

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SARATOGA

-----X		
LISA RIBIS,	:	
	:	
Plaintiff,	:	Index No.: EF20241936
	:	
- against -	:	
	:	
CITY OF SARATOGA SPRINGS, DILLON MORAN,	:	NOTICE TO STATE COURT
and STACY CONNORS,	:	OF REMOVAL TO UNITED
	:	STATES DISTRICT COURT
Defendants.	:	
	:	
-----X		

PLEASE TAKE NOTICE that, on July 18, 2024, Defendants, the City of Saratoga Springs, Dillon Moran, and Stacy Connors (“Defendants”), filed a Notice of Removal of this case from the Supreme Court of the State of New York, Saratoga County to the United States District Court for the Northern District of New York. A copy of the Notice of Removal is attached hereto, and a copy of this Notice and the Notice of Removal has also been provided to all parties in this action.

PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. § 1446, the filing of this Notice removes this action to the Federal Court, and this Court may “proceed no further unless and until the case is remanded.” 28 U.S.C. § 1446(d).

Dated: White Plains, New York
July 18, 2024

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN &
DICKER LLP

By: /s/ John M. Flannery
Eliza M. Scheibel, Esq.
John M. Flannery, Esq.

Attorneys for Defendants

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White Plains, NY 10604
(914) 323-7000
eliza.scheibel@wilsonelser.com

TO: Phillip G. Steck, Esq.
COOPER ERVING & SAVAGE LLP
Attorneys for Plaintiff
20 Corporate Woods, Suite 501
Albany, NY 12211
(518) 449-3900
psteck@coopererving.com

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK

-----X	
LISA RIBIS,	:
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Plaintiff,	:
	:
-against-	:
	:
	:
CITY OF SARATOGA SPRINGS, DILLON MORAN,	:
and STACY CONNORS,	:
	:
Defendants.	:
-----X	

Civil Action No.:

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court
Court for the Northern District of New York

Defendants, the City of Saratoga Springs, Dillon Moran, and Stacy Connors (hereinafter, “Defendants”) by their attorneys, Wilson Elser Moskowitz Edelman and Dicker LLP, hereby remove this action from the Supreme Court of the State of New York, Saratoga County, to the United States District Court for the Northern District of New York, pursuant to 28 U.S.C. §§1331, 1441(a), 1441(c) and 1446 upon the following grounds:

1. On or about June 18, 2024, Plaintiff commenced a civil action by the filing of a Summons and Complaint seeking reinstatement and/or monetary damages, and attorneys’ fees and costs under Index No.: EF20241936 in the Supreme Court of the State of New York, County of Saratoga. Copies of the Summons and Complaint are attached collectively as **Exhibit “A”** and constitute all process, pleadings, and orders served upon the City of Saratoga Springs. Attached hereto as **Exhibit “B”** is a copy of the state court docket list.

2. This is a civil action seeking reinstatement and/or money damages arising out of Plaintiff’s employment relationship with the City of Saratoga Springs. Plaintiff alleges that, during

her employment with the City, she was retaliated against and ultimately removed from said employment. Plaintiff claims that she has been unlawfully deprived of her constitutional rights pursuant to 42 U.S.C. §§ 1983. See, **Exhibit “A”**.

3. Plaintiff’s Complaint asserts two causes of action including: (1) retaliation in violation of her constitutional rights to freedom of speech and association provided by the First Amendment under 42 U.S.C. § 1983; and (2) retaliation under the New York State Civil Service Law § 75-b.

4. The United States District Court has original jurisdiction over the subject matter of this civil action under 28 U.S.C. § 1331 in that the Complaint asserts, among other things, claims pursuant to 42 U.S.C. § 1983 for violation of Plaintiff’s rights pursuant to the First Amendment to the Constitution of the United States of America.

5. On July 15, 2024, the parties entered into a Stipulation Extending Time to Respond to Complaint, pursuant to which they agreed to extend the time to respond to the Complaint to August 16, 2024. The Stipulation was filed with the Court on July 15, 2024. Attached hereto as **Exhibit “C”** is a copy of the Stipulation.

6. No proceedings have occurred in the state court action.

7. The Notice of Removal is being filed within thirty (30) days of receipt by the Defendant City of Saratoga Springs of the Summons and Complaint. Accordingly, this application is timely made pursuant to 28 U.S.C. §1446(b).

