>146</u>	Joint MOTION to Amend <u>137</u> Scheduling Order,, Set Motion and R&R Deadlines/Hearings, by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Bohenek, Matthew) (Entered: 06/03/2016)
06/09/2016	<u>147</u>	Transcript of Case Management Conference held on May 24, 2016, before Magistrate Judge Katherine A. Robertson. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Digital Recording transcribed by Alice Moran at alice.moran@verizon.net Redaction Request due 6/30/2016. Redacted Transcript Deadline set for 7/11/2016. Release of Transcript Restriction set for 9/7/2016. (Scalfani, Deborah) (Entered: 06/09/2016)
06/09/2016	148	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 06/09/2016)
06/09/2016	149	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting <u>146</u> Joint Motion to Amend Scheduling Order. A separate order shall issue. (Calderon, Melissa) (Entered: 06/09/2016)
06/09/2016	<u>150</u>	Magistrate Judge Katherine A. Robertson: ORDER entered. SCHEDULING ORDER: Case Management Conference set for 6/24/2016 02:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. Pltfs' Suppl. Motion for class certification due by 7/15/2016. Defts' responses due 8/15/2016. Replies, if any, due by 8/31/2016. Motion Hearing set for 9/29/2016 11:00 AM in Franklin Courtroom before Judge Mark G. Mastroianni re: <u>96</u> Motion for class certification and the suppl. motion for class certification. Another Case Management Conference set for 10/13/2016 at 2:00 P.M. in the Hampshire Courtroom before Magsitrate Judge Katherine A. Robertson. See Order for complete and further deadlines. (Finn, Mary) (Entered: 06/09/2016)
06/23/2016	<u>151</u>	Joint MOTION to Amend <u>150</u> Scheduling Order,,, Set Scheduling Order Deadlines,,, Set Motion and R&R Deadlines/Hearings,, / <i>Motion to Cancel Case Management Conference</i> by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Bohenek, Matthew) (Entered: 06/23/2016)
06/24/2016	152	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting <u>151</u> the parties' joint motion to cancel the 6/24/16 case management conference. (Robertson, Katherine) (Entered: 06/24/2016)
06/24/2016	153	ELECTRONIC NOTICE Canceling Hearing ISSUED: The Case Management Conference set for 6/24/2016 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson is hereby VACATED. (Calderon, Melissa) (Entered: 06/24/2016)
06/27/2016	154	Set/Reset Hearings: Case Management Conference set for 10/13/2016 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Calderon, Melissa) (Entered: 06/27/2016)
07/14/2016	<u>155</u>	Assented to MOTION for Leave to File Excess Pages by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Bohenek, Matthew) (Entered: 07/14/2016)
07/15/2016	<u>156</u>	Judge Mark G. Mastroianni: ENDORSED ORDER entered granting <u>155</u> Motion for Leave to File Excess Pages. (Bartlett, Timothy) (Entered: 07/15/2016)

07/15/2016	<u>157</u>	Supplemental MEMORANDUM in Support re <u>96</u> MOTION to Certify Class filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Appendix 1, # <u>2</u> Appendix 2, # <u>3</u> Appendix 3)(Bohenek, Matthew) (Entered: 07/15/2016)
07/15/2016	<u>158</u>	DECLARATION re <u>157</u> Memorandum in Support of Motion, by <i>Peter E. Leone, Ph.D</i> by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Exhibit A)(Bohenek, Matthew) (Entered: 07/15/2016)
07/15/2016	<u>159</u>	DECLARATION re <u>157</u> Memorandum in Support of Motion, by <i>Mathew T. Bohenek</i> by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43)(Bohenek, Matthew) (Entered: 07/15/2016)
08/15/2016	<u>160</u>	Assented to MOTION for Leave to File Excess Pages by City of Springfield, Springfield Public Schools.(Kennedy, Mary) (Entered: 08/15/2016)
08/15/2016	<u>161</u>	MOTION for Extension of Time to 08/16/16 to to file opposition to <i>class certification</i> by City of Springfield.(Kennedy, Mary) (Entered: 08/15/2016)
08/15/2016	<u>162</u>	MOTION to In Limine to exclude/limit <u>158</u> Declaration of <i>Peter Leone, PhD</i> by City of Springfield, Springfield Public Schools.(Pikula, Edward) Modified on 8/16/2016 to change the relief type of the motion to MOTION in Limine. (Finn, Mary). (Entered: 08/15/2016)
08/15/2016	<u>163</u>	MEMORANDUM in Support re <u>162</u> MOTION in Limine to Exclude/Limit <u>158</u> Declaration of <i>Peter Leone, PhD</i> filed by City of Springfield, Springfield Public Schools. (Pikula, Edward) Modified on 8/16/2016 to correct the text. (Finn, Mary). (Entered: 08/15/2016)
08/16/2016	<u>164</u>	Letter/request (non-motion) from Mary-Jo Kennedy stating that the Pltfs' counsel has no objection to their motion to ext. time to file suppl. opp. - doc. <u>161</u> . (Finn, Mary) (Entered: 08/16/2016)
08/16/2016	<u>165</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>160</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document.; granting <u>161</u> Motion for Extension of Time (Finn, Mary) (Entered: 08/16/2016)
