

**U.S. District Court
District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:16-cv-01197-CSH**

R. v. Connecticut State Board of Education
Assigned to: Judge Charles S. Haight, Jr
Referred to: Judge William I. Garfinkel
Cause: 20:1401 Education: Handicapped Child Act

Date Filed: 07/15/2016
Date Terminated: 07/10/2020
Jury Demand: None
Nature of Suit: 448 Civil Rights:
Education
Jurisdiction: Federal Question

Plaintiff

A. R.

*on behalf of a class of those similarly
situated*

represented by **Jason H. Kim**

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V.

Defendant

**Connecticut State Board of
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Date Filed	#	Docket Text
07/15/2016	<u>1</u>	COMPLAINT <i>D.J., through his parent O.W. on behalf of a class of those similarly situated</i> against Connecticut State Board of Education (Filing fee \$400 receipt number 0205-4069976.), filed by O. W..

		(Attachments: # 1 Civil Cover Sheet)(Alisberg, Nancy) (Entered: 07/15/2016)
07/15/2016		Judge Charles S. Haight, Jr added. (Oliver, T.) (Entered: 07/15/2016)
07/15/2016	2	Order on Pretrial Deadlines: Discovery due by 1/14/2017 Signed by Clerk on 7/15/2016.(Nuzzi, T) (Entered: 07/15/2016)
07/15/2016	3	ELECTRONIC FILING ORDER - PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER Signed by Judge Charles S. Haight, Jr on 7/15/2016.(Nuzzi, T) (Entered: 07/15/2016)
07/15/2016	4	NOTICE TO COUNSEL/PRO SE PARTIES : Counsel or pro se parties initiating or removing this action are responsible for serving all parties with attached documents and copies of 3 Electronic Filing Order, 2 Order on Pretrial Deadlines, 1 Complaint, Signed by Clerk on 7/15/2016.(Nuzzi, T) (Entered: 07/15/2016)
07/18/2016	5	NOTICE of Appearance by Sonja Deyoe on behalf of D. J. (Deyoe, Sonja) (Entered: 07/18/2016)
07/18/2016		Request for Clerk to issue summons as to D. J.. (Deyoe, Sonja) (Entered: 07/18/2016)
07/19/2016	6	MOTION for Attorney(s) Jason H. Kim to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number 0205-4072659) by D. J.. (Attachments: # 1 Affidavit Declaration in Support of Motion to Admit)(Alisberg, Nancy) (Entered: 07/19/2016)
07/19/2016	7	ORDER granting 6 Motion for Jason S. Kim to Appear Pro Hac Vice Certificate of Good Standing due by 9/17/2016. Signed by Clerk on 7/19/2016. (LaMura, K.) (Entered: 07/19/2016)
07/19/2016	8	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Connecticut State Board of Education* with answer to complaint due within *21* days. Attorney *Law Office of Sonja L. Deyoe* *395 Smith Street* *Providence RI 02908*. (LaMura, K.) (Entered: 07/19/2016)
07/25/2016	9	CERTIFICATE OF GOOD STANDING re 6 MOTION for Attorney(s) Jason H. Kim to be Admitted Pro Hac Vice (paid \$75 PHV fee; receipt number 0205-4072659) by D. J.. (Kim, Jason) (Entered: 07/25/2016)
09/07/2016	10	SUMMONS Returned Executed by D. J.. Connecticut State Board of Education served on 8/29/2016, answer due 9/19/2016. (Deyoe, Sonja) (Entered: 09/07/2016)

09/15/2016	<u>11</u>	NOTICE of Appearance by Darren P. Cunningham on behalf of Connecticut State Board of Education (Cunningham, Darren) (Entered: 09/15/2016)
09/15/2016	<u>12</u>	MOTION for Extension of Time until November 18, 2016 Respond to the Complaint <u>1</u> Complaint, by Connecticut State Board of Education. (Cunningham, Darren) (Entered: 09/15/2016)
09/16/2016	13	ELECTRONIC ORDER granting Defendant's unopposed <u>12</u> <i>Motion for Extension of Time to Respond to the Complaint</i> for good cause shown. Accordingly, Defendant must respond to Plaintiffs' Complaint on or before November 18, 2016 . Signed by Judge Charles S. Haight, Jr. on September 16, 2016. (Kahl, A) (Entered: 09/16/2016)
09/16/2016	<u>14</u>	NOTICE of Appearance by Ralph E. Urban on behalf of Connecticut State Board of Education <i>in addition to the appearance of Darren P. Cunningham, Assistant Attorney General</i> (Urban, Ralph) (Entered: 09/16/2016)
09/16/2016		Answer deadline updated for Connecticut State Board of Education to 11/18/2016. (Gould, K.) (Entered: 09/16/2016)
10/25/2016	<u>15</u>	MOTION for Extension of Time until October 28 <i>to</i> File Rule 26(f) Report by Connecticut State Board of Education. (Cunningham, Darren) (Entered: 10/25/2016)
10/26/2016	16	ELECTRONIC ORDER granting <i>nunc pro tunc</i> Defendant's unopposed <u>15</u> <i>Motion for Extension of Time</i> for good cause shown. Accordingly, the parties must file a Rule 26(f) Report on or before October 28, 2016 . Signed by Judge Charles S. Haight, Jr. on October 26, 2016. (Kahl, A) (Entered: 10/26/2016)
10/27/2016		Set Deadline: Rule 26 Meeting Report due by 10/28/2016 (LaMura, K.) (Entered: 10/27/2016)
10/28/2016	<u>17</u>	REPORT of Rule 26(f) Planning Meeting. (Deyoe, Sonja) (Entered: 10/28/2016)
11/02/2016	18	ELECTRONIC SCHEDULING ORDER: The Court has reviewed [Doc. 17] the Rule 26(f) Report of Parties' Planning Meeting, which is hereby APPROVED AS MODIFIED. Defendant has requested that the Court not issue a scheduling order and stay all discovery pending resolution of a motion to dismiss Defendant intends to file. The Court declines to do so at this point without such a motion pending. The parties may later file a motion requesting a stay of discovery and the deadlines in this Scheduling Order. The following deadlines, adopted from the parties' Rule 26(f) Report with a few modifications, are set for this action. Plaintiff must file to join any additional parties on or before December 30, 2016 and amend the pleadings on or

