

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARY JO C.

Plaintiff,

-against-

NEW YORK STATE AND LOCAL
RETIREMENT SYSTEM, CENTRAL ISLIP
PUBLIC LIBRARY,

Defendants.

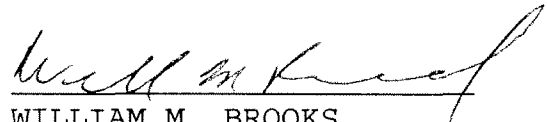
NOTICE OF APPEAL

CV-09-5635
(SJF) (ARL)

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Notice is hereby given that plaintiff Mary Jo C.
appeals to the United States Court of Appeals for the Second
Circuit from a final judgment entered in this action May 6,
2011.

Dated: Central Islip, New York
May 26, 2011



WILLIAM M. BROOKS

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Mental Disability Law Clinic
Attorney for Plaintiff

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**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:09-cv-05635-SJF -ARL
Internal Use Only**

C. v. New York State and Local Retirement System et al
Assigned to: Judge Sandra J. Feuerstein
Referred to: Magistrate Judge Arlene R. Lindsay
Cause: 42:1201 Civil Rights (Disability)

Date Filed: 12/23/2009
Date Terminated: 05/06/2011
Jury Demand: Plaintiff
Nature of Suit: 446 Civil Rights:
Americans with Disabilities – Other
Jurisdiction: Federal Question

Plaintiff

Mary Jo C.

represented by **William M. Brooks**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**New York State and Local Retirement
System**

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Defendant

Central Islip Public Library

represented by **Laura L. Shockley**
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Date Filed	#	Docket Text
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12/23/2009	<u>1</u>	COMPLAINT (<i>Receipt #2046</i>) against Central Islip Public Library, New York State and Local Retirement System Disclosure Statement on Civil Cover Sheet completed –No., filed by Mary Jo C.. (Attachments: # <u>1</u> Civil Cover Sheet) (Ryan, Mary) (Entered: 12/28/2009)
12/23/2009		Summons Issued as to Central Islip Public Library, New York State and Local Retirement System. (Ryan, Mary) (Entered: 12/28/2009)
12/30/2009	<u>2</u>	DEMAND for Trial by Jury by Mary Jo C. (Brooks, William) (Entered: 12/30/2009)
01/04/2010		Case Ineligible for Arbitration (Bollbach, Jean) (Entered: 01/04/2010)
02/02/2010	<u>3</u>	SUMMONS Returned Executed by Mary Jo C.. New York State and Local Retirement System served on 1/20/2010, answer due 2/10/2010. (Brooks, William) (Entered: 02/02/2010)
02/02/2010	<u>4</u>	SUMMONS Returned Executed by Mary Jo C.. Central Islip Public Library served on 1/21/2010, answer due 2/11/2010. (Brooks, William) (Entered: 02/02/2010)
