

CLOSED

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:96-cv-04702-JG-RML**

Schuler, et al v. Board of Education, et al  
Assigned to: Judge John Gleeson  
Referred to: Magistrate Judge Robert M. Levy  
Demand: \$0  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 09/24/1996  
Date Terminated: 03/23/2000  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Donna Schuler**  
*Board Member, Central Islip Union Free  
School District*

represented by **Donna Schuler**  
PRO SE

**Donna Shuler**  
351 Atlantic Street  
Central Islip, NY 11722  
(516) 696-3289  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Central Islip Union Free School District**

represented by **Kevin A. Seaman**  
300 Rhododendron Road  
Box 580  
Stony Brook, NY 11790  
(516) 751-3700  
Fax: (631) 751-3748  
Email: [kasbrown@optonline.net](mailto:kasbrown@optonline.net)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Patrick O'Brian**

**Plaintiff**

**Deidra O'Brian**  
*resident*

**Plaintiff**

**Michael Schuler**  
*resident*

**Plaintiff**

**Stephen Bacskey**  
*Resident taxpayers*

**Plaintiff**

**John Lehecka**  
*Resident taxpayer, homeschooler*

**Plaintiff**

**Pro Se Inc.**

V.

**Defendant**

**Board of Education of the City of New York District**

*TERMINATED: 02/03/2000*

represented by **Kevin A. Seaman**  
(See above for address)  
*TERMINATED: 02/03/2000*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Howard M. Koenig**

*Superintendent, Schools*

*TERMINATED: 02/03/2000*

represented by **James Pyun**  
Ehrlich, Frazer & Feldman  
1415 Kellum Place  
Suite 201  
Garden City, NY 11530  
(516) 742-7777  
Fax: (516) 742-7868  
Email: [jhpyun@efflaw.com](mailto:jhpyun@efflaw.com)  
*TERMINATED: 02/03/2000*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kevin A. Seaman**  
(See above for address)  
*TERMINATED: 02/03/2000*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**District Clerk Margaret A. Spach**

*The Central Islip Union Free School District*

*TERMINATED: 02/03/2000*

represented by **James Pyun**  
(See above for address)  
*TERMINATED: 02/03/2000*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kevin A. Seaman**  
(See above for address)  
*TERMINATED: 02/03/2000*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Richard P. Mills**

*Commissioner, State Education Department*

*TERMINATED: 02/03/2000*

represented by **Martin Bienstock**  
Attorney General, State of New York  
120 Broadway  
New York, NY 10271-2601  
(212) 416-8598  
*TERMINATED: 02/03/2000*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**The State of New York**

*TERMINATED: 02/03/2000*

**Defendant**

**Candice Miller**

*President of the Civil Service Employment Association of the Central Islip Union Free School District*

*TERMINATED: 02/03/2000*

**Defendant**

**Jacob S. Feldman**

*TERMINATED: 07/24/1997*

**Defendant**

**Robert S. Abrams**

*R.S. Abrams & Co. LLP, Auditor of  
Central Islip Union Free School District*

*TERMINATED: 03/23/2000*

**Defendant**

**Ralph Brozello**

*Instructional Coordinator of the Central  
Islip Union Free School District*

*TERMINATED: 02/03/2000*

**Defendant**

**Jerry Jackson**

*Assistant to the Superintendent of the  
Central Islip Union Free School District.*

*TERMINATED: 02/03/2000*

**Defendant**

**Sandra Townsend**

*Vice President of the Board of Education*

*TERMINATED: 02/03/2000*

**Defendant**

**Helen Brannon**

*Board Member*

*TERMINATED: 02/03/2000*

**Defendant**

**Joseph Leoncavallo**

*Board Member*

*TERMINATED: 02/03/2000*

**Defendant**

**Daniel M. Devine**

*Board Member*

*TERMINATED: 02/03/2000*

**Defendant**

**Barbara Goldstein**

*Board Member*

*TERMINATED: 02/03/2000*

**Defendant**

**Nick Nicholas**

*Treasurer*

*TERMINATED: 02/03/2000*

Date Filed	#	Docket Text
09/24/1996	1	COMPLAINT filed against Board of Education, Howard M. Koenig, Margaret A. Spach, Richard P. Mills and the State of New York. FILING FEE \$ 120.00; RECEIPT # 6156. (Chow, Alice) Modified on 10/15/1996 (Entered: 10/15/1996)
10/15/1996	2	ORDER dated Oct. 10, 1996, endorsed on the proposed order to show cause for preliminary injunction and temporary restraining order. It appearing to the Court