		before December 30, 2016 or twenty-one (21) days after this Court rules on any motion to dismiss filed. Defendant must file to join any additional parties on or before January 31, 2017 and must respond to Plaintiff's complaint on or before November 14, 2016 . All discovery, including depositions of expert witnesses and fact witnesses, will be completed on or before June 30, 2017 . Any dispositive motions will be filed on or before July 31, 2017 . The joint trial memorandum will be filed on or before August 31, 2017 or within thirty (30) days after the Court issues its last ruling on a dispositive motion, whichever is later. The case will be trial ready on or before October 2, 2017 or within thirty (30) days after the filing of the joint trial memorandum, whichever is later. Signed by Judge Charles S. Haight, Jr. on November 2, 2016. (Kahl, A) (Entered: 11/02/2016)
11/03/2016		Set Deadlines: Discovery due by 6/30/2017 Dispositive Motions due by 7/31/2017 Trial Brief due by 8/31/2017 Trial Ready Date 10/2/2017 (LaMura, K.) (Entered: 11/03/2016)
11/14/2016	19	Second MOTION for Extension of Time until January 13, 2017 To Respond to the Complaint 13 Order on Motion for Extension of Time, Update Answer Deadline, 1 Complaint, by Connecticut State Board of Education. (Cunningham, Darren) (Entered: 11/14/2016)
11/15/2016	20	ELECTRONIC ORDER granting Defendant's unopposed 19 <i>Second Motion for Extension of Time</i> for good cause shown. Accordingly, Defendant must respond to Plaintiffs' complaint on or before January 13, 2017 . Signed by Judge Charles S. Haight, Jr. on November 15, 2016. (Kahl, A) (Entered: 11/15/2016)
11/16/2016		Answer deadline updated for Connecticut State Board of Education to 1/13/2017. (LaMura, K.) (Entered: 11/16/2016)
12/29/2016	21	Third MOTION for Extension of Time until February 14, 2017 to Respond to Complaint Update Answer Deadline, 1 Complaint, 20 Order on Motion for Extension of Time, by Connecticut State Board of Education. (Cunningham, Darren) (Entered: 12/29/2016)
01/10/2017	22	ELECTRONIC ORDER granting Defendant's 21 <i>Third Motion for Extension of Time</i> for good cause shown. Accordingly, Defendant must respond to Plaintiffs' Complaint on or before February 14, 2017 . Plaintiffs do not consent. This extension is peremptory. No further applications for extensions will be entertained. Defendant is receiving this final extension in order to continue settlement negotiations among a number of state entities. Signed by Judge Charles S. Haight, Jr. on January 10, 2017. (Kahl, A) (Entered: 01/10/2017)