02/18/2010	<u>5</u>	NOTICE of Appearance by William M. Savino on behalf of Central Islip Public Library (aty to be noticed) (Savino, William) (Entered: 02/18/2010)
02/18/2010	<u>6</u>	NOTICE of Appearance by Laura L. Shockley on behalf of Central Islip Public Library (aty to be noticed) (Shockley, Laura) (Entered: 02/18/2010)
02/18/2010	<u>7</u>	STIPULATION re <u>1</u> Complaint <i>Extending Time to Answer or otherwise move until March 16, 2010</i> by Central Islip Public Library (Shockley, Laura) (Entered: 02/18/2010)
02/19/2010		STIPULATION AND ORDER re <u>7</u> : The time for defendant Central Islip Public Library to answer or otherwise move against the complaint is extended to 3/16/2010. Ordered by Magistrate Judge Arlene R. Lindsay on 2/19/2010. (c/ecf) (Warshaw, Aaron) (Entered: 02/19/2010)
03/02/2010	<u>8</u>	NOTICE of Appearance by Patricia M. Hingerton on behalf of New York State and Local Retirement System (aty to be noticed) (Hingerton, Patricia) (Entered: 03/02/2010)
03/02/2010	<u>9</u>	STIPULATION <i>to extend time to respond to complaint</i> by New York State and Local Retirement System (Hingerton, Patricia) (Entered: 03/02/2010)
03/03/2010		ORDER TO ANSWER re <u>9</u> : The time for defendant New York State and Local Retirement System to answer or otherwise move against the complaint is extended to 3/18/2010. Ordered by Magistrate Judge Arlene R. Lindsay on 3/3/2010. c/ecf (Miller, Dina) (Entered: 03/03/2010)
03/16/2010	<u>10</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint (<i>Stipulation Extending time to answer or otherwise move to March 31, 2010</i>) by Central Islip Public Library. (Shockley, Laura) (Entered: 03/16/2010)
03/17/2010		ORDER granting <u>10</u> : On consent, the time for defendants to answer or otherwise move against the complaint is extended to 3/31/2010. Ordered by Magistrate Judge Arlene R. Lindsay on 3/17/2010. (c/ecf) (Warshaw, Aaron) (Entered: 03/17/2010)
03/30/2010	<u>11</u>	MOTION to Dismiss (<i>request for pre-motion conference or for briefing schedule</i>) by New York State and Local Retirement System. (Hingerton, Patricia) (Entered: 03/30/2010)
03/30/2010	<u>12</u>	MOTION for Discovery <i>Stay</i> by New York State and Local Retirement System. (Hingerton, Patricia) (Entered: 03/30/2010)
04/01/2010	<u>13</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint (<i>Stipulation</i>) by Central Islip Public Library. (Shockley, Laura) (Entered: 04/01/2010)
04/01/2010	<u>14</u>	Letter <i>in response by plaintiff to defendant New York State and Local Retirement System's pre-motion letter</i> by Mary Jo C. (Brooks, William) (Entered: 04/01/2010)

