

**United States District Court
Southern District of West Virginia (Charleston)
CIVIL DOCKET FOR CASE #: 2:20-cv-00057**

G.T. et al v. Kanawha County Schools et al
Assigned to: Judge Irene C. Berger
Cause: 20:1401 Individuals with Disabilities Education
Act (IDEA)

Date Filed: 01/24/2020
Jury Demand: None
Nature of Suit: 448 Civil Rights:
Education
Jurisdiction: Federal Question

Plaintiff

G. T.
by his Parents

represented by **Blaire Malkin**
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TERMINATED: 07/31/2020
PRO HAC VICE

Plaintiff

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and

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Erin Snyder
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TERMINATED: 06/30/2020
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shira T. Wakschlag
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LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Jamie T.

*on behalf of himself and all similarly
situated individuals, and*

represented by **Blaire Malkin**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Erin Snyder

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TERMINATED: 06/30/2020

LEAD ATTORNEY

Ira A. Burnim

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ATTORNEY TO BE NOTICED*

Michael J. Faris
(See above for address)
*TERMINATED: 07/31/2020
PRO HAC VICE*

Plaintiff

K. M.
by his Parents

represented by **Blaire Malkin**
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*LEAD ATTORNEY
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TERMINATED: 07/31/2020

PRO HAC VICE

Plaintiff

Danielle M.

and

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TERMINATED: 07/31/2020
PRO HAC VICE

Plaintiff

Steven M.
on behalf of themselves and all
similarly situated individuals, and

represented by **Blaire Malkin**
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TERMINATED: 07/31/2020
PRO HAC VICE

Plaintiff

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Michael J. Faris
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TERMINATED: 07/31/2020
PRO HAC VICE

V.

Defendant

Kanawha County Schools
and
TERMINATED: 04/10/2020

represented by **Gabriele Wohl**
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Defendant

**The Board of Education of the
County of Kanawha**
and

represented by **Gabriele Wohl**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. Mark Adkins
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Richard Scott Boothby
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William Austin Smith , II
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Defendant

Ron Duerring
*Superintendent, Kanawha County
Schools, in his official capacity*
TERMINATED: 07/16/2020

represented by **Gabriele Wohl**
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LEAD ATTORNEY
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J. Mark Adkins
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Date Filed	#	Docket Text
01/24/2020	<u>1</u>	CLASS ACTION COMPLAINT. Filing Fee \$400.00. Receipt # AWVSDC-7523113. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons) (mms)
01/24/2020	<u>2</u>	DISCLOSURE STATEMENT PURSUANT TO RULE 7.1, Federal Rules of Civil Procedure, by Plaintiff The Arc of West Virginia. (Milnes, Lydia) (Modified on 1/28/2020 to correct link) (kew).
01/24/2020	<u>3</u>	STATEMENT OF VISITING ATTORNEY from Karen Klass on behalf of G. T. Local counsel: Lydia C. Milnes. Fee \$50.00. Receipt # AWVSDC-7523683. (Milnes, Lydia)
01/24/2020	<u>4</u>	STATEMENT OF VISITING ATTORNEY Michael Faris on behalf of G. T. Local counsel: Lydia C. Milnes. Fee \$50.00. Receipt # AWVSDC-7523700. (Milnes, Lydia) (Modified on 1/28/2020 to add signatures and replace image) (kew).
01/24/2020	<u>5</u>	STATEMENT OF VISITING ATTORNEY from Ira A. Burnim on behalf of G. T. Local counsel: Lydia C. Milnes. Fee \$50.00. Receipt # AWVSDC-7523710. (Milnes, Lydia)
01/24/2020	<u>6</u>	STATEMENT OF VISITING ATTORNEY from Lewis Bossing on behalf of G. T. Local counsel: Lydia C. Milnes. Fee \$50.00. Receipt # AWVSDC-7523720. (Milnes, Lydia)
01/24/2020	<u>7</u>	ELECTRONIC SUMMONS ISSUED as to Ron Duerring and Kanawha County Schools, re: <u>1</u> Complaint. Summons returnable 21 days. Instructions to Counsel: This is your electronic summons. Please print as many copies of the Summons and Complaint as are necessary to effectuate service under Fed. R. Civ. P. 4. See Proof of Service page of this Summons form for filing a return of service if