01/11/2017		Answer deadline updated for Connecticut State Board of Education to 2/14/2017. (LaMura, K.) (Entered: 01/11/2017)
02/14/2017	23	ANSWER to 1 Complaint, with Affirmative Defenses by Connecticut State Board of Education.(Cunningham, Darren) (Entered: 02/14/2017)
06/05/2017	24	MOTION for Extension of Time until August 14, 2017 for the Discovery Deadline; and to September 14, 2017 for the Dispositive Motion Deadline by Connecticut State Board of Education. (Cunningham, Darren) (Entered: 06/05/2017)
06/08/2017	25	ELECTRONIC ORDER granting Defendant's unopposed 24 Motion for Extension of Time for good cause shown. Accordingly, the ELECTRONIC SCHEDULING ORDER is amended as follows. All discovery, including depositions of expert witnesses and fact witnesses, will be complete on or before August 14, 2017 . Any dispositive motions will be filed on or before September 14, 2017 . The joint trial memorandum will be filed on or before October 16, 2017 or within thirty (30) days after the Court issues its last ruling on a dispositive motion, whichever is later. The case will be trial ready on or before November 16, 2017 or within thirty (30) days after the filing of the joint trial memorandum, whichever is later. Signed by Judge Charles S. Haight, Jr. on June 8, 2017. (Kahl, A) (Entered: 06/08/2017)
06/08/2017		Set Deadlines/Hearings: Discovery due by 8/14/2017 Dispositive Motions due by 9/14/2017 Trial Brief due by 10/16/2017 Trial Ready Date 11/16/2017 (Villano, P.) (Entered: 06/09/2017)
08/22/2017	26	Joint MOTION for Extension of Time Pertaining to Summary Judgment Motions 25 Order on Motion for Extension of Time,,, by Connecticut State Board of Education. (Cunningham, Darren) (Entered: 08/22/2017)
08/24/2017	27	ELECTRONIC ORDER granting, for good cause shown, Parties' 26 Joint Motion to Amend Scheduling Order . Accordingly, the scheduling order is amended as follows: Plaintiffs must file any dispositive motion on or before Thursday, September 14, 2017 . Defendant must file any opposition to Plaintiff's motion, and any dispositive motion of its own, on or before November 8, 2017 . Plaintiffs must file any opposition and reply memorandum to Defendant's dispositive motion on or before November 22, 2017 . Defendants must file any sur-reply on or before December 13, 2017 . Signed by Judge Charles S. Haight, Jr. on August 24, 2017. (Pskowski, R.) (Entered: 08/24/2017)
08/24/2017		Set Deadlines: Dispositive Motions due by 12/13/2017 (Freberg, B) (Entered: 08/25/2017)

09/01/2017	<u>28</u>	MOTION to Certify Class <i>Pursuant to FRCP 23(b)(2)</i> by D. J..Responses due by 9/22/2017 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit Jason H. Kim, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E)(Kim, Jason) (Entered: 09/01/2017)
09/14/2017	<u>29</u>	MOTION for Summary Judgment by D. J..Responses due by 10/5/2017 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts, # <u>3</u> Affidavit Jason H. Kim, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Affidavit O.W.)(Kim, Jason) (Entered: 09/14/2017)
09/15/2017	<u>30</u>	First MOTION for Extension of Time to File Response/Reply as to <u>28</u> MOTION to Certify Class <i>Pursuant to FRCP 23(b)(2)</i> until October 2, 2017 by Connecticut State Board of Education. (Cunningham, Darren) (Entered: 09/15/2017)
09/15/2017	32	Reset Deadlines as to <u>29</u> MOTION for Summary Judgment . Responses due by 11/8/2017 (Freberg, B) (Entered: 09/18/2017)
09/18/2017	31	ELECTRONIC ORDER granting, absent objection and for good cause shown, Defendant's <u>30</u> <i>Motion for Extension of Time to Respond to Plaintiff's Motion for Class Certification</i> . Accordingly, Defendant must file its response to Plaintiff's <u>28</u> <i>Motion for Class Certification Pursuant to F.R.C.P. 23(b)(2)</i> on or before October 2, 2017 , and Plaintiff may, if so advised, file a reply to Defendant's response on or before October 16, 2017 . Signed by Judge Charles S. Haight, Jr. on 9/18/2017. (Kaczmarek, S.) (Entered: 09/18/2017)
10/02/2017	<u>33</u>	OBJECTION re <u>28</u> MOTION to Certify Class <i>Pursuant to FRCP 23(b)(2)</i> filed by Connecticut State Board of Education. (Cunningham, Darren) (Entered: 10/02/2017)
10/10/2017	<u>34</u>	First MOTION for Extension of Time to File Response/Reply as to <u>28</u> MOTION to Certify Class <i>Pursuant to FRCP 23(b)(2)</i> until 10/20/2017 by D. J.. (Kim, Jason) (Entered: 10/10/2017)
10/11/2017	35	ELECTRONIC ORDER granting, absent objection and for good cause shown, Plaintiff's <u>34</u> <i>Motion for Extension of Time to File Reply Memorandum in Support of his Motion for Class Certification</i> . Accordingly, Plaintiff may, if so advised, file a reply to Defendant's response to Plaintiff's <u>28</u> <i>Motion for Class Certification Pursuant to F.R.C.P. 23(b)(2)</i> on or before 10/20/2017. Signed by Judge Charles S. Haight, Jr. on 10/11/2017. (Kaczmarek, S.) (Entered: 10/11/2017)
10/11/2017	36	Set Reply Deadline as to <u>28</u> MOTION to Certify Class <i>Pursuant to FRCP 23(b)(2)</i> . Replies due by 10/20/2017 (Freberg, B) (Entered: 10/13/2017)
10/20/2017	<u>37</u>	REPLY to Response to <u>28</u> MOTION to Certify Class <i>Pursuant to FRCP 23(b)(2)</i> filed by D. J.. (Attachments: # <u>1</u> Affidavit Jason H.