04/02/2010		ORDER granting <u>13</u> : By stipulation, the time for defendant Central Islip Public Library to answer or otherwise move against the complaint is extended to 4/30/2010. Ordered by Magistrate Judge Arlene R. Lindsay on 4/2/2010. (c/ecf) (Warshaw, Aaron) (Entered: 04/02/2010)
04/02/2010		ORDER denying <u>12</u> motion to stay discovery pending resolution of the motion to dismiss. The undersigned will issue a proposed scheduling order after all defendants have answered or moved against the complaint. Ordered by Magistrate Judge Arlene R. Lindsay on 4/2/2010. (c/ecf) (Warshaw, Aaron) (Entered: 04/02/2010)
04/09/2010	<u>15</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Sandra J. Feuerstein for all further proceedings. Senior Judge Leonard D. Wexler no longer assigned to case. Ordered by Chief Judge Raymond J. Dearie on 4/9/2010. (Bowens, Priscilla) (Entered: 04/13/2010)
04/21/2010	<u>16</u>	Letter <i>indicating service of motion to dismiss on plaintiff and co-defendant</i> by New York State and Local Retirement System (Hingerton, Patricia) (Entered: 04/21/2010)
04/30/2010	<u>17</u>	STIPULATION <i>Extending to May 28, 2010, the time for defendant, Central Islip Public Library, to serve a motion to dismiss the complaint and that Plaintiff's time to oppose defendant, New York State & Local Retirement System's pending Motion to Dismiss and defendant, Central Islip Public Library's Motion to Dismiss is extended to and including July 6, 2010..</i> by Central Islip Public Library (Attachments: # <u>1</u> Letter to Hon. Sandra J. Feuerstein from Laura L. Shockley respectfully requesting that the attached Stipulation be 'so ordered') (Shockley, Laura) (Entered: 04/30/2010)
05/05/2010	<u>18</u>	STIPULATION AND ORDER extending deadlines for motion. Ordered by Judge Sandra J. Feuerstein on 5/5/2010. (Brienza, Lauren) (Entered: 05/06/2010)
05/07/2010		ORDER terminating as moot <u>11</u> Motion to Dismiss. Ordered by Judge Sandra J. Feuerstein on 5/7/2010. (Brienza, Lauren) (Entered: 05/10/2010)
05/28/2010	<u>19</u>	MOTION to Dismiss <i>Complaint</i> by Central Islip Public Library. (Attachments: # <u>1</u> Certificate of Service) (Shockley, Laura) (Entered: 05/28/2010)
05/28/2010	<u>20</u>	MEMORANDUM in Support re <u>19</u> MOTION to Dismiss <i>Complaint</i> filed by Central Islip Public Library. (Attachments: # <u>1</u> Certificate of Service) (Shockley, Laura) (Entered: 05/28/2010)
06/01/2010		ORDER denying <u>19</u> Motion to Dismiss WITHOUT PREJUDICE for failure to comply with Rule 4 of Judge Feuerstein's individual rules. Ordered by Judge Sandra J. Feuerstein on 6/1/2010. c/ecf (Morabito, Bryan) (Entered: 06/01/2010)
07/07/2010	<u>21</u>	Letter MOTION for Extension of Time to File <i>Memorandum of Law in Opposition to Defendants' Motions to Dismiss and Modify the Briefing Schedule</i> by Mary Jo C.. (Brooks, William) (Entered: 07/07/2010)
07/08/2010	<u>22</u>	Letter <i>detailing additional consent to previously filed letter motion seeking extension of time and modification of briefing schedule</i> by Mary Jo C. (Attachments: # <u>1</u> Attachment) (Brooks, William) (Entered: 07/08/2010)
07/12/2010	<u>23</u>	ORDER granting <u>21</u> Motion for Extension of Time to File. Ordered by Judge Sandra J. Feuerstein on 7/12/2010. (Brienza, Lauren) (Entered: 07/14/2010)
08/12/2010	<u>24</u>	MOTION to Dismiss by New York State and Local Retirement System. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Memorandum in Opposition, # <u>3</u> Memorandum in Support) (Hingerton, Patricia) (Entered: 08/12/2010)
08/13/2010	<u>25</u>	Letter MOTION for Extension of Time to File Response/Reply <i>in Connection With Pending Motion to Dismiss to August 23, 2010</i> by Central Islip Public Library. (Shockley, Laura) (Entered: 08/13/2010)
08/18/2010	<u>26</u>	ORDER granting <u>25</u> Motion for Extension of Time to File Response/Reply. The application is: granted. (Ordered by Judge Sandra J. Feuerstein on 8/16/2010.) (Fagan, Linda) (Entered: 08/18/2010)

