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November 20, 2017

Hon. Steven C. Mannion , USMJ  
United States Court House  
Newark, NJ 07101

RE: R.K et als v Piro, et als  
Case No 2:17-cv-01780

Honorable Sir;

All issues between the parties have now been resolved; I hereby withdraw my pending motion to enforce the settlement.

Respectfully,

/s/ George J. Cotz 0463

GJC/hs

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CAPPUZZO, PC**

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COURT AS A CIVIL TRIAL ATTORNEY

+ CERTIFIED BY THE NEW JERSEY SUPREME  
COURT AS A CRIMINAL TRIAL ATTORNEY

November 20, 2017

Via Electronic Filing

Honorable Claire C. Cecchi, U.S.D.J.  
United States District Court  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: R. K. and S. K., et al. v. Nutley Public School District, et al.  
Docket No. 2:17-cv-01780  
Our File No. 13258-0181**

Dear Judge Cecchi:

As Your Honor is aware, the above matter was amicably resolved between plaintiffs and defendants, dismissing all claims in their entirety. Subsequent to this settlement, plaintiff's counsel filed a Motion to Enforce Settlement, which Motion is returnable on November 20, 2017. Please be advised that on November 20, 2017, a settlement check was hand delivered to plaintiff's counsel. As such, it is respectfully requested that plaintiff's Motion be withdrawn or denied.

We thank Your Honor for your attention in this matter.

Very truly yours,

*/s/ Cheyne R. Scott*

Cheyne R. Scott  
For the Firm

CRS/ck  
c: George J. Cotz, Esq.

Cheyne R. Scott, Esq. (022502011)  
CHASAN LAMPARELLO MALLON & CAPPUZZO, PC  
300 Lighting Way, Suite 200  
Secaucus, New Jersey 07094  
(201) 348-6000  
Attorneys for Defendants, Nutley Board of Education (improperly pleaded as Nutley  
Public School District) and Joseph Piro  
File No. 13258-0181

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

R.K. and S.K., individually and as parents  
and natural guardians of S.K., a minor,

Plaintiff,

vs.

Nutley Public School District, a New  
Jersey municipal corporation, Joseph Piro  
and John Does 1 to 10, individually and as  
agents, officers or employees of the Nutley  
Public School District,

Defendants.

Case No. 2:17-cv-01780

Civil Action

**CERTIFICATION OF COUNSEL**

**CHEYNE R. SCOTT, ESQ.**, being of full age, certifies that:

1. I am an attorney admitted to practice law in the State of New Jersey and a member of the law firm of Chasan Lamparello Mallon & Cappuzzo, PC, attorneys for Defendants Nutley Board of Education (improperly pleaded as Nutley Public School District) and Joseph Piro.

2. I submit this Certification in Opposition to Plaintiff's Motion to Enforce Settlement.

3. On September 26, 2017, Roosevelt Jean, Esq., an attorney in my office, notified the Court that Plaintiff and the Nutley Board of Education reached an amicable resolution in this matter and that the parties were in the process of drafting a Stipulation of Settlement and Release.

4. On September 29, 2017, a 60 Day Order Administratively Terminating Action was entered by the Honorable Claire C. Cecchi, U.S.D.J.

5. On October 13, 2017, Plaintiff's attorney was provided a draft Stipulation of Dismissal and Settlement and Release for review and signature.

6. On October 16, 2017, Plaintiff's attorney provided me a signed Stipulation of Dismissal and Settlement and Release.

7. On that day, I advised Plaintiff's attorney that the Nutley Board of Education's insurance carrier, Qual-Lynx (the "Carrier"), stated that the settlement will be placed on the November agenda to be paid.

8. In a good faith effort to resolve this matter expeditiously, I asked the Carrier if the matter could be heard prior to the November meeting and was informed that it cannot be. I informed Plaintiff's counsel of same prior to his filing of this Motion.

9. Upon receipt of this Motion, I confirmed with the Carrier that the November meeting is taking place on November 13, 2017. I was informed that a check should be issued to Plaintiff's counsel within 5 days of that meeting.

10. Issuance of the settlement check would be within 60 days, as required by Judge Cecchi's Order.

11. I have asked the Plaintiff's attorney to provide a Child Support Lien Search as required by N.J.S.A. 2A:17-56.23b and have not received it. Pursuant to statute, the Carrier cannot process payment until establishing no child support lien exists against Plaintiffs.