		Kim (Second), # 2 Exhibit A, # 3 Exhibit B, # 4 Affidavit OW (Redacted))(Kim, Jason) (Entered: 10/20/2017)
11/08/2017	38	MOTION for Summary Judgment by Connecticut State Board of Education.Responses due by 11/29/2017 (Attachments: # 1 Memorandum in Support and in Opposition to Plaintiffs' Motion for Summary Judgment, # 2 Statement of Material Facts, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Statement of Material Facts in Opposition to Summary Judgment)(Cunningham, Darren) (Entered: 11/08/2017)
11/22/2017	39	Memorandum in Opposition <i>and Reply</i> re 29 MOTION for Summary Judgment , 38 MOTION for Summary Judgment filed by D. J.. (Kim, Jason) (Entered: 11/22/2017)
12/13/2017	40	Memorandum in Opposition <i>and Reply</i> re 29 MOTION for Summary Judgment , 38 MOTION for Summary Judgment filed by Connecticut State Board of Education. (Attachments: # 1 Exhibit 1)(Cunningham, Darren) (Entered: 12/13/2017)
03/23/2018	41	MEMORANDUM AND ORDER REGARDING STANDING (see attached). An evidentiary hearing consistent with the attached Memorandum and Order will take place on April 23, 2018 at 10:30 a.m. A separate calendar will issue. Signed by Judge Charles S. Haight, Jr. on 3/23/2018. (Kaczmarek, S.) (Entered: 03/23/2018)
03/23/2018	42	NOTICE OF HEARING. Consistent with the Court's 41 <i>Memorandum and Order Regarding Standing</i> , an evidentiary hearing will be held on April 23, 2018 , at 10:30 a.m. , in the Courtroom on the 17th Floor of the Connecticut Financial Center, 157 Church Street, New Haven, Connecticut, before Judge Charles S. Haight, Jr. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. (Kaczmarek, S.) (Entered: 03/23/2018)
04/06/2018	43	Joint MOTION to Continue by D. J.. (Alisberg, Nancy) (Entered: 04/06/2018)
04/09/2018	44	ELECTRONIC ORDER granting the parties' 43 <i>Joint Motion for a Continuance and Plaintiff's Motion for Pre-Hearing Discovery</i> . The Evidentiary Hearing scheduled for April 23, 2018, will be continued to a date to be determined. In answer to the parties' request for a telephonic conference, the parties shall jointly dial chambers on Thursday, April 19, 2018, at 2:00 p.m. A separate calendar will issue. Plaintiff's request for leave to conduct a deposition of an official from the Hartford Public Schools is hereby granted. Signed by Judge Charles S. Haight, Jr. on 4/9/2018. (Kaczmarek, S.) (Entered: 04/09/2018)

04/09/2018	45	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. A Telephonic Scheduling Conference is set for April 19, 2018 , at 2:00 PM before Judge Charles S. Haight Jr. Counsel shall initiate the conference by phoning Chambers, with all attending counsel on the line, at (203) 773-2052. (Kaczmarek, S.) (Entered: 04/09/2018)
04/19/2018	46	Minute Entry for proceedings held before Judge Charles S. Haight, Jr.: Telephonic Status Conference held on 4/19/2018. Total Time: 35 minutes. (Kaczmarek, S.) (Entered: 04/19/2018)
04/19/2018	47	MEMORANDUM and ORDER (see attached). Consistent with the discussions held during the April 19, 2018, telephonic conference, the case will be called for an evidentiary hearing on the issue of Plaintiff's standing on Tuesday, June 5, 2018, at 10:00 a.m. A separate calendar will issue. The parties are directed to file letters to the Court by 12:00 p.m. on June 1, 2018, consistent with the attached Order. Signed by Judge Charles S. Haight, Jr. on 4/19/2018. (Kaczmarek, S.) (Entered: 04/19/2018)
04/19/2018	48	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. A Telephonic Status Conference is set for May 29, 2018 at 2:00 PM before Judge Charles S. Haight Jr. Counsel shall initiate the conference by phoning Chambers, with all attending counsel on the line, at (203) 773-2052. (Kaczmarek, S.) (Entered: 04/19/2018)
04/19/2018	49	NOTICE OF HEARING. <i>RESET FROM April 23, 2018, at 10:30 a.m.</i> Consistent with the Court's 41 <i>Memorandum and Order Regarding Standing</i> , and with the discussions held during the April 19, 2018, telephonic conference, <i>see</i> Doc. 47 , an evidentiary hearing and oral argument will be held on June 5, 2018 , at 10:00 AM in the Courtroom on the 17th Floor of the Connecticut Financial Center, 157 Church Street, New Haven, Connecticut, before Judge Charles S. Haight, Jr. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. (Kaczmarek, S.) (Entered: 04/19/2018)
05/29/2018	50	Minute Entry for proceedings held before Judge Charles S. Haight, Jr.: Telephonic Status Conference held on 5/29/2018. Total Time: 25 minutes. (Kaczmarek, S.) (Entered: 05/29/2018)
05/29/2018	51	ELECTRONIC MEMORANDUM and ORDER. On May 29, 2018, this Court conducted a telephonic status conference with counsel for both parties. During the conference, counsel for the plaintiff indicated that, in an effort to resolve the standing issue raised by this Court <i>sua sponte</i> , they intend to seek to substitute the current plaintiff with a different individual, and will also seek to file an amended complaint.

