

United States District Court

Northern District of New York
100 South Clinton Street
P.O. Box 7336

Norman A. Mordue
Chief Judge

Syracuse, New York 13261-7336

{315} 234-8570

June 18, 2009

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**Re: *Ochshorn v. Ithaca City School District, et. al.*
5:05-CV-0695 (NAM/GJD)**

Dear Counselors:

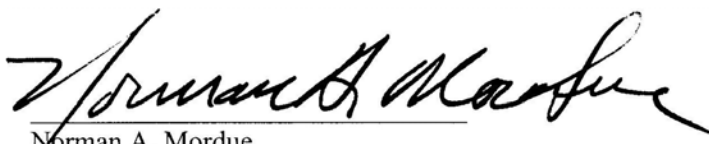
The Court has received plaintiff's letter motion for Certification pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. Plaintiff requests that this Court determine and certify that the Court's Decision and Order dated March 23, 2009 is ripe for immediate appellate review.

The Second Circuit cautions that "respect for the historic federal policy against piecemeal appeals requires that a Rule 54(b) certification not be granted routinely". *Grand River Enter. Six Nations, Ltd. v. Pryor*, 425 F.3d 158, 165 (2d Cir. 2005). Rather, the power should be exercised "sparingly" and reserved for cases where dangers of hardship or injustice exist which would be alleviated by immediate appeal. *Advanced Magnetics, Inc. v. Bayfront Partners, Inc.*, 106 F.3d 11, 16 (2d Cir. 1997). "The district court [must] provide a sufficiently detailed explanation for its certification" for a meaningful review to be feasible. *Ansam Assoc., Inc. v. Cola Petroleum, Ltd.*, 760 F.2d 442, 445 (2d Cir. 1985).

Accordingly, plaintiff is directed to electronically file a memorandum of law with regard to plaintiff's application on or before July 19, 2009. Defendants shall file a memorandum of law in response to plaintiff's application on or before August 19, 2009.

IT IS SO ORDERED.

Very truly yours,



Norman A. Mordue
Chief United States District Court Judge