12. Upon information and belief, Plaintiff's counsel has previously litigated and settled matters with municipal entities and is aware that settlements against municipal entities follow specific protocol as set forth by each entity's respective insurance carrier.

13. Defendants have no objection to an entry of an Order memorializing the amount of settlement. However, Defendants object to the imposition of attorneys fees as the motion was unnecessary.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

CHASAN LAMPARELLO MALLON &  
CAPPUZZO, PC  
Attorneys for Defendants

By: /s/ Cheyne R. Scott  
Cheyne R. Scott

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

---

**R. K. and S. K., individually and as  
parents and natural guardians of S. K.,  
a minor,**

**Plaintiffs**

**vs**

**Case No.: 2:17-cv-1780**

**Nutley Public School District, a New  
Jersey municipal corporation, Joseph  
Piro and John Does 1 to 10, individually  
and as agents, officers or employees of  
the Nutley Public School District,  
Defendants.**

---

**NOTICE OF MOTION**

TO: Joseph Piro and Nutley Public School District  
c/o Cheyne Scott, Esq  
Chasan Lamparello

**PLEASE TAKE NOTICE** that Plaintiff will move before the United States District Court for the District of New Jersey, at the United States Court House, 50 Walnut Street, Newark, New Jersey on the 6<sup>th</sup> day of November, 2017 at 9:00 am, or as soon thereafter as counsel may be heard, for an Order enforcing the parties settlement in this matter by entering judgment against defendants Joseph Piro and Nutley School Board, jointly and severally, for \$72,500.00, plus counsel fees to be assessed for services rendered in connection with this motion.

Dated: October 17, 2017

/s/ George J. Cotz 0463  
Attorney for the Plaintiff

**CHASAN  
LAMPARELLO  
MALLON &  
CAPPUZZO, PC**

ESTABLISHED 1957

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COURT AS A CIVIL TRIAL ATTORNEY  
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COURT AS A CRIMINAL TRIAL ATTORNEY

September 26, 2017

Via Electronic Filing

Honorable Steven C. Mannion, U.S.M.J.  
United States District Court  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: R. K. and S. K., et al. v. Nutley Public School District, et al.**  
**Docket No. 2:17-cv-01780**  
**Our File No. 13258-0181**

Dear Judge Mannion:

Please be advised that plaintiff and the Nutley Board of Education have reached an amicable resolution to this matter in order to dismiss all claims in their entirety. The parties are currently drafting the Stipulation of Settlement and Release. Kindly advise whether or not Your Honor requires our participation in the previously scheduled conference.

We thank Your Honor to for his attention this matter.

Very truly yours,

*/s/ Roosevelt Jean*

Roosevelt Jean  
For the Firm

RJ/ck  
c: George J. Cotz, Esq.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

R.K., et al  
Plaintiff,  
v.

NUTLEY PUBLIC SCHOOL  
DISTRICT., et al

Defendants.

Civil Action

2:17-cv-01780-CCC-SCM

**PRETRIAL SCHEDULING ORDER**

**THIS MATTER** having come before the Court for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on July 24, 2017; and for good cause shown:

**IT IS** on this Monday, July 24, 2017,

**ORDERED THAT:**

**I. DISCLOSURES**

1. Fed.R.Civ.P. 26 initial disclosures shall be exchanged by 8/7/2017.

**II. DISCOVERY**

2. The parties may serve interrogatories limited to twenty-five (25) single question, requests for production of documents and requests to admit on or before 9/4/2017, to be responded to **within thirty (30) days of receipt**.

3. The parties shall be limited to **ten (10)** fact witness depositions per side. No objections to questions posed at depositions shall be made other than as to lack of foundation, form, or privilege. *See* Fed.R.Civ.P. 32(d)(3)(A). No instruction not to answer shall be given unless privilege is implicated.

4. Any discovery dispute shall be brought to the Court's attention in the first instance by letter or by telephone conference call immediately after the parties' good faith attempt to resolve the dispute has failed. *See* L. Civ. R. 16.1(f)(1).

