

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:21-cv-00419-LDH-MMH**

E.F. et al v. The New York City Department of
Education et al
Assigned to: Judge LaShann DeArcy Hall
Referred to: Magistrate Judge Marcia M. Henry
Demand: \$0
Cause: 42:1201 Civil Rights (Disability)

Date Filed: 01/26/2021
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

E. F.
*a minor, by and through her parent
and natural guardian, Marie Farrell*

represented by **Emily Anne Seelenfreund**
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TERMINATED: 09/01/2021

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Plaintiff

A. S.

*a minor, by and through his parent
and natural guardian, Mariya
Pustovalova*

represented by **Emily Anne Seelenfreund**
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LEAD ATTORNEY
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TERMINATED: 08/09/2021
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Ptakra Jeppe
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William Joshua Lattimore
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William James Paul Tronsor
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

L. P.
*a minor, by and through his parent
and natural guardian, Jennifer
Petri, on behalf of themselves and a
class of those similarly situated*

represented by **Emily Anne Seelenfreund**
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V.

Defendant

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Defendant

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ATTORNEY TO BE NOTICED

Jonathan L. Pines
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Defendant

City of New York

represented by **Janice L. Birnbaum**
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ATTORNEY TO BE NOTICED

Jonathan L. Pines
(See above for address)

Date Filed	#	Docket Text
01/26/2021	1	COMPLAINT against All Defendants Was the Disclosure Statement on Civil Cover Sheet completed -YES,, filed by L. P., E. F., Disability Rights New York, A. S.. (Attachments: # 1 Civil Cover Sheet, # 2 Proposed Summons, # 3 Proposed Summons, # 4 Proposed Summons, # 5 Rule 7.1 Statement) (Seelenfreund, Emily) (Entered: 01/26/2021)
01/26/2021	2	DISCLOSURE of Interested Parties by Disability Rights New York. (Bowens, Priscilla) (Entered: 01/26/2021)
01/26/2021		The case of F. et al v. City of New York et al , has been opened in the Eastern District of New York. The case number is 21cv419 . PLEASE NOTE: You must pay the case filing fee <u>within seven (7) days</u> . Select the event (Civil Case Filing Fee) and pay online. (Bowens, Priscilla) (Entered: 01/26/2021)
01/27/2021		CIVIL CASE FILING FEE: \$ 402, receipt number ANYEDC-14058542 (Jeppe, Ptahra) (Entered: 01/27/2021)
01/27/2021	3	NOTICE of Appearance by Ptahra Jeppe on behalf of All Plaintiffs (aty to be noticed) (Jeppe, Ptahra) (Entered: 01/27/2021)
01/27/2021		Case Assigned to Judge LaShann DeArcy Hall and Magistrate Judge Robert M. Levy. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Bowens, Priscilla) (Entered: 01/28/2021)

01/28/2021	4	Summons Issued as to All Defendants. (Attachments: # 1 City of NY summons, # 2 Carranza summons) (Bowens, Priscilla) (Entered: 01/28/2021)
01/28/2021	5	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Bowens, Priscilla) (Entered: 01/28/2021)
01/28/2021	6	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Bowens, Priscilla) (Entered: 01/28/2021)
01/29/2021	7	NOTICE of Appearance by Peter William Baldwin on behalf of Disability Rights New York, E. F., L. P., A. S. (aty to be noticed) (Baldwin, Peter) (Entered: 01/29/2021)
01/29/2021	8	NOTICE of Appearance by Lucas Michelen on behalf of Disability Rights New York, E. F., L. P., A. S. (aty to be noticed) (Michelen, Lucas) (Entered: 01/29/2021)
02/04/2021	9	NOTICE of Appearance by Emily Anne Seelenfreund on behalf of Disability Rights New York, E. F., L. P., A. S. (notification declined or already on case) (Seelenfreund, Emily) (Entered: 02/04/2021)
02/05/2021	10	AFFIDAVIT of Service for Summons served on The New York City Department of Education, The City of New York, and Richard Carranza on 01/26/2021, filed by Disability Rights New York, E. F., L. P., A. S.. (Seelenfreund, Emily) (Entered: 02/05/2021)
02/08/2021	11	MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-14110666. by Disability Rights New York, E. F., L. P., A. S.. (Attachments: # 1 Affidavit Affidavit in support of motion, # 2 Exhibit Bossing Certificate of Good Standing New York, # 3 Exhibit Bossing Certificate of Good Standing District of Columbia, # 4 Exhibit Bossing Certificate of Good Standing California) (Bossing, Lewis) (Entered: 02/08/2021)
02/08/2021		ORDER granting 11 Motion for Leave to Appear Pro Hac Vice The attorney shall register for ECF, registration is available online at www.pacer.gov . Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be

		submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Magistrate Judge Robert M. Levy on 2/8/2021. (Marino, Janine) (Entered: 02/08/2021)
02/08/2021	12	NOTICE of Appearance by Lewis Bossing on behalf of Disability Rights New York, E. F., L. P., A. S. (notification declined or already on case) (Bossing, Lewis) (Entered: 02/08/2021)
02/09/2021	13	MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-14117767. by Disability Rights New York, E. F., L. P., A. S.. (Attachments: # 1 Affidavit, # 2 Certificate of Good Standing) (Seaborn, Stuart) (Entered: 02/09/2021)
02/09/2021		ORDER denying 13 Motion for Leave to Appear Pro Hac Vice <i>with leave to re-file with a signed and notarized affidavit</i> . Ordered by Magistrate Judge Robert M. Levy on 2/9/2021. (Marino, Janine) (Entered: 02/09/2021)
02/09/2021	14	MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-14118188. by Disability Rights New York, E. F., L. P., A. S.. (Attachments: # 1 Affidavit, # 2 Certificate of Good Standing) (Seaborn, Stuart) (Entered: 02/09/2021)
02/09/2021	15	MOTION to Appear Pro Hac Vice <i>of Ira Burnim</i> Filing fee \$ 150, receipt number ANYEDC-14121739. by Disability Rights New York, E. F., L. P., A. S.. (Attachments: # 1 Affidavit of Ira Burnim with Certificate of Good Standing) (Burnim, Ira) (Entered: 02/09/2021)
02/10/2021	16	NOTICE of Appearance by Julie Michaels Keegan on behalf of All Plaintiffs (aty to be noticed) (Keegan, Julie) (Entered: 02/10/2021)
02/16/2021	17	STIPULATION <i>of Extension of Time to Answer</i> by Disability Rights New York, E. F., L. P., A. S. (Michelen, Lucas) (Entered: 02/16/2021)
02/16/2021	18	Letter MOTION for Extension of Time to File Answer re 1 Complaint, by Richard A. Carranza, City of New York, The New York City Department of Education. (Dantowitz, Jeffrey) (Entered: 02/16/2021)
02/17/2021		ORDER granting 14 Motion for Leave to Appear Pro Hac Vice The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Magistrate Judge Robert M. Levy on 2/17/2021. (Marino, Janine) (Entered: 02/17/2021)
02/17/2021		ORDER granting 15 Motion for Leave to Appear Pro Hac Vice The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of

		appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Magistrate Judge Robert M. Levy on 2/17/2021. (Marino, Janine) (Entered: 02/17/2021)
02/17/2021		ORDER granting 18 Motion for <i>90-Day</i> Extension of Time to Answer as to All Defendants. Ordered by Magistrate Judge Robert M. Levy on 2/17/2021. (Marino, Janine) (Entered: 02/17/2021)
02/19/2021	19	NOTICE of Appearance by Ira Abraham Burnim on behalf of All Plaintiffs (notification declined or already on case) (Burnim, Ira) (Entered: 02/19/2021)
02/22/2021	20	NOTICE of Appearance by Stuart John Seaborn on behalf of Disability Rights New York, E. F., L. P., A. S. (notification declined or already on case) (Seaborn, Stuart) (Entered: 02/22/2021)
03/07/2021	21	NOTICE of Appearance by Janice L. Birnbaum on behalf of All Defendants (aty to be noticed) (Birnbaum, Janice) (Entered: 03/07/2021)
03/10/2021	22	Letter <i>requesting refund of overpayment</i> by Disability Rights New York, E. F., L. P., A. S. (Attachments: # 1 Exhibit Amex statement, # 2 Exhibit Pay.gov confirmation) (Burnim, Ira) Modified on 3/25/2021 (Marziliano, August). (Entered: 03/10/2021)
03/25/2021	23	ORDER granting 22 Motion for Refund of Fees Paid Electronically Ordered by Clerk of Court on 3/25/2021. (Marziliano, August) (Entered: 03/25/2021)
04/02/2021	24	First MOTION to Appear Pro Hac Vice of <i>M. Crosson for Plaintiffs</i> Filing fee \$ 150, receipt number ANYEDC-14339164. by E. F.. (Attachments: # 1 Exhibit A: Certificate of Good Standing) (Crosson, Michael) (Entered: 04/02/2021)
04/05/2021		ORDER granting 24 Motion for Leave to Appear Pro Hac Vice The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Magistrate Judge Robert M. Levy on 4/5/2021. (Marino, Janine) (Entered: 04/05/2021)
05/05/2021	25	MOTION to Appear Pro Hac Vice of <i>G. Hartman, for Plaintiffs</i> Filing fee \$ 150, receipt number ANYEDC-14443052. by Disability Rights New York, E. F., L. P., A. S.. (Attachments: # 1 Exhibit A: Certificate of Good Standing) (Hartman, Gerald) (Entered: 05/05/2021)
05/10/2021	26	NOTICE of Appearance by Lorna Goodman on behalf of The New York City Department of Education (aty to be noticed) (Goodman, Lorna) (Entered: 05/10/2021)