8. Pursuant to 28 U.S.C. §1391, venue is proper in the United States District Court for the Northern District of New York, as the Summons and Complaint of this action was filed in the Supreme Court of the State of New York, Saratoga County.

9. Said action is one of which the District Courts of the United States have original jurisdiction pursuant to 28 U.S.C. §1331.

10. Written filing of this Notice of Removal will be given to Plaintiff promptly and Defendants will file a copy of this Notice of Removal with the Clerk of the Supreme Court of Saratoga County, as required by 28 U.S.C. §1446(d).

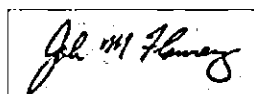
11. By filing this Notice of Removal, Defendants do not waive any defense which may be available to them under the Federal Rules of Civil Procedure.

WHEREFORE, Defendants respectfully request that this action proceed in the United States District Court for the Northern District of New York, as an action properly removed thereto.

Dated: White Plains, New York
July 18, 2024

Respectfully submitted,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP



Eliza M. Scheibel, Esq.
John M. Flannery, Esq.
Attorneys for Defendants
CITY OF SARATOGA SPRINGS, DILLON
MORAN, and STACY CONNORS
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File No.: 00295.13226

TO: COOPER ERVING & SAVAGE LLP
Phillip G. Steck, Esq.
Attorney for Plaintiff
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EXHIBIT A

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SARATOGA**

LISA RIBIS,

Plaintiff,

— against —

CITY OF SARATOGA SPRINGS, DILLON
MORAN, and STACY CONNORS,

Defendants.

SUMMONS

Index No.

**CITY OF
SARATOGA SPRINGS**

JUN 18 2024

ACCOUNTS DEPARTMENT

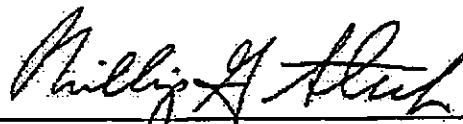
To: CITY OF SARATOGA SPRINGS
474 Broadway
Saratoga Springs, New York 12866

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is the principal place of business of the Plaintiff, which is Saratoga County.

Dated: June 18, 2024
Albany, New York

By:



Phillip G. Stead, Esq.
Cooper, Erving & Savage, LLP
Attorneys for the Plaintiff
20 Corporate Woods Blvd., Ste. 501
Albany, New York 12211
(518) 449-3900

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SARATOGA

LISA RIBIS,

Plaintiff,

– against –

CITY OF SARATOGA SPRINGS, DILLON
MORAN, and STACY CONNORS,

Defendants.

Complaint

Index No.

Plaintiff Lisa Ribis, for her complaint against the City of Saratoga Springs, Dillon Moran, and Stacy Connors, defendants, by her attorneys Cooper Erving & Savage LLP, alleges as follows:

1. Plaintiff Lisa Ribis resides in the City of Saratoga Springs, County of Saratoga, State of New York.
2. Defendant City of Saratoga Springs is a municipal corporation organized and existing by virtue of the laws of the State of New York,
3. Plaintiff Lisa Ribis was an employee of defendant City of Saratoga Springs since 2005, and more specifically as Secretary to the City Council since 2008.
4. The City of Saratoga has a Commissioner form of government. The Mayor and four part-time Commissioners sit on the City Council. Each member of the City Council is responsible for a separate department.
5. Plaintiff reported to Commissioner Dillon Moran who ran the Accounts Department and Stacy Connors, the Deputy Commissioner of the Accounts Department. The other Departments were Public Safety, Public Works, Finance, and the Executive (Mayor). Each Commissioner was in charge of the employees of their own separate department.

6. The City Department of Human Resources implemented City employment policies for the entire City government.
7. Defendants Moran and Connors are sued in their individual capacity under Federal law and defendant Moran is sued in his official capacity under New York State Law.
8. Ms. Ribis' responsibilities as Secretary to the City Council included taking minutes, loading minutes to the City's webpage, setting up for Council meetings, assisting the City Council during meetings with motions and procedural questions, and preparation of department budget and budget transfers.
9. On February 1, 2022, plaintiff's husband, who was not involved in politics, spoke at a City Council meeting concerning how the City was handling protests in the City of Saratoga Springs and asserted the protests were disruptive to businesses and residents.
10. On February 15, 2022, as a result of her husband's speech, plaintiff was removed from City Council meetings and told she would have to sit at her office desk.
11. On March 16, 2022, plaintiff was told she was not allowed to accrue compensatory time or receive overtime pay for City Council meetings after more than 13 years of doing so.
12. Accordingly, the overtime/compensatory time plaintiff worked for the March 15, 2022, City Council meeting was cancelled and/or denied.
13. On April 4, 2022, plaintiff had a grievance meeting with her union, Human Resources, and the Deputy Commissioner for Accounts (Stacy Connors).
14. Another employee, Barbara Brindisi of the accounts department, was assigned to replace plaintiff in the role of taking minutes of City Council meetings. Ms. Brindisi was allowed flex time and/or to accrue compensatory time as she wished.