		required by Fed. R. Civ. P. 4(l). (Attachment: # 1 Summons as to Kanawha County Schools) (mms)
01/24/2020	8	STATEMENT OF VISITING ATTORNEY from Shira T. Wakschlag on behalf of G. T. Local counsel: Lydia C. Milnes. Fee \$50.00. Receipt # AWVSDC-7523731. (Milnes, Lydia)
01/24/2020		CASE assigned to Judge Irene C. Berger. (klc) (Entered: 01/27/2020)
01/27/2020	9	ADMINISTRATIVE ORDER FOR ASSIGNMENT AND REFERRAL TO MAGISTRATE JUDGES OF CIVIL ACTIONS ASSIGNED TO JUDGE IRENE C. BERGER ENTERED NOVEMBER 12, 2019. This matter referred to Magistrate Judge Aboulhosn for Discovery. (cc: attys; any unrepresented party) (klc)
01/28/2020		NOTICE OF DOCKET CORRECTION re: 4 Statement of Visiting Attorney. ERROR: Image did not contains signatures. CORRECTION: Signatures added and image replaced. (kew)
02/05/2020	10	NOTICE OF CHANGE OF ATTORNEY INFORMATION by Blaire Malkin updating name and/or firm information on behalf of G. T. (Malkin, Blaire) (Modified on 2/6/2020 to correct signature and replace image) (kew).
02/06/2020		NOTICE OF DOCKET CORRECTION re: 10 Notice of Change of Attorney Information. ERROR: Image contained incorrect signature. CORRECTION: Signature corrected and image replaced. (kew)
02/18/2020	11	SUMMONS RETURNED EXECUTED by Personal Service for Kanawha County Schools. Kanawha County Schools served on 2/18/2020, answer due 3/10/2020. Summons served on Kanawha County Schools. (Milnes, Lydia)
02/18/2020	12	SUMMONS RETURNED EXECUTED by Personal Service for Ron Duerring. Ron Duerring served on 2/18/2020, answer due 3/10/2020. Summons served on Dr. Ron Duerring. (Milnes, Lydia)
02/25/2020	13	NOTICE OF CHANGE OF ATTORNEY INFORMATION by Lewis Bossing updating name and/or firm information on behalf of Michelle, G. T., Jamie T., The Arc of West Virginia. (Bossing, Lewis)
02/25/2020	14	NOTICE OF CHANGE OF ATTORNEY INFORMATION by Lewis Bossing for Ira A. Burnim updating name and/or firm

		information on behalf of Michelle, G. T., Jamie T., The Arc of West Virginia. (Bossing, Lewis)
03/09/2020	15	STIPULATION FOR EXTENSION TO FILE RESPONSIVE PLEADING re: 1 Complaint to 3/20/2020 by Ron Duerring, Kanawha County Schools, G. T., Michelle, Jamie T., The Arc of West Virginia. (Adkins, J.) (Modified on 3/10/2020 to add party filers) (kew).
03/20/2020	16	ANSWER TO 1 Complaint by Kanawha County Schools. (Adkins, J.)
03/20/2020	17	PARTIAL MOTION by Ron Duerring, Kanawha County Schools to Dismiss 1 Complaint. (Adkins, J.) (Modified on 3/23/2020 to add link to #1 complaint) (kew).
03/20/2020	18	MEMORANDUM OF LAW by Ron Duerring, Kanawha County Schools in support of 17 PARTIAL MOTION by Ron Duerring, Kanawha County Schools to Dismiss 1 Complaint. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Adkins, J.)
03/25/2020	19	ORDER AND NOTICE: Rule 12(b) Motions 4/22/2020. Rule 26(f) Meeting 4/29/2020. Last day to file report of Rule 26(f) Meeting 5/6/2020. Scheduling Conference at 2:00 PM on 5/20/2020 in Charleston. Entry of Scheduling Order 5/27/2020. Last Day to make Rule 26(a)(1) disclosures 6/3/2020. Signed by Judge Irene C. Berger on 3/25/2020. (cc: counsel of record; any unrepresented party) (kew)
03/31/2020	20	JOINT MOTION by Michelle, G. T., Jamie T., The Arc of West Virginia, Kanawha County Schools, Ron Duerring to Extend Bbriefing Period for the 17 PARTIAL MOTION by Ron Duerring, Kanawha County Schools to Dismiss 1 Complaint to 5/25/2020. (Attachment: # 1 Proposed Order)(Milnes, Lydia) (Modified on 3/31/2020 to add party filers) (kew).
03/31/2020	21	ORDER granting 20 JOINT MOTION to Extend Briefing Period. The Plaintiffs shall file an amended complaint by 4/10/2020, and the Defendants shall file a responsive pleading within 30 days thereafter. The Court further directs that the Defendants' 17 Partial Motion to Dismiss Complaint be terminated as moot, and that leave be granted to file a new motion if warranted. Signed by Judge Irene C. Berger on 3/31/2020. (cc: counsel of record; any unrepresented party) (lca)