08/23/2010	<u>27</u>	MOTION to Dismiss <i>Complaint</i> by Central Islip Public Library. (Shockley, Laura) (Entered: 08/23/2010)
08/23/2010	<u>28</u>	MEMORANDUM in Support re <u>27</u> MOTION to Dismiss <i>Complaint</i> filed by Central Islip Public Library. (Shockley, Laura) (Entered: 08/23/2010)
08/23/2010	<u>29</u>	MEMORANDUM in Opposition re <u>27</u> MOTION to Dismiss <i>Complaint (Part 1 of 4)</i> filed by Central Islip Public Library. (Attachments: # <u>1</u> Memorandum of Law in Opposition to Motion to Dismiss (Part 2 of 4), # <u>2</u> Memorandum of Law in Opposition to Motion to Dismiss (Part 3 of 4), # <u>3</u> Memorandum of Law in Opposition to Motion to Dismiss (Part 4 of 4)) (Shockley, Laura) (Entered: 08/23/2010)
08/23/2010	<u>30</u>	MEMORANDUM in Support re <u>27</u> MOTION to Dismiss <i>Complaint / Reply Memorandum of Law in Further Support</i> filed by Central Islip Public Library. (Shockley, Laura) (Entered: 08/23/2010)
08/23/2010	<u>31</u>	CERTIFICATE OF SERVICE by Central Islip Public Library re <u>28</u> Memorandum in Support, <u>30</u> Memorandum in Support, <u>27</u> MOTION to Dismiss <i>Complaint</i> , <u>29</u> Memorandum in Opposition, (Shockley, Laura) (Entered: 08/23/2010)
09/02/2010	<u>32</u>	Letter from Laura L. Shockley to Judge Feuerstein dated 8/24/2010 enclosing courtesy copies of dockets which were all filed electronically. (Glueckert, Lisa) (Entered: 09/02/2010)
03/29/2011		(Court only) The following motion will be decided by the Court at the same time as Doc. No. <u>24</u> MOTION to Dismiss by New York State and Local Retirement System: <u>27</u> MOTION to Dismiss <i>Complaint</i> filed by Central Islip Public Library. (Morabito, Bryan) (Entered: 03/29/2011)
05/05/2011	<u>33</u>	OPINION AND ORDER granting to the extent set forth herein <u>24</u> Motion to Dismiss; For the reasons stated herein, defendants' respective motions to dismiss the complaint purs. to Rule 12(b) of the Fed. R. Civ. P. are granted to the extent set forth herein and the complaint is dismissed in its entirety. The Clerk of the Court shall enter judgment in favor of defendants and close this case. (Ordered by Judge Sandra J. Feuerstein on 5/5/2011.) (Fagan, Linda) (Entered: 05/06/2011)
05/06/2011	<u>34</u>	CLERK'S JUDGMENT; That plttf take nothing of defts; that defts' respective motions to dismiss the complaint purs. to Rule 12(b) of the Fed. R. Civ. P. are granted to the extent set forth in the May 5, 2011 Opinion and Order; that the complaint is dismissed in its entirety; and that this case is hereby closed. (Signed by: Catherine Vukovich, Deputy Clerk, on 5/6/2011) c/m c/ecf (Fagan, Linda) (Entered: 05/09/2011)
05/31/2011	<u>35</u>	NOTICE OF APPEAL as to <u>34</u> Clerk's Judgment, by Mary Jo C.. (Brooks, William) (Entered: 05/31/2011)
05/31/2011		Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. <u>3</u> Summons Returned Executed, <u>14</u> Letter, <u>7</u> Stipulation, <u>20</u> Memorandum in Support, <u>17</u> Stipulation, <u>10</u> Motion for Extension of Time to File Answer, <u>32</u> Letter, <u>22</u> Letter, <u>8</u> Notice of Appearance, <u>18</u> Stipulation and Order, <u>23</u> Order on Motion for Extension of Time to File, <u>5</u> Notice of Appearance, <u>2</u> Jury Demand, <u>28</u> Memorandum in Support, <u>21</u> Motion for Extension of Time to File, <u>30</u> Memorandum in Support, <u>13</u> Motion for Extension of Time to File Answer, <u>33</u> Order on Motion to Dismiss, <u>26</u> Order on Motion for Extension of Time to File Response/Reply, <u>25</u> Motion for Extension of Time to File Response/Reply, <u>12</u> Motion for Discovery, <u>34</u> Clerk's Judgment, <u>6</u> Notice of Appearance, <u>16</u> Letter, <u>1</u> Complaint, <u>4</u> Summons Returned Executed, <u>35</u> Notice of Appeal, <u>24</u> Motion to Dismiss, <u>9</u> Stipulation, <u>19</u> Motion to Dismiss, <u>31</u> Certificate of Service, <u>27</u> Motion to Dismiss, <u>29</u> Memorandum in Opposition, <u>11</u> Motion to Dismiss, <u>15</u> Order Reassigning Case. (Russo, Eric) (Entered: 05/31/2011)