

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ORLEANS

AB 511 DOE,

Plaintiff,

v.

Index No.: 20-46602

LYNDONVILLE CENTRAL SCHOOL DISTRICT;
LYNDONVILLE ELEMENTARY SCHOOL.

Defendants.

ORDER

WHEREAS, Defendants Lyndonville Central School District and Lyndonville Elementary School (collectively referred to as “the District”), by and through their attorneys, Webster Szanyi LLP, filed a motion *in limine* seeking to add Terry Houseman to the verdict sheet for purposes of apportioning potential liability pursuant to Article 16 of the CPLR (see Doc. 184-197); and

WHEREAS, in support of that motion, the District submitted a Notice of Motion dated February 9, 2024 (Doc. 184), Affirmation of Ryan G. Smith dated February 9, 2024, with Exhibits A-K (Doc. 185-196), and Memorandum of Law dated February 9, 2024 (Doc. 197); and

WHEREAS, in opposition to the motion, Plaintiff AB 511 Doe filed an Affirmation of Leah Costanzo dated February 19, 2024, with Exhibits A-J (Doc. 243-253); and

WHEREAS, in further support of that motion, the District submitted a Reply Affirmation of Ryan G Smith dated February 22, 2024, with Exhibit A (Doc. 280-281), and a Reply Memorandum of Law (Doc. 282); and

WHEREAS, the Court having heard oral argument on the motion on

February 26, 2024, with Leah Costanzo appearing on behalf of Plaintiff, and Ryan G. Smith and Shannon B. Vandermeer appearing on behalf of the District; and

NOW, upon consideration of all the papers, pleadings, and materials submitted by the parties, and due deliberation having been had, and after such due deliberation, the Court having issued a written decision (Doc. 286) dated March 4, 2024, and entered on March 5, 2024, a copy of which is attached hereto as **Exhibit A**, it is hereby:

ORDERED, that the District's motion to add Houseman on the verdict sheet is **GRANTED** provided that evidence is presented at trial substantiating that Houseman is the alleged abuser.

GRANTED:

Hon. Deborah A. Chimes

ENTERED: