

CLOSED

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:03-cv-30008-FHF**

Westfield High Sch., et al v. Westfield Pub. Sch., et al
Assigned to: Judge Frank H. Freedman
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 01/13/2003
Date Terminated: 05/07/2003
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Westfield High School L.I.F.E. Club

represented by **Anita L. Staver**
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Plaintiff

Stephen Grabowski
*by and through his parents, Edmund and
Mary Ettar Grabowski*

represented by **Anita L. Staver**
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Plaintiff

Timothy Souza

represented by **Anita L. Staver**
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Plaintiff

Daniel Souza
by and through their parents, Ralph and
Diane Souza

represented by **Anita L. Staver**
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Plaintiff

Sharon Sitler

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Plaintiff

Paul Sitler
by and through their parents, William
and Denise Sitler

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Plaintiff

Dustin Cooper
*by and through his parents Brian and
Amy Turner-Cooper*

represented by **Anita L. Staver**
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V.

Defendant

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TERMINATED: 02/25/2003

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Defendant

Dr. Thomas Y. McDowell
*Individually and in his official capacity
as Superintendent of Westfield Public*

represented by **Claire L. Thompson**
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Schools

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Defendant

Thomas W. Daley
*Individually and in his official capacity
as Principal of Westfield High School*

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Defendant

City of Westfield

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Movant

United States of America

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Interested Party

**The American Civil Liberties Union of
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Date Filed	#	Docket Text
01/13/2003	<u>1</u>	Complaint filed. Case assigned to Judge: Kenneth P. Neiman. Receipt #: 305099. Amount: \$150.00. Fee Status: Paid. Mag/Judge Consent Form, LR 4.1, notice of lawsuit and waiver of service of summons to Counsel. (mef) (Entered: 01/13/2003)
01/13/2003		Summons issued for Westfield Pub. Sch., Thomas Y. McDowell, Thomas W. Daley (mef) (Entered: 01/13/2003)
01/13/2003	2	Ps' Motion for Erik W. Stanley to appear pro hac vice. Fee Status: Paid. Fee Amt: \$50.00. Receipt #: 305099 filed. (mef) (Entered: 01/13/2003)
01/13/2003	3	Ps' Motion by for Mathew D. Staver to appear pro hac vice. Fee Status: Paid. Fee Amt: \$50.00. Receipt #: 305099. filed. (mef) (Entered: 01/13/2003)
01/13/2003	4	Ps' Motion by for Anita L. Staver to appear pro hac vice. Fee Status: Paid. Fee Amt: \$50.00. Receipt #: 305099. , filed. (mef) (Entered: 01/13/2003)
01/13/2003	5	Ps' Motion for Joel L. Oster to appear pro hac vice. Fee Status: Paid. Fee Amt: \$50.00. Receipt #: 305099. , filed. (mef) (Entered: 01/13/2003)
01/13/2003	<u>6</u>	Motion by Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper for P.I. filed. (mef) (Entered: 01/13/2003)

