

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

ROBERT A. KATZMANN
CHIEF JUDGE

Date: June 12, 2019

Docket #: 19-1715

Short Title: New Hope Family Services, Inc. v. Poole

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

DC Docket #: 18-cv-1419

DC Court: NDNY (SYRACUSE)

DC Judge: D'Agostino

DC Judge: Dancks

NOTICE OF RECORD ON APPEAL FILED

In the above referenced case the document indicated below has been filed in the Court.

- Record on Appeal - Certified List
- Record on Appeal - CD ROM
- Record on Appeal - Paper Documents
- Record on Appeal - Electronic Index
- Record on Appeal - Paper Index

Inquiries regarding this case may be directed to 212-857-8527.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



ELECTRONIC NOTICE OF CIVIL OR PRISONER APPEAL & CLERK'S CERTIFICATION

Dear Clerk of the Court,

Please take notice that on June 10, 2019 the court received a notice of appeal. This notice serves to inform you of the pending appeal and provides you with the information needed to process the appeal.

I, JOHN M. DOMURAD, CLERK, U.S. District Court for the Northern District of New York, DO, HEREBY CERTIFY that the foregoing docket entries, with the exception of the documents listed below, are maintained electronically on the court's CM/ECF system and constitute the Record on Appeal in the below listed action.

The following documents *are not* available electronically. Please notify the Albany Clerk's Office if you need any of the following documents:

Docket No.(s): ____

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of said Court to be hereto affixed at the City of Albany, New York, this 11st day of June, 2019.

John M. Domurad, Clerk
U.S. District Court

By: s/ M. Gallup-Hughes
Deputy Clerk

Case Information

Case Name & Case No. New Hope Family Services, Inc. v. Sheila J. Poole 5:18-cv-1419

Docket No. of Appeal: #40

Document Appealed: #38 Memorandum-Decision and Order and #39 Judgment

Fee Status: Paid X Due ____ Waived (IFP/CJA) ____
IFP revoked ____ Application Attached ____ IFP pending before USDJ ____

Counsel: Retained X Pro Se ____

Time Status: Timely X Untimely ____

Motion for Extension of Time: Granted ____ Denied ____

Certificate of Appealability: Granted ____ Denied ____ N/A X

APPEAL,CLOSED,MAD-PILOT

**U.S. District Court
Northern District of New York – Main Office (Syracuse) [NextGen CM/ECF
Release 1.2 (Revision 1.2)] (Syracuse)
CIVIL DOCKET FOR CASE #: 5:18-cv-01419-MAD-TWD
Internal Use Only**

New Hope Family Services, Inc. v. Poole
Assigned to: U.S. District Judge Mae A. D'Agostino
Referred to: Magistrate Judge Therese Wiley Dancks
Cause: 42:1983 Civil Rights Act

Date Filed: 12/06/2018
Date Terminated: 05/16/2019
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

New Hope Family Services, Inc.

represented by **David A. Cortman**
Alliance Defending Freedom – GA Office
1000 Hurricane Shoals Road, NE – Suite
D1100
Lawrenceville, GA 30078
770-339-0774
Fax: 770-339-6744
Email:
dcortman@alliancedefendingfreedom.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Active
Fee Status: paid_2017

Jonathan A. Scruggs
Alliance Defending Freedom – AZ Office
15100 N. 90th Street
Scottsdale, AZ 85260
480-444-0020
Email:
jscruggs@alliancedefendingfreedom.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED
Bar Status: Active
Fee Status: paid_2017

Robert E. Genant
Office of Robert E. Genant
P.O. Box 480
3306 Main Street, Suite B
Mexico, NY 13114
315-963-7296
Fax: 315-963-8274
Email: bgenant@genantlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Active
Fee Status: paid_2017

Erik W. Stanley
Alliance Defending Freedom
15100 N 90th St
Scottsdale, AZ 85260
480-444-0020
Fax: 480-444-0028
Email:
estanley@alliancedefendingfreedom.org
ATTORNEY TO BE NOTICED

Bar Status: Phv
Fee Status: paid

Jeana Hallock
 Alliance Defending Freedom
 15100 N 90th St
 Scottsdale, AZ 85260
 480-444-0020
 Email: jhallock@adflegal.org
ATTORNEY TO BE NOTICED
Bar Status: Phv
Fee Status: paid

Jeremiah Galus
 Alliance Defending Freedom
 15100 N 90th St
 Scottsdale, AZ 85260
 480-444-0020
 Email: jgalus@adflegal.org
ATTORNEY TO BE NOTICED
Bar Status: Phv
Fee Status: paid

Roger Greenwood Brooks
 Alliance Defending Freedom
 15100 N 90th St
 Scottsdale, AZ 85260
 480-444-0020
 Email: rbrooks@adflegal.org
ATTORNEY TO BE NOTICED
Bar Status: Phv
Fee Status: paid

V.