04/10/2020	22	FIRST AMENDED CLASS ACTION COMPLAINT by Michelle, Jamie T., G. T., K. M., Danielle M., Steven M. against Ron Duerring, Board of Education of the County of Kanawha (ts)
05/06/2020	23	RULE 26(f) REPORT OF PLANNING MEETING by Board of Education of the County of Kanawha, Ron Duerring, G. T., Michelle, Jamie T., K. M., Danielle M., Steven M., The Arc of West Virginia. (Adkins, J.) (Modified on 5/7/2020 to add party filers) (kew).
05/08/2020	24	BIFURCATED SCHEDULING ORDER directing that the Scheduling Conference is CANCELLED and that this case shall proceed as follows: Motion to Dismiss due by 06/05/2020. Amendments and Joinder due by 9/28/2020. Discovery requests due by 10/16/2020. All discovery, including disclosures required by Fed. R. Civ. P. 26(a)(2), but not disclosures required by Fed. R. Civ. P. 26(a)(3), are due by 11/13/2020. Depositions to be completed by 12/11/2020. Class Certification due by 12/11/2020. Rule 26(f) Report due by 1/15/2021. Signed by Judge Irene C. Berger on 5/8/2020. (cc: counsel of record; any unrepresented party) (kew)
05/11/2020	25	ANSWER TO 22 First Amended Class Action Complaint by Board of Education of the County of Kanawha. (Adkins, J.)
05/11/2020	26	PARTIAL MOTION by Board of Education of the County of Kanawha, Ron Duerring to Dismiss 22 First Amended Class Action Complaint. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Adkins, J.)
05/11/2020	27	MEMORANDUM OF LAW by Board of Education of the County of Kanawha, Ron Duerring in support of 26 PARTIAL MOTION by Board of Education of the County of Kanawha, Ron Duerring to Dismiss 22 First Amended Class Action Complaint. (Adkins, J.)
05/22/2020	28	CERTIFICATE OF SERVICE by Danielle M., K. M., Steven M., Michelle, G. T., Jamie T., The Arc of West Virginia for First Set of Interrogatories and Requests for Production of Documents to Defendants. (Milnes, Lydia)
05/26/2020	29	UNOPPOSED MOTION by Danielle M., K. M., Steven M., Michelle, G. T., Jamie T., The Arc of West Virginia for Leave to Exceed the Page Limitation in Their Opposition to Partial Motion to Dismiss. (Milnes, Lydia)
05/26/2020	30	MEMORANDUM by Danielle M., K. M., Steven M., Michelle, G. T., Jamie T., The Arc of West Virginia in opposition to 26 PARTIAL MOTION by Board of Education of the County of

