

**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 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, parties requested that the Court adjust the schedule in the Order dated December 18, 2023 and the Court entered a Consent Order making that adjustment on January 24, 2024 (ECF No. 555); and

WHEREAS, Defendants did not send out the notice of the settlement by January 29, 2024, the adjusted deadline; and

WHEREAS, Defendants need six business days to reproduce the notice and prepare the 24,000 envelopes for mailing; and

WHEREAS, Defendants cannot begin reproducing the notice until they know the date that objections and opt-outs must be mailed; and

WHEREAS, the date for objections and opt-outs must be adjusted because Defendants did not send out the notice as scheduled; and

WHEREAS, the parties cannot adjust the date for objections and opt-outs without Court approval; and

WHEREAS, if Defendants know the date for objection and opt-outs by Monday, February 5, 2024, they will be able to send the notice out by Tuesday, February 13, 2024; 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. The Consent Order dated January 24, 2024 (ECF No. 555) is s amended to set the following deadlines:

<b>Event</b>	<b>Deadline in ECF No. 555</b>	<b>New Deadline</b>
Notice Mailed to Class Members and Emailed to Counsel for Class Members ¶ 8(a), (b) of ECF No. 549	Monday, January 29, 2024	Tuesday, February 13, 2024
Opt-Outs of 23(b)(3) Class ¶ 13 of ECF No. 549	Monday, February 5, 2024	Tuesday, February 27, 2024
Objections to Settlement ¶ 14 of ECF No. 549	Monday, February 5, 2024	Tuesday, February 27, 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, March 4, 2024	Monday, March 11, 2024
Opposition to Motion for Final Approval, Attorneys' Fees and Costs, and Incentive Awards ¶ 20 of ECF No. 549	Monday, March 18, 2024	Monday, March 25, 2024
Reply in support of Motion for Final Approval ¶ 20 of ECF No. 549	Friday, March 29, 2024	Wednesday, April 3, 2024
Settlement Fairness Hearing ¶ 10 of ECF No. 549	Thursday, April 11, 2024	Thursday, April 11, 2024

2. 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: February 2, 2024

NEW JERSEY OFFICE OF THE ATTORNEY GENERAL

/s/ Matthew Lynch  
Matthew Lynch  
Deputy Attorney General

Dated: February 2, 2024

SO ORDERED

DATED: February 2, 2024

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