08/16/2016	<u>166</u>	Supplemental MEMORANDUM in Opposition re <u>96</u> MOTION to Certify Class filed by Domenic Sarno, City of Springfield, Springfield Public Schools, Daniel J. Warwick. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Kennedy, Mary) (Entered: 08/16/2016)
08/26/2016	<u>167</u>	Assented to MOTION for Extension of Time to August 31, 2016 to File Opposition to Defendants' Motion in Limine to Limit or Exclude the Testimony of Peter Leone (Docket Nos. 162/163) by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Bohenek, Matthew) (Entered: 08/26/2016)
08/27/2016	<u>168</u>	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>167</u> Assented to MOTION for Extension of Time to August 31, 2016 to File Opposition to Defendants' Motion in Limine to Limit or Exclude the Testimony of Peter Leone. (Healy, Bethaney) (Entered: 08/27/2016)
08/27/2016	<u>169</u>	Set/Reset Deadlines as to <u>162</u> MOTION in Limine: Responses due by 8/31/2016 (Healy, Bethaney) (Entered: 08/27/2016)
08/29/2016	<u>170</u>	Assented to MOTION for Hearing re <u>150</u> Scheduling Order,,, Set Scheduling Order Deadlines,,, Set Motion and R&R Deadlines/Hearings,, to be Rescheduled by City of

		Springfield, Springfield Public Schools.(Pikula, Edward) (Entered: 08/29/2016)
08/30/2016	<u>171</u>	MOTION for Hearing <i>Evidentiary Hearing and Finding on Plaintiff's Motion for Class Certification</i> by City of Springfield.(deSousa, Lisa) (Entered: 08/30/2016)
08/30/2016	<u>172</u>	MEMORANDUM in Support re <u>171</u> MOTION for Hearing <i>Evidentiary Hearing and Finding on Plaintiff's Motion for Class Certification</i> filed by City of Springfield. (deSousa, Lisa) (Entered: 08/30/2016)
08/31/2016	<u>173</u>	Opposition re <u>162</u> MOTION in Limine filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Exhibit Declaration of E. Sally Rogers)(Bohenek, Matthew) (Entered: 08/31/2016)
08/31/2016	<u>174</u>	REPLY to Response to <u>96</u> MOTION to Certify Class filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Attachments: # <u>1</u> Exhibit 1)(Bohenek, Matthew) (Entered: 08/31/2016)
09/06/2016	<u>175</u>	MOTION for Leave to File <i>Reply to Opp to M/Limine</i> by City of Springfield, Springfield Public Schools.(Pikula, Edward) (Entered: 09/06/2016)
09/08/2016	176	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>170</u> MOTION. This motion is being treated as a motion to continue hearing and is ALLOWED. New date to be set. (Bartlett, Timothy) (Entered: 09/08/2016)
09/08/2016	177	Set/Reset Deadlines as to <u>96</u> MOTION to Certify Class and the suppl. motion for class certification. Motion Hearing set for 10/6/2016 11:00 AM in Franklin Courtroom before Judge Mark G. Mastroianni. (Bartlett, Timothy) (Entered: 09/08/2016)
09/09/2016	<u>178</u>	Opposition re <u>171</u> MOTION for Hearing <i>Evidentiary Hearing and Finding on Plaintiff's Motion for Class Certification</i> filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Goldman, Jeff) (Entered: 09/09/2016)
09/16/2016	179	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>175</u> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Finn, Mary) (Entered: 09/16/2016)
09/23/2016	<u>180</u>	REPLY to Response to <u>162</u> MOTION in Limine (<i>leave granted 9/16/2016</i>) filed by City of Springfield, Springfield Public Schools. (Attachments: # <u>1</u> Exhibit Aff Of LaChapelle, # <u>2</u> Exhibit Aff of Foster, # <u>3</u> Exhibit Emails re Daubert)(Pikula, Edward) (Entered: 09/23/2016)
09/28/2016	<u>181</u>	Assented to MOTION for Leave to File a <i>Sur–Reply in Opposition to Defendants' Motion to Exclude or Limit the Testimony of Peter Leone</i> by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Bohenek, Matthew) (Entered: 09/28/2016)
09/30/2016	182	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>181</u> Assented to MOTION for Leave to File a <i>Sur–Reply in Opposition to Defendants' Motion to Exclude or Limit the Testimony of Peter Leone</i> by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Finn, Mary) (Entered: 09/30/2016)
09/30/2016	<u>183</u>	SUR–REPLY to Motion re <u>162</u> MOTION in Limine (<i>Leave to file granted 9/30/16</i>) filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Bohenek, Matthew) (Entered: 09/30/2016)
10/03/2016	184	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered re proceedings set for Thursday, October 6, 2016. The parties should be prepared to argue all pending motions. The court requests the parties structure their arguments around the <u>96</u> Motion to Certify Class, addressing the issues raised by the <u>162</u> Motion to Exclude or Limit the Testimony of Peter Leone and the <u>171</u> Motion for Evidentiary Hearing within the context of how those issues are relevant to deciding the <u>96</u> Motion to Certify Class. The court will consider all motions and may order further hearing on any or all.

