

Spring, Keri
Spring, Eugene
Eugene Spring and Keri Spring on behalf of Gregory Spring
Keri Spring, as the duly appointed administrator of The Estate of
Gregory Spring

Allegany-Limestone Central School District
The Board of Education of the Allegany-Limestone Central
School District
Straub, Kevin
Does, John
Does, Jane

Total Fees Paid: \$0.00

Employee:

State of New York

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15-3909-cv
Spring v. Allegany-Limestone Central Sch. Dist.

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 14th day of July, two thousand sixteen.

PRESENT: RICHARD C. WESLEY,
DEBRA ANN LIVINGSTON,
GERARD E. LYNCH,
Circuit Judges.

KERI SPRING, EUGENE SPRING,
JULIANNE SPRING, EUGENE SPRING
AND KERI SPRING, on behalf of Gregory
Spring, KERI SPRING, as the duly
appointed administrator of the estate of
Gregory Spring,

Plaintiffs-Appellants,

-v.-

No. 15-3909

ALLEGANY-LIMESTONE CENTRAL
SCHOOL DISTRICT, THE BOARD OF
EDUCATION OF THE ALLEGANY-

LIMESTONE CENTRAL SCHOOL
DISTRICT, KAREN GEELAN,
Superintendent, JOE ZIMMER, President,
PHIL QUINLIN, Vice President,
MATTHEW KAHM, Member, JEFF
BLACK, Member, DAVID FARRELL,
Member, JAY KING, Member, KIM
PALMER, Member, SUE SCHIFLEY,
Member, MAGGIE NUSS, Member, KEVIN
STRAUB, Principal, DIANE LOWRY,
Teacher Assistant, ERIC HEMPHILL,
Teacher/Coach, CHRISTOPHER KENYON,
Teacher/Coach, JOHN WOLFGANG,
Psychologist, ROBERT DECKER,
Psychologist, all in their individual and
official capacity, MICHAEL EASTON, and
JACOB ROWE,

Defendants-Appellees,

JOHN DOE(S), JANE DOE, administrators,
representatives, agents, employees, and
servants of the Allegany-Limestone Central
School District, JOHN DOE(S), JANE DOE,
students of the Allegany-Limestone High
School,

Defendants.

FOR APPELLANTS: DANIEL FLYNN (A.J. Bosman, *on the brief*),
Bosman Law Firm, L.L.C., Canastota, NY.

FOR APPELLEES JENNA W. KLUCSIK, Sugarman Law Firm,
ALLEGANY-LIMESTONE LLP, Syracuse, NY.
CENTRAL SCHOOL
DISTRICT, THE BOARD OF
EDUCATION OF THE
ALLEGANY-LIMESTONE
CENTRAL SCHOOL
DISTRICT, KAREN GEELAN,
JOE ZIMMER, PHIL
QUINLAN, MATTHEW
KAHM, JEFF BLACK, DAVID
FARRELL, JAY KING, KIM
PALMER, SUE SCHIFLEY,
MAGGIE NUSS, KEVIN
STRAUB, ERIC HEMPHILL,
CHRISTOPHER KENYON,
JOHN WOLFGANG AND
ROBERT DECKER:

FOR APPELLEE DIANE AIMÉE LAFEVER KOCH, Osborn, Reed &
LOWRY: Burke, LLP, Rochester, NY.

Appeal from the United States District Court for the Western District of
New York (Skretny, J.).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED,

ADJUDGED AND DECREED that the orders and judgment of the District

Court are **AFFIRMED** in part and **VACATED** in part, and the case is

REMANDED for further proceedings.

Plaintiffs-Appellants Keri, Eugene, and Julianne Spring appeal from several orders and a judgment of the United States District Court for the Western District of New York (Skretny, J.), which together granted a motion to dismiss their claims under the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12132; the Rehabilitation Act, 29 U.S.C. § 794(a); 42 U.S.C. § 1983, based on alleged violations of the First Amendment, as well as the Due Process and Equal Protection Clauses of the Fourteenth Amendment; the New York Constitution, the New York Civil Rights Law; and New York common law; and further denied leave to amend with respect to the ADA and Rehabilitation Act claims. Plaintiffs filed their lawsuit against the defendants in this case after the tragic suicide of their son and brother, Gregory Spring, a seventeen-year-old boy with disabilities. We assume the parties’ familiarity with the underlying facts and the procedural history, which we reference only as necessary to explain our conclusions.

First, with respect to the District Court’s denial of leave to amend the pleadings, we review such denials for abuse of discretion, while keeping in mind the balance between the federal rules’ liberal policy towards amendment and a court’s interest in finality. *See Williams v. Citigroup Inc.*, 659 F.3d 208, 212–13 (2d Cir. 2011) (per curiam) (citing *Foman v. Davis*, 371 U.S. 178 (1962)). A district

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