		Kanawha, Ron Duerring to Dismiss 22 First Amended Class Action Complaint. (Attachment: # 1 Exhibit A)(Milnes, Lydia)
05/27/2020	31	ORDER granting 29 MOTION by Danielle M., K. M., Steven M., Michelle, G. T., Jamie T., The Arc of West Virginia to Exceed Page Limit for Petitioner's Response Brief in Opposition to Defendants' Partial Motion to Dismiss. Signed by Judge Irene C. Berger on 5/27/2020. (cc: counsel of record; any unrepresented party) (ts)
06/02/2020	32	MOTION by Board of Education of the County of Kanawha, Ron Duerring for Protective Order and to Stay Discovery Pending Ruling on Defendants' Motion to Dismiss. (Attachment: # 1 Exhibit A)(Adkins, J.)
06/02/2020	33	MEMORANDUM by Board of Education of the County of Kanawha, Ron Duerring in support of 32 MOTION by Board of Education of the County of Kanawha, Ron Duerring for Protective Order and to Stay Discovery Pending Ruling on Defendants' Motion to Dismiss. (Adkins, J.)
06/02/2020	34	REPLY by Board of Education of the County of Kanawha, Ron Duerring to 30 Memorandum In Opposition. (Adkins, J.)
06/03/2020	35	CERTIFICATE OF SERVICE by G. T., Michelle, Jamie T., K. M., Danielle M., Steven M., The Arc of West Virginia for Rule 26(a)(1) Disclosures. (Milnes, Lydia) (Modified on 6/4/2020 to add party filers) (kew).
06/03/2020	36	CERTIFICATE OF SERVICE by Board of Education of the County of Kanawha, Ron Duerring for Rule 26(a)(1) Initial Disclosures. (Adkins, J.)
06/05/2020	37	MOTION by Lori (Peters) Waller for Withdrawal of Counsel on behalf of Danielle M., K. M., Steven M., Michelle, G. T., Jamie T., The Arc of West Virginia. (Waller, Lori)
06/05/2020	38	INCORRECT IMAGE; IMAGE REMOVED. (Modified on 6/5/2020 to remove incorrectly image) (kew).
06/05/2020	39	CERTIFICATE OF SERVICE by Lori (Peters) Waller for Motion for Withdrawal of Counsel on behalf of Danielle M., K. M., Steven M., Michelle, G. T., Jamie T., The Arc of West Virginia. (Waller, Lori)
06/05/2020		NOTICE OF DOCKET CORRECTION re: #38 Motion to Withdraw. ERROR: Incorrect image attached. CORRECTION: Image removed. (kew)

06/15/2020	40	OPPOSITION by K. M., G. T., The Arc of West Virginia to 32 MOTION by Board of Education of the County of Kanawha, Ron Duerring for Protective Order and to Stay Discovery Pending Ruling on Defendants' Motion to Dismiss. (Attachments: # 1 Declaration, # 2 Exhibit 1, # 3 Exhibit 2)(Milnes, Lydia)
06/19/2020	41	REPLY by Board of Education of the County of Kanawha, Ron Duerring to 40 Response In Opposition. (Adkins, J.)
06/22/2020	42	ORDER denying Defendants' 32 MOTION for Protective Order and 32 MOTION to Stay. The parties are further ORDERED to meet and confer concerning Plaintiffs' proposed protective order and to submit their agreed protective order within three (3) days from the date of this Order for entry. In accordance with Rule 72(a) of the Federal Rules of Civil Procedure, the ruling set forth above on this non-dispositive Motion may be contested by filing within 14 days, objections to this Order with District Judge Irene C. Berger. Signed by Magistrate Judge Omar J. Aboulhosn on 6/22/2020. (cc: counsel of record) (mk)
06/25/2020	43	PROPOSED ORDER Agreed Protective Order by Board of Education of the County of Kanawha, Ron Duerring, G. T., Michelle, Jamie T., K. M., Danielle M., Steven M., The Arc of West Virginia. (Adkins, J.) (Modified on 6/25/2020 to add party filers) (kew).
06/26/2020	44	AGREED PROTECTIVE ORDER Setting forth the terms for the handling of confidential documents. Signed by Magistrate Judge Omar J. Aboulhosn on 6/26/2020. (cc: counsel of record; any unrepresented party) (ts)
06/30/2020	45	ORDER directing that the 37 MOTION for Withdrawal of Counsel be GRANTED and that Erin Snyder be removed as counsel of record in this matter. Signed by Judge Irene C. Berger on 6/30/2020. (cc: counsel of record; any unrepresented party) (btm)
07/16/2020	46	MEMORANDUM OPINION AND ORDER: The Court ORDERS that the Defendants' 26 PARTIAL MOTION to Dismiss Amended Complaint be DENIED as to the class claims and The Arc of West Virginia and GRANTED as to Superintendent Ron Duerring; the Court ORDERS that Ron Duerring, Superintendent, Kanawha County Schools, sued in his official capacity, be DISMISSED from this suit. Signed by Judge Irene C. Berger on 7/16/2020. (cc: counsel of record; any unrepresented party) (slr)

07/27/2020	47	CERTIFICATE OF SERVICE by Board of Education of the County of Kanawha for Responses to First Set of Interrogatories and Requests for Production. (Boothby, Richard)
07/30/2020	48	AMENDED ANSWER to 22 First Amended Class Action Complaint by Board of Education of the County of Kanawha. (Adkins, J.) (Modified on 7/30/2020 to correct link) (kew).
07/31/2020	49	NOTICE OF WITHDRAWAL OF APPEARANCE by Michael J. Faris on behalf of Danielle M., K. M., Steven M., Michelle, G. T., Jamie T., The Arc of West Virginia. (Faris, Michael)
07/31/2020	50	STATEMENT OF VISITING ATTORNEY from Kirstin Scheffler Do on behalf of G. T., The Arc of West Virginia. Local counsel: Lydia Milnes. Fee \$50.00. Receipt # AWVSDC-7692624. (Milnes, Lydia) (Modified on 8/3/2020 to add party filer) (kew).
07/31/2020	51	STATEMENT OF VISITING ATTORNEY from Robin M. Hulshizer on behalf of G. T., The Arc of West Virginia. Local counsel: Lydia Milnes. Fee \$50.00. Receipt # AWVSDC-7692665. (Milnes, Lydia) (Modified on 8/3/2020 to add party filer) (kew).
07/31/2020	52	CERTIFICATE OF SERVICE by Board of Education of the County of Kanawha for First Supplement to Answers and Responses to First Set of Interrogatories and Requests for Production. (Boothby, Richard)
08/10/2020	53	CERTIFICATE OF SERVICE by Board of Education of the County of Kanawha for First Set of Interrogatories and Requests for Production. (Adkins, J.)
08/13/2020	54	CERTIFICATE OF SERVICE by G. T., The Arc of West Virginia, Steven M., Danielle M., K. M., Jamie T., Michelle for First Set of Interrogatories (Revised Nos 1 & 7). (Milnes, Lydia) (Modified on 8/14/2020 to add party filers) (kew).
08/13/2020	55	CERTIFICATE OF SERVICE by G. T., The Arc of West Virginia, Steven M., Danielle M., K. M., Jamie T., Michelle for Second Set of Requests for Production. (Milnes, Lydia) (Modified on 8/14/2020 to add party filers) (kew).
08/28/2020	56	CERTIFICATE OF SERVICE by Board of Education of the County of Kanawha for Defendant's Second Supplement to Answers and Responses to Plaintiffs' First Set of Interrogatories and Requests for Production. (Boothby, Richard)

08/31/2020	57	CERTIFICATE OF SERVICE by Board of Education of the County of Kanawha for Third Supplement to Answers and Responses to First Set of Interrogatories and Requests for Production. (Boothby, Richard)
09/04/2020	58	CERTIFICATE OF SERVICE by Board of Education of the County of Kanawha for ourth Supplement to Answers and Responses to First Set of Interrogatories and Requests for Production. (Boothby, Richard)
09/09/2020	59	CERTIFICATE OF SERVICE by G. T., Michelle, Jamie T., K. M., Danielle M., Steven M., The Arc of West Virginia for Response to First Set of Interrogatories and Response to First Requests for Production of Documents. (Milnes, Lydia) (Modified on 9/9/2020 to add party filers) (kew).
09/30/2020	60	JOINT MOTION by Board of Education of the County of Kanawha, G. T., Michelle, Jamie T., K. M., Danielle M., Steven M., The Arc of West Virginia to Extend Deadlines re: 24 Bifurcated Scheduling Order. (Adkins, J.) (Modified on 10/1/2020 to add link to #24 scheduling order and to add party filers) (kew).
09/30/2020	61	CERTIFICATE OF SERVICE by G. T., G. T., Michelle, Jamie T., K. M., Danielle M., Steven M., The Arc of West Virginia for First Supplemental Response to First Requests for Production of Documents. (Milnes, Lydia) (Modified on 10/1/2020 to add party filers) (kew).
10/01/2020	62	AMENDED BIFURCATED SCHEDULING ORDER granting the 60 JOINT MOTION by Board of Education of the County of Kanawha, G. T., Michelle, Jamie T., K. M., Danielle M., Steven M., The Arc of West Virginia to Extend Deadlines; amending the 24 Bifurcated Scheduling Order as follows: Parties shall respond to all outstanding discovery by 12/15/2020; parties shall complete all class certification discovery requests by 1/15/2021; all class certification discovery shall be completed by 3/17/2021; last date to complete depositions is 4/7/2021. Plaintiff shall file any motion for class certification by 4/16/2021; responses shall be filed and served within 14 days of service of the motion; replies shall be filed and served within 7 days from date of service of the response; Parties shall submit a revised Rule 26(f) Report by 5/17/2021. Signed by Judge Irene C. Berger on 10/1/2020. (cc: counsel of record; any unrepresented party) (slr)

Transaction Receipt

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