		that the application is, at least in part, moot, and that there is neither a showing of irreparable harm or a likelihood of success on the merits (or a balance of hardships tipping in Plaintiff's favor), the application is denied . SO ORDERED. c/m ( signed by Judge John Gleeson ) (Vaughn, Terry) (Entered: 10/15/1996)
11/18/1996	4	LETTER dated 11/15/96 from Kevin A. Seaman to Magistrate Levy counsel to the Central Islip U.F.S.D. that the defendant District is not in a position to comply with your correspondence/direction as it would appear that it is premature to the extent that a finalized complaint has not yet been filed nor served. (Guzzi, Roseann) (Entered: 12/12/1996)
11/22/1996	3	ORDER dated 11/5/96 setting an initial conference for 4:15 on 1/31/97 before Magistrate Robert M. Levy . ( signed by Magistrate Robert M. Levy ) (Guzzi, Roseann) (Entered: 11/22/1996)
01/29/1997	5	MOTION by Donna Schuler to amend complaint and to adjourn pre-trial conference before Magistrate Levy. Motion hearing . (Guzzi, Roseann) (Entered: 02/21/1997)
03/14/1997	6	ORDER dated 3/8/97 granting [5-1] motion to amend complaint no later than 4/18/97. The initial conference, originally scheduled for 1/31/97, is adjourned to 7/25/97 at 11:00. Service no later than 6/18/97. ( signed by Magistrate Robert M. Levy ) (Guzzi, Roseann) Modified on 04/17/1997 (Entered: 03/14/1997)
03/14/1997		Deadline updated; Reset status conference for 11:00 on 7/25/97 before Magistrate Robert M. Levy . (Guzzi, Roseann) (Entered: 03/14/1997)
04/18/1997	7	AMENDED COMPLAINT by Donna Schuler , (Answer due 4/28/97 for State of New York, for Richard P. Mills, for Margaret A. Spach, for Howard M. Koenig, for Board of Education ) amending [1-1] complaint against Sandra Townsend, Helen Brannon, Joseph Leoncavallo, Daniel M. Devine, Barbara Goldstein, Nick Nicholas. (Joseph, Derek) (Entered: 04/24/1997)
06/30/1997	31	MEMORANDUM of LAW in support of deft Mills' motion to dismiss. (Greves, Liz) (Entered: 02/02/2000)
07/01/1997	8	LETTER dated 6/30/97 from Martin Bienstock, Esq. to Judge Gleeson on behalf of defendant that plaintiff's last date on which to oppose my motion to dismiss is 7/30/97; defendant Mills will have until 8/15/97 to reply. Oral argument has been scheduled for 9/5/97 at 10:00. (Guzzi, Roseann) (Entered: 07/11/1997)
07/11/1997	9	LETTER dated 7/10/97 from Kevin G. McMorrow to Magistrate Levy enclosing stipulation of discontinuance. (Guzzi, Roseann) (Entered: 07/24/1997)
07/24/1997	10	STIPULATION of discontinuance dated 7/15/97 with prejudice against defendants, Jacob S. Feldman and Ehrlich, Frazer & Feldman, attorneys. C/M ( Signed by Judge John Gleeson ) (Guzzi, Roseann) (Entered: 07/24/1997)
07/29/1997	11	LETTER dated 7/21/97 from James H. Pyun to Gary DiBianco, Confirming that dft's time to answer or move against the complaint is extended from 7/25/97 to 8/11/97. (Piper, Francine) (Entered: 07/29/1997)
07/29/1997		Endorsed order, dft's time to answer the complaint is extended to 8/11/97 . ( Signed by Judge Reena Raggi 7/24/97 ) (endorsed on document #11) (Piper, Francine) (Entered: 07/29/1997)
08/21/1997	12	Letter MOTION dtd. 8/8/97 by Board of Education et al (School Doard Deft's) Request for a pre motion conf. , (Jackson, Ramona) (Entered: 08/21/1997)
12/31/1997	13	LETTER dated 12.17.97 from James H. Pyun to Donna Schuler confirming that the briefing schedule for motion papers has been extended to 01.23.98. (Mackey, Donna) (Entered: 12/31/1997)
03/09/1998	14	LETTER dated 3/6/98 from James H. Pyun to Donna Schuler enclosing notice of motion to dismiss the amended complaint with supporting papers. (Guzzi, Roseann) (Entered: 03/17/1998)
03/09/1998	32	AFFIDAVIT of Robert Reilly in support of CSEA's motion to dismiss the pro se amended complaint. (Greves, Liz) (Entered: 02/02/2000)

