

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:

OF COUNSEL:

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

ANDREA M. MOSS, ESQ.

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

ANDREA P. DEMERS, ESQ.

DAVID N. HURD
United States District Judge

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

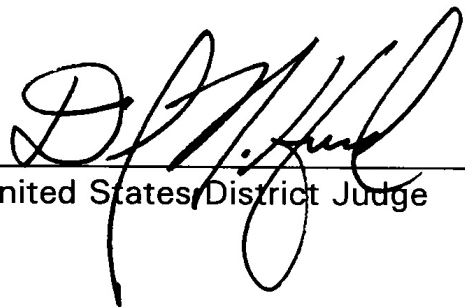
ORDERED that

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.