15. Other employees in City Hall and in the Accounts Department were able to accrue compensatory time without limitation.

16. On May 3, 2022, plaintiff was told to check in concerning her daily activities with Deputy Commissioner Connors. Plaintiff was the only employee required to do so. However, the Deputy Commissioner did not come to work on a regular schedule, so plaintiff spent 20-30 minutes every morning getting up from her desk and looking for the Deputy. This disrupted plaintiff's work and made it difficult for her to accomplish tasks.

17. In or about April 2022, Commissioner Moran accused plaintiff of spitting on activist protestors. Such accusations were false and made with the intent to sully plaintiff's reputation and prejudice her career with the City of Saratoga Springs.

18. On April 6, 2022, plaintiff filed a complaint with Human Resources challenging Commissioner Moran's allegations that plaintiff had spit on activist protestors. Plaintiff was never near any of them. Plaintiff reasonably believed that Commissioner Moran and Connors' treatment of her were in retaliation for her husband's opinion about the way defendants were handling protests in the City.

19. On August 25, 2022, plaintiff's counsel sent a letter to Commissioner Moran and the entire City Council advising that they violated plaintiff's right of free association by punishing her for husband's speech.

20. At all relevant times thereafter, Commissioner Moran and Deputy Commissioner Connors interfered with plaintiff's work in an effort to undermine and prejudice plaintiff's employment with defendants.

21. In January, 2023, plaintiff received a grievance decision in her favor from an arbitrator chosen pursuant to the collective bargaining agreement restoring her right to accrue compensatory time thereafter.
22. On March 21, 2023, at a pre-agenda meeting, then Mayor Kim made the comment that he would not approve or vote on minutes that are 60 days or older. Commissioner Moran and Deputy Commissioner Connors would not approve placing minutes on the agenda, making it look like plaintiff was to blame for the delay.
23. On March 31, 2023, Commissioner Moran professed ignorance at a City Council meeting as to why a particular item of Council business did not make it onto the agenda, implying plaintiff was at fault, when Moran and Connors did not provide plaintiff with the necessary information.
24. On May 16, 2023, Commissioner Moran commented at a City Council meeting that attachments for an agenda item were “lagging and didn’t make it through the process,” again implying plaintiff was at fault, when in fact they did not provide plaintiff with the necessary information.
25. On May 17, 2023, Assistant City Clerk Barbara Brindisi and an employee in the Accounts Department, told plaintiff that the Commissioner was making it seem as if plaintiff was to blame for various difficulties with the agenda.
26. During the period around May 17, 2023, Deputy Commissioner Connors and plaintiff exchanged emails relating to the approval of compensatory time. Plaintiff was again limited and faced hostility in getting her compensatory time approved.
27. On September 15, 2023, plaintiff was in a meeting with Commissioner Moran, Deputy Commissioner Connors, Assistant City Clerk Barbara Brindisi, and Assistant Purchasing Agent

Stefanie Richards to discuss the City's MUNIS system and status updates. Commissioner Moran referred to Italians as "guinea WOPs." Plaintiff was the only Italian in the room at that time. Commissioner Moran also called plaintiff the "queen of grievances" in this meeting.

28. On January 10, 2024, plaintiff received an e-mail from Commissioner Moran requesting plaintiff to provide another employee full access to her files including password protected files.

29. On January 12, 2024, plaintiff pointed out that other employees already had access to what they needed to do their job and that requiring her to give access in that manner was in violation of the policy she signed with the IT Department.