		<p>The Court expresses no view on that position, except to note that if the present plaintiff lacks Article III standing, "a plaintiff cannot remedy that constitutional defect via Rule 17 substitution." <i>Kinra v. Chicago Bridge & Iron Co.</i>, No. 17-CV-4251(LGS), 2018 WL 2371030, at *4 (S.D.N.Y. May 24, 2018) (citing and quoting <i>Cortlandt St. Recovery Corp. v. Hellas Telecommunications, S.A.R.L.</i>, 790 F.3d 411, 423 (2d Cir. 2015)). In any event, the need for the evidentiary hearing, currently scheduled for June 5, 2018, has been obviated. Accordingly, the Court hereby cancels the June 5, 2018, evidentiary hearing. Consistent with the discussions held during the May 29, 2018, telephonic conference, on or before June 15, 2018, the parties are directed to file letters to the Court, briefly summarizing the status of the case. The parties' letters should indicate their respective positions on the proposal discussed by counsel for plaintiff during the May 29, 2018, conference. Signed by Judge Charles S. Haight, Jr. on 5/29/2018. (Kaczmarek, S.) (Entered: 05/29/2018)</p>
05/29/2018		<p>Set Deadlines/Hearings: Status Report due by 6/15/2018. (Kaczmarek, S.) (Entered: 05/29/2018)</p>
06/15/2018	52	<p>Joint STATUS REPORT by D. J.. (Kim, Jason) (Entered: 06/15/2018)</p>
06/26/2018	53	<p>NOTICE of Appearance by Catherine E. Cushman on behalf of D. J. (Cushman, Catherine) (Entered: 06/26/2018)</p>
06/27/2018	54	<p>First MOTION for Nancy B. Alisberg to Withdraw as Attorney by D. J.. (Alisberg, Nancy) (Entered: 06/27/2018)</p>
06/27/2018	55	<p>ELECTRONIC ORDER granting Attorney Nancy B. Alisberg's 54 <i>Motion to Withdraw as Attorney</i>. Plaintiff continues to be represented by Attorneys Jason H. Kim, Catherine E. Cushman, and Sonja Deyoe. Thus, in accordance with Local Rule 7(e), Attorney Nancy B. Alisberg's appearance is terminated. Signed by Judge Charles S. Haight, Jr. on 6/27/2018. (Kaczmarek, S.) (Entered: 06/27/2018)</p>
07/20/2018	56	<p>ELECTRONIC ORDER. On March 23, 2018, this Court entered a Memorandum and Order that raised the question of Plaintiff D.J.'s standing to bring this case. Doc. 41 . The Court noted that if Plaintiff lacks Article III standing, the Court has no jurisdiction to hear his claims. Finding that resolution of the issue required the development of a more complete factual record, and further submissions of counsel, the Court scheduled an evidentiary hearing for April 23, 2018. Doc. 42. The parties' motion to continue that hearing and for leave to conduct certain pre-hearing discovery was thereafter granted. Doc. 44. During a telephonic status conference on May 29, 2018, counsel for Plaintiff stated that he would seek to substitute a new plaintiff to address the Court's concerns about</p>

		<p>Plaintiff D.J.'s standing. In light of this representation, the parties agreed that the need for the scheduled evidentiary hearing was obviated. Doc. 51. In a subsequent joint status report, dated June 15, 2018, counsel for Plaintiff stated that he intends to file a motion for leave to file an amended complaint, with a "new proposed plaintiff, A.R.," noting that counsel for Defendant has voiced opposition to this plan. Doc. 52 . To date, no such motion has been filed. Under the foregoing circumstances, Plaintiff's 28 <i>Motion for Class Certification Pursuant to FRCP 23(b)(2)</i>; Plaintiff's 29 <i>Motion for Summary Judgment Pursuant to FRCP 56</i>; and Defendant's 38 <i>Motion for Summary Judgment</i> are hereby DENIED AS MOOT, without prejudice to refiling, if the question of standing is ultimately resolved in Plaintiff's favor. Signed by Judge Charles S. Haight, Jr. on 7/20/2018. (Kaczmarek, S.) (Entered: 07/20/2018)</p>
08/17/2018	57	<p>MOTION to Amend/Correct 1 Complaint, by D. J..Responses due by 9/7/2018 (Attachments: # 1 Memorandum in Support, # 2 Affidavit Jason H. Kim, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Affidavit Scott Wells)(Kim, Jason) (Entered: 08/17/2018)</p>
08/29/2018	58	<p>Consent MOTION for Extension of Time until September 28, 2018 to respond to 57 MOTION to Amend/Correct 1 Complaint, by Connecticut State Board of Education. (Cunningham, Darren) (Entered: 08/29/2018)</p>
08/29/2018	59	<p>ELECTRONIC ORDER granting Defendant's 58 <i>Consent Motion for Extension of Time to Respond to Plaintiff's Motion for Leave to File Amended Complaint</i>, absent objection, and for good cause shown. Accordingly, Defendant's response to Plaintiff's 57 <i>Motion for Leave to File Amended Complaint</i> must be filed on or before September 28, 2018. Signed by Judge Charles S. Haight, Jr. on 8/29/2018. (Kaczmarek, S.) (Entered: 08/29/2018)</p>
08/29/2018	60	<p>Set/Reset Deadlines as to 57 <i>Motion for Leave to File Amended Complaint</i>. Responses due by 9/28/2018. (Kaczmarek, S.) (Entered: 08/29/2018)</p>
09/28/2018	61	<p>Memorandum in Opposition re 57 MOTION to Amend/Correct 1 Complaint, filed by Connecticut State Board of Education. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Cunningham, Darren) (Entered: 09/28/2018)</p>

