

State of New York )  
County of Saratoga )\_\_ ss:  
No. \_\_\_\_\_

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IN THE  
  
SUPREME COURT OF THE UNITED  
STATES

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◆

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*

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◆

On Writ of Certiorari  
To the U.S. Court of Appeals for the 2<sup>nd</sup>  
Circuit

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AFFIDAVIT IN SUPPORT

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ROGER SWARTZ, being duly sworn, deposes and states:

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

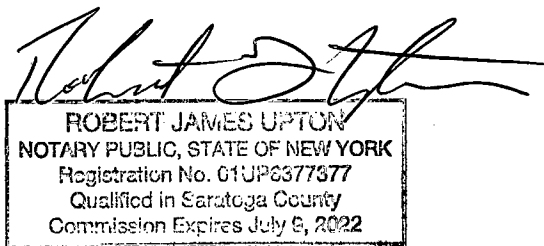
2. E.S. *Pro Se* representative and MOTHER of A.S. was not present at the U.S. District Court House on May 9, 2017 the date that the original complaint Dkt. No. 1 ("Complaint") was filed with the U.S. District Court for the Northern District of New York (N.D.N.Y.) under case number 1:17-CV-501-LEK/CFH.
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 provide her use of the email address motherandfatherobochild@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 motherandfatherobochild@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 2<sup>nd</sup> 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 2<sup>nd</sup> 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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On Writ of Certiorari  
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Circuit

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◆

AFFIDAVIT IN SUPPORT

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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 2<sup>nd</sup> 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 2<sup>nd</sup> 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.

  
ROBERT JAMES UPTON  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. G1UP6377377  
Qualified in Saratoga County  
Commission Expires July 9, 2022

11/02/2020

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted on November 2, 2020

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

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