

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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A.T., a minor, by and through  
his parent and natural guardian  
Shakeema Tillman, and B.C.,  
a minor, by and through Kristi  
Cocharo,

Plaintiffs,

-v-

9:17-CV-817

DAVID HARDER, Broome  
County Sheriff, in his official  
capacity, MARK SMOLINSKY,  
Jail Administrator of the Broome  
County Correctional Facility, in  
his official capacity, KEVIN  
MOORE, Deputy Administrator,  
in his official capacity, and  
CHENANGO VALLEY CENTRAL  
SCHOOL DISTRICT,

Defendants.

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APPEARANCES:

LEGAL SERVICES OF CENTRAL  
NEW YORK  
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BROOME COUNTY ATTORNEY'S  
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DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

This civil rights action challenges the conditions under which juvenile inmates are being confined at the Broome County Correctional Facility (the "Broome County Jail") by defendants Broome County Sheriff David Harder ("Sheriff Harder"), Broome County Jail Administrator Major Mark Smolinsky ("Major Smolinsky"), and Broome County Jail Deputy Administrator Captain Kevin Moore ("Captain Moore") (collectively the "Sheriff's Office defendants").

According to the amended complaint filed by minor plaintiffs A.T. and B.C. (collectively "plaintiffs"), the Sheriff's Office defendants frequently and arbitrarily impose harsh solitary confinement on juveniles being detained at the Broome County Jail in violation of the U.S. Constitution and federal law. Plaintiffs further allege that defendant Chenango Valley Central School District (the "School District") has failed to provide legally adequate educational instruction to plaintiffs and other juveniles who are placed in such conditions.

This action was initially randomly assigned to Senior U.S. District Judge Thomas J. McAvoy in accordance with 28 U.S.C. § 137 and certain provisions of General Order 12 of the Northern District of New York.

On August 8, 2017, plaintiffs filed a letter motion requesting that this action be designated as "related" to V.W. v. Conway, 9:16-CV-1150-DNH-DEP, an earlier-filed civil

action pending in this District before the undersigned. As relevant here, the Conway action involves a class action challenge to certain solitary confinement practices being imposed on juveniles being held at the Onondaga County Justice Center (the "Justice Center") under the supervision of Onondaga County Sheriff Eugene Conway and his subordinates. In addition, the operative complaint in Conway asserts that the local school district failed to provide legally adequate educational instruction to juveniles being held in solitary confinement at the Justice Center.

Plaintiffs' submission asserts that the relevant facts and legal issues in these two cases are substantially similar and therefore "[a] substantial saving of judicial resources is likely to result from reassigning this case" by designating this action as "related" to the Conway action. The Sheriff's Office defendants have timely opposed plaintiffs' request.

Under General Order 12(G), a civil case is "related" to another civil case "when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning the cases to the same Judge and Magistrate Judge." Accordingly, "[a]ny party may apply for [a judicial determination that two civil cases are related] by filing with the Clerk a notice of related filing, which should include an explanation as to why the standard [set forth above] is met."

Where, as here, a party has made such an application, General Order 12(G) directs that it "shall be presented to the Judge with the earliest filed case for decision on whether the action(s) should be reassigned as related cases. The Judge with the earliest filed case may then enter an order in the case at bar, either deeming the case to be related and directing the Clerk to reassign the action, or denying the application for reassignment."

After considering plaintiffs' submission in support of its request as well as the Sheriff's Office defendants' filing in opposition, this action is sufficiently similar to the Conway action as to meet the standard set forth in General Order 12(G)(2).

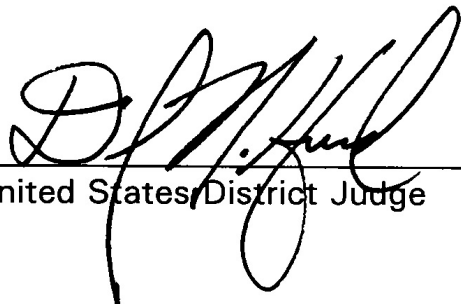
Therefore, it is

ORDERED that

1. Plaintiffs' request that this case be designated as related to V.W. v. Conway, 9:16-CV-1150-DNH-DEP is GRANTED; and

2. The Clerk of the Court is directed to reassign this action to the undersigned for all further proceedings.

IT IS SO ORDERED.



United States District Judge

Dated: August 28, 2017  
Utica, New York.