10/12/2018	62	REPLY to Response to 57 MOTION to Amend/Correct 1 Complaint, filed by D. J.. (Attachments: # 1 Affidavit Jason H. Kim (Second), # 2 Exhibit E)(Kim, Jason) (Entered: 10/12/2018)
04/05/2019	63	RULING (see attached) granting Plaintiff's 57 Motion to Amend. Accordingly, the previously filed Amended Complaint [Doc. 57-4] becomes the operative complaint in this action. Signed by Judge Charles S. Haight, Jr. on April 5, 2019. (Ghosh, R.) (Entered: 04/05/2019)
04/05/2019	64	AMENDED COMPLAINT against Connecticut State Board of Education, filed by A. R..(Reis, Julia) (Entered: 04/15/2019)
05/10/2019	65	STIPULATION re 56 Order on Motion for Summary Judgment,,,,,,,,, Order on Motion to Certify Class,,,,,,,,,,,,, by A. R.. (Attachments: # 1 Exhibit A)(Kim, Jason) (Entered: 05/10/2019)
05/31/2019	66	Second MOTION to Certify Class by A. R..Responses due by 6/21/2019 (Attachments: # 1 Memorandum in Support, # 2 Affidavit Jason H. Kim, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit E, # 8 Affidavit A.R.)(Kim, Jason) (Entered: 05/31/2019)
11/27/2019	67	EXHIBIT Declaration of A.R. by A. R. re 66 Second MOTION to Certify Class . (Considine, Kasey) (Entered: 11/27/2019)
12/09/2019	68	MOTION to Seal Plaintiff A.R.'s Declarations by A. R.. (Attachments: # 1 Exhibit, # 2 Exhibit)(Cushman, Catherine) (Entered: 12/09/2019)
01/03/2020	69	ELECTRONIC ORDER granting 68 Motion to Seal Plaintiff A.R.'s Declarations. Pursuant to Local Rule 5(e), any order sealing a judicial document "shall include particularized findings demonstrating that sealing is supported by clear and compelling reasons and is narrowly tailored to serve those reasons." D. Conn. L. Civ. R. 5(e)(3); see <i>Kleftogiannis v. Inline Plastics Corp.</i> , 2019 WL 4244810, at *11 (D. Conn. Sept. 6, 2019) (noting that the party moving to seal must demonstrate "that closure is essential to preserve higher values and is narrowly tailored to serve that interest."). Courts "routinely... redact or otherwise restrict access to sensitive personally identifying information contained in court documents" where there is "substantial privacy interest" in Plaintiff's anonymity. See <i>id.</i> ; <i>B. v. City of New York</i> , 2016 WL 4530455, at *5 n.6 (E.D.N.Y. Aug. 29, 2016) (ordering sealing of the documents that disclosed the full name of a minor plaintiff proceeding under a pseudonym). In the instant case, Plaintiff A.R., a student with disabilities, has been proceeding under a pseudonym in order to prevent disclosure of specific information concerning Plaintiff's disabilities and to protect Plaintiff's privacy. Plaintiff's counsel represents that the disclosure of Plaintiff's full

		<p>name and home address in the declarations that Plaintiff filed on May 31, 2019 (Exhibit 8 to Doc. 66) and November 27, 2019 (Doc. 67) was inadvertent and asks the Court to "retract the original versions of the declarations and substitute redacted versions in their place." <i>See</i> Doc. 68, at 1. Defendant does not object to Plaintiff's request. <i>See id.</i>, at 2. Accordingly, the court finds that redacting Plaintiff's full name and home address is narrowly tailored to protect Plaintiff's privacy and preserve Plaintiff's anonymity in this matter. <i>See B. v. City of New York</i>, 2016 WL 4530455, at *5 n.6; <i>Travelers Indem. Co. v. Excalibur Reinsurance Corp.</i>, No. 11-cv-1209 (CSH), 2013 WL 4012772, at *17 (D. Conn. Aug. 5, 2013). The Clerk is directed to place Exhibit 8 to Doc. 66 <i>May 31, 2019 Affidavit of A.R.</i> and Doc. 67 <i>November 27, 2019 Declaration of A.R.</i> under seal and file redacted versions of these documents (Exhibits 1 and 2 to Doc. 68) in their place. Signed by Judge Charles S. Haight, Jr. on January 3, 2020. (Marienko, A.) (Entered: 01/03/2020)</p>
05/01/2020	70	<p>RULING (see attached) granting Plaintiff's 66 <i>Second Motion to Certify Class</i>. For the reasons stated in the attached opinion, Plaintiffs' claims for class-wide injunctive and declaratory relief are certified under Rule 23(b)(2), and Plaintiffs' claims for compensatory education are certified under Rule 23(b)(3). Signed by Judge Charles S. Haight, Jr. on May 1, 2020. (Marienko, A.) (Entered: 05/01/2020)</p>
06/10/2020	71	<p>RULING (attached). For the reasons set forth in the attached Ruling, Plaintiffs' 29 <i>Motion for Summary Judgment</i> is GRANTED, and Defendant's 38 <i>Motion for Summary Judgment</i> is DENIED. Signed by Judge Charles S. Haight, Jr. on June 10, 2020. (Marienko, A.) (Entered: 06/10/2020)</p>
06/22/2020	72	<p>ORDER REFERRING CASE to Magistrate Judge William I. Garfinkel in accordance with Ruling 71 . Signed by Judge Charles S. Haight, Jr on 06/22/20. (Barry, Donna) (Entered: 06/23/2020)</p>
07/01/2020	73	<p>NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Virtual Status Conference set for 7/8/2020 at 10:00 AM before Judge William I. Garfinkel. The parties will receive further instructions by email with a link to the Zoom conference. (Esposito, A.) (Entered: 07/01/2020)</p>
07/01/2020	74	<p>ORDER. This case was referred to the undersigned by Judge Haight in his ruling on cross motions for summary judgment as follows:</p> <p>The parties are directed to work together regarding identification and notice to potential class members, as well as consideration of the Board's ability to provide compensatory education to class members. To facilitate this process, the Court will refer the case to a Magistrate</p>