		(Bartlett, Timothy) (Entered: 10/03/2016)
10/04/2016	185	ELECTRONIC NOTICE OF RESCHEDULING ISSUED: The Case Management Conference is reset for 12/13/2016 at 10:30 AM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Calderon, Melissa) (Entered: 10/04/2016)
10/06/2016	186	Electronic Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Counsel appear for Motion Hearing held on 10/6/2016 re <u>96</u> MOTION to Certify Class, filed by S. S., Disability Law Center, Inc., Parent/Professional Advocacy League, <u>162</u> MOTION in Limine filed by City of Springfield, Springfield Public Schools, and <u>171</u> MOTION for Evidentiary Hearing and Finding on Plaintiff's Motion for Class Certification filed by City of Springfield. Arguments heard. Matter taken under advisement. (Court Reporter: Alice Moran at alice.moran@verizon.net .) (Attorneys present: Staub, Burnim, Pikula, deSousa) (Healy, Bethaney) (Entered: 10/20/2016)
10/26/2016	<u>187</u>	NOTICE of Appearance by Mary Ellen Manganelli on behalf of City of Springfield (Manganelli, Mary) (Entered: 10/26/2016)
10/28/2016	<u>188</u>	Transcript of Motion Hearing held on October 6, 2016, before Judge Mark G. Mastroianni. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at alice.moran@verizon.net Redaction Request due 11/18/2016. Redacted Transcript Deadline set for 11/28/2016. Release of Transcript Restriction set for 1/26/2017. (Scalfani, Deborah) (Entered: 10/28/2016)
10/28/2016	189	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 10/28/2016)
12/01/2016	190	ELECTRONIC NOTICE OF RESCHEDULING ISSUED: In light of the pending motions before the presiding district judge, the Case Management Conference is reset for 1/12/2017 at 2:30 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Calderon, Melissa) (Entered: 12/01/2016)
12/16/2016	<u>191</u>	Judge Mark G. Mastroianni: MEMORANDUM AND ORDER entered. For the reasons discussed, the Court DENIES the Plaintiffs Motion for Class Certification – <u>96</u> . For purposes of reaching this ruling the Court has considered the opinions of Plaintiffs proffered expert, without first deciding whether such consideration is warranted. As Defendants have achieved their desired outcome as to the Motion for Class Certification, the court FINDS AS MOOT their Motion In Limine to Exclude or Limit – <u>162</u> and their Motion for an Evidentiary Hearing – <u>171</u> . (Finn, Mary) (Entered: 12/16/2016)
01/09/2017	<u>192</u>	Letter/request (non-motion) from Plaintiffs <i>concerning January 12, 2017 Case Management Conference</i> . (Bohenek, Matthew) (Entered: 01/09/2017)
01/10/2017	<u>193</u>	Recommendations for Scheduling Order <i>for the Merits Phase</i> . (deSousa, Lisa) (Entered: 01/10/2017)
01/12/2017	194	Electronic Clerk's Notes for proceedings held before Magistrate Judge Katherine A. Robertson: Case Management Conference held on 1/12/2017. Attorneys Present: Robert D. Fleischer, Sandra J. Staub, Edward M. Pikula, Lisa C. deSousa and Mary Ellen Manganelli. Colloquy re: status of the case. The parties are to file revised proposed schedules. Joint proposed schedule or competing proposals (if unable to agree) shall be filed by no later than 2/24/2017 . A Status Conference is set for 2/28/2017 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Court Reporter: Digital Recording. To order a copy of this Digital Recording, please go to http://www.mad.uscourts.gov/attorneys/Magistrate-Audio.htm . For a transcript of this proceeding, contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov .) (Calderon, Melissa) (Entered: 01/18/2017)
02/21/2017	<u>195</u>	Transcript of Motion Hearing held on January 12, 2017, before Magistrate Judge Katherine A. Robertson. The Transcript may be purchased through Maryann Young at

		yts2@verizon.net, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter: No Reporter Used. Digital Recording transcribed by Maryann Young. Redaction Request due 3/14/2017. Redacted Transcript Deadline set for 3/24/2017. Release of Transcript Restriction set for 5/22/2017. (Scalfani, Deborah) (Entered: 02/21/2017)
02/21/2017	<u>196</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 02/21/2017)
02/24/2017	<u>197</u>	Recommendations for Scheduling Order by <i>Plaintiffs and Defendants</i> . (Sartori, Elizabeth) (Entered: 02/24/2017)
02/28/2017	<u>198</u>	Electronic Clerk's Notes for proceedings held before Magistrate Judge Katherine A. Robertson: Status Conference held on 2/28/2017. Attorneys Present: Deborah A Dorfman, Sandra J. Staub, Edward M. Pikula and Melinda M. Phelps. Colloquy re: status of the case. A further schedule was established. Scheduling order to issue. (Court Reporter: Digital Recording. To order a copy of this Digital Recording, please go to http://www.mad.uscourts.gov/attorneys/Magistrate-Audio.htm . For a transcript of this proceeding, contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov .) (Calderon, Melissa) (Entered: 03/01/2017)
03/09/2017	<u>199</u>	Transcript of Motion Hearing held on February 28, 2017, before Magistrate Judge Katherine A. Robertson. The Transcript may be purchased through Maryann Young at yts2@verizon.net, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter: No Reporter Used. Digital Recording transcribed by Maryann Young. Redaction Request due 3/30/2017. Redacted Transcript Deadline set for 4/10/2017. Release of Transcript Restriction set for 6/7/2017. (Scalfani, Deborah) (Entered: 03/09/2017)
