

General Docket
United States Court of Appeals for District of Columbia Circuit

Court of Appeals Docket #: 16-7076 Nature of Suit: 3440 Other Civil Rights DL, et al v. DC, et al Appeal From: United States District Court for the District of Columbia Fee Status: Fee Waived	Docketed: 06/27/2016 Termed: 06/23/2017
Case Type Information: 1) Civil Private 2) Private 3)	
Originating Court Information: District: 0090-1 : 1:05-cv-01437-RCL Sentencing Judge: Royce C. Lamberth, U.S. Senior District Judge Date Filed: 07/21/2005 Date Order/Judgment: 05/18/2016 Date NOA Filed: 06/16/2016	
Prior Cases: None	
Current Cases: None	
Panel Assignment: Panel: DST TBG PAM Date of Hearing: 03/31/2017 Date of Decision: 06/23/2017 Date Completed: 06/23/2017	

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Plaintiffs - Appellees

v.

District of Columbia, A Municipal Corporation; Kaya Henderson, Chancellor; Hanseul Kang, District of Columbia State Superintendent of Education,

Defendants - Appellants

Lawyers' Committee for Civil Rights Under Law; AARP; National Federation of the Blind; Council of Parent Attorneys and Advocates; Disability Rights DC at University Legal Services; Bazelon Center for Mental Health Law; National Health Law Program; National Disability Rights Network,

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06/27/2016  PRIVATE CIVIL CASE docketed. [16-7076] [Entered: 06/27/2016 02:11 PM]

06/27/2016   NOTICE OF APPEAL [1621856] filed by DC, Deborah Gist and Michelle Rhee seeking review of a decision by the U.S. District Court in 1:05-cv-01437-RCL. Appeal assigned USCA Case Number: 16-7076. [16-7076] [Entered: 06/27/2016 02:13 PM]
260 pg, 1.74 MB

06/27/2016   CLERK'S ORDER [1621922] filed directing party to file initial submissions: APPELLANT docketing statement due 07/27/2016. APPELLANT certificate as to parties due 07/27/2016. APPELLANT statement of issues due 07/27/2016. APPELLANT underlying decision due 07/27/2016. APPELLANT deferred appendix statement due 07/27/2016. APPELLANT notice of appearance due 07/27/2016. APPELLANT transcript status report due 07/27/2016. APPELLANT procedural motions due 07/27/2016. APPELLANT dispositive motions due 08/11/2016; directing party to file initial submissions: APPELLEE certificate as to parties due 07/27/2016. APPELLEE entry of appearance due 07/27/2016. APPELLEE procedural motions due 07/27/2016. APPELLEE dispositive motions due 08/11/2016 [16-7076] [Entered: 06/27/2016 03:48 PM]
2 pg, 46.1 KB

06/28/2016   NOTICE [1622165] received from the Clerk of the U.S. District Court of amended notice of appeal [1622165-2] [16-7076] [Entered: 06/28/2016 05:50 PM]
220 pg, 1.23 MB

07/27/2016   CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1627135] filed by Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young [Service Date: 07/27/2016] [16-7076] (Terris, Bruce) [Entered: 07/27/2016 08:54 AM]
6 pg, 31.78 KB

07/27/2016   ENTRY OF APPEARANCE [1627138] filed by Bruce J. Terris and co-counsel Todd A. Gluckman, Margaret A. Kohn, Cyrus Mehri on behalf of Appellees Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young. [16-7076] (Terris, Bruce) [Entered: 07/27/2016 08:58 AM]
3 pg, 144.23 KB

07/27/2016   CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1627285] filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 07/27/2016] [16-7076] (Pittman, Lucy) [Entered: 07/27/2016 02:57 PM]
6 pg, 18.87 KB

07/27/2016   DOCKETING STATEMENT [1627286] filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 07/27/2016] [16-7076] (Pittman, Lucy) [Entered: 07/27/2016 02:58 PM]
2 pg, 1.34 MB

07/27/2016   ENTRY OF APPEARANCE [1627288] filed by Lucy E. Pittman and co-counsel Loren L. AliKhan, Todd S. Kim on behalf of Appellants DC, Kaya Henderson and Hanseul Kang. [16-7076] (Pittman, Lucy) [Entered: 07/27/2016 03:00 PM]
2 pg, 177.71 KB

07/27/2016   STATEMENT OF INTENT REGARDING APPENDIX DEFERRAL [1627292] filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 07/27/2016] Intent: AppxDeferred [16-7076] (Pittman, Lucy) [Entered: 07/27/2016 03:02 PM]
3 pg, 11.7 KB

07/27/2016   STATEMENT OF ISSUES [1627294] filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 07/27/2016] [16-7076] (Pittman, Lucy) [Entered: 07/27/2016 03:02 PM]
3 pg, 12.43 KB

