

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JERRY LARICCHIUTA, as Local President of the  
CSEA Nassau County Local 830; and  
Civil Service Employees Association, Inc.,  
Local 1000, AFSCME, AFL-CIO,  
DANNY DONOHUE as President of the  
Civil Service Employees Association, Inc.,  
Local 1000, AFSCME, AFL-CIO,

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ **OCT -7 2013** ★  
LONG ISLAND OFFICE

Plaintiffs,

CV 11-1900  
CV 13-1331  
CV 13-3898

-against-

(Wexler, J.)

NASSAU COUNTY INTERIM FINANCE  
AUTHORITY, et al.,

Defendants.

-----X  
JOHN JARONCZYK, as President of the  
Nassau County Sheriff's Correction Officers  
Benevolent Association, Nassau County Sheriff's  
Correction Benevolent Association,

MEMORANDUM AND ORDER

Plaintiffs,

CV 11-2743  
CV 13-1091  
CV 13-4097

-against-

(Wexler, J.)

NASSAU COUNTY INTERIM FINANCE  
AUTHORITY, et al.,

Defendants.

-----X

APPEARANCES:

AARON EDWARD KAPLAN, ESQ.  
CSEA, INC.  
143 Washington Avenue Box 7125  
Albany, New York 12210  
Attorneys for Plaintiffs Jerry Laricchiuta Danny Donohue,  
CSEA Nassau County Local 830 and CSEA Local 1000, AFSME, AFL-CIO

KOEHLER & ISAACS, LLP.  
BY: HOWARD GARY WEIN, ESQ.  
61 Broadway 25<sup>th</sup> Floor  
New York, New York 10006  
Attorneys for Plaintiffs John Jaronczyk and Nassau County Sheriff's  
Corrections Officers Benevolent Association

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
BY: CHRISTOPHER GUNTHER, ESQ.  
Four Times Square  
New York, New York 10036-6522  
Attorneys for Defendants Nassau County Interim Finance Authority and  
Individual Directors/Members

JACKSON LEWIS LLP  
BY: ANA SHIELDS, ESQ., MARC S. WENGER, ESQ.  
58 South Service Road, Suite 410  
Melville, New York 11747  
Attorneys for Defendants County of Nassau  
Edward Mangano and George Maragos

BARBARA E. VAN RIPER, ESQ.  
Office of the Nassau County Attorney  
One West Street  
Mineola, New York 11501

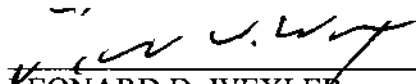
WEXLER, District Judge

In a Memorandum and Order dated September 25, 2013, this court asked Plaintiffs in Carver v. NIFA, 11-1614, to inform the court as to their intent with respect to pursuing their state law statutory construction claim in a state forum. The Carver Plaintiffs have since informed the court that they will soon commence a state action. In view of the Carver Plaintiffs' election and the opinion of the Second Circuit in Carver v. Nassau County Interim Finance Authority, No. 13-0801,

13-840 (September 20, 2013), this court exercised its discretion to stay this federal action pending completion of the state court proceedings.

The cases captioned herein raise the same potentially dispositive state law statutory construction claim. Instead of reaching the Constitutional issues raised in these cases, the court will close the files in these cases pending a decision by the New York state court as to the merits of the state law claim. Accordingly, the Clerk of the Court is directed to close the files and terminate all outstanding motions in these cases at this time. The closing and terminations are without prejudice to re-opening these cases, upon letter application, at the conclusion of the state court proceedings.

SO ORDERED.

  
\_\_\_\_\_  
LEONARD D. WEXLER  
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York  
October 7, 2013