03/09/2017	<u>200</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 03/09/2017)
03/22/2017	<u>201</u>	NOTICE of Withdrawal of Appearance by Jacqueline S. Delbasty (Delbasty, Jacqueline) (Entered: 03/22/2017)
04/05/2017	<u>202</u>	Magistrate Judge Katherine A. Robertson: ORDER entered. SCHEDULING ORDER: Def'ts shall file their motion, if any, Challenging the Standing of the Associational Pltfs' by no later than 4/18/2016. Pltfs' shall serve their opposition to any such motion by no later than 5/16/2017. Def'ts' shall file their reply, if any, by no later than 5/31/2017. Hearing on any Motion by the Def'ts' Challenging the Standing of the Associational Pltfs' set for 6/26/2017 01:00 PM in Franklin Courtroom before Judge Mark G. Mastroianni. Motions to Amend the Pleadings to add claims, defenses, or parties due by 6/15/2017. Fact Discovery shall be completed by 12/15/2017. Pltfs' shall serve their Expert Disclosures on the Merits in Compliance with Federal Rule of Civil Procedure 26(a)(2) by no later than 1/30/2018. Def'ts' shall serve their Expert Disclosures on the Merits in Compliance with Federal Rule of Civil Procedure 26(a)(2) by no later than 3/19/2018. Pltf's shall serve their Expert Rebuttal Reports on the Merits by no later than 4/16/2018. Expert Depositions to be completed by 5/1/2018. Dispositive Motion(s) shall be filed by 6/18/2018. Oppositions shall be filed by 7/19/2018. Reply briefs, if any, shall be filed by no later than 8/2/2018. The parties are to notify the court in the event of a ruling by the United States Court of Appeals for the First Circuit on the Pltfs' pending Petition. These deadlines may be further amended on motion by the parties for good cause in view of the uncertainty about the scope of the case. (Finn, Mary) (Entered: 04/05/2017)
04/18/2017	<u>203</u>	MOTION for Judgment on the Pleadings by City of Springfield.(deSousa, Lisa) (Entered: 04/18/2017)
04/18/2017	<u>204</u>	MEMORANDUM in Support re <u>203</u> MOTION for Judgment on the Pleadings filed by City of Springfield. (deSousa, Lisa) (Entered: 04/18/2017)

05/16/2017	<u>205</u>	Opposition re <u>203</u> MOTION for Judgment on the Pleadings filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Bohenek, Matthew) (Entered: 05/16/2017)
06/02/2017	<u>206</u>	MOTION to Amend <u>202</u> Scheduling Order,,,,,, Set Scheduling Order Deadlines,,,,,, Set Motion and R&R Deadlines/Hearings,,,,, by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Bohenek, Matthew) (Entered: 06/02/2017)
06/05/2017	207	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting Plaintiff's Unopposed <u>206</u> MOTION to Amend the Scheduling Order. Deadline Nos. 5-13 in the Revised Scheduling Order (See Dkt. No. <u>202</u>) shall be extended by four weeks. All other deadlines shall remain as set. A revised scheduling order shall enter. (Calderon, Melissa) (Entered: 06/05/2017)
06/05/2017	<u>208</u>	Magistrate Judge Katherine A. Robertson: ORDER entered. AMENDED SCHEDULING ORDER: Hearing on any Motion by the Defendants' Challenging the Standing of the Associational Plaintiffs' set for 6/26/2017 at 1:00 P.M. in the Franklin Courtroom before Judge Mark G. Mastorianni. Motions to Amend the Pleadings to add Claims, Defenses, or Parties due by 7/13/2017. Fact Discovery to be completed by 1/12/2018. Plaintiffs' Expert Disclosures due 2/27/2018. Defendants' Expert Disclosures due 4/16/2018. Plaintiffs' Expert Rebuttal Reports due 5/14/2018. Expert Despositions to be completed by 5/29/2018. Dispositive Motions due by 7/16/2018. Responses due by 8/16/2018. Replies, if any, due by 8/30/2018. (Finn, Mary) (Entered: 06/09/2017)
06/26/2017	209	Electronic Clerk's Notes for proceedings held before Judge Mark G. Mastroianni: Motion Hearing held on 6/26/2017 re <u>203</u> MOTION for Judgment on the Pleadings filed by City of Springfield. Court hears argument, takes motion under advisement. (Court Reporter: Alice Moran at alice.moran@verizon.net.) (Attorneys present: DeSousa, Phelps, Davis, Fleischner, Bresnahan, Goldman) (Bartlett, Timothy) (Entered: 06/27/2017)
06/27/2017	<u>210</u>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Alison Barkoff Filing fee: \$ 100, receipt number 0101-6688745 by S. S.. (Attachments: # <u>1</u> Certification)(Fleischner, Robert) (Attachment 1 replaced on 6/27/2017) (Lindsay, Maurice). Modified on 7/6/2017 (Calderon, Melissa). (Entered: 06/27/2017)
06/27/2017	211	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>210</u> Motion for Leave to Appear Pro Hac Vice. Added Alison Barkoff. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. . (Finn, Mary) (Entered: 06/27/2017)
07/12/2017	<u>212</u>	MOTION to Amend <u>208</u> Scheduling Order,,,, Set Scheduling Order Deadlines,,,, Set Motion and R&R Deadlines/Hearings,,, by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Bresnahan, Elizabeth) (Entered: 07/12/2017)
07/26/2017	<u>213</u>	Opposition re <u>212</u> MOTION to Amend <u>208</u> Scheduling Order,,,, Set Scheduling Order Deadlines,,,, Set Motion and R&R Deadlines/Hearings,,, and <i>Defendants Cross-Motion for a Stay of the Case</i> filed by City of Springfield. (Attachments: # <u>1</u> Exhibit A - Transcript of Motion Hearing)(MacDonald, Mary) (Entered: 07/26/2017)