Defendant

Sheila J. Poole
*in her official capacity as Acting
 Commissioner for the Office of Children
 and Family Services for the State of New
 York*

represented by **Adrienne J. Kerwin**
 Office of Attorney General – Albany
 State of New York
 The Capitol
 Albany, NY 12224
 518-776-2608
 Fax: 518-473-1572
 Email: Adrienne.Kerwin@ag.ny.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Active
Fee Status: waived_2017

Email All Attorneys
 Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
12/06/2018	<u>1</u>	COMPLAINT against Sheila J. Poole (Filing fee \$400 receipt number ANYNDC-4585142) filed by New Hope Family Services, Inc.. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2, # <u>3</u> Exhibit(s) 3, # <u>4</u> Exhibit(s) 4, # <u>5</u> Exhibit(s) 5, # <u>6</u> Exhibit(s) 6, # <u>7</u> Exhibit(s) 7, # <u>8</u> Civil Cover Sheet)(mgh) (Entered: 12/07/2018)
12/06/2018	<u>2</u>	Notice of Intent to File Motion for Preliminary Injunction and Request for Telephonic Conference if necessary filed by New Hope Family Services, Inc. (mgh) (Entered: 12/07/2018)

12/07/2018	<u>3</u>	Summons Issued as to Sheila J. Poole. (mgh) (Entered: 12/07/2018)
12/07/2018	<u>4</u>	G.O. 25 FILING ORDER ISSUED: Initial Conference set for 3/7/2019 09:30 AM before Magistrate Judge Therese Wiley Dancks. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 2/28/2019. All conferences are conducted by telephone. Plaintiff's attorney will initiate the call (unless the Court directs differently) and shall contact Judge Dancks' Chambers at 315-234-8618 (a dedicated line solely for telephone conferences) once all parties are on the line. Counsel may use a teleconferencing service for assistance initiating conference calls to the Court. For cases involving pro se parties, the Court will initiate the call for the Rule 16 Conference. Pro se parties are instructed to provide the Court with a telephone number where they may be reached for a conference call. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (mgh) (Entered: 12/07/2018)
12/07/2018	<u>5</u>	NOTICE of Admission Requirement as to Party New Hope Family Services; Attorney Erik Stanley, Esq., Email address is estanley@ADFlegal.org. Admissions due by 12/21/2018. {Sent via email}.(mgh) (Entered: 12/07/2018)
12/07/2018	<u>6</u>	NOTICE of Admission Requirement as to Party New Hope Family Services, Inc.; Attorney Roger Brooks, Esq., Email address is rbrooks@adflegal.org. Admissions due by 12/21/2018. (mgh) {Sent via email}. (Entered: 12/07/2018)
12/07/2018	<u>7</u>	NOTICE of Admission Requirement as to Party New Hope Family Services, Inc.; Attorney Jeremiah Galus, Esq., Email address is jgalus@ADFlegal.org. Admissions due by 12/21/2018. (mgh) {Sent via email}. (Entered: 12/07/2018)
