

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ OCT 18 2018 ★

Penid
10/18/18
(Q)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EB, LB 1, HG, KSG, AJ, IP, SM, JW, DR, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION, et al.,

Defendants.

BROOKLYN OFFICE

NO. 02 CV 5118 (ENV/MDG)

STIPULATION AND PROPOSED ORDER

WHEREAS, the parties entered into a Stipulation and Agreement of Settlement on May 13, 2015, which was approved by this Court on July 24, 2015 (the "Stipulation"); and

WHEREAS, by Stipulation and Proposed Order dated August 29, 2018, endorsed by the Court by Order dated August 31, 2018, the parties agreed to modify the Stipulation, extending the Termination Date¹ as it pertains to paragraph 18 of the Stipulation, and the obligations relating to that paragraph by 30 days, to September 29, 2018;

WHEREAS, by Stipulation and Proposed Order dated September 28, 2018, the parties agreed to extend the Termination as it pertains to paragraph 18 of the Stipulation as set forth in that agreement; and

WHEREAS, the parties have agreed to modify the Stipulation submitted on September 28 as set forth herein;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that:

¹ As defined in the Stipulation.

ckm


1. The parties agree to an extension of the Termination Date with respect to paragraph 18 of the Stipulation and the obligations relating to that paragraph (e.g., reporting obligations and jurisdiction paragraphs) by 8 days. For these obligations, the new Termination Date is October 23, 2018. The Written Notice provided by Plaintiffs on September 14, 2018 will be deemed provided ten business days before the Termination Date.
2. Nothing herein will be deemed to affect the timeliness or untimeliness of Plaintiffs' September 14, 2018 notice or the timeliness or untimeliness of any potential motion to enforce or extend, and nothing herein will be deemed to constitute an admission by the Defendants that Plaintiffs' September 14, 2018 notice or any subsequent motion will become timely in light of the extension agreed upon herein. Further, nothing herein will be deemed to constitute a waiver of any arguments concerning the timeliness or untimeliness of Plaintiffs' notice or any subsequent motion, or a waiver of any arguments concerning Plaintiffs' compliance or non-compliance with paragraphs 74, 76, and/or 77 of the Stipulation.
3. Nothing herein will be deemed to impact Plaintiffs' rights to make a motion pursuant to paragraph 81 of the Stipulation (concerning counsel fees).

Dated: October 15, 2018
New York, New York



ADVOCATES FOR CHILDREN OF NEW
YORK

Rebecca Shore
151 West 30th Street, 5th Floor
New York, New York 10001
Telephone: (212) 822-9574



CORPORATION COUNSEL OF THE CITY OF
NEW YORK

Andrew Rauchberg
100 Church Street, Room 2-189
New York, New York 10007
Telephone: (212) 356-0891



DAVIS POLK & WARDWELL LLP

Counsel for Defendant

Sharon Katz
Michael Scheinkman
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000

Counsel for Lead Plaintiffs and the Class

SO ORDERED:

Dated: October 16, 2018

/s/ USDJ ERIC N. VITALIANO

Hon. Eric N. Vitaliano