

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

C.P., individually and on behalf of F.P., a minor child; D.O. individually and on behalf of M.O., a minor child; S.B.C., individually and on behalf of C.C., a minor child; A.S., individually and on behalf of A.A.S., a minor child; M.S., individually and on behalf of her minor child, H.S.; Y.H.S., individually and on behalf of his minor child, C.H.S.; E.M. on behalf of her minor child, C.M.; M.M., individually and on behalf of K.M.; L.G., individually and on behalf of her minor child, T.M.; E.P., individually and on behalf of her minor child, Ea.P.; and on behalf of ALL OTHERS SIMILARLY SITUATED,
Plaintiffs,

v.

NEW JERSEY DEPARTMENT OF EDUCATION; ANGELICA ALLEN-McMILLAN, Acting Commissioner of Education, in her official capacity,
Defendants.

Civil Action No. 19-cv-12807-NLH-MJS

Noel L. Hillman, U.S.D.J.

Matthew J. Skahill, U.S.M.J.

**STIPULATION AND
CONSENT ORDER**

WHEREAS, the above-captioned action, *C.P. v. New Jersey Dep't of Educ.*, Case No. 19-cv-12807-NLJ-MJS is pending before this Court alleging systemic violations of timelines for due process hearings under the Individuals with Disabilities Education Act; and

WHEREAS, on December 18, 2023, the Court issued an Order granting

Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, Directing Issuance of Settlement Notice, and Scheduling Hearing on Final Approval, ECF No. 549; and

WHEREAS, the December 18, 2023 Order required that Defendants serve federal and State Officials Pursuant to the Class Action Fairness Act (CAFA) by December 28, 2023, but the last State official was not served until January 11, 2024; and

WHEREAS, CAFA provides that an order giving final approval of a proposed settlement may not be issued earlier than 90 days after the date appropriate federal and State officials are served with the CAFA notice, which in this case is April 10, 2024; and

WHEREAS, the December 18, 2023 Order required Class Counsel to post notice to the class action website on or before January 15, 2024 and Defendants to send out notice of the settlement on or before January 15, 2024; and

WHEREAS, Class Counsel posted notice on the class action website, as required by ECF No. 549, before January 15, 2024; and

WHEREAS, due to practical issues related to procurement, providing the vendor with certain needed material components, and ensuring that only the necessary data was conveyed to the vendor, Defendants unfortunately did not send out the notice of the settlement by January 15, 2024; and

WHEREAS, consequently, the schedule in the Order dated December 18, 2023 must be adjusted; and

WHEREAS, the Parties have agreed to stipulate to and seek Court approval of the revised schedule set forth below,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Paragraph 10 of the December 18, 2023 Order, ECF No. 549, is amended to state that the Settlement Fairness Hearing shall be held before the Court on **April 11, 2024**.
2. Paragraph 20 of the December 18, 2023 Order, ECF No. 549, is amended to state that the Motion for Final Approval and Motion for Attorneys’ Fees and Costs shall be filed and served no later than **March 4, 2024**; any opposition papers no later than **March 18, 2024**; and any reply papers in support of the Motion for Final Approval and Motion for Attorneys’ Fees and Costs shall be filed and served no later than **March 29, 2024**.
3. Paragraph 22 of the December 18, 2023 Order is amended to set the following deadlines:

Event	Old Deadline	New Deadline
Defendants Serve Federal and State Officials Pursuant to the Class Action Fair Act, 28 U.S.C. § 1715	Thursday, December 28, 2023	Thursday, January 11, 2024

Notice Mailed to Class Members and Emailed to Counsel for Class Members ¶ 8(a), (b) of ECF No. 549	Monday, January 15, 2024	Monday, January 29, 2024
Notice and Settlement Posted on Class Action Website ¶ 8(c) of ECF No. 549	Monday, January 15, 2024	Monday, January 15, 2024
Opt-Outs of 23(b)(3) Class ¶ 13 of ECF No. 549	Monday, February 5, 2024	Monday, February 19, 2024
Objections to Settlement ¶ 14 of ECF No. 549	Monday, February 5, 2024	Monday, February 19, 2024
Motion for Final Approval (including informing the Court of any objections), Attorneys' Fees and Costs, and Incentive Awards ¶ 20 of ECF No. 549	Monday, February 19, 2024	Monday, March 4, 2024
Opposition to Motion for Final Approval, Attorneys' Fees and Costs, and Incentive Awards ¶ 20 of ECF No. 549	Monday, March 4, 2024	Monday, March 18, 2024
Reply in support of Motion for Final Approval ¶ 20 of ECF No. 549	Friday, March 15, 2024	Friday, March 29, 2024
Settlement Fairness Hearing ¶ 10 of ECF No. 549	Thursday March 28, 2024	Thursday, April 11, 2024

4. The Parties shall amend the Notice approved by the Court to be sent to Class members to reflect the deadlines set forth in this Consent Order.

REISMAN CAROLLA GRAN & ZUBA LLP

/s/ Catherine Merino Reisman
Catherine Merino Reisman
On Behalf of Class Counsel

Dated: January 22, 2024

NEW JERSEY OFFICE OF THE ATTORNEY GENERAL

/s/ Matthew Lynch
Matthew Lynch
Deputy Attorney General

Dated: January 22, 2024

SO ORDERED

DATED: 01/24/2024

s/ Noel L. Hillman
THE HONORABLE NOEL L. HILLMAN
UNITED STATES DISTRICT JUDGE