12/07/2018	<u>8</u>	NOTICE of Admission Requirement as to Party New Hope Family Services; Attorney Jenna Hallock, Esq., Email address is jhallock@ADFlegal.org. Admissions due by 12/21/2018. {Sent via email}(mgh) (Entered: 12/07/2018)
12/07/2018	<u>9</u>	TEXT-ONLY NOTICE REGARDING JUDGE D'AGOSTINO CASE DISPOSITION PILOT - Please refer to the Individual Rules and Practices of the Hon. Mae A. D'Agostino, U.S. District Judge, for guidance regarding the Case Disposition Pilot. http://www.nynd.uscourts.gov/sites/nynd/files/D'Agostino_03142016.pdf . (mgh) (Entered: 12/07/2018)
12/07/2018	<u>10</u>	TEXT ORDER re <u>2</u> Notice (Other) filed by New Hope Family Services, Inc.: It is hereby ORDERED that the Plaintiff's request for leave to file a Motion for Preliminary Injunction is GRANTED. No Court conference is necessary. Signed by U.S. District Judge Mae A. D'Agostino on 12/7/2018. (ban) (Entered: 12/07/2018)
12/10/2018	<u>11</u>	MOTION for Limited Admission Pro Hac Vice of Erik Stanley Filing fee \$100, receipt number ANYNDC-4587344. filed by New Hope Family Services, Inc.. (Attachments: # <u>1</u> Exhibit(s) Declaration of Sponsor, # <u>2</u> Exhibit(s) New Attorney E-filing Registration and Oath, # <u>3</u> Exhibit(s) Petition for Admission, # <u>4</u> Exhibit(s) Certificate of Good Standing, # <u>5</u> Proposed Order/Judgment) Motions referred to Therese Wiley Dancks. (Scruggs, Jonathan) (Entered: 12/10/2018)
12/10/2018	<u>12</u>	MOTION for Limited Admission Pro Hac Vice of Jeremiah Galus Filing fee \$100, receipt number ANYNDC-4587408. filed by New Hope Family Services, Inc.. (Attachments: # <u>1</u> Exhibit(s) Declaration of Sponsor, # <u>2</u> Exhibit(s) New Attorney E-filing Registration and Oath, # <u>3</u> Exhibit(s) Petition for Admission, # <u>4</u> Exhibit(s) Certificate of Good Standing, # <u>5</u> Exhibit(s) Proposed Order) Motions referred to Therese Wiley Dancks. (Scruggs, Jonathan) (Entered: 12/10/2018)
12/10/2018	<u>13</u>	MOTION for Limited Admission Pro Hac Vice of Jeana Hallock Filing fee \$100, receipt number ANYNDC-4587439. filed by New Hope Family Services, Inc.. (Attachments: # <u>1</u> Exhibit(s) Declaration of Sponsor, # <u>2</u> Exhibit(s) New Attorney E-filing Registration and Oath, # <u>3</u> Exhibit(s) Petition for Admission, # <u>4</u> Exhibit(s) Certificate of Good Standing, # <u>5</u> Proposed Order/Judgment) Motions referred to Therese Wiley Dancks. (Scruggs, Jonathan) (Entered: 12/10/2018)
12/10/2018	<u>14</u>	AFFIDAVIT of Service for Verified Complaint & Exhibits; Notice of Intent to File MPI; Summons; G.O.25 filing order served on Sheila J. Poole on 12-10-2018, filed by New Hope Family Services, Inc.. (Scruggs, Jonathan) (Entered: 12/10/2018)

