

State of New York)
County of Saratoga) ss:
No. _____

IN THE

SUPREME COURT OF THE UNITED
STATES

◆
A.S. a 9-year old child with Autism Spectrum
Disorder (ASD) entitled to Special Education and
Related services per IDEA represented by his
parents R.S. *Pro se* and E.S. *Pro se*

Plaintiffs-Petitioners

-v.-

Board of Education Shenendehowa Central
School District,

Interim Commissioner Betty Rosa, of The
University of the State of New York

Defendants-Respondents

◆
On Writ of Certiorari

To the U.S. Court of Appeals for the 2nd
Circuit

◆
AFFIDAVIT IN SUPPORT

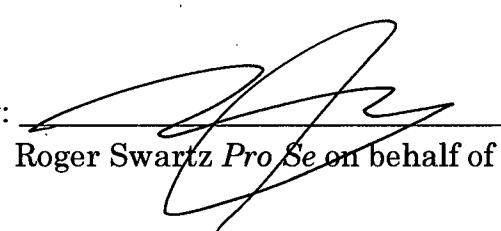
ROGER SWARTZ, being duly sworn, deposes and states:

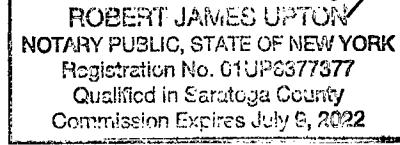
1. I am the FATHER and a *Pro Se* representative of A.S.
in this case.

2. E.S. *Pro Se* representative and MOTHER of A.S. was not present at the U.S. District Court House on May 9, 2017 the date that the original complaint Dkt. No. 1 ("Complaint") was filed with the U.S. District Court for the Northern District of New York (N.D.N.Y.) under case number 1:17-CV-501-LEK/CFH.
3. I motioned to use the court's electronic filing system (CM/ECF) on May 9, 2017 shortly after filing Dkt. No. 1 "Complaint" with the U.S. District Court (N.D.N.Y.) under case number 1:17-CV-501-LEK/CFH was filed. E.S. was not present with me at any point in at the timespan that includes the entirety of the period from when the motion to use the courts CM/ECF was written, signed and submitted.
4. I signed the consent of electronic filing to use the U.S. District Court (N.D.N.Y.) electronic filing system (CM/ECF) with my name only thus not with E.S.'s name.
5. I never provided E.S. the password access to nor did I provider her use of the email address motherandfatherbochild@gmail.com that is used for electronic filing in conjunction with the CM/ECF. Further, I solely generated and created password for the email address motherandfatherbochild@gmail.com.
6. I never provided E.S. password access nor did I provide her use to the CM/ECF account I have access to and used to file documents for this case.
7. I never provided E.S. password access to nor did I provide her use of my PACER account that is also now used in conjunction with the CM/ECF.
8. I did not ever provide E.S. access to any electronic court documents regarding the decision and order in response to me and E.S. on behalf of A.S. the plaintiffs' motion to reopen the time for filing an appeal under FRAP Rule 4(a)(6).

9. I did not ever provide E.S. any electronic correspondence regarding the decision and order in response to me and E.S. on behalf of A.S. the plaintiffs' motion to reopen the time for filing an appeal under FRAP Rule 4(a)(6).
10. Until the month of June, 2020 where I learned otherwise from an attorney at the U.S. Court of Appeals for the 2nd Circuit I believed that FRAP Rule 26(c) applied to FRAP Rule 4(a)(6) thereby causing me to compute the time that the Notice of Appeal for this proceeding was due to the U.S. Court of Appeals for the 2nd Circuit to be 17 days following the post-mark date of the Order Granting Reopening of the time to file an appeal sent to E.S. on March 16, 2020 where 17 days later was computed to be April 2, 2020.
11. I am familiar and have read the PETITION FOR A WRIT OF CERTIORARI and believe it to be true.

Respectfully Submitted on November 2, 2020

By: 
Roger Swartz *Pro Se* on behalf of A.S.



11/02/2020

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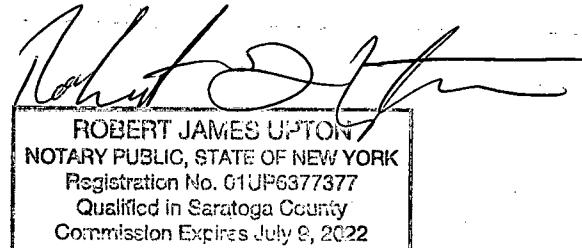
◆
EKATERINA SHISHOVA, being duly sworn, deposes and
states:

behalf of A.S. the plaintiffs' motion to reopen the time for filing an appeal under FRAP Rule 4(a)(6).

12. Until the month of June, 2020 where R.S. learned otherwise from an attorney at the U.S. Court of Appeals for the 2nd Circuit I believed that FRAP Rule 26(c) applied to FRAP Rule 4(a)(6) thereby causing me to compute the time that the Notice of Appeal for this proceeding was due to the U.S. Court of Appeals for the 2nd Circuit to be 17 days following the post-mark date of the Order Granting Reopening of the time to file an appeal sent to me E.S. on March 16, 2020 where 17 days later was computed to be April 2, 2020.
13. Other than the paper copy I received via USPS mail postmarked March 16, 2020 I did not receive nor see the Decision and Order Granting Reopening the Time for filing an appeal from any other person or source for case number 1:17-cv-501-LEK/CFH.
14. I am familiar and have read the PETITION FOR A WRIT OF CERTIORARI and believe it to be true.

Respectfully Submitted on November 2, 2020

By: 
Ekaterina Shishova *Pro Se* on behalf of A.S.



11/02/2020

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted on November 2, 2020

R.S. *Pro Se* on behalf of A.S.

E.S. *Pro Se* on behalf of A.S.