30. Commissioner Moran and Deputy Commissioner Connors then shunned plaintiff and refused to speak to her.

31. On February 16, 2024, Commissioner Moran reassigned a portion of plaintiff's job to the Mayor's executive secretary.

32. On February 16, 2024, plaintiff received a phone call in the evening at home from a resident who relayed that Commissioner Moran was accusing plaintiff of changing the contents of a City Resolution. Moran's accusations were false.

33. On March 1, 2024, a meeting was held with Commissioner Moran, Deputy Commissioner Connors, Executive Assistant to the Finance Commissioner Samantha Clemmey, Deputy Commissioner of Finance Crocker, and Assistant Purchasing Agent Stefanie Richards of Accounts in attendance. Plaintiff had a scheduled vacation day. Commissioner Moran asked Deputy Commissioner Connors if the Purchasing Policy was added to the City Council agenda. Deputy Commissioner Connors responded to Commissioner Moran that she "gave it to the secretary (plaintiff) but she didn't load it in time." Commissioner Moran stated "she (plaintiff) can't even do her [expletive] job."

34. Deputy Commissioner Connors gave the document to plaintiff at 11:57 a.m. when the agenda cut off to add items is 12:00 p.m. (noon) according to the Mayor's notice to all the Departments. Plaintiff advised Deputy Commissioner Connors at 12:03 p.m. that she tried loading the document but didn't have enough time to prepare and create the agenda item before the system locked to prevent items from being added to the agenda. Deputy Commissioner Connors responded that she was aware the agenda was closing promptly at noon.

35. On March 4, 2024, plaintiff notified Human Resources of what happened with that particular agenda item.

36. On March 5, 2024, plaintiff met with Mayor Safford and Susanna Combs (mayor's executive assistant) to discuss how the new Mayor planned to run the City Council meeting to be held that evening. During the meeting, plaintiff advised the Mayor that she believed that Commissioner Moran was accusing plaintiff of causing the "on-call" pay issue (a document defining how and when Deputy Commissioners would be paid if they were called in after-hours had been changed from its approval at a Council meeting to when it was recorded in the record of City Council resolutions). Mayor Safford confirmed that Commissioner Moran was blaming plaintiff for the resolution being changed. The changed resolution allowed Deputy Commissioner Connors to claim "on-call" pay.

37. That same day, Christy Spadaro, human resource administrator, advised she would investigate my complaint filed on March 4, 2024 regarding the incident of March 1, 2024. .

38. On March 20, 2024, plaintiff met with Deputy Mayor Kiernan and Susanna Combs regarding a new software system the City would be implementing. Deputy Mayor Kiernan said to plaintiff "you do know Commissioner Moran is blaming you for the 'on-call' mess."

39. On March 21, 2024, plaintiff left the office early due to anxiety in her job and was diagnosed with and treated for unusually high blood pressure. Human Resources was advised accordingly.

40. After plaintiff's husband picked her up from work, he returned to City Hall to speak with Mayor Safford and Deputy Mayor Kiernan about plaintiff's situation. The Mayor related to him that Commissioner Moran was telling people inside and outside of City Hall that Commissioner Moran was going to fire plaintiff for forging a document. The Mayor further said he was aware of Commissioner Moran's animosity toward plaintiff.

41. Human Resources was advised that Commissioner Moran had been telling people plaintiff does not do her job and that plaintiff had caused all the problems with the "on-call" situation.

42. On March 27, 2024, plaintiff advised Human Resources and the City Attorney that Commissioner Moran was telling people he was going to fire plaintiff because plaintiff allegedly forged a document.

43. On April 1, 2024, during a City Council pre-agenda meeting, Deputy Commissioner Connors publicly stated that the minutes of the March 19, 2024 meeting should be pulled from the agenda because they were "hard to follow due to sentence structure, punctuation, and tense — meaning point of view is first, second, and third throughout the minutes. They require edits and adjustments for clarity and context. Once minutes are approved they are a permanent record of the meeting. It's important they be accurate." Since plaintiff's employment in 2005, this was the first time that the minutes from a prior meeting had ever been pulled from the agenda due to errors. It was the common policy and practice of the council to make any corrections to minutes from prior meeting during the meeting.

44. Later in the week, in an email to plaintiff, Deputy Commissioner Connors said the same thing. Plaintiff replied she did not understand what was meant by, among other things, “point of view is first, second, and third,” and asked for clarification and specific examples.

45. One resident, in an unsolicited email exchange, disagreed with that assessment of the quality of the minutes. No other resident or employee complained about the quality of the minutes.