		01/13/2003)
01/13/2003	7	Memorandum by Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper in support of [6-1] motion for P.I. , filed. (mef) (Entered: 01/13/2003)
01/13/2003	8	Motion by Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper for waiver of posting a Security Bond in obtaining a Preliminary Injunction , filed. (mef) (Entered: 01/13/2003)
01/13/2003	9	Memorandum by Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper in support of [8-1] motion for waiver of posting a Security Bond in obtaining a Preliminary Injunction , filed. (mef) (Entered: 01/13/2003)
01/14/2003		Judge Michael A. Ponsor . Endorsed Order entered granting [2-1] motion for Erik W. Stanley to appear pro hac vice; cc/cl. [EOD Date 1/14/03] (mef) (Entered: 01/14/2003)
01/14/2003		Judge Michael A. Ponsor . Endorsed Order entered granting [3-1] motion for Mathew D. Staver to appear pro hac vice; cc/cl. [EOD Date 1/14/03] (mef) (Entered: 01/14/2003)
01/14/2003		Judge Michael A. Ponsor . Endorsed Order entered granting [4-1] motion for Anita L. Staver to appear pro hac vice; cc/cl. [EOD Date 1/14/03] (mef) (Entered: 01/14/2003)
01/14/2003		Judge Michael A. Ponsor . Endorsed Order entered granting [5-1] motion for Joel L. Oster to appear pro hac vice; cc/cl. [EOD Date 1/14/03] (mef) (Entered: 01/14/2003)
01/15/2003	10	Not all parties consenting to assignment to Magistrate Judge Neiman. Case to be redrawn for random assignment to District Judge. (mgl) (Entered: 01/15/2003)
01/15/2003	11	Notice of case assignment. Case reassigned from Judge Neiman to Senior Judge Frank H. Freedman . cc/cl (mgl) (Entered: 01/15/2003)
01/21/2003	12	Dft's Motion by Westfield Pub. Sch., Thomas Y. McDowell, Thomas W. Daley to extend time to 2/10/03 to file its opposition to motion for preliminary injunction and answer to complaint , filed. c/s (mgl) (Entered: 01/22/2003)
01/21/2003	13	Notice of appearance of attorney for Westfield Pub. Sch., Thomas Y. McDowell, Thomas W. Daley by Claire L. Thompson, filed. c/s (mgl) (Entered: 01/22/2003)
01/24/2003		Senior Judge Frank H. Freedman . Endorsed Order entered granting [12-1] motion to extend time to 2/10/03 to file its opposition to motion for preliminary injunction and answer to complaint, set answer due for 2/10/03 for Thomas W. Daley, for Thomas Y. McDowell, for Westfield Pub. Sch. , Response to motion reset to 2/10/03 for [6-1] motion for P.I. . [EOD Date 1/24/03] (jcs) (Entered: 01/24/2003)
01/24/2003		Motion hearing re: [6-1] motion for P.I. at 10:00 2/25/03 (jcs) (Entered: 01/24/2003)
01/27/2003	14	Return of service executed as to Westfield Pub. Sch., Thomas Y. McDowell, Thomas W. Daley w/s/o 1/14/2003 filed. Answer due on 2/3/03 for Thomas W. Daley, for Thomas Y. McDowell, for Westfield Pub. Sch. (mef) (Entered: 01/27/2003)
01/27/2003	15	Ps' Notice of Filing of returns of service on the Defts. filed. (mef) (Entered: 01/27/2003)
01/27/2003	16	Notice of appearance of attorney for Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper by Mathew D. Staver, filed. (bah) (Entered: 01/28/2003)
01/27/2003	17	Notice of appearance of attorney for Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper by Erik W. Stanley, filed. (bah) (Entered: 01/28/2003)

01/27/2003	18	Notice of appearance of attorney for Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper by Joel L. Oster, filed. (bah) (Entered: 01/28/2003)
01/27/2003	19	Notice of appearance of attorney for Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper by Anita L. Staver, filed. (bah) (Entered: 01/28/2003)
02/07/2003	20	Dft's Motion by Westfield Pub. Sch., Thomas Y. McDowell, Thomas W. Daley to extend time to 2/14/03 to file its opposition to plaintiff motion for preliminar injuntion , filed. c/s (mgl) (Entered: 02/07/2003)
02/10/2003	21	Pltfs' Response in opposition to [20-1] motion to extend time to 2/14/03 to file its opposition to plaintiffs' motion for preliminary injuntion , filed. (jcs) (Entered: 02/10/2003)
02/10/2003	22	Answer by Westfield Pub. Sch., Thomas Y. McDowell to complaint; jury demand, filed. (mef) (Entered: 02/10/2003)
02/11/2003		Senior Judge Frank H. Freedman . Endorsed Order entered granting [20-1]; cc/cl. Ds' resp. to motion reset to 2/14/2003 for [6-1] motion for P.I. . [EOD Date 2/11/03] (mef) (Entered: 02/11/2003)
02/11/2003	23	Motion by Thomas W. Daley to ext. time to 2/13/2003 to resp. to the complaint. , filed. (mef) (Entered: 02/11/2003)
02/11/2003		Senior Judge Frank H. Freedman . Endorsed Order entered granting [23-1]; cc/cl. Reset answer due for 2/13/2003 for Thomas W. Daley . [EOD Date 2/11/03] (mef) (Entered: 02/11/2003)
02/13/2003	<u>24</u>	Answer by Thomas W. Daley to complaint; jury demand, filed. (mgl) (Entered: 02/13/2003)
02/13/2003	25	Notice of appearance of attorney for Thomas W. Daley by , filed. c/s (mgl) (Entered: 02/13/2003)
02/14/2003	26	Memorandum of law by Dft's Westfield Pub. Sch., Thomas Y. McDowell in opposition to Ptf's [6-1] motion for P.I. , filed. c/s (mgl) (Entered: 02/14/2003)
02/20/2003	27	Motion by U.S.A. for leave to file Amicus Curiae Brief , filed. (mef) (Entered: 02/20/2003)
02/20/2003		Senior Judge Frank H. Freedman . Endorsed Order entered granting [27-1] motion for leave to file Amicus Curiae Brief; cc/cl. [EOD Date 2/20/03] (mef) (Entered: 02/20/2003)
02/20/2003	28	Amicus Curiae Brief by U.S.A. filed in support of Ps' motion for P.I. filed. (mef) (Entered: 02/20/2003)
02/21/2003	29	Motion by ACLUM for leave to file memorandum of law as amicus curiae , filed. c/s (mgl) (Entered: 02/21/2003)
02/21/2003	30	Notice of appearance of attorney for ACLUM by Jeffery J. Pyle, filed. c/s (mgl) (Entered: 02/21/2003)
02/21/2003	31	Notice of appearance of attorney for ACLUM by William C. Newman, filed. c/s (mgl) (Entered: 02/21/2003)
02/24/2003	32	Notice of Supplemental authority by Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper, filed. c/s (mgl) (Entered: 02/24/2003)
02/24/2003	33	Supplemental Affidavit of Sharon Sitler, re: in support of Ptf's [6-1] motion for P.I. , filed. (mgl) (Entered: 02/24/2003)
02/24/2003	34	Ptf's Supplemental Affidavit of Timothy Souza, Daniel Souza , re: in support of Ptf's [6-1] motion for P.I. , filed. (mgl) (Entered: 02/24/2003)
02/25/2003		Motion hearing re: [6-1] motion for P.I. Motion hearing held (mef) (Entered: 02/25/2003)

02/25/2003	35	Senior Judge Frank H. Freedman . Clerk's Notes: re: Pltfs' motion for leave to amend verified complaint to add City of Westfield as the proper Def. is ALLOWED. Issue re: LIFE Club status as a party taken under advisement. Hearing on Pltfs' motion for P.I. – [6–1]. After hearing the court takes the motion under advisement. Court Reporter: Vickie Britt. (mef) (Entered: 02/25/2003)
02/26/2003		Senior Judge Frank H. Freedman . Endorsed Order entered granting [29–1] motion for leave to file memorandum of law as amicus curiae; cc/cl. [EOD Date 2/26/03] (mef) (Entered: 02/26/2003)
02/26/2003	36	Memorandum Amicus Curiae brief by ACLUM in support of Ps' motion for P.I. filed. (mef) (Entered: 02/26/2003)
03/10/2003	<u>37</u>	Amended complaint by Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper filed. (Answer due 3/20/03 for City of Westfield, for Thomas W. Daley, for Thomas Y. McDowell) . Amended complaint amends [1–1] complaint ; adding . (mgl) (Entered: 03/11/2003)
03/17/2003	<u>38</u>	Senior Judge Frank H. Freedman . Memorandum and Order entered. The Court GRANTS the Pltfs' motion for preliminary injunction – [6–1] and motion for waiver of security bond – [8–1]; cc/cl. [EOD Date 3/17/03] (mef) (Entered: 03/17/2003)
03/17/2003	<u>39</u>	Answer by Thomas Y. McDowell, City of Westfield to amended complaint, filed.; jury demand c/s (mgl) (Entered: 03/17/2003)
03/18/2003	40	Senior Judge Frank H. Freedman . Notice of Conference: Set Pretrial Scheduling Conf. for 10:00 A.M. on 4/22/2003; cc/cl. . (mef) (Entered: 03/18/2003)
04/07/2003	41	Motion by Thomas Y. McDowell, Thomas W. Daley, City of Westfield to stay , filed. c/s (mgl) (Entered: 04/08/2003)
04/16/2003	<u>42</u>	Ps' Memorandum in opposition to [41–1] motion to stay and in support of their motion to postpone the scheduling conf. filed. (mef) (Entered: 04/16/2003)
04/16/2003	<u>43</u>	SECOND VERIFIED Amended complaint by Westfield High Sch., Stephen Grabowski, Timothy Souza, Daniel Souza, Sharon Sitler, Paul Sitler, Dustin Cooper filed. (Answer due 4/26/03 for City of Westfield, Thomas W. Daley, Thomas Y. McDowell). Amended complaint amends [37–1] amended complaint. (mef) (Entered: 04/16/2003)
04/16/2003	<u>44</u>	Ps' Motion for S/J on each of the five counts set forth in the Second Amended Complaint – [43–1] filed. (mef) (Entered: 04/16/2003)
04/16/2003	<u>45</u>	Ps' Memorandum in support of [44–1] motion for S/J on each of the five counts set forth in the Second Amended – [43–1] filed. (mef) (Entered: 04/16/2003)
04/16/2003	<u>46</u>	Ps' Appendix/exhibits in support of of [44–1] motion for S/J on each of the five counts set forth in the Second Amended – [43–1] , filed. (mef) (Entered: 04/16/2003)
04/16/2003		Senior Judge Frank H. Freedman . Endorsed Order entered denying [41–1] motion to stay. Based on the filing of Ps' motion for S/J the scheduling conf. set for 4/22/2003 has been continued; cc/cl.. Terminated 4/22/2003 scheduling conf. deadline. [EOD Date 4/16/03] (mef) (Entered: 04/16/2003)
04/23/2003	47	STIPULATION (Motion) by Thomas Y. McDowell, Thomas W. Daley, City of Westfield to ext. time to 5/07/2003 to file their opp. to the Pltfs' motion for S/J filed. (mef) (Entered: 04/24/2003)
04/23/2003		Senior Judge Frank H. Freedman . Endorsed Order entered granting [47–1]; cc/cl. Ds' resp. to motion reset to 5/7/2003 for [44–1] motion for S/J on each of the five counts set forth in the Second Amended – [43–1] . [EOD Date 4/24/03] (mef) (Entered: 04/24/2003)
05/07/2003	48	Senior Judge Frank H. Freedman. Sixty (60) Day Settlement Order of Dismissal entered by the Court; cc/cl. [EOD Date 5/7/03] (mef) (Entered: 05/07/2003)

