

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

R.O., a Minor, by his parent and guardian JONATHAN OCHSHORN; T.S., a Minor, by his parent and guardian MARK E. SORRELLS; ANDREW M.H. ALEXANDER; HARRY T. STINSON; L.F., a Minor, by her parent and guardian ELIZABETH A. FATTARUSO; A.H., a Minor, by his parent and guardian TERESA HALPERT DESCHANES; BRYAN ELLERBROCK; and P.P., a Minor, by his parent and guardian RAMESH RAJ POKHAREL,

Plaintiffs,

-against-

**Civil Case No.: 5:05-CV-695
(NAM/GDB)**

ITHACA CITY SCHOOL DISTRICT; JUDITH C. PASTEL, Superintendent, in her official and individual capacities; WILLIAM RUSSELL, Assistant Superintendent, in his official and individual capacities; and JOSEPH WILSON, Ithaca High School Principal, in his official and individual capacities,

Defendants.

NOTICE OF MOTION

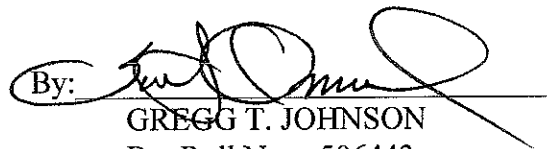
PLEASE TAKE NOTICE that upon the enclosed Affidavits of Scott P. Quesnel, Judith Pastel, Dr. William Russell, Joseph Wilson and Stephanie Vinch, and all the exhibits attached thereto, Defendants' Memorandum of Law, Defendants' Statement of Material Facts Pursuant to Local Rule 7.1(a)(3), and upon all prior pleadings and proceedings heretofore filed herein, the undersigned, on behalf of the Defendants, shall move this court before the Honorable Norman A. Mordue, U.S.D.C.J., at 10:00 a.m. on May 16, 2007, or as soon thereafter as counsel may be heard, at the U.S. Courthouse and Federal Building, 100 S. Clinton Street, Syracuse, New York, for (a) an Order granting Summary Judgment in favor of the Defendants pursuant to Federal Rule of Civil

Procedure 56; *and* (b) for such other and further relief in favor of Defendants as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 7.1(b)(1) Plaintiffs' opposition papers, if any, must be served upon the undersigned within seventeen (17) days of the return date of this motion.

Dated: Albany, New York
April 13, 2007

GIRVIN & FERLAZZO, P.C.

By: 

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SCOTT P. QUESNEL
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