46. On April 3, 2024, after plaintiff requested specifics as to possible defects in the minutes, Deputy Commissioner Connors directed plaintiff to sit with Barbara Brindisi, now office supervisor of Accounts, to receive instruction as to how to fix the minutes.

47. Plaintiff attempted to “fix” the minutes accordingly, though Ms. Brindisi was unable to provide much guidance as to specifics. Plaintiff returned the revised minutes to Deputy Commissioner Connors and Barbara Brindisi as directed on Friday, April 5, 2024. Plaintiff never received any feedback from Deputy Commissioner Connors. Ms. Brindisi told plaintiff she did an excellent job revising the minutes but added that Ms. Brindisi “could not put that in writing.”

48. Plaintiff received an e-mail from Deputy Commissioner Connors acknowledging receipt of the minutes and stating her intention to review them. Plaintiff received no feedback but was instead given notice of proposed termination from employment on April 15, 2024 in a meeting with Christine Spadaro, Deputy Commissioner Connors, and Lisa Watkins, CSEA union president.

49. Prior to plaintiff’s husband’s speech at the City Council meeting, plaintiff had never been the recipient of any criticism of her performance.

50. The proposed termination of plaintiff's employment began with her husband's speech at the City Council meeting and proceeded through a variety of false accusations that were intended as a pretext to secure the termination of her employment.

51. Human Resources was fully informed of all the false accusations yet proceeded with a notice of termination of employment nonetheless.

52. On April 18, 2024, plaintiff received a copy of a page from the March 7, 2023 City Council minutes wherein Commissioner Moran states that the Accounts Department has spent time this year improving the accuracy of the minutes and that he is proud of the work the secretary to the City Council, Lisa Ribis, has done. Commissioner Moran had never spoken to plaintiff about improving the minutes at any time before the March 7, 2023 City Council meeting, which was the first plaintiff had heard about any need to improve the minutes.

53. Plaintiff is not required to file a notice of claim as a condition precedent to commence this action. (Castro v City of NY, 141 AD3d 456, 458 [1st Dept 2016])

AS AND FOR A FIRST CAUSE OF ACTION

54. Repeats and realleges each of the foregoing allegations as if fully set forth herein.

55. The First Amendment to the United States Constitution protects a spouse from having adverse action taken against her because of the speech of her spouse.

56. Plaintiff alleges that defendants, acting in concert, and under color of state law, materially changed the terms and conditions of plaintiff's employment as Secretary of the Saratoga Springs City Council in retaliation for the speech of plaintiff's husband at a City Council meeting.

57. Hostility toward plaintiff began with her husband's speech, included false claims that she was of the same opinion as him, and continued until she received a notice of discipline and placed on an administrative leave from employment.

58. The City of Saratoga Springs delegates authority to its Human Resources department to enforce decisions of the Commissioners concerning discipline and/or complaints of retaliation made by employees. The Human Resources department in failing to investigate plaintiff's complaints and subsequently approving the discipline of plaintiff, who was covered under a collective bargaining agreement with the City, made plaintiff's unlawful treatment and discipline official policy of the City of Saratoga Springs.

59. The City Council was well aware of the circumstances under which defendants sought to create pretexts for the termination of plaintiff.

60. Plaintiff's husband spoke on a matter of public concerns as a private citizen, and plaintiff's job duties had no relationship to her husband's speech.

61. Plaintiff alleges that defendants, acting in concert, and under color of state law, retaliated against her for her husband's speech and for her intimate association with her husband in violation of her constitutional right to freedom of speech and association under the First Amendment to the United States Constitution as protected by 42 U.S.C. § 1983.

62. Plaintiff seeks reinstatement and/or to recover monetary damages against defendants, jointly and severally, for actual damages, including back pay, front pay, emotional loss, and other compensatory damages resulting from defendants' actions in materially changing the terms and conditions of her employment and otherwise retaliating against her for her exercise of free speech and freedom of association guaranteed under the First Amendment to the Constitution of the United States.

63. Plaintiff further seeks the costs, disbursements, and attorneys' fees incurred in the prosecution of this action.

64. Defendants Moran and Connors were well aware that it is unconstitutional to retaliate against an employee in violation of her right to free speech and association guaranteed in the First Amendment.

65. The individual defendants' retaliation against plaintiff was undertaken with reckless disregard of plaintiff's right to be free from retaliation because of her speech and association and/or with malice towards plaintiff.