		<p>Judge. See E.R.K., 2014 WL 12887631, at *12 (ordering the parties to work with a Magistrate Judge regarding issues such as identification and notice to potential class members, consideration of the states ability to provide compensatory education to class members, and identification of potential service providers likely to be needed to provide compensatory education to class members).</p> <p>A virtual status conference is scheduled for July 8, 2020 at 10:00AM. The parties will provide a status report on the efforts made to identify the class members and the Board's ability to provide compensatory education to the class members. The parties will also provide suggestions on how the Court can help facilitate this process. The status reports may be emailed to the law clerk no later than July 7, 2020 at 12:00PM to: alyssa_esposito@ctd.uscourts.gov Signed by Judge William I. Garfinkel on 7/1/20.(Esposito, A.) (Entered: 07/01/2020)</p>
07/06/2020	<u>75</u>	NOTICE of Appearance by Kasey Considine on behalf of A. R. (Considine, Kasey) (Entered: 07/06/2020)
07/08/2020	76	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. A Follow-up Telephonic Status Conference set for 7/22/2020 at 01:30 PM before Judge William I. Garfinkel. The parties will call the conference line at the appointed time at: (877) 336-1831; Access Code: 49-24-598. The parties may email the law clerk by July 21 at 12:00PM if they would prefer to proceed by Zoom and/or to update the Court on pending matters at: alyssa_esposito@ctd.uscourts.gov (Esposito, A.) (Entered: 07/08/2020)
07/08/2020	77	Minute Entry for proceedings held before Judge William I. Garfinkel: Virtual Status Conference held on 7/8/2020. Total Time: 1 hour (Esposito, A.) (Entered: 07/08/2020)
07/08/2020	78	NOTICE OF HEARING: Counsel are hereby notified that the Court will hold a status conference on Thursday, July 9, 2020, at 2:00 p.m. in a teleconference hearing. Counsel should be prepared to address any outstanding issues in the case (e.g., judgment, requests to stay the case, settlement of any unresolved matters). Counsel are directed to dial into the conference at (877) 336-1829 at the appointed time and enter the code 5451650 (followed by pound (#)). Signed by Judge Charles S. Haight, Jr. on July 8, 2020. (Dorais, L.) Modified on 7/8/2020 - corrected date of hearing (Barry, Donna). (Entered: 07/08/2020)
07/08/2020		Docket Entry Correction re 78 Notice of Hearing on Motion: Hearing date was updated to Thursday, July 9, 2020 at 2:00 p.m. All other information contained within the Notice remains unchanged. (Barry, Donna) (Entered: 07/08/2020)