05/07/2003		Case closed. (mef) (Entered: 05/07/2003)
05/14/2003	<u>49</u>	Motion by ACLUM to strike non-essential portions of the [38-1] Memorandum and Order , filed. (mef) (Entered: 05/14/2003)
06/02/2003	<u>50</u>	Ptf's Opposition RESPONSE to Dft's 49 Motion to Strike portion of memo. filed by Dustin Cooper, Stephen Grabowski, Paul Sitler, Sharon Sitler, Daniel Souza. (Lindsay, Maurice) (Entered: 06/02/2003)
06/09/2003		Judge Frank H. Freedman : EnsorsedORDER entered denying 49 Motion to Strike portions of [38-1] Memorandum and Order dated 3/17/2003; cc/cl. (Finn, Mary) (Entered: 06/09/2003)
06/13/2003	<u>51</u>	STIPULATION of Dismissal by Dustin Cooper, Thomas W. Daley, Stephen Grabowski, Thomas Y. McDowell, Paul Sitler, Sharon Sitler, Daniel Souza, Timothy Souza as to defts' Daley and McDowell in their individual and official capacities. (Stuckenbruck, John) (Entered: 06/13/2003)
06/13/2003	<u>52</u>	MOTION entry of consent decree by City of Westfield, Dustin Cooper, Paul Sitler, Sharon Sitler, Daniel Souza, Timothy Souza, Westfield Public Schools.(Stuckenbruck, John) (Entered: 06/13/2003)
06/16/2003	<u>53</u>	Judge Frank H. Freedman : EndorsedORDER entered granting <u>52</u> Motion for entry of Consent Decree; cc/cl. (Finn, Mary) (Entered: 06/16/2003)
06/16/2003	<u>54</u>	Judge Frank H. Freedman : ORDER entered CONSENT DECREEE entered for the Pltfs.; cc/cl.(Finn, Mary) (Entered: 06/16/2003)
03/04/2009		Notice of correction to docket made by Court staff. Correction: document 55 Order corrected because: document deleted due to being docketed in the incorrect case. (Finn, Mary) (Entered: 03/04/2009)