66. Due to the wanton, reckless, malicious, and/or intentional nature of the individual defendants' actions, plaintiff demands and is entitled to punitive damages against the individual defendants Moran and Connors, jointly and severally.

AS AND FOR A SECOND CAUSE OF ACTION

67. Repeats and realleges each of the foregoing allegations as if fully set forth herein.

68. Defendants Moran and the City of Saratoga Springs, under the unique governmental system in the City of Saratoga Springs, are joint employers of plaintiff as that term is used in New York State Civil Service Law § 75-b.

69. Plaintiff's salary is paid by the City, and the City operates a central Human Resources Department, but the means and manner of her work is directed by, and her hiring and firing is conducted by, defendant Moran.

70. Plaintiff expressed that she was being retaliated against for her husband's speech to Commissioner Moran, other members of the City Council, and the Mayor, all of whom are public officers and governmental bodies as defined in Civil Service Law § 75-b.

71. Plaintiff is a public employee as that term is used in New York State Civil Service Law § 75-b.

72. The material changes to the terms and conditions of her employment leading up to the removal of plaintiff from employment as Secretary of the City Council for opposing defendants' efforts to penalize her because of her husband's speech constitutes an adverse personnel action as referred to in Civil Service Law § 75-b.

73. Plaintiff reasonably believed she had a right to be free from retaliation because of her husband's speech and that such retaliation was an improper governmental action undertaken in violation of state law, rule, or regulation.

74. The New York State Constitution, which is part of New York State law, guarantees plaintiff's right to freedom of speech and association under law. New York Constitution, Article 1, § 8. Defendants, in punishing plaintiff for the exercise of her rights to freedom of speech and association, took an improper governmental action against plaintiff in violation of state law, rule, or regulation or which plaintiff reasonably believed constituted a violation of state law, rule, or regulation.

75. Defendants Moran and the City of Saratoga Springs, acting in concert, violated New York State Civil Service Law § 75-b.

76. Plaintiff is entitled to damages against defendants Moran and the City of Saratoga Springs as aforesaid in ¶¶ 62-66 of this complaint under New York State Civil Service Law § 75-b.

WHEREFORE, it is respectfully requested that this Court grant judgment in favor of plaintiff and against defendants, jointly and severally, as follows:

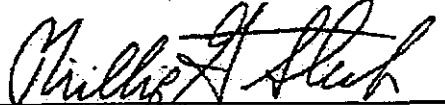
- a. Awarding her damages for economic loss.
- b. Awarding her damages for emotional loss.

- c. Awarding her the reasonable attorneys' fees and expert witness fees incurred in the prosecution of this action under both 42 U.S.C. § 1983 and New York Civil Service Law § 75-b.
- d. Awarding plaintiff punitive damages against the individual defendants Moran and Connors.
- e. Awarding plaintiff the costs and disbursements of this action.
- f. For such other and further relief as this Court deems just and proper.

Dated: June 18, 2024
Albany, New York

COOPER ERVING & SAVAGE LLP

By:



Phillip G. Steck, Esq.
Attorneys for Plaintiff
20 Corporate Woods, Suite 501
Albany, New York 12211
Telephone: (518) 449-3900
Facsimile: (518) 432-3111
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EXHIBIT B



NYSCEF

Saratoga County Supreme Court

Document List

Index # EF20241936

Created on:07/18/2024 10:20 AM

Case Caption: Lisa Ribis v. City of Saratoga Springs et al

Judge Name:

Doc#	Document Type/Information	Status	Date Received	Filed By
1	SUMMONS Summonses	Processed	06/18/2024	Steck, P.
2	COMPLAINT	Processed	06/18/2024	Steck, P.
3	NOTICE OF APPEARANCE (PRE RJI)	Processed	07/15/2024	Scheibel, E.
4	STIPULATION - TIME TO ANSWER	Processed	07/15/2024	Scheibel, E.

EXHIBIT C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SARATOGA

-----X
LISA RIBIS,

Plaintiff,

against

CITY OF SARATOGA SPRINGS, DILLON
MORAN, and STACY CONNORS,

Defendants.
-----X

**STIPULATION
EXTENDING TIME TO
RESPOND TO
COMPLAINT**

Index No. EF20241936

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys for the parties to the above-entitled action, that the time for Defendants to respond to the Complaint in this action is hereby extended to August 16, 2024.