03/09/1998	33	CSEA'S Notice of Motion to DISMISS returnable 5/1/98. (Greves, Liz) (Entered: 02/02/2000)
03/09/1998	36	MEMORANDUM of LAW in support of motion to dismiss on behalf of deft Civil Service Employees Association, Inc. (Greves, Liz) (Entered: 02/02/2000)
06/04/1998	15	MOTION by plaintiff, pro se Donna Schuler for an extension of time to respond to the defendants' motion to dismiss. Motion hearing . (Guzzi, Roseann) (Entered: 06/04/1998)
06/18/1998	16	ORDER, that the Pltff's request for a 45-day extension to file their opposition is GRANTED. Pltffs. shall file their opposition on or before 9.2.98; the Dfts. shall file their reply to the opposition on or before 9.16.98; oral argument will be held on 10.9.98 at 10:00. (Signed by Judge John Gleeson, dtd. 6.15.98). Copies mailed by Chambers. (Hunter, Tara) (Entered: 06/18/1998)
07/30/1998	17	LETTER dated 7/20/98 from James H. Pyun to Judge Gleeson on behalf of defendant Board of Education requesting for a transfer of this action to Judge Wexler. (Guzzi, Roseann) (Entered: 07/30/1998)
07/30/1998		Endorsed order dated 7/24/98 on document #17 that plaintiff shall reply in writing on or before 7/31/98. C/M ( Signed by Judge John Gleeson ) (Guzzi, Roseann) (Entered: 07/30/1998)
09/16/1998	18	MOTION by Donna Schuler to extend the time for plaintiffs to respond to the defendants' motion to dismiss. (Murphy, Margaret) (Entered: 09/16/1998)
09/17/1998	19	ORDER, dated 9/9/98 that plaintiff's seek an extension of the time to file their opposition to the motion to dismiss. Plaintiffs' request is granted. Plaintiffs shall file their opposition to defendants' motion to dismiss on or before 10/2/98; defendants shall file their reply on or before 10/16/98; and oral argument shall be held on 10/30/98, at 10:00. Set status conference for 11:00 on 9/25/98 before Judge John Gleeson regarding motion to transfer case . ( signed by Judge John Gleeson ) C/M (Guzzi, Roseann) (Entered: 09/17/1998)
09/22/1998	20	LETTER dated 9/16/98 from Robert Reilly to Judge Gleeson on behalf of defendant CSEA that plaintiffs have filed papers dated 9/1/98 captioned as notice of motion to extend time to answer. Requesting to file reply papers. (Guzzi, Roseann) (Entered: 09/22/1998)
09/25/1998	21	Calendar entry: before Judge Gleeson-Civil Cause for Status Conference. Case called. Counsel for all sides present. Conference held. Galeano, Sonia (Entered: 09/30/1998)
10/02/1998	39	Pltff Donna Schuler's Answer in response to defts' motion to dismiss. (Greves, Liz) (Entered: 02/02/2000)
10/08/1998	22	AFFIDAVIT OF SERVICE by mail that on 10/1/98 Allen Cappellazzi served the Answer in Opposition to the Motion to Dismiss on James Pyon, Esq. (Murphy, Margaret) (Entered: 10/08/1998)
10/19/1998	29	CSEA's REPLY MEMORANDUM to pltffs' opposition to deft CSEA's moiton to dismiss. (Greves, Liz) (Entered: 02/02/2000)
10/19/1998	30	NOTICE of MOTION to DIMISS AMENDED COMPLAINT returnable 5/1/98 submitted by defts Board of ED of the Central Islip Union Free School District, Fred Philips, Sandra Townsend, Helen Brannon, Joseph Leoncavallo, Daniel M. Devine, Barbara Goldstein, Margaret Spach, Nick Nicholas, Ralph Borzello, Howard M. Koenig, Manuel Ramos & J Jackson. (Greves, Liz) (Entered: 02/02/2000)
10/19/1998	34	REPLY AFFIDAVIT of James H. Pyun in support of School District defts' motion to dismiss the amended complaint. (Greves, Liz) (Entered: 02/02/2000)
10/19/1998	35	Copy of Affidavit of Robert Reilly in reply to pltffs' opposition to deft CSEA's motion to dismiss. (Greves, Liz) Modified on 02/02/2000 (Entered: 02/02/2000)
10/19/1998	37	MEMORANDUM of LAW in support of Board of Ed's motion to dismiss. (Greves, Liz) (Entered: 02/02/2000)