12/12/2018	<u>15</u>	MOTION for Preliminary Injunction filed by New Hope Family Services, Inc.. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Affidavit of Judith A. Geyer, # <u>3</u> Affidavit of Charity Loscombe, # <u>4</u> Affidavit of Ellie Stultz, # <u>5</u> Affidavit of Elaine Bleuer, # <u>6</u> Affidavit of Jeremy Johnston, # <u>7</u> Affidavit of Justin Bleuer) (Scruggs, Jonathan) (Entered: 12/12/2018)
12/13/2018	16	TEXT ORDER SETTING ORAL ARGUMENTS re <u>15</u> MOTION for Preliminary Injunction : Oral Arguments are set for 1/16/2019 at 9:00 a.m. in Albany before U.S. District Judge Mae A. D'Agostino; Plaintiff's counsel is directed to serve a copy of the Summons, Complaint, General Order, Motion for Preliminary Injunction, and this text order upon the defendant on or before 12/21/18. Plaintiff's counsel must file an affidavit of service with the court once the defendant has been served. Defendant's response to <u>15</u> Motion for Preliminary Injunction, shall be filed on or before 1/4/19; Plaintiff's Reply shall be filed on or before 1/9/19. Signed by U.S. District Judge Mae A. D'Agostino on 12/13/2018.(ban) (Entered: 12/13/2018)
12/13/2018	17	TEXT ORDER granting <u>11</u> Motion for Limited Admission Pro Hac Vice of Erik Stanley, Esq. for New Hope Family Services, Inc. IMMEDIATE ATTENTION REQUIRED: Counsel is hereby advised that as of January 16, 2018, the NYND has converted to NextGen. Due to this conversion, you must now register for Pro Hac Vice access through your PACER account. This is the only notice you will receive concerning this requirement. You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system. Step-by-step instructions on how to complete this process are available at http://www.nynd.uscourts.gov/attorney-admissions-nextgen . SO ORDERED by Magistrate Judge Therese Wiley Dancks on 12/13/2018. (sg) (Entered: 12/13/2018)
12/13/2018	18	TEXT ORDER granting <u>12</u> Motion for Limited Admission Pro Hac Vice of Jeremiah Galus, Esq. for New Hope Family Services, Inc. IMMEDIATE ATTENTION REQUIRED: Counsel is hereby advised that as of January 16, 2018, the NYND has converted to NextGen. Due to this conversion, you must now register for Pro Hac Vice access through your PACER account. This is the only notice you will receive concerning this requirement. You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system. Step-by-step instructions on how to complete this process are available at http://www.nynd.uscourts.gov/attorney-admissions-nextgen . SO ORDERED by Magistrate Judge Therese Wiley Dancks on 12/13/2018. (sg) (Entered: 12/13/2018)
12/13/2018	19	TEXT ORDER granting <u>13</u> Motion for Limited Admission Pro Hac Vice of Jeana Hallock, Esq. for New Hope Family Services, Inc. IMMEDIATE ACTION REQUIRED: Counsel is hereby advised that as of January 16, 2018, the NYND has converted to NextGen. Due to this conversion, you must now register for Pro Hac Vice access through your PACER account. This is the only notice you will receive concerning this requirement. You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system. Step-by-step instructions on how to complete this process are available at http://www.nynd.uscourts.gov/attorney-admissions-nextgen . SO ORDERED by Magistrate Judge Therese Wiley Dancks on 12/13/2018. (sg) (Entered: 12/13/2018)
12/17/2018	<u>20</u>	AFFIDAVIT of Service for Notice of Motion and Motion for Preliminary Injunction; Motions for PHV for Erik Stanley, Jeremiah Galus, and Jeana Hallock served on Sheila J. Poole on 12-13-2018, filed by New Hope Family Services, Inc.. (Scruggs, Jonathan) (Entered: 12/17/2018)
12/17/2018	<u>21</u>	AFFIDAVIT of Service for Order setting oral arguments re Motion for Preliminary Injunction; and Orders granting PHV Admission for Erik Stanley, Jeremiah Galus, and Jeana Hallock served on Sheila J. Poole on 12-17-2018, filed by New Hope Family Services, Inc.. (Scruggs, Jonathan) (Entered: 12/17/2018)
12/19/2018	<u>22</u>	NOTICE of Appearance by Jeremiah Galus on behalf of New Hope Family Services, Inc. (Galus, Jeremiah) (Entered: 12/19/2018)
12/19/2018	<u>23</u>	NOTICE of Appearance by Erik W. Stanley on behalf of New Hope Family Services, Inc. (Stanley, Erik) (Entered: 12/19/2018)
12/19/2018	<u>24</u>	NOTICE of Appearance by Jeana Hallock on behalf of New Hope Family Services, Inc. (Hallock, Jeana) (Entered: 12/19/2018)