07/28/2017	<u>214</u>	Transcript of Motion Hearing held on June 26, 2017, before Judge Mark G. Mastroianni. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at alice.moran@verizon.net Redaction Request due 8/18/2017. Redacted Transcript Deadline set for 8/28/2017. Release of Transcript Restriction set for 10/26/2017. (Scalfani, Deborah) (Entered: 07/28/2017)
07/28/2017	215	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 07/28/2017)

08/02/2017	<u>216</u>	ELECTRONIC NOTICE Setting Hearing on Plaintiffs' <u>212</u> MOTION to Amend Scheduling Order ISSUED: A Motion Hearing is set for 8/22/2017 at 11:00 AM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Calderon, Melissa) (Entered: 08/02/2017)
08/02/2017	<u>217</u>	NOTICE by City of Springfield of <i>Change of Attorney Information</i> (MacDonald, Mary) (Entered: 08/02/2017)
08/10/2017	<u>218</u>	Joint MOTION to Modify The Amended Scheduling Order , to Moot ECF Nos. 212 and 213, and to Cancel the Case Management Conference Scheduled for August 22, 2017 by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S..(Bohenek, Matthew) (Entered: 08/10/2017)
08/11/2017	219	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered granting <u>218</u> Parties Joint to Modify the Scheduling Order. The Motion Hearing set for 8/22/2017 is cancelled. A Scheduling Order shall enter staying discovery to 10/2/2017 and extending the deadline for filing Motions for Leave to Amend the Pleadings until a date to be established at a Case Management Conference set for 10/5/2017 at 3:00 P.M. (Finn, Mary) (Entered: 08/11/2017)
08/11/2017	220	Set/Reset Hearings: Case Management Conference set for 10/5/2017 03:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Finn, Mary) (Entered: 08/11/2017)
08/11/2017	221	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered finding as moot <u>212</u> Motion to Amend the Scheduling Order, in light of the parties' agreement to an amended scheduling order. (Finn, Mary) (Entered: 08/11/2017)
08/11/2017	<u>222</u>	Magistrate Judge Katherine A. Robertson: ORDER entered. AMENDED SCHEDULING ORDER: Discovery is STAYED until the earliest of the following (a) the First Circuit's Final resolution of Pltfs' Rule 23(f) Petition, (b) a decision from this Court on Defts' Motion for Judgment on the Pleadings, or, (c) October 2, 2017. A Case Management Conference will be scheduled for 10/5/2017 03:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. to discuss, if necessary, whether a discovery stay need to continue in the event that neither the Rule 23(f) Petition nor the Motion for Judgment on the Pleadings has been decided by that time. The deadline to Amend the Pleadings is STAYED until thirty (30) days after the date of the Frist Circuit's final resolution of Pltfs' Rule 23(f) Petition or the date of issuance of a decision on Defts' Motion for Judgment on the Pleadings by this Court, whichever is later. (Finn, Mary) (Entered: 08/11/2017)
10/03/2017	<u>223</u>	NOTICE of Withdrawal of Appearance by Robert D. Fleischner (Fleischner, Robert) (Entered: 10/03/2017)
10/05/2017	224	Electronic Clerk's Notes for proceedings held before Magistrate Judge Katherine A. Robertson: Case Management Conference held on 10/5/2017. Attorneys Present: Elizabeth M. Bresnahan, Sandra J. Staub, Lisa C. deSousa, Mary Ellen MacDonald and Melinda M. Phelps. Colloquy re: status of the case. Stay of discovery extended until the earliest of the following: (a) the First Circuit's final resolution of Plaintiffs' Rule 23(f) Petition; or (b) a decision from this Court on Defendants' Motion for Judgment on the Pleadings. Appeal rights to the Court's decision explained. The parties agreed that limited discovery regarding S.S. (as discussed at the hearing) will be propounded. (Court Reporter: Digital Recording. To order a copy of this Digital Recording, please go to http://www.mad.uscourts.gov/attorneys/Magistrate-Audio.htm . For a transcript of this proceeding, contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov .) (Calderon, Melissa) (Entered: 10/10/2017)
10/18/2017	<u>225</u>	Transcript of Motion Hearing held on October 5, 2017, before Magistrate Judge Katherine A. Robertson. No Reporter Used: Digital Recording transcribed by Maryann Young. The Transcript may be purchased through Maryann Young at youngtranscriptionservices@gmail.com , viewed at the public terminal, or viewed through PACER after it is released. Redaction Request due 11/8/2017. Redacted Transcript Deadline set for 11/20/2017. Release of Transcript Restriction set for 1/16/2018. (Scalfani, Deborah) (Entered: 10/18/2017)

10/18/2017	226	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 10/18/2017)
11/15/2017	<u>227</u>	MOTION to Amend <i>Defendant's Motion to Amend Case Caption and/or Substitute Parties</i> by City of Springfield. (Attachments: # <u>1</u> Exhibit 1 – Birth Certificate, # <u>2</u> Exhibit 2 – Affidavit of Melinda Phelps, Esq.)(MacDonald, Mary) (Attachment 1 replaced on 11/16/2017) (Lindsay, Maurice). (Entered: 11/15/2017)
11/29/2017	<u>228</u>	Opposition re <u>227</u> MOTION to Amend <i>Defendant's Motion to Amend Case Caption and/or Substitute Parties</i> filed by Disability Law Center, Inc., Parent/Professional Advocacy League, S. S.. (Bresnahan, Elizabeth) (Entered: 11/29/2017)
11/30/2017	<u>229</u>	STIPULATION of Dismissal <i>Without Prejudice</i> by S. S.. (Bresnahan, Elizabeth) The docket text have modified on 12/1/2017 to show the correct filing party and the original document have been replaced with a modified copy because a signature was missing from the original. (Lindsay, Maurice). (Entered: 11/30/2017)