5. No discovery motion or motion for sanctions for failure to provide discovery shall be made without prior leave of Court.

6. Any unresolved discovery disputes (other than those that arise during depositions) must be brought within 120 days of the R16 conference. The Court will not entertain applications concerning discovery matters, informally or otherwise, after this date and any objection will be deemed to have been waived. If an unresolved dispute arises at a



deposition, then the parties shall contact the Chambers of the Undersigned for assistance during the deposition.

7. Fact discovery is to remain open through 1/31/2018. No *discovery* is to be issued or engaged in beyond that date, except upon application and for good cause shown.

### III. DISCOVERY CONFIDENTIALITY ORDERS

8. Any proposed discovery confidentiality order shall be presented as a joint submission. The proposed form of order shall comply with Local Civil Rule 5.3 and the proposed confidentiality order must be clearly designated “**Discovery Confidentiality Order.**”

9. Any disputes over the entry of a discovery confidentiality order should be raised with me pursuant to L. Civ. R. 37.1 following a good faith effort to meet and confer. See L. Civ. R. 5.3(b)(5); L. Civ. R. 37.1. The absence of a discovery confidentiality order is not a sufficient basis to withhold discovery. Pending the entry of a discovery confidentiality order and/or during the pendency of any dispute relating to the entry of a discovery confidentiality order, discovery shall proceed on a temporary attorney’s eyes only basis.

### IV. FUTURE CONFERENCES

10. A telephone status conference shall be held on 9/28/2017 at 4:30 p.m. Counsel for plaintiff shall initiate the call. If the conference is going to be conducted via dial-in, the parties are instructed to call Chambers once everyone is on the line and provide the dial-in information at that time. **The parties are to submit a joint status letter no later than 8 days before the conference**, itemizing the issues counsel would like to discuss in the upcoming conference.

11. The Court may from time to time schedule conferences as may be required, either *sua sponte* or at the request of a party.

12. Counsel should be prepared to discuss settlement at every conference with the Court. The senior attorney in charge of the case must attend all settlement conferences and client(s) with full settlement authority must either attend or be immediately available by telephone. In cases involving insurance companies and other corporate or business entities, it is expected that the executive who will make the final decision on the settlement will be the person available for the conference.

13. Since all dates set forth herein are established with the assistance and knowledge of counsel, there will be no extensions except for good cause shown and by leave of Court, even with consent of all counsel.

14. A copy of every pleading, document or written communication with the Court shall be served on all other parties to the action. Any such communication which does not recite or contain a certification of such service may be disregarded by the Court.

#### V. MOTIONS

15. Any motion to add new parties or amend pleadings, whether by amended or third-party complaint, must be filed not later than 9/29/2017.

16. Leave is not required for Rule 12(b) motions, motions to seal, or motions to admit *pro hac vice*. No other motions are to be filed without prior written permission from this Court.

17. Any party intending to file a dispositive motion must first seek leave of the Court by way of a letter application. Any such letter application may not be filed prior to the completion of discovery and must be filed no later than 30 days after discovery closes. All calendar or dispositive motions, if permitted, shall comply with L. Civ. R. 7.1(b), 56.1, and 78.1

18. Dispositive motions, if any, are to be filed by **[TO BE DETERMINED]**.

#### VI. EXPERTS

19. All affirmative expert reports shall be delivered by 2/2/2018. Any such report is to be in the form and content as required by Fed.R.Civ.P. 26(a)(2)(B).

20. All responding expert reports shall be delivered by 3/23/2018.

21. All expert discovery, including the completion of depositions, shall be completed by 4/27/2018.

22. No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in his report.

#### VII. FINAL PRETRIAL CONFERENCE

23. A final pretrial conference shall be conducted pursuant to Fed.R.Civ.P. 16(e) on TBD.

24. Pursuant to paragraphs 14 and 15 of this Court's form of Final Pretrial Order, all pretrial submissions must be served upon the Court not later than **forty-eight (48)** hours prior to the final pretrial conference.

25. All counsel are directed to assemble at the office of plaintiff's counsel not later than **ten (10) days** before the pretrial conference to prepare the proposed Final Pretrial Order in the form and content required by the Court, as well as the required pretrial submissions consisting of agreed-upon jury instructions, *voir dire* questions, verdict sheet, trial briefs and a neutral statement of the case to be read to the jury panel, all of which must be submitted **forty-eight (48) hours** before the final pretrial conference. Plaintiff's counsel shall prepare the Pretrial Order and shall submit it to all other counsel for approval.