07/09/2020	79	Minute Entry for proceedings held before Judge Charles S. Haight, Jr: Telephonic Status Conference held on 7/9/2020. Total Time: 1 hour and 8 minutes (Barry, Donna) (Entered: 07/09/2020)
07/10/2020	80	NOTICE OF APPEAL by Connecticut State Board of Education. Filing fee \$ 505, receipt number ACTDC-5966282. (Cunningham, Darren) (Entered: 07/10/2020)
07/10/2020	81	JUDGMENT (see attached) entered in favor of Plaintiff A. R. and the members of the Class against Defendant Connecticut State Board of Education. Accordingly, pursuant to Rule 65(d) of the Federal Rules of Civil Procedure, and in accordance with Rule 58(a), it is hereby ADJUDGED and ORDERED that the Defendant, its successors in office, agents, servants, employees, and attorneys, and those in active concert and participation with any of the foregoing who receive actual notice of this Order, are PERMANENTLY ENJOINED from terminating a free appropriate public education as to Plaintiff A.R. and the members of the Class before they reach the age of 22. Signed by Judge Charles S. Haight, Jr. on July 10, 2020. (Marienko, A.) (Entered: 07/10/2020)
07/10/2020	82	ELECTRONIC ORDER. During a telephone conference hearing on July 9, 2020, counsel for Defendant contended in favor of a stay by the Court of the injunction set forth in the Court's Ruling dated June 10, 2020. Construing counsel's contention as an oral motion for a stay, the motion is DENIED. An opinion explaining the Court's reasons for that denial will be filed subsequently. Signed by Judge Charles S. Haight, Jr. on July 10, 2020. (Marienko, A.) (Entered: 07/10/2020)
07/10/2020		JUDICIAL PROCEEDINGS SURVEY - FOR COUNSEL ONLY: The following link to the confidential survey requires you to log into CM/ECF for SECURITY purposes. Once in CM/ECF you will be prompted for the case number. Although you are receiving this survey through CM/ECF, it is hosted on an independent website called SurveyMonkey. Once in SurveyMonkey, the survey is located in a secure account. The survey is not docketed and it is not sent directly to the judge. To ensure anonymity, completed surveys are held up to 90 days before they are sent to the judge for review. We hope you will take this opportunity to participate, please click on this link: https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey (Barry, Donna) (Entered: 08/06/2020)
07/13/2020	83	Index to Record on Appeal re 80 Notice of Appeal. For docket entries without a hyperlink, contact the court to arrange for the document(s) to be made available to you. (Nuzzi, Tiffany) (Entered: 07/13/2020)

07/13/2020	<u>84</u>	MEMORANDUM (see attached) setting forth the Court's reasoning for denying Defendant's oral motion for a stay of the injunction granted by the Court's <u>71</u> June 10, 2020 Ruling. Signed by Judge Charles S. Haight, Jr. on July 13, 2020. (Marienko, A.) (Entered: 07/13/2020)
07/22/2020	85	Minute Entry for proceedings held before Judge William I. Garfinkel: Telephonic Status Conference held on 7/22/2020. 50 minutes. (Esposito, A.) (Entered: 07/22/2020)
07/22/2020	86	NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE.Follow-up Telephonic Status Conference set for 8/11/2020 at 11:00 AM before Judge William I. Garfinkel. Please call the Chamber's Conference line at the appointed time: (877) 336-1831; Access Code: 49-24-598 (Esposito, A.) (Entered: 07/22/2020)
07/23/2020	<u>87</u>	NOTICE by A. R. <i>OF FIRM NAME CHANGE</i> (Kim, Jason) (Entered: 07/23/2020)
07/24/2020	<u>88</u>	MOTION for Attorney Fees <i>and Litigation Expenses</i> by A. R..Responses due by 8/14/2020 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit Jason H. Kim, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Affidavit Sonja L. Deyoe, # <u>6</u> Exhibit A, # <u>7</u> Affidavit Catherine E. Cushman, # <u>8</u> Exhibit A, # <u>9</u> Affidavit Kasey Considine, # <u>10</u> Exhibit A)(Kim, Jason) (Entered: 07/24/2020)
07/31/2020	<u>89</u>	Consent MOTION to Stay re <u>88</u> MOTION for Attorney Fees <i>and Litigation Expenses</i> by Connecticut State Board of Education.Responses due by 8/21/2020 (Cunningham, Darren) (Entered: 07/31/2020)
08/04/2020	90	ELECTRONIC ORDER granting Defendant's <u>89</u> <i>Unopposed Motion to Stay Briefing Regarding Plaintiff's Motion for Attorneys' Fees</i> . Accordingly, Plaintiff's Motion for Attorneys' Fees is stayed pending appeal on the merits. Signed by Judge Charles S. Haight, Jr. on August 4, 2020. (Marienko, A.) (Entered: 08/04/2020)
08/11/2020	91	Minute Entry for proceedings held before US Magistrate Judge William I Garfinkel: Follow-up Telephonic Status Conference held on 8/11/2020. 10 minutes. The case is currently on appeal to the Second Circuit. The parties will contact the Court to seek assistance and/or mediation with any issues as they may arise. (Esposito, A.) (Entered: 08/11/2020)
08/27/2020	<u>92</u>	ORDER of USCA as to <u>80</u> Notice of Appeal filed by Connecticut State Board of Education USCA Case Number 20-2255 (Nuzzi, Tiffany) (Entered: 08/28/2020)

09/07/2020	93	MOTION for Catherine E. Cushman to Withdraw as Attorney by A. R.. (Cushman, Catherine) (Entered: 09/07/2020)
09/11/2020	94	ELECTRONIC ORDER granting Attorney Catherine E. Cushman's 93 <i>Motion to Withdraw as Attorney</i> for good cause shown. Attorney Cushman represents that she will be resigning from Disability Rights Connecticut effective September 11, 2020 to pursue a new employment opportunity. Plaintiff A.R. continues to be represented in this matter by Kasey Considine of Disability Rights Connecticut, Jason Kim of Schneider Wallace Cottrell Konecky LLP, and Sonja L. Deyoe of the Law Offices of Sonja L. Deyoe. Signed by Judge Charles S. Haight, Jr. on September 11, 2020. (Marienko, A.) (Entered: 09/11/2020)

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