12/20/2018	<u>25</u>	NOTICE of Appearance by Adrienne J. Kerwin on behalf of Sheila J. Poole (Kerwin, Adrienne) (Entered: 12/20/2018)
12/28/2018	<u>26</u>	Pre-Motion Letter by Sheila J. Poole requesting a pre-motion conference submitted to Judge D'Agostino. MAD Pre-Motion Response Deadline 12/31/2018 (Kerwin, Adrienne) (Entered: 12/28/2018)
01/02/2019	<u>27</u>	MOTION for Limited Admission Pro Hac Vice of Roger G. Brooks Filing fee \$100, receipt number ANYNDC-4605304. filed by New Hope Family Services, Inc.. (Attachments: # <u>1</u> Exhibit(s) Petition for Admission, # <u>2</u> Exhibit(s) New Attorney E-filing Registration and Oath, # <u>3</u> Exhibit(s) Certificate of Good Standing, # <u>4</u> Proposed Order/Judgment) Motions referred to Therese Wiley Dancks. (Stanley, Erik) (Entered: 01/02/2019)
01/02/2019		Notice of Filing Deficiency re: <u>27</u> Motion for Limited Admission Pro Hac Vice,. Pursuant to LR 83.1(d), the sponsor and/or applicant MUST provide the following required documents: Declaration of Sponsor The corrected documents should be electronically filed with the Court by selecting the ' Supplemental Admission documents ' event, which is found under the ' Other Documents ' menu. Once all requirements under LR 83.1(d) have been met, the motion will be forwarded to the assigned Magistrate Judge for consideration. (tad,) (Entered: 01/02/2019)
01/02/2019	<u>28</u>	Supplemental Admission documents re: <u>27</u> Motion for Limited Admission Pro Hac Vice,. (Scruggs, Jonathan) (Entered: 01/02/2019)
01/02/2019	<u>29</u>	Pre-Motion Response to <u>26</u> Pre-Motion Letter by Sheila J. Poole requesting a pre-motion conference submitted to Judge D'Agostino . (Stanley, Erik) (Entered: 01/02/2019)
01/03/2019	<u>30</u>	TEXT ORDER granting <u>27</u> Motion for Limited Admission Pro Hac Vice of Roger Brooks, Esq. for New Hope Famil Services, Inc. IMMEDIATE ACTION REQUIRED: Counsel is hereby advised that as of January 16, 2018, the NYND has converted to NextGen. Due to this conversion, you must now register for Pro Hac Vice access through your PACER account. This is the only notice you will receive concerning this requirement. You will not have access to electronically file in this case until your Pro Hac Vice request has been processed through the PACER system. Step-by-step instructions on how to complete this process are available at http://www.nynd.uscourts.gov/attorney-admissions-nextgen . SO ORDERED by Magistrate Judge Therese Wiley Dancks on 1/3/2019. (sg) (Entered: 01/03/2019)
01/04/2019	<u>31</u>	NOTICE of Appearance by Roger Greenwood Brooks on behalf of New Hope Family Services, Inc. (Brooks, Roger) (Entered: 01/04/2019)
01/04/2019	<u>32</u>	AFFIDAVIT in Opposition re <u>15</u> MOTION for Preliminary Injunction <i>and Memorandum of Law</i> filed by Sheila J. Poole. (Attachments: # <u>1</u> Memorandum of Law)(Kerwin, Adrienne) (Entered: 01/04/2019)
01/08/2019		TEXT Minute Entry for Telephone Pre-Motion Conference held on 1/8/2019 before U.S. District Judge Mae A. D'Agostino: Appearances by Roger Brooks, Esq. and Jeana Hallock, Esq. for the Plaintiff; Adrienne Kerwin, AAG for the defendants; Judge D'Agostino addresses counsel regarding the defendants pre-motion request for leave to file a motion to dismiss; The motion to dismiss may be filed on or before 1/14/19; Judge D'Agostino will address the previously filed motion for preliminary injunction and the motion to dismiss at the same hearing; ORAL ARGUMENTS on both motions is set for February 19, 2019 at 11:00 a.m. in Albany before Judge D'Agostino; Counsel should report to Courtroom No. 5 for this hearing; Response papers shall be filed on or before 2/4/19; Reply papers shall be filed on or before 2/8/19. Both motions will be addressed on an expedited schedule.(Court Reporter Jacqueline Stroffolino, CRD Britney Norton [Time 11:00 a.m. - 11:05 a.m.]) (ban) (Entered: 01/08/2019)
01/08/2019		TEXT NOTICE of Hearing on Motion <u>15</u> MOTION for Preliminary Injunction : ORAL ARGUMENTS are set for 2/19/2019 at 11:00 AM in Albany before U.S. District Judge Mae A. D'Agostino. (ban) (Entered: 01/08/2019)
01/09/2019	<u>33</u>	REPLY to Response to Motion re <u>15</u> MOTION for Preliminary Injunction filed by New Hope Family Services, Inc.. (Brooks, Roger) (Entered: 01/09/2019)