26. With respect to non-jury trials, each party shall submit to the District Judge and to opposing counsel proposed Findings of Fact and Conclusions of Law, trial briefs and any hypothetical questions to be put to an expert witness on direct examination.

27. The original of the Final Pretrial Order shall be delivered to Chambers not later than forty-eight (48) hours before the pretrial conference, along with all pretrial submissions and trial briefs. All counsel are responsible for the timely submission of the Pretrial Order and submission.

**28. FAILURE TO FOLLOW THIS ORDER OR ANY SUBSEQUENT SCHEDULING ORDERS WILL RESULT IN SANCTIONS PURSUANT TO Fed.R.Civ.P. 16(f) and 37.**



Honorable Steve Mannion, U.S.M.J.  
United States District Court,  
for the District of New Jersey  
phone: 973-645-3827

7/24/2017 2:22:16 PM

Original: Clerk of the Court  
Hon. Claire C. Cecchi, U.S.D.J.  
cc: All parties  
File

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

R.K., et al

Plaintiff,

v.

NUTLEY PUBLIC SCHOOL  
DISTRICT, et al

Defendants.

Civil Action No.

2:17-cv-1780 CCC-SCM

**ORDER SCHEDULING R16  
CONFERENCE**

**To: All Counsel**

**IT IS** on this Tuesday, June 13, 2017, ORDERED as follows:

1) Pursuant to Fed. R. Civ. P. 16, that a scheduling conference be held before the Honorable Steve Mannion, U.S.M.J., on July 24, 2017 at 11:00 a.m. in Courtroom 2B at the United States Courthouse, Newark, New Jersey, and it is further ordered that (a) Prior to the above scheduling conference, all counsel, including any individual(s) who are appearing on his/her own behalf (or "Pro Se"), confer to agree on a joint discovery plan based upon the attached Rider. See Local Civil Rule 26.1(b); (b) not later than eight (8) days prior to the above conference, the joint discovery plan shall be filed on ECF. See Local Civil Rule 26.1(b); (c) at the conference all parties who are not appearing *pro se* must be represented by counsel who shall have full authority to bind their clients in all pretrial matters. See Local Civil Rule 16.1(a); (d) plaintiff(s) notify any party who hereafter enters an appearance of the above conference and forward to that party a copy hereof; (e) the parties are to advise the Honorable Steve Mannion immediately if this action has been settled or terminated so that the above conference may be cancelled. Finally, counsel and litigants are advised that, pursuant to Fed. R. Civ. P. 26, 30 and 33 early disclosure requirements and limitations on depositions/interrogatories will be

enforced. Therefore, pursuant to the early disclosure requirements, counsel shall exchange the following information without formal discovery requests: (i) identities of individuals with knowledge of disputed facts; (ii) documents and things in the possession of counsel or the parties regarding the disputed issues; (iii) insurance agreements in force; and (iv) statement of the basis for any damages claimed; and it is further

2) ORDERED that the meeting of parties required by Fed. R. Civ. P. 26(f) shall take place fourteen (14) days prior to the date of the initial conference; and it is further ORDERED that upon the entry of appearance of any new and/or additional counsel subsequent to the date of this Order, plaintiff's counsel shall send a copy of this Scheduling Order to the newly appearing attorneys(s), but on any third party claim, the counsel for the third party plaintiff shall send a copy of this Order to the newly entering counsel for third party defendant(s); and it is further

3) ORDERED that all parties shall confer to agree and file a JOINT DISCOVERY PLAN no less than eight (8) days prior to the above-stated conference date, as required by Local Civil Rule 26.1(b) of this Court. The conference date should appear on the caption of the Joint Discovery Plan, which shall include at a minimum, the following items: (1) a brief factual statement of the claims or defenses in the action, as well as a brief statement of the legal issues in the case; (2) a description of all discovery conducted by the parties to date; (3) a description of all discovery problems encountered to date, the efforts undertaken by the parties to remedy these problems, and the parties suggested resolution of the problems; (4) a description of the parties further discovery needs; (5) the parties estimate of the time needed to complete discovery; (6) a statement regarding whether expert testimony will be necessary, and the parties anticipated schedule for retention of experts and submission of their reports; (7) a statement regarding whether there should be any limitation placed upon use of any discovery device

and, if so, the reasons the limitation is sought; (8) a description of any special discovery needs of the parties (e.g., videotape, telephone depositions, or problems with out-of-state witnesses or documents, or discovery of) digital information. (See, L. Civ. R. 26(d)).

