

**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; DR. LILY LAUX, Commissioner of Education, in her official capacity,

Defendants.

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

Edward S. Kiel, U.S.D.J.

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

**[PROPOSED] ORDER APPROVING
NOTICE TO RULE 23(b)(2) CLASS**

THIS MATTER having been opened to the Court by Class Counsel, on behalf of the Rule 23(b)(2) Class, jointly with counsel for Defendants New Jersey Department of Education and Dr. Lily Laux with the filing of a Joint Motion to Amend Consent Order and Settlement Agreement and Request Appointment of a

Special Master, and the Court having considered the motion papers and the record in this matter; and

WHEREAS, the Court entered a Consent Order and Settlement Agreement on April 11, 2024 (ECF No. 564-3 at 31-56) (Original Consent Order) following notice to the Class and a Fairness Hearing; and

WHEREAS, the Parties have agreed to the terms of a proposed Amended Consent Order and Settlement Agreement (Amended Consent Order), which, among other things, provides for the appointment of a Special Master in place of the Compliance Monitor established under the Original Consent Order; and

WHEREAS, the Court finds that, because the Amended Consent Order provides relief that is purely beneficial to the Rule 23(b)(2) Class, escalating rather than compromising the relief previously approved, formal notice pursuant to Federal Rule of Civil Procedure 23(e) is not required; and

WHEREAS, the Court finds that the benefit of expediting approval of the Amended Consent Order is significant and the delay in providing individualized notice would not benefit the Rule 23(b)(2) Class; and

WHEREAS, the Amended Consent Order has no effect on the rights of members of the Rule 23(b)(3) Issues Class, so notice to the Rule 23(b)(3) Issues Class is not required; and

WHEREAS, the Court has reviewed the proposed Notice and finds it to be fair, accurate, and sufficient to inform Rule 23(b)(2) Class members of the pendency of the Motion to Amend and their opportunity to respond;

IT IS on this day of _____, 2026, ORDERED THAT:

1. The Notice attached as Exhibit 4 to the Declaration of Catherine Merino Reisman shall be amended to reflect a response date for the Rule 23(b)(2) Class members of _____ and, with that amendment, is hereby APPROVED;
2. Within three days of entry of this Order, the approved Notice shall be posted on the class action website at www.NJ45DayClassAction.com and in a clearly marked and accessible area of the New Jersey Department of Education website;
3. Within three days of entry of this Order, Class Counsel shall serve this Order, the Motion to Amend and Request Appointment of a Special Master and accompanying documents on counsel for *Amici Curiae*;
4. Class Counsel shall file any responses received as a result of the Notice on the docket no later than _____;
5. This Order shall not prejudice the rights of any member of the Rule 23(b)(3) Issues Class, whose rights remain unaffected by the Amended Consent Order.

DATED:

Edward S. Kiel
United States District Judge