11/30/2017	<u>230</u>	MOTION to Intervene by S B. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Bresnahan, Elizabeth) (Entered: 11/30/2017)
11/30/2017	<u>231</u>	MEMORANDUM in Support re <u>230</u> MOTION to Intervene filed by S B. (Bresnahan, Elizabeth) (Entered: 11/30/2017)
11/30/2017	<u>232</u>	DECLARATION re <u>230</u> MOTION to Intervene of <i>Jeff Goldman</i> by S B. (Attachments: # <u>1</u> Exhibit 1)(Goldman, Jeff) (Entered: 11/30/2017)
12/01/2017	<u>233</u>	MOTION to Hold in Abeyance and to Schedule a Hearing by Disability Law Center, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Goldman, Jeff) (Entered: 12/01/2017)
12/06/2017	234	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting in part <u>233</u> Plaintiffs Motion to Hold in Abeyance and to Schedule a Hearing. The court will hold in abeyance all pending motions until December 15, 2017, the date when Defendants response to the motion is due. (Lindsay, Maurice) (Entered: 12/07/2017)
12/11/2017	<u>235</u>	RESPONSE to Motion re <u>233</u> MOTION to Hold in Abeyance and to Schedule a Hearing <i>Defendants' Response to the Motion of the Disability Law Center to Hold In Abeyance and to Schedule a Hearing</i> filed by City of Springfield, Springfield Public Schools. (Attachments: # <u>1</u> Exhibit A – Email, # <u>2</u> Exhibit B – Declaration of Martha von Mering)(MacDonald, Mary) (Entered: 12/11/2017)
12/28/2017	<u>236</u>	Opposition re <u>230</u> MOTION to Intervene <i>Defendants' Opposition to Motion to Intervene</i> filed by City of Springfield, Springfield Public Schools. (MacDonald, Mary) (Entered: 12/28/2017)
01/16/2018	<u>237</u>	NOTICE of Appearance by Stephen L. Holstrom on behalf of City of Springfield, Springfield Public Schools (Holstrom, Stephen) (Entered: 01/16/2018)
01/16/2018	238	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered REFERRING MOTIONS <u>230</u> MOTION to Intervene filed by S B, <u>227</u> MOTION to Amend <i>Defendant's Motion to Amend Case Caption and/or Substitute Parties</i> filed by City of Springfield to Magistrate Judge Robertson. (Bartlett, Timothy) Motions referred to Katherine A. Robertson. (Entered: 01/16/2018)
01/17/2018	239	ELECTRONIC NOTICE Setting Hearing on Motion Defendant's <u>227</u> MOTION to Amend Case Caption and/or Substitute Parties and <u>230</u> MOTION to Intervene ISSUED: A Motion Hearing is set for 1/29/2018 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson. (Calderon, Melissa) (Entered: 01/17/2018)
01/26/2018	<u>240</u>	Withdrawal of motion: <u>230</u> MOTION to Intervene filed by S B, <u>231</u> Memorandum in Support of Motion filed by S B.. (Bresnahan, Elizabeth) (Entered: 01/26/2018)
01/29/2018	241	ELECTRONIC NOTICE Canceling Hearing. In light of counsel's representation by telephone that Defendant's <u>227</u> MOTION to Amend Case Caption and/or Substitute Parties and <u>230</u> MOTION to Intervene are MOOT, the Motion Hearing set for

		1/29/2018 at 2:00 PM in Hampshire Courtroom before Magistrate Judge Katherine A. Robertson is hereby VACATED. (Calderon, Melissa) (Entered: 01/29/2018)
01/29/2018	242	Magistrate Judge Katherine A. Robertson: ELECTRONIC ORDER entered finding as moot Defendant's 227 MOTION to Amend Case Caption and/or Substitute Parties in light of the Stipulation of Dismissal, without prejudice, filed on 11/30/2017 (See Dkt. No. <u>229</u> .) (Calderon, Melissa) (Entered: 01/29/2018)
02/16/2018	243	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered. The parties' briefing on Defendants' <u>203</u> Motion for Judgment on the Pleadings discuss the relevance of the IDEA exhaustion requirement within the standing analysis, but do not address the independent application of the IDEA exhaustion requirement to claims brought by PPAL and DLC. Having previously discussed the relevance of IDEA exhaustion to the individual and proposed class plaintiffs, the court believes a complete analysis of the pending Motion for Judgment on the Pleadings should include consideration of the application of the IDEA exhaustion requirement to PPAL and DLC. See <i>U.S. Nat. Bank of Oregon v. Independent Ins. Agents of America, Inc.</i> , 508 U.S. 439, 446 (1993) ("[A] court may consider an issue 'antecedent to... and ultimately dispositive of' the dispute before it, even an issue the parties fail to identify and brief.") (citing <i>Arcadia v. Ohio Power Co.</i> , 498 U.S. 73,77 (1990)). The parties are, therefore, directed to submit supplemental briefs to the court addressing the relevance of the IDEA exhaustion requirement, on its own rather than as a consideration related to standing, to a determination of whether judgment on the pleadings is appropriate at this stage of the litigation. As the scope of the IDEA exhaustion requirement is a familiar issue in this litigation, the parties' briefs shall not exceed ten (10) pages and are due no later than Monday, March 5, 2018. (Bartlett, Timothy) (Entered: 02/16/2018)
03/05/2018	<u>244</u>	MEMORANDUM OF LAW by Domenic Sarno, City of Springfield, Springfield Public Schools to <u>203</u> MOTION for Judgment on the Pleadings . (deSousa, Lisa) (Entered: 03/05/2018)