Sanctions may be imposed pursuant to Fed. R. Civ. P. 16(f) if counsel or an individual unrepresented by counsel either fails to appear at the conference or appears unprepared. Each litigant attending the conference shall be fully familiar with the file, and have full authority to bind their clients in all pretrial matters.



*Steven C. Mannion*

Honorable Steve Mannion, U.S.M.J.  
United States District Court,  
for the District of New Jersey  
phone: 973-645-3827

6/13/2017 12:23:50 PM

Original: Clerk of the Court  
cc: All parties  
File

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

|               |   |                      |
|---------------|---|----------------------|
|               | : | Civil Action No.     |
| Plaintiff(s), | : | Hon.                 |
| v.            | : | JOINT DISCOVERY PLAN |
|               | : |                      |
| Defendant(s). | : |                      |

1. Set forth a factual description of the case. Include the causes of action and affirmative defenses asserted.
2. Have settlement discussions taken place? Yes \_\_\_\_\_ No \_\_\_\_\_  
If so, when? \_\_\_\_\_
  - (a) What was plaintiff's last demand?
    - (1) Monetary demand: \$ \_\_\_\_\_
    - (2) Non-monetary demand: \_\_\_\_\_
  - (b) What was defendant's last offer?
    - (1) Monetary offer: \$ \_\_\_\_\_
    - (2) Non-monetary offer: \_\_\_\_\_
3. The parties [have \_\_\_\_\_ -have not \_\_\_\_\_] exchanged the information required by Fed. R. Civ. P. 26(a)(1). If not, state the reason therefor.
4. Describe any discovery conducted other than the above disclosures.
5. Generally, dispositive Motions cannot be filed until the completion of discovery. Describe any Motions any party may seek to make prior to the completion of discovery. Include any jurisdictional Motions and Motions to Amend.
6. The parties proposed the following:
  - (a) Discovery is needed on the following subjects:
  - (b) Should discovery be conducted in phases? If so, explain.

- (c) Number of Interrogatories by each party to each other party: \_\_\_\_\_
  - (d) Number of Depositions to be taken by each party: \_\_\_\_\_
  - (e) Plaintiff's expert report due on \_\_\_\_\_.
  - (f) Defendant's expert report due on \_\_\_\_\_.
  - (g) Motions to Amend or to Add Parties to be filed by \_\_\_\_\_.
  - (h) Dispositive motions to be served within \_\_\_\_\_ days of completion of discovery.
  - (i) Factual discovery to be completed by \_\_\_\_\_.
  - (j) Expert discovery to be completed by \_\_\_\_\_.
  - (k) Set forth any special discovery mechanism or procedure requested, including data preservation orders or protective orders:
  - (l) A pretrial conference may take place on \_\_\_\_\_.
  - (m) Trial by jury or non-jury Trial?
  - (n) Trial date: \_\_\_\_\_.
7. Do you anticipate any discovery problem(s)? Yes \_\_\_\_\_ No \_\_\_\_\_  
If so, explain.
8. Do you anticipate any special discovery needs (i.e., videotape/telephone depositions, \_\_\_\_\_ problems with out-of state witnesses or documents, etc.)? Yes \_\_\_\_\_ No \_\_\_\_\_  
If so, explain.
9. State whether this case is appropriate for voluntary arbitration (pursuant to L. Civ. R. 201.1 or otherwise), mediation (pursuant to L. Civ. R. 301.1 or otherwise), appointment of a special master or other special procedure. If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after disposition of dispositive motions, etc.).
10. Is this case appropriate for bifurcation? Yes \_\_\_\_\_ No \_\_\_\_\_



11. We [do \_\_\_\_\_ -do not \_\_\_\_\_] consent to the trial and/or dispositive motions being conducted by a Magistrate Judge.

