

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

DAVID HOLMES,

v.

1:17-CV-22  
(DNH/CFH)

SCHOHARIE CENTRAL SCHOOL DISTRICT  
and KATHRYN GERBINO, Former Interim  
Superintendent, in her official and individual  
capacity,

Defendants.

---

APPEARANCES:

LAW OFFICES OF ANDREA M. MOSS  
Attorney for Plaintiff  
139 East Market Street  
Rhinebeck, New York 12572

MAYNARD, O'CONNOR, SMITH &  
CATALINOTTO, LLP  
Attorneys for Defendants  
6 Tower Place  
Albany, New York 12203

DAVID N. HURD  
United States District Judge

OF COUNSEL:

ANDREA M. MOSS, ESQ.

ANDREA P. DEMERS, ESQ.

**ORDER**

Oral argument was scheduled for today, May 11, 2017, at 2:00 p.m. in Utica, New York. On this date, Andrea P. Demers, Esq. appeared for defendants and no one appeared for plaintiff. After the time for oral argument having come and gone and no appearance by

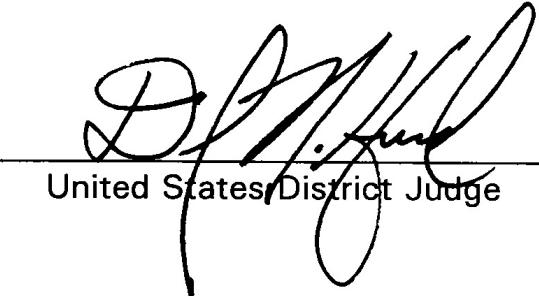
Andrea M. Moss, Esq. for plaintiff and no notification to the Court, an oral decision was read entered into the record. In accordance with same, it is

ORDERED that

1. Defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is GRANTED; and
2. Plaintiff's Complaint is DISMISSED in its entirety.

The Clerk is ordered to enter a judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: May 11, 2017  
Utica, New York.