03/05/2018	<u>245</u>	Supplemental MEMORANDUM in Opposition re <u>203</u> MOTION for Judgment on the Pleadings filed by Disability Law Center, Inc., Parent/Professional Advocacy League. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Bohenek, Matthew) (Entered: 03/05/2018)
03/08/2018	<u>246</u>	Joint MOTION for Settlement <i>Conference</i> by Domenic Sarno, City of Springfield, Springfield Public Schools.(Phelps, Melinda) (Entered: 03/08/2018)
03/12/2018	247	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>246</u> JOINT MOTION for Judicial Settlement Conference. A separate order referring this matter to Magistrate Judge Kenneth P. Neiman for an ADR Conference shall issue. (Calderon, Melissa) (Entered: 03/12/2018)
03/12/2018	<u>248</u>	REFERRING CASE to Alternative Dispute Resolution. Referred to Magistrate Judge Kenneth P. Neiman. (Calderon, Melissa) (Entered: 03/12/2018)
03/14/2018	249	ELECTRONIC NOTICE of ADR Conference: Alternative Dispute Resolution Hearing set for 4/2/2018 at 10:00 AM in Hampden Courtroom before Magistrate Judge Kenneth P. Neiman. (Figueroa, Tamara) (Entered: 03/14/2018)
03/14/2018	<u>250</u>	Magistrate Judge Kenneth P. Neiman: ORDER entered. Order with Respect to Mediation. See ORDER for details. (Figueroa, Tamara) (Entered: 03/14/2018)
04/02/2018	252	ELECTRONIC NOTICE of ADR Conference: Telephone Conference set for 4/24/2018 12:00 PM before Magistrate Judge Kenneth P. Neiman. Alternative Dispute Resolution Hearing set for 5/1/2018 10:00 AM in Hampden Courtroom before Magistrate Judge Kenneth P. Neiman. (Figueroa, Tamara) (Entered: 04/04/2018)
04/30/2018	254	Remark: Call-in information sent to both counsels appearing via telephone. (Figueroa, Tamara) (Entered: 04/30/2018)
05/01/2018	256	ELECTRONIC NOTICE of ADR Conference: Telephone Conference set for 5/18/2018 at 12:00 PM before Magistrate Judge Kenneth P. Neiman. (Figueroa, Tamara) (Entered: 05/01/2018)

05/01/2018	257	Remark: E-mail sent to all parties with Call In information for Telephone Conference scheduled on 5/18/18. (Figueroa, Tamara) (Entered: 05/01/2018)
05/18/2018	259	ELECTRONIC NOTICE of ADR Conference: Telephone Conference set for Defendants' counsel on 6/1/2018 at 9:00 AM before Magistrate Judge Kenneth P. Neiman. (Figueroa, Tamara) (Entered: 05/18/2018)
05/23/2018	260	ELECTRONIC NOTICE of ADR Conference: Alternative Dispute Resolution Hearing set for 6/14/2018 at 10:00 AM in Hampden Courtroom before Magistrate Judge Kenneth P. Neiman. (Figueroa, Tamara) (Entered: 05/23/2018)
06/01/2018	261	Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Telephone Conference held on 6/1/2018. Start time for 6/14/2018 ADR is moved to 9:30 a.m. (Court Reporter: None.) (Healy, Bethaney) (Entered: 06/01/2018)
06/01/2018	262	ELECTRONIC NOTICE of Hearing. Alternative Dispute Resolution Hearing moved to 6/14/2018 at 9:30 AM in Hampden Courtroom before Magistrate Judge Kenneth P. Neiman. Please note change in time. (Healy, Bethaney) (Entered: 06/01/2018)
06/14/2018	<u>264</u>	REPORT of Alternative Dispute Resolution Provider. (Figueroa, Tamara) (Entered: 06/14/2018)
07/19/2018	<u>265</u>	Judge Mark G. Mastroianni: ORDER entered. MEMORANDUM AND ORDER. For the reasons discussed, the court finds PPAL and DLC have associational standing, but grants Defendants' Motion for Judgment on the Pleadings based on the absence of IDEA exhaustion. (Bartlett, Timothy) (Entered: 07/20/2018)
08/03/2018	<u>266</u>	MOTION to Intervene <i>Solely for Purposes of Appeal</i> by M. W..(Bresnahan, Elizabeth) (Entered: 08/03/2018)
08/09/2018	<u>267</u>	NOTICE OF APPEAL re <u>191</u> , <u>243</u> , <u>265</u> by Disability Law Center, Inc., Parent/Professional Advocacy League, M. W. Filing fee: \$ 505, receipt number 0101-7267409 Fee Status: Not Exempt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf. US District Court Clerk to deliver official record to Court of Appeals by 8/29/2018. (Goldman, Jeff) Modified on 8/15/2018 (Pacho, Arnold). (Entered: 08/09/2018)
08/15/2018	<u>268</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>267</u> Notice of Appeal. (Pacho, Arnold) (Main Document 268 replaced on 8/15/2018. Copy of docket sheet added to appeal record) (Pacho, Arnold). (Entered: 08/15/2018)
08/17/2018	<u>269</u>	MEMORANDUM in Opposition re <u>266</u> MOTION to Intervene <i>Solely for Purposes of Appeal</i> filed by City of Springfield, Springfield Public Schools. (Attachments: # <u>1</u> Affidavit w-exhibits)(Phelps, Melinda) (Entered: 08/17/2018)
08/20/2018	270	USCA Case Number 18-1778 for <u>267</u> Notice of Appeal filed by Disability Law Center, Inc., M. W., Parent/Professional Advocacy League. (Paine, Matthew) (Entered: 08/20/2018)
08/21/2018	271	Case no longer referred to Magistrate Judge Katherine A. Robertson. (Calderon, Melissa) (Entered: 08/21/2018)
08/21/2018	<u>272</u>	MOTION for Leave to File <i>Reply Brief in Further Support of Motion to Intervene</i> by M. W.. (Attachments: # <u>1</u> Exhibit Reply Brief)(Bohenek, Matthew) (Entered: 08/21/2018)
08/21/2018	<u>273</u>	DECLARATION re <u>272</u> MOTION for Leave to File <i>Reply Brief in Further Support of Motion to Intervene of L.N.</i> by M. W.. (Attachments: # <u>1</u> Exhibit Ex. 1 to L.N. Decl.)(Bohenek, Matthew) (Entered: 08/21/2018)
08/21/2018	<u>274</u>	DECLARATION re <u>272</u> MOTION for Leave to File <i>Reply Brief in Further Support of Motion to Intervene of Deborah A. Dorfman</i> by M. W.. (Attachments: # <u>1</u> Exhibit Ex.