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Attorney(s) for Plaintiff(s)

---

Attorney(s) for Defendant(s)

## Steve Mannion

UNITED STATES MAGISTRATE JUDGE  
United States District Court of New Jersey

### Rider to Rule 16 Scheduling Order

#### I. **Discovery**

- a. **Discovery Plan:** The discovery plan supplied by the parties in advance of the Rule 16 conference will be based upon a specific period to complete discovery. Cases will have a 4, 6, 10, or 12 month fact discovery track depending upon the type and complexity of the case:
  - i. **Four Months** – Cases that typically require very little discovery, such as Fair Debt Collection Act cases, will only have a 4 month period for fact discovery.
  - ii. **Six Months** – Most cases will have a 6 month period for fact discovery, such as personal injury, employment, and civil rights cases.
  - iii. **Ten Months** – Only complex commercial cases, patent cases, and class actions will receive a 10 month period for fact discovery.
  - iv. **Twelve Months** – Very complex cases with extensive E-discovery or involving parties and witnesses outside the continental U.S. will receive a 12 month period for fact discovery.
- a. **Discovery:** The parties are expected to promptly begin initial disclosures, which shall include the production of all documents relevant to any claim or defense, after the Rule 16 conference.
- b. **Avoiding Discovery Disputes:** Many discovery disputes can be avoided with a discovery confidentiality order or a Fed.R.Evid. 502(d) order.
  - a. **Discovery Confidentiality Orders:** The parties will have 30 days from the Rule 16 conference to provide the Court with a joint proposed confidentiality order. *See* Local Civil Rule 5.3 and in patent cases Local Civil Rule 9.3. Any proposed confidentiality order agreed to by the parties must strictly comply with Fed.R.Civ.P. 26(c) and Local Civil Rule 5.3. *See also Pansy v. Borough of Stroudsburg*, 23 F.3d 772 (3d Cir. 1994); *Glenmede Trust Company v. Thompson*, 56 F.3d 476 (3d Cir. 1995). Any such form of order must be accompanied by an affidavit or attorney certification filed electronically under the designation “affidavit/certification in support of discovery confidentiality order.” The affidavit or attorney certification shall describe (a) the nature of the materials to be kept confidential, (b) the legitimate private or public interests which warrant confidentiality and (c) the clearly defined and serious injury that would result should the

order not be entered. Any such order must be clearly designated "Discovery Confidentiality Order." See L.Civ.R. 5.3 and the Court's Form Discovery Confidentiality Order at Appendix S.

- b. Fed.R.Evid. 502(d) Order. If the parties expect to produce large volumes of paper or electronic discovery that may include privileged material, counsel may consider submitting a joint proposed Fed.R.Evid. 502(d) order.

1. Discovery Disputes: No discovery motion or motion for sanctions for failure to provide discovery shall be made without prior leave of Court. Counsel "shall confer" in good faith and attempt to informally resolve any discovery disputes before seeking the Court's intervention. L. Civ. R. 37.1(a). Poison pen letters are not permitted. See D.N.J. App. R. Should informal efforts fail within 14 days of the occurrence of the dispute, the dispute shall immediately be brought to the Magistrate Judge's attention via a joint dispute letter, not to exceed 6 pages that sets forth: (a) the request; (b) the response; (c) efforts to resolve the dispute; (d) why the complaining party believes the information is relevant and why the responding party's response continues to be deficient; and (e) why the responding party believe the response is sufficient. If the discovery dispute is complex and requires the filing of briefs and affidavits, counsel may separately file same on the date of their joint dispute letter. No further submissions regarding the dispute may be submitted without leave of Court. Thereafter, the Court will schedule a telephonic discovery conference pursuant to Fed. R. Civ. P. 26(f) if necessary to resolve the dispute. See L. Civ. R. 16.1(f).

- a. Trial counsel must meet and confer to resolve any disputes concerning privilege before raising such disputes to the Court. If the dispute cannot be resolved by a joint proposed Fed.R.Evid. 502(d) order, the Court may refer the parties to a special master.
- c. Discovery disputes concerning paper discovery (other than those arising during depositions) are waived if not brought to the Court's attention within 90 days of the Rule 16 conference. The Court will not entertain applications concerning discovery matters, informally or otherwise, after this date and any objection will be deemed to have been waived.