01/14/2019	<u>34</u>	MOTION to Dismiss for Failure to State a Claim Motion Hearing set for 2/19/2019 11:00 AM in Albany before U.S. District Judge Mae A. D'Agostino Response to Motion due by 2/4/2019 Reply to Response to Motion due by 2/8/2019. filed by Sheila J. Poole. (Attachments: # <u>1</u> Memorandum of Law) (Kerwin, Adrienne) (Entered: 01/14/2019)
01/16/2019	35	TEXT ORDER: In light of the pending motions at Dkt. Nos. <u>15</u> and <u>34</u> , the Rule 16 Initial Conference set for 3/7/2019 and the associated deadlines are adjourned without new date at this time and will be rescheduled, if necessary, after the pending motions are decided by the District Court. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 1/16/2019. (sg) (Entered: 01/16/2019)
02/04/2019	<u>36</u>	RESPONSE in Opposition re <u>34</u> MOTION to Dismiss for Failure to State a Claim filed by New Hope Family Services, Inc.. (Brooks, Roger) (Entered: 02/04/2019)
02/08/2019	<u>37</u>	REPLY to Response to Motion re <u>34</u> MOTION to Dismiss for Failure to State a Claim filed by Sheila J. Poole. (Kerwin, Adrienne) (Main Document 37 replaced on 2/11/2019) (mgh,). (Entered: 02/08/2019)
02/11/2019		CLERK'S CORRECTION OF DOCKET ENTRY re <u>37</u> Reply to Response to Motion. The pdf image was inadvertently scanned with two additional pages not intended for filing on the docket. The document has been corrected and replaced. (mgh) (Entered: 02/11/2019)
02/19/2019		TEXT Minute Entry for Oral Arguments held on 2/19/2019 re <u>34</u> MOTION to Dismiss for Failure to State a Claim filed by Sheila J. Poole, <u>15</u> MOTION for Preliminary Injunction filed by New Hope Family Services, Inc. before U.S. District Judge Mae A. D'Agostino: Appearances by Roger Greenwood Brooks, Esq., David Cortman, and Jeana Hallock, Esq. for the Plaintiff; Adrienne Kerwin, AAG for the defendant; Counsel for the Plaintiff and Counsel for the defendant address the Court. Arguments are heard from both sides and the Court inquires of counsel; A written decision on the motions will be entered by the Court. (Court Reporter Jacqueline Stroffolino, CRD Britney Norton [Time 10:54 a.m. – 12:04 a.m.]) (ban) (Entered: 02/19/2019)
05/16/2019	<u>38</u>	MEMORANDUM–DECISION AND ORDER denying <u>15</u> Motion for Preliminary Injunction; granting <u>34</u> Motion to Dismiss for Failure to State a Claim: The Court hereby ORDERS that OCFS's motion to dismiss (Dkt. No. 34) is GRANTED; and the Court further ORDERS that New Hope's motion for a preliminary injunction is DENIED; and the Court further ORDERS that the Clerk of the Court shall enter judgment in OCFS's favor and close this case; and the Court further ORDERS that the Clerk of the Court shall serve a copy of this Memorandum–Decision and Order in accordance with the Local Rules. Signed by U.S. District Judge Mae A. D'Agostino on 5/16/2019. (ban) (Entered: 05/16/2019)
05/16/2019	<u>39</u>	JUDGMENT in favor of Sheila J. Poole against New Hope Family Services, Inc.. (Attachments: # <u>1</u> Appeal Notice) (ban) (Entered: 05/16/2019)
06/10/2019	<u>40</u>	NOTICE OF APPEAL as to <u>38</u> Order on Motion for Preliminary Injunction,, Order on Motion to Dismiss for Failure to State a Claim,, <u>39</u> Judgment by New Hope Family Services, Inc.. Filing fee \$ 505, receipt number ANYNDC–4765158. (Hallock, Jeana) Modified on 6/10/2019 – Pursuant to phone call from the filer, the document was inadvertently filed under co–counsel's filing account and not Mr. Brooks. (rep). (Entered: 06/10/2019)
06/11/2019	<u>41</u>	ELECTRONIC NOTICE AND CERTIFICATION sent to US Court of Appeals re <u>40</u> Notice of Appeal. (mgh) (Entered: 06/11/2019)