

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

K.C., by and through Erica C., her guardian,
et al.,

Plaintiffs,

v.

TOM TORLAKSON, in his official capacity
as Superintendent of Public Instruction for
the State of California, et al.,

Defendant.

No. C 05-4077 MMC

**ORDER GRANTING IN PART AND
DEFERRING IN PART RULING ON
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND EXPENSES**

Before the Court is plaintiffs' "Motion for Reasonable Attorneys' Fees and Expenses," filed January 30, 2015, pursuant to 42 U.S.C. § 12205, 29 U.S.C. § 794a(b), and 20 U.S.C. § 1415(i)(3)(B), by which plaintiffs seek attorneys' fees and costs incurred in connection with monitoring defendants' compliance with the parties' settlement agreement as incorporated in the Court's 2007 order of dismissal. The matter came on regularly for hearing on March 20, 2015. Donna Brorby of the Law Office of Donna Brorby and Larissa M. Cummings and Namita Gupta of Disability Rights Education and Defense Fund, Inc. appeared on behalf of plaintiffs. Ava C. Yajima, Deputy General Counsel for the California Department of Education, appeared on behalf of defendants. Having read and considered the parties' respective written submissions, and having considered the arguments of counsel at the hearing, the Court rules as follows.

1 For the reasons stated in detail on the record at the hearing, the Court: (1) finds it
2 appropriate to exercise discretionary ancillary jurisdiction over plaintiffs' motion; (2) finds
3 the motion is not barred by Rule 54 of the Federal Rules of Civil Procedure or any other
4 considerations regarding timeliness; and (3) finds plaintiffs neither expressly nor impliedly
5 waived their claim for post-settlement attorneys' fees and costs.


6 Accordingly, the Court finds plaintiffs are entitled to an award of reasonable
7 attorneys' fees and costs incurred for monitoring compliance with the parties' settlement
8 agreement, and hereby GRANTS plaintiffs' motion to said extent.

9 The Court hereby DEFERS ruling on the amount of such award, and the parties are
10 hereby DIRECTED to submit to the Court, no later than April 17, 2015, a proposed form of
11 order setting forth the parameters of the Court's reference of the matter to a Magistrate
12 Judge for the purpose of overseeing the parties' discussions as to resolution of the
13 remaining issue.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: March 20, 2015


MAXINE M. CHESNEY
United States District Judge