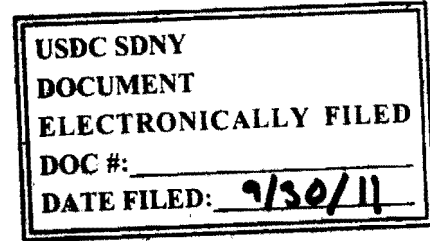


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



L.V. et al,

Plaintiffs,

- against -

NEW YORK CITY DEP'T OF EDUC. et al,

Defendants.

03 Civ. 9917 (RJH)

ORDER

A final informal conference to review the work of the DOE's Implementation Unit will be held on October 28, 2011 at 2:00 PM.

Plaintiffs' motion for the appointment of a special master was filed on November 5, 2010. In response to that motion, the DOE has created an Implementation Unit to address its failure to meet the benchmarks set forth in the parties' settlement agreement. Two conferences have been held to evaluate the integrity of this initiative. The Court is not prepared to appoint a special master at least until it determines the likely success of the DOE's initiative. At the same time, plaintiffs' pending motion is stale as it does not incorporate any analysis of defendants' initiative. Nor has the DOE had the opportunity to submit a comprehensive review of the operation of the Implementation Unit. Consequently, the Court denies plaintiffs' pending motion [145] without prejudice to renew following the conclusion of the October 28 conference. The parties are reminded that this conference will be held in the spirit of the prior informal conferences held in June and August.

SO ORDERED.

Dated: New York, New York
September 30, 2011

A handwritten signature in black ink, appearing to read 'R. J. Holwell', written over a horizontal line.

Richard J. Holwell
United States District Judge