10/19/1998	38	REPLY MEMORANDUM OF LAW on behalf of school district defts in response to the "answer in opposition to motion to dismiss" submitted by Donna Schuler. (Greves, Liz) (Entered: 02/02/2000)
10/21/1998	23	MEMORANDUM of LAW by Richard P. Mills in support of his motion to dismiss. (Hunter, Tara) (Entered: 10/23/1998)
10/21/1998	28	Deft Richard Mills' Notice of Motion returnable 9/5/97 for an order dismissing complaint. (Greves, Liz) (Entered: 02/02/2000)
11/12/1998	27	MOTION by Donna Schuler to extend time for 14 days to respond to defendants' motion to dismiss . (Asreen, Wendy) Modified on 11/23/1998 (Entered: 11/23/1998)
11/13/1998	24	MOTION by Donna Schuler to extend time for 14 days to respond to defendants' motion to dismiss . (Asreen, Wendy) (Entered: 11/13/1998)
11/13/1998	25	ORDER denying [24-1] [18-1] [15-1] motion to adjourn oral argument on defendants' motion to dismiss, as there will be no oral argument. The motions to dismiss will be taken on submission. Signed by Judge John Gleeson on 11/2/98. {c/m by chambers} (Asreen, Wendy) (Entered: 11/13/1998)
11/16/1998	26	FAXED LETTER dated 10/28/98 from Donna Schuler to Judge Gleeson requesting a rescheduling of the oral argument scheduled for 10/30/98. (Guzzi, Roseann) (Entered: 11/16/1998)
11/16/1998		Endorsed order dated 10/28/98 on document #26 that the oral argument is adjourned to 11/13/98 at 10:00. C/faxed. ( Signed by Judge John Gleeson ) (Guzzi, Roseann) (Entered: 11/16/1998)
02/03/2000	40	MEMORANDUM and ORDER dated 2/1/2000 that for the reasons stated in this Memo the complaint is dismissed with prejudice as to the School Board defts, the Commissioner, &the CSEA. The Clerk is advised that the only remaining deft is Robert S. Abrams. CM (signed by Judge John Gleeson). (Greves, Liz) (Entered: 02/03/2000)
03/17/2000	41	ORDER, because more than 120 days have elapsed after the filing of the complaint and Abrams has not been served, the complaint is dismissed against him. The Clerk is directed to enter judgment in favor of all defts and close this case. (signed by Judge John Gleeson , on 03.15.00) Copies mailed by Chambers. (Forwarded to Pro Se for Judgment) Galeano, Sonia (Entered: 03/17/2000)
03/17/2000	42	LETTER MOTION dated 03.15.00 from Donna Schuler to Judge Gleeson, respectfully requesting that the court once again grant a default summary judgment for petitioner's claims against Robert S. Abrams and that the court appoint a special investigator, prosecutor, or agency to investigate the financial improprieties found to be present in the Central Islip S.D. Galeano, Sonia (Entered: 03/17/2000)
03/22/2000	43	ORDER dated 3/8/00 that in the Court's memorandum and order dated 2/1/00 the court noted the default of Robert S. Abrams. Plaintiffs are ordered to show cause why their claims against Abrams should not be dismissed. Must respond by 3/17/00. ( signed by Judge John Gleeson, on 3/8/00) c/m (Guzzi, Roseann) (Entered: 03/22/2000)
03/23/2000	44	JUDGMENT dated 3/20/00 that the plaintiffs take nothing of the defendants; that the complaint against defendant Abrams is dismissed; and, that judgment is entered in favor of all defendants. (Signed by Robert C. Heinemann, Clerk of the Court, on 3/20/00) c/m w/appeals pkg. , (Guzzi, Roseann) (Entered: 03/23/2000)
03/23/2000		Case closed. *Magistrate Levy notified. (Guzzi, Roseann) (Entered: 03/23/2000)