

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NICOLE PHILLIPS, individually and on behalf of :
B.P. and S.P., minors, :

Plaintiff, :

-against- :

CITY OF NEW YORK; ERIC T. SCHNEIDERMAN, in :
His Official Capacity as Attorney General, State of New :
York; NIRAV R. SHAH, in His Official Capacity as :
Commissioner, New York State Department of Health, :

Defendants. :

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FABIAN MENDOZA-VACA, individually and on :
behalf of M.M. and V.M., minors, :

Plaintiff, :

-against- :

CITY OF NEW YORK; ERIC T. SCHNEIDERMAN, in :
His Official Capacity as Attorney General, State of New :
York; NIRAV R. SHAH, in His Official Capacity as :
Commissioner, New York State Department of Health, :

Defendants. :

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DINA CHECK, on behalf of minor M.C., :

Plaintiff, :

-against- :

NEW YORK CITY DEPARTMENT OF :
EDUCATION; ERIC T. SCHNEIDERMAN, in :
His Official Capacity as Attorney General, State of New :

DECISION AND ORDER

12-cv-98 (WFK) (LB)

12-cv-237 (WFK) (LB)

13-cv-791 (WFK) (LB)

York; NIRAV R. SHAH, in His Official Capacity as :
Commissioner, New York State Department of Health, :
 :
Defendants. :
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WILLIAM F. KUNTZ, II, United States District Judge

By Decision and Order entered June 5, 2014, this Court granted Defendants’ motions to dismiss in their entirety. Dkt. 39. On June 10, 2014, Plaintiffs filed a notice of appeal from the final judgment of this Court. Dkt. 40. However, on June 19, 2014, Plaintiffs then filed a motion for reconsideration with this Court. Dkt. 41. Because Plaintiffs have filed a notice of appeal, this Court now lacks jurisdiction to entertain any further motions or applications related to the case. *See Pittock v. Otis Elevator Co.*, 8 F.3d 325, 327 (6th Cir.1993) (“the district court did not have jurisdiction to rule on the Rule 60(b) motion after [plaintiffs] filed a notice of appeal concerning the dismissal order”); *LaSalle Bank, N.A. v. Capco Am. Securitization Corp.*, No. 02-CV-9916, 2006 WL 1227539, at * 1 (S.D.N.Y. May 5, 2006) (Carter, J.) (“A district court can ordinarily reconsider any order, but after a party appeals a final judgment the court cannot.”) (footnote omitted). Accordingly, Plaintiffs’ motion for reconsideration is DENIED.

SO ORDERED

Dated: June 19, 2014
Brooklyn, New York

s/WFK

HON. WILLIAM F. KUNTZ, II
United States District Judge