

Doe v New York City Dept. of Educ.
2020 NY Slip Op 33661(U)
November 2, 2020
Supreme Court, New York County
Docket Number: 950365/2020
Judge: George J. Silver
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SUPREME COURT OF THE STATE OF NEW YORK —NEW YORK COUNTY
PRESENT: GEORGE J. SILVER
Justice

JANE DOE, as Mother and Natural Guardian of JANE ROE, an infant under the age of sixteen years,

Index No. 950365/2020

- v -

NEW YORK CITY DEPARTMENT OF EDUCATION
, et al.

Hon. GEORGE J. SILVER
Justice Supreme Court

The following papers numbered 1 to 1 were read on this motion (Seq. No. **001**) for **ANONYMOUS CAPTION** (see CPLR §2219 [a]):

Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	No(s). 1
Answering Affidavit and Exhibits	No(s). 2
Replying Affidavit and Exhibits	No(s). 3

The following papers numbered 1 to 1 were read on this motion (Seq. No. **002**) for **SUBSTITUTE SERVICE** (see CPLR §2219 [a]):

Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed	No(s). 1
Answering Affidavit and Exhibits	No(s).
Replying Affidavit and Exhibits	No(s).

Upon the foregoing papers, it is ordered that the instant Orders to Show Cause are resolved by agreement of the parties and the court’s consideration as follows:

As required by CPLR 2219(a), the following papers were considered in deciding Plaintiff’s Order to Show Cause (Motion Seq. 001) requesting an Order pursuant to Section 216.1 of the Uniform Rules for the New York State Trial Courts and Sections 3103(a) and 3102(c), and all other applicable laws, statutes and regulations, permitting Plaintiff to seal court records and proceed anonymously under fictitious names in this action against the Defendants, and Plaintiff’s Order to Show Cause (Motion Seq. 002) requesting an Order to effectuate process of service upon Aylin Canon, and individually named Defendant:

<u>Papers</u>	<u>Numbered</u>
Plaintiff’s Order to Show Cause (NYSCEF Doc. # 8).....	1

Affirmation of Jonathan A. Bernstein in Support of Order to Show Cause with Exhibits 1-3 (NYSCEF Doc. #s 3-6)	2
Request for Judicial Intervention (NYSCEF Doc. # 7)	3
Affidavit of Service Upon a Corporation (NYSCEF Doc. # 11).....	4
Affidavit of Service Upon a Corporation (NYSCEF Doc. # 12).....	5
Affidavit of Due Diligence (NYSCEF Doc. # 13).....	6
Plaintiff's Order to Show Cause (NYSCEF Doc. # 29).....	7
Affirmation of Jonathan A. Bernstein in Support of Order to Show Cause with Exhibits 1-5 (NYSCEF Doc. #s 15-20)	8
Amended Affirmation of Jonathan A. Bernstein in Support of Order to Show Cause with Exhibits 1-7 (NYSCEF Doc. #s 21-28)	9
Affidavit of Service with Exhibits 1-4 (NYSCEF Doc. # 30)	10
Jonathan A. Bernstein's September 9, 2020 Letter to the Court with Exhibits 1-3 (NYSCEF Doc. #s 35-38)	11
Affirmation of Carl M. Perri in Opposition to Order to Show Cause dated August 3, 2020 (NYSCEF Doc. # 39)	12
Affirmation of Erik Zizzu in Response to Plaintiffs' Orders to Show Cause with Exhibits A-C (NYSCEF Doc. #s 40-43).....	13
Reply Affirmation of Shelley Ann Quilty-Lake with Exhibits 1-6 (NYSCEF Doc. #s 45-51).....	14

Upon the foregoing cited papers, further Court proceedings, and the Court having provided an opportunity for each party to be heard on the relief request, and Plaintiff by her counsel Meenan & Associates, LLC by Shelley Ann Quilty Lake, Defendant the New York City Department of Education by Assistant Corporation Counsel, Erik Zissu, and Defendant Educational Alliance, Inc. Clausen Miller, P.C by Matthew Van Dusen, as well as *pro se* Defendant Aylin Cannon having appeared;

And the parties having reached an agreement on October 29, 2020 regarding the time frame for Plaintiff to serve her Amended Summons and Complaint, the manner of service on Defendant Aylin Cannon with respect to Plaintiff's Amended Summons and Complaint, and the time frame for the Defendants to serve and file their respective Answers to Plaintiff's Amended Summons and Complaint, it is hereby

ORDERED that the Plaintiff party herein shall be referred to under the pseudonyms A.P. and K.D. in all papers filed in this action and in all judgments, decisions, notices to the Court and all other documents related to this action; and it is further

ORDERED that the Plaintiff party shall proceed with this action under the caption below:

-----X
 A.P. as Mother and Natural Guardian of K.D., an infant under the
 age of sixteen years,

 Plaintiff,

 -against-

 NEW YORK CITY DEPARTMENT OF EDUCATION, THE
 EDUCATIONAL ALLIANCE, INC. and AYLIN CANON,

 Defendants.
 -----X

And it is further ORDERED that the terms of the Amended Administrative Order #371, signed by The Hon. George J. Silver on December 11, 2019; Case Management Order #1, signed by The Hon. George J. Silver on February 24, 2020; Case Management Order #2, signed by The Hon. George J. Silver on June 16, 2020, and the Confidentiality Order Pursuant to Sec. IX of CMO 2 signed by The Hon. George J. Silver on September 18, 2020 shall apply to the instant litigation; and it is further

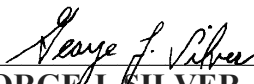
ORDERED that Plaintiff shall electronically file her Amended Summons and Complaint to reflect the above pseudonyms and caption with the Court by no later than November 12, 2020,

and that electronically filing the Amended Summons and Complaint shall be deemed good and sufficient service upon Defendants, the New York City Department of Education and the Educational Alliance, Inc.; and it is further

ORDERED that Plaintiff is permitted to serve her Amended Summons and Complaint upon Defendant Aylin Canon by overnight mail or priority mail at her address of 10 Hillside Avenue, Apt. 1A, New York, NY 10040 on or before November 13th, 2020, and such mailing shall be deemed good and sufficient service upon Defendant Aylin Canon; and it is further

ORDERED that the Defendants, the New York City Department of Education, the Educational Alliance, Inc., and Aylin Canon shall each serve and file their Answer by no later than sixty-five (65) days after the date of service upon each of them.

Dated: November 2, 2020



GEORGE J. SILVER, J.S.C.

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- 1. CHECK ONE..... CASE DISPOSED IN ITS ENTIRETY CASE STILL ACTIVE
 - 2. MOTION IS..... GRANTED DENIED GRANTED IN PART OTHER
 - 3. CHECK IF APPROPRIATE..... SETTLE ORDER SUBMIT ORDER
 - FIDUCIARY APPOINTMENT REFEREE APPOINTMENT