05/12/2021	27	Letter by The New York City Department of Education (Goodman, Lorna) (Entered: 05/12/2021)
05/12/2021		ORDER granting 25 Motion for Leave to Appear Pro Hac Vice The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Magistrate Judge Robert M. Levy on 5/12/2021. (Marino, Janine) (Entered: 05/12/2021)
05/14/2021	28	NOTICE of Appearance by Gerald Hartman on behalf of All Plaintiffs (notification declined or already on case) (Hartman, Gerald) (Entered: 05/14/2021)
05/18/2021	29	Letter by Disability Rights New York, E. F., L. P., A. S. (Seelenfreund, Emily) (Entered: 05/18/2021)
06/01/2021		ORDER: Defendant's request 27 for a pre-motion conference on its anticipated motion to dismiss Plaintiff's complaint is GRANTED. The Court will hold a pre-motion conference via telephone conference on July 15, 2021, at 10:30 a.m. The parties are directed to call chambers on July 15, 2021, at 10:30 a.m. using the following conference line and dial-in information: toll free number 1-888-684-8852; access code 1537693. Ordered by Judge LaShann DeArcy Hall on 6/1/2021. (Williams, Erica) (Entered: 06/01/2021)
06/28/2021	30	First MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-14604849. by Disability Rights New York, E. F., L. P., A. S.. (Lattimore, William) (Entered: 06/28/2021)
06/28/2021		ORDER granting 30 Motion for Leave to Appear Pro Hac Vice The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure the 150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Magistrate Judge Robert M. Levy on 6/28/2021. (Marino, Janine) (Entered: 06/28/2021)
07/02/2021	31	NOTICE of Appearance by William Joshua Lattimore on behalf of All Plaintiffs (notification declined or already on case) (Lattimore, William) (Entered: 07/02/2021)
07/07/2021	32	NOTICE of Appearance by Jennifer Helen Feeley on behalf of All Plaintiffs (aty to be noticed) (Feeley, Jennifer) (Entered: 07/07/2021)
07/15/2021		MINUTE ENTRY AND ORDER: A pre-motion conference was held before Judge DeArcy Hall on July 15, 2021. Lorna Goodman appeared on behalf of Defendants. Emily Seelenfreund appeared on behalf of Plaintiffs. At the conference, and in contravention this Courts rules,

		<p>Defendants sought to raise argument not previously set forth in its pre-motion conference letter. The Defendants are directed to file a supplemented pre-motion conference letter, on or before July 16, 2021, in strict compliance with this Court's Individual Rules. Plaintiffs shall file a response, on or before July 23, 2021. A telephonic pre-motion conference regarding Defendants' anticipated motion to dismiss shall be held on August 10, 2021 at 9:30 a.m. The parties are directed to call chambers on August 10, 2021 at 9:30 a.m. using the following conference line and dial information: toll free number 1-888-684-8852; access code 1537693. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Ordered by Judge LaShann DeArcy Hall on 7/16/2021. (Court Reporter Linda Danelczyk.) (Williams, Erica) (Entered: 07/16/2021)</p>
07/16/2021	33	Letter by The New York City Department of Education (Goodman, Lorna) (Entered: 07/16/2021)
07/23/2021	34	Letter by Disability Rights New York, E. F., L. P., A. S. (Seelenfreund, Emily) (Entered: 07/23/2021)
07/28/2021		<p>ORDER: The pre-motion conference currently scheduled for August 10, 2021 is ADJOURNED sine die. The Defendants shall serve Plaintiffs with their motion to dismiss and supporting papers by August 10, 2021. Plaintiffs shall serve Defendants with their opposition and supporting papers by August 24, 2021. Defendants shall serve Plaintiffs with their reply, if any, and file the fully briefed motion by August 31, 2021. As a courtesy, unless objected to by the parties, the Court asks that the parties file the motion only once it is fully briefed. Defendants shall provide the Court with a courtesy copy of the filed, stamped, fully briefed motion, within two business days of filing. Memoranda of law and courtesy copies shall comply with this Court's Individual Practices and Rules. Ordered by Judge LaShann DeArcy Hall on 7/28/2021. (Williams, Erica) (Entered: 07/28/2021)</p>
08/09/2021	35	MOTION to Withdraw as Attorney <i>for Lucas B; Michelen</i> by Disability Rights New York, E. F., L. P., A. S.. (Michelen, Lucas) (Entered: 08/09/2021)
08/09/2021		ORDER granting 35 Motion to Withdraw as Attorney. Attorney Lucas Michelen terminated. Ordered by Magistrate Judge Robert M. Levy on 8/9/2021. (Marino, Janine) (Entered: 08/09/2021)
08/18/2021	36	NOTICE of Appearance by William James Paul Tronsor on behalf of All Plaintiffs (aty to be noticed) (Tronsor, William) (Entered: 08/18/2021)

08/19/2021		Case Reassigned to Magistrate Judge Marcia M. Henry. Magistrate Judge Robert M. Levy no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Mahoney, Brenna) (Entered: 08/19/2021)
08/26/2021	37	MOTION to Withdraw as Attorney by Disability Rights New York, E. F., L. P., A. S.. (Feeley, Jennifer) (Entered: 08/26/2021)
08/31/2021	38	Notice of MOTION to Dismiss for Failure to State a Claim <i>and for Lack of Subject Matter Jurisdiction</i> by Richard A. Carranza, City of New York, The New York City Department of Education. (Pines, Jonathan) (Entered: 08/31/2021)
08/31/2021	39	DECLARATION re 38 Notice of MOTION to Dismiss for Failure to State a Claim <i>and for Lack of Subject Matter Jurisdiction</i> by Alexandra Shames, in Support of Defts' Motion by Richard A. Carranza, City of New York, The New York City Department of Education (Pines, Jonathan) (Modified: Document has been replaced.) (Latka-Mucha, Wieslawa) (Entered: 08/31/2021)
08/31/2021	40	MEMORANDUM in Support re 38 Notice of MOTION to Dismiss for Failure to State a Claim <i>and for Lack of Subject Matter Jurisdiction</i> dated August 7, 2021 filed by All Defendants. (Pines, Jonathan) (Entered: 08/31/2021)
08/31/2021	41	MEMORANDUM in Opposition re 38 Notice of MOTION to Dismiss for Failure to State a Claim <i>and for Lack of Subject Matter Jurisdiction</i> dated August 24, 2021 (filed by Defs on behalf of Plfs) filed by All Defendants. (Pines, Jonathan) (Entered: 08/31/2021)
08/31/2021	42	DECLARATION re 38 Notice of MOTION to Dismiss for Failure to State a Claim <i>and for Lack of Subject Matter Jurisdiction</i> , Declarant Emily Seelenfreund, dated August 24, 2021 (filed by Defs on behalf of Plfs) by Richard A. Carranza, City of New York, The New York City Department of Education (Attachments: # 1 Exhibit 1: Improving Sp. Educ. in NYC's Distr. 75) (Pines, Jonathan) (Entered: 08/31/2021)
08/31/2021	43	REPLY in Support re 38 Notice of MOTION to Dismiss for Failure to State a Claim <i>and for Lack of Subject Matter Jurisdiction</i> dated August 31, 2021, filed by All Defendants. (Pines, Jonathan) (Entered: 08/31/2021)
09/01/2021		ORDER: granting 37 Motion to Withdraw as Attorney. Attorney Jennifer Helen Feeley is removed from the docket. So Ordered by Magistrate Judge Marcia M. Henry on 09/01/2021. (Gans, Courtney) (Entered: 09/01/2021)
09/14/2021	44	Letter Request to Record Hearings as a Reasonable Accommodation by Disability Rights New York, E. F., L. P., A. S. (Seaborn, Stuart) (Entered: 09/14/2021)

09/20/2021		ORDER: Plaintiffs' letter 44 requesting to record future hearings as a reasonable accommodation is GRANTED. Ordered by Judge LaShann DeArcy Hall on 9/20/2021. (Williams, Erica) (Entered: 09/20/2021)
10/08/2021	45	MOTION to Withdraw as Attorney by Disability Rights New York, E. F., L. P., A. S.. (Crosson, Michael) (Entered: 10/08/2021)
10/12/2021		ORDER: granting 45 Motion to Withdraw as Attorney. Attorney Michael D. Crosson is terminated from the docket. So Ordered by Magistrate Judge Marcia M. Henry on 10/12/2021. (Gans, Courtney) (Entered: 10/12/2021)

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