## II. **Settlement:**

- a. Discovery Necessary for Settlement: All counsel should be able to discuss at the Rule 16 the discovery they will need to engage in meaningful settlement discussions.
- b. Good Faith Statement: To facilitate settlement discussions at the Rule 16 conference, plaintiffs in personal injury cases; Fair Debt Collection Act, 15 U.S.C. § 1692k(a) cases, Fair Credit Reporting Act, 15 U.S.C. § 1681 cases; and civil rights cases with statutory fee shifting may serve defendant(s) and the Magistrate Judge with a good faith statement prior to the Rule 16 conference. If so, the good faith statement should include the dollar amount

in controversy along with a basis for calculating damages and all supporting documentation including but not limited to medical records. In fee shifting cases, the statement should also include an itemization of reasonable attorneys' fees incurred to date with each attorney's name, hourly rate, and date and time entries for this matter.

- c. Compulsory Arbitration: Certain cases, like personal injury cases with presumed damages less than \$150,000 are subject to compulsory arbitration. Counsel are directed to familiarize themselves with Local Civil Rule 201.1.



*Steven C. Mannion*

Honorable Steve Mannion, U.S.M.J.  
United States District Court,  
for the District of New Jersey  
phone: 973-645-3827

6/13/2017 12:23:50 PM

George J. Cotz  
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June 12, 2017

Hon. Steven C. Mannion , USMJ  
United States Court House  
Newark, NJ 07101

RE: R.K et als v Piro, et als  
Case No 2:17-cv-01780

Honorable Sir;

I represent the Plaintiffs in this matter. Plaintiff S.K., a minor, is a student at Nutley High School. This complaint alleges that Defendant Piro, who is the AD there, groped her under the guise of demonstrating a basketball maneuver. Ms. K. has been in therapy since that event. Recently, it seems to her that Mr. Piro has a more noticeable and frequent presence at her athletic events and other places around the school when she is there, and that he appears to stare at her. Ms. K. already suffers from diabetes; the stress of this incident, coupled with the stress induced by his frequent, unannounced appearances, has exacerbated her diabetes.

I approached Mr. Jean, counsel for Defendants, and asked if he could ask that Mr. Piro not attend the games in which Ms. K. is involved; this does not seem unduly burdensome. However, his response was that it seemed to be Ms. K's problem, and not Mr. Piro's.

I would like a conference at an early date to see if some sort of arrangement can be fashioned that will alleviate this young lady's anxiety. I am also eager to begin discovery, and would like to see our Rule 16 conference scheduled as well.

Respectfully,

/s/ George J. Cotz 0463

GJC/hs

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW JERSEY**

**R. K., ET AL.,**  
*Plaintiff*

V.

**SUMMONS IN A CIVIL CASE**

**NUTLEY PUBLIC SCHOOL DISTRICT,**  
**ET AL.,**  
*Defendant*

CASE  
NUMBER: **2:17-CV-01780-CCC-SCM**

TO: *(Name and address of Defendant):*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**WILLIAM T. WALSH**

CLERK

**Brian Y. Lawrence**

(By) DEPUTY CLERK



ISSUED ON 2017-03-16 16:43:27, Clerk  
USDC NJD

| <b>RETURN OF SERVICE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |          |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------|
| Service of the Summons and complaint was made by me(1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | DATE     |       |
| NAME OF SERVER (PRINT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | TITLE    |       |
| <i>Check one box below to indicate appropriate method of service</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |          |       |
| <div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: _____<br/>           _____         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Name of person with whom the summons and complaint were left: _____         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: _____<br/>           _____         </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Other (specify) : _____<br/>           _____<br/>           _____         </div> |          |       |
| <b>STATEMENT OF SERVICE FEES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |          |       |
| TRAVEL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | SERVICES | TOTAL |
| <b>DECLARATION OF SERVER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |          |       |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p><br><div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Executed on _____</p> <p style="text-align: center;">Date</p> </div> <div style="width: 50%;"> <p>_____<br/> <i>Signature of Server</i></p> <p>_____<br/> <i>Address of Server</i></p> </div> </div>                                                                                                                                                                                                                                                                                                     |          |       |