		1 to D. Dorfman Decl., # <u>2</u> Exhibit Ex. 2 to D. Dorfman Decl.)(Bohenek, Matthew) (Entered: 08/21/2018)
08/23/2018	<u>275</u>	NOTICE OF APPEAL re <u>265</u> MEMORANDUM and ORDER by City of Springfield, Springfield Public Schools Filing fee: \$ 505, receipt number 0101-7289250 Fee Status: Not Exempt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf. US District Court Clerk to deliver official record to Court of Appeals by 9/12/2018. (Phelps, Melinda) Modified on 8/24/2018 to Correct Docket Text and CM/ECF Document Link) (Paine, Matthew). (Entered: 08/23/2018)
08/24/2018	<u>276</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>275</u> Notice of Appeal. (Paine, Matthew) (Entered: 08/24/2018)
08/27/2018	277	USCA Case Number 18-1813 for <u>275</u> Notice of Appeal filed by City of Springfield, Springfield Public Schools. (Paine, Matthew) (Entered: 08/27/2018)
08/27/2018	<u>278</u>	Opposition re <u>272</u> MOTION for Leave to File <i>Reply Brief in Further Support of Motion to Intervene</i> filed by City of Springfield, Springfield Public Schools. (Phelps, Melinda) (Entered: 08/27/2018)
09/05/2018	279	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered granting <u>266</u> Motion to Intervene Solely for Purposes of Appeal. The general rule within our judicial system is that all issues in a case should be decided in a single appeal taken after the entry of a final judgment. Microsoft Corp. v. Baker, _ U.S. __, 137 S. Ct. 1702, 1712 (2017). Intervenor argues that following the courts July 19, 2018 order granting Defendants motion for judgment on the pleadings, he should be permitted to intervene in this action, solely for the purpose of pursuing an appeal of the courts earlier order denying the motion for class certification. In United Airlines, Inc. v. McDonald, 432 U.S. 385 (1977), the Supreme Court affirmed a lower court decision allowing a motion to intervene filed within the appeal period by an individual seeking to appeal a denial of a motion for class certification. As in this case, the intervenor and other members of the putative class had not exhausted their administrative remedies, and the failure to exhaust was both one of the reasons the motion for class certification was denied and a reason why the intervenor could not simply join the litigation in their individual capacity. The intervenor, here, filed his motion to intervene fifteen days after this court entered its final order in this case, granting Defendants motion for judgment on the pleadings. Previously, in November of 2017, a stipulation of dismissal was entered as to S.S., the original named plaintiff and proposed class representative. That stipulation of dismissal did not start the clock for taking a direct appeal of the courts order denying class certification because it did not resolve[] all of the claims of all of the parties to the case. Love v. Wal-Mart Stores, Inc, 865 F.3d 1322, 125 (11th Cir. 2017) (finding time for filing of appeal began to run when stipulation of dismissal as to all claims and plaintiffs was filed with the district court); see also Microsoft Corp., 137 S. Ct. at 1715 (Plaintiffs in putative class actions cannot transform a tentative interlocutory order... into a final judgment simply by dismissing their claims with prejudice, subject, no less, to the right to revive those claims if the denial of class certification is reversed on appeal.) The intervenor, a student who would have been a member of the class this court declined to certify, is, therefore, permitted to intervene, solely so that he may pursue an appeal of the courts denial of the motion to certify class on behalf of those students who attended the Springfield Public Day School and have not exhausted the administrative remedies available under the IDEA. Finally, as a student who had not previously exhausted administrative remedies, the intervenor had no basis for seeking to intervene until this court entered final judgment in this case, thus making the earlier class certification denial appealable pursuant to the final-judgment rule. (Lindsay, Maurice) (Entered: 09/05/2018)
09/05/2018	280	Judge Mark G. Mastroianni: ELECTRONIC ORDER entered finding as moot <u>272</u> Motion for Leave to File <i>Reply Brief in Further Support of Motion to Intervene</i> . (Lindsay, Maurice) (Entered: 09/05/2018)

09/10/2018	<u>281</u>	NOTICE OF APPEAL as to <u>265</u> Memorandum & ORDER, 243 Order,,,,, <u>191</u> Order on Motion to Certify Class,, Order on Motion in Limine,, Order on Motion for Hearing,, by M. W. Filing fee: \$ 505, receipt number 0101-7310939 Fee Status: Not Exempt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf. US District Court Clerk to deliver official record to Court of Appeals by 10/1/2018. (Goldman, Jeff) (Entered: 09/10/2018)
09/10/2018	<u>282</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>281</u> Notice of Appeal. (Paine, Matthew) (Entered: 09/10/2018)
09/10/2018	<u>283</u>	USCA Case Number 18-1867 for <u>281</u> Notice of Appeal filed by M. W.. (Paine, Matthew) (Entered: 09/10/2018)
09/25/2018	<u>284</u>	Judge Mark G. Mastroianni: ORDER entered. JUDGMENT for defendants. (Bartlett, Timothy) (Entered: 09/25/2018)
10/01/2018	<u>285</u>	JUDGMENT of the USCA (17-8001): The petition is DENIED. (Paine, Matthew) (Entered: 10/02/2018)
10/05/2018	<u>286</u>	NOTICE OF APPEAL as to 279 Order on Motion to Intervene,,,,,,,,, by City of Springfield, Springfield Public Schools Fee Status: State or Local Government. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf. US District Court Clerk to deliver official record to Court of Appeals by 10/25/2018. (deSousa, Lisa) (Entered: 10/05/2018)
10/09/2018	<u>287</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>286</u> Notice of Appeal. (Paine, Matthew) (Entered: 10/09/2018)
10/11/2018	<u>288</u>	USCA Case Number 18-1976 for <u>286</u> Notice of Appeal filed by City of Springfield, Springfield Public Schools. (Paine, Matthew) (Entered: 10/11/2018)
10/15/2018	<u>289</u>	Filing fee/payment: \$505.00, receipt number SPR003848 for <u>286</u> Notice of Appeal, (Lindsay, Maurice) (Entered: 10/17/2018)
08/08/2019	<u>290</u>	OPINION of USCA as to <u>267</u> Notice of Appeal filed by Disability Law Center, Inc., M. W., Parent/Professional Advocacy League, <u>275</u> Notice of Appeal filed by City of Springfield, Springfield Public Schools, <u>281</u> Notice of Appeal filed by M. W., <u>286</u> Notice of Appeal filed by City of Springfield, Springfield Public Schools. (Paine, Matthew) (Entered: 08/09/2019)
08/08/2019	<u>291</u>	USCA Judgment as to <u>267</u> Notice of Appeal filed by Disability Law Center, Inc., M. W., Parent/Professional Advocacy League, <u>275</u> Notice of Appeal filed by City of Springfield, Springfield Public Schools, <u>281</u> Notice of Appeal filed by M. W., <u>286</u> Notice of Appeal filed by City of Springfield, Springfield Public Schools. AFFIRMED... (Paine, Matthew) (Entered: 08/09/2019)
08/29/2019	<u>292</u>	MANDATE of USCA as to <u>267</u> Notice of Appeal filed by Disability Law Center, Inc., M. W., Parent/Professional Advocacy League, <u>275</u> Notice of Appeal filed by City of Springfield, Springfield Public Schools, <u>281</u> Notice of Appeal filed by M. W., <u>286</u> Notice of Appeal filed by City of Springfield, Springfield Public Schools. Appeals <u>267</u> , <u>275</u> , <u>281</u> , <u>286</u> Terminated. (Pacho, Arnold) (Entered: 08/30/2019)