IT IS FURTHER STIPULATED AND AGREED that a photocopied and/or facsimile copy of this stipulation shall be deemed to have the same force and effect as original signatures and that this stipulation may be signed in counterparts and, taken together, shall constitute a single Stipulation.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be filed without further notice with the Clerk of the Court.

Dated: White Plains, New York
July 15, 2024

COOPER ERVING & SAVAGE LLP

20 Corporate Woods, Suite 501

Albany, NY 12211

Tel: (518) 449-3900



Phillip G. Steck, Esq.

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Tel: (914) 323-7000



Eliza M. Scheibel, Esq.

Eliza.Scheibel@wilsonelser.com

Attorneys for Defendants

CITY OF SARATOGA SPRINGS,

DILLON MORAN, and

STACY CONNORS

NYSCEF DOC. NO. 5

CIVIL COVER SHEET

RECEIVED NYSCEF: 07/18/2024

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Ribis, Lisa

(b) County of Residence of First Listed Plaintiff Saratoga County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Cooper Erving & Savage LLP, Phillip Steck, 20 Corporate Woods, Suite 501, Albany, NY 11221, 518-449-3900

DEFENDANTS

City of Saratoga Springs, Dillon Moran, and Stacy Connors

County of Residence of First Listed Defendant Saratoga County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Wilson Elser Moskowitz Edelman & Dicker LLP, 1133 Westchester Ave., White Plains, NY 10604 914-323-7000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983

Brief description of cause:

Cause of Action for retaliation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Jul 18, 2024

SIGNATURE OF ATTORNEY OF RECORD

/s/ John M. Flannery

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Complaints and Other Initiating Documents[5:00-at-99999 Plaintiff v. Defendant](#)**U.S. District Court****Northern District of New York - Main Office (Syracuse) [NextGen CM/ECF Release 1.7 (Revision 1.7.1.2)]****Notice of Electronic Filing**

The following transaction was entered by Flannery, John on 7/18/2024 at 3:10 PM EDT and filed on 7/18/2024

Case Name: Plaintiff v. Defendant**Case Number:** [5:00-at-99999](#)**Filer:** Defendant**Document Number:** [106](#)**Docket Text:**

NOTICE OF REMOVAL (Filing fee \$405 receipt number ANYNDC-6803895) Emergency Motion for PI/TRO to be filed within 7 days via OSC: No; The County for NYND Jurisdiction: Saratoga; For questions about this filing, contact John Flannery at 9148727111 or John.Flannery@wilsonelser.com. filed by Defendant. (Attachments: # (1) Civil Cover Sheet, # (2) Exhibit(s) A- Summons & Compl, # (3) Exhibit(s) B- Docket, # (4) Exhibit(s) C- Stipulation) (Flannery, John)

5:00-at-99999 Notice has been electronically mailed to:**5:00-at-99999 Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1051896954 [Date=7/18/2024] [FileNumber=6177072-0]
] [2efcf21f4ca66be4eb5e178b58ac25f8e8e1773eb0bbfe2bd161a59c96eb6089064
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Document description:Civil Cover Sheet**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1051896954 [Date=7/18/2024] [FileNumber=6177072-1]
] [081aa8367a74139ed7f1291e9385f287937ea15b4a277b07bb14cd9dd3cbe64ae86
3eda58603f650aa15cc00f3bc0be8114457291f0d9146fb20ac586c4f5ef8]]

Document description:Exhibit(s) A- Summons & Compl**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1051896954 [Date=7/18/2024] [FileNumber=6177072-2]
] [96f4fe721bb8ba149fbadfd012b80351256125f84c401957e7447da951bed7d1d9c
66af67ba1e280519741aa8202695ec8d0f71546bb4c2e227cd8a13c5fdc9a]]

Document description:Exhibit(s) B- Docket**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1051896954 [Date=7/18/2024] [FileNumber=6177072-3]
] [c38190631829fb988c83b7dd3eb84a7b14c8971608a06bacc68216384fb7f84c8f3
d849017cac05b992546031f9d63f46dafebe62368de6bee94b97791a00b1b]]

Document description:Exhibit(s) C- Stipulation

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1051896954 [Date=7/18/2024] [FileNumber=6177072-4

][60994f841835d5983e542f6faa360ed85789d49d4027847523b90ad877037630865

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