07/27/2016   TRANSCRIPT STATUS REPORT [1627299] filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 07/27/2016]. Status of Transcripts: Final - All transcripts needed for the appeal have been completed and received. [16-7076] (Pittman, Lucy) [Entered: 07/27/2016 03:05 PM]
3 pg, 11.83 KB

07/27/2016   UNDERLYING DECISION IN CASE [1627305] submitted by DC, Kaya Henderson and Hanseul Kang [Service Date: 07/27/2016] [16-7076] (Pittman, Lucy) [Entered: 07/27/2016 03:10 PM]
175 pg, 1.52 MB

08/11/2016   MODIFIED PARTY FILER--NOTICE [1629940] filed by Lawyers' Committee for Civil Rights Under Law, AARP, National Federation of the Blind, Council of Attorney Parents and Advocates, Disability Rights DC at University Legal Services, Bazelon Center for Mental Health, National Health Law Program of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 08/11/2016] [16-7076]-- [Edited 08/15/2016 by KRM] (Greenbaum, Jon) [Entered: 08/11/2016 05:28 PM]
10 pg, 178.08 KB















08/31/2016   CLERK'S ORDER [1632980] filed setting briefing schedule: APPELLANT Brief due 10/17/2016. APPELLEE Brief due on 11/16/2016. AMICUS FOR APPELLEE Brief due 11/23/2016. APPELLANT Reply Brief due 12/07/2016. DEFERRED APPENDIX due 12/14/2016. Final Briefs due 12/28/2016. [16-7076] [Entered: 08/31/2016 10:15 AM]
2 pg, 86.26 KB

10/17/2016   APPELLANT BRIEF [1641377] filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 10/17/2016] Length of Brief: 13,995 words. [16-7076] (Pittman, Lucy) [Entered: 10/17/2016 07:11 PM]
74 pg, 165.24 KB

11/03/2016   **JOINT UNOPPOSED MOTION** [1644468] filed to establish briefing schedule filed by DC, Kaya Henderson, Hanseul Kang and Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young Pages: 1-10. [16-7076] (Terris, Bruce) [Entered: 11/03/2016 02:38 PM]
4 pg, 22.12 KB

- 11/08/2016  1 pg, 39.09 KB CLERK'S ORDER [1645162] filed granting the parties' joint motion to modify the briefing schedule [\[1644468-2\]](#). The following revised briefing schedule will now apply: APPELLEE Brief due on 12/01/2016. AMICUS FOR APPELLEE Brief due 12/08/2016. APPELLANT Reply Brief due 01/06/2017. DEFERRED APPENDIX due 01/13/2017. Final Briefs due 01/27/2017. [16-7076] [Entered: 11/08/2016 05:05 PM]
- 11/11/2016  2 pg, 414.64 KB LETTER [1645655] filed advising of arguing counsel's availability for oral argument filed by Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young [Service Date: 11/11/2016] [16-7076] (Terris, Bruce) [Entered: 11/11/2016 03:06 PM]
- 11/16/2016  4 pg, 21.16 KB MOTION [1646434] filed to assign prior panel (Response to Motion served by mail due on 12/01/2016) filed by Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young [Service Date: 11/16/2016 by CM/ECF NDA] Pages: 1-10. [16-7076] (Terris, Bruce) [Entered: 11/16/2016 04:19 PM]
- 12/01/2016  96 pg, 553.54 KB APPELLEE BRIEF [1648847] filed by Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young [Service Date: 12/01/2016] Length of Brief: 13,993 Words. [16-7076] (Terris, Bruce) [Entered: 12/01/2016 03:21 PM]
- 12/01/2016  8 pg, 22.1 KB RESPONSE IN OPPOSITION [1648879] filed to motion to assign case to prior panel [\[1646434-2\]](#) filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 12/01/2016 by CM/ECF NDA] Length Certification: 1,275 words. [16-7076] (Pittman, Lucy) [Entered: 12/01/2016 04:03 PM]
- 12/07/2016  10 pg, 50.17 KB REPLY [1649806] filed by Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young to response [\[1648879-2\]](#) [Service Date: 12/07/2016 by CM/ECF NDA] Length Certification: 1,580 Words. [16-7076] (Terris, Bruce) [Entered: 12/07/2016 03:00 PM]
- 12/08/2016  2 pg, 372.37 KB ENTRY OF APPEARANCE [1649904] filed by Iris Y. Gonzalez on behalf of Amicus Curiae for Appellee AARP. [16-7076] (Gonzalez, Iris) [Entered: 12/08/2016 09:38 AM]
- 12/08/2016  5 pg, 86.64 KB NOTICE [1649906] filed of intention to participate as amicus curiae [Disclosure Listing: Attached] filed by Iris Y. Gonzalez - AARP [Service Date: 12/08/2016] [16-7076] (Gonzalez, Iris) [Entered: 12/08/2016 09:44 AM]
- 12/08/2016  51 pg, 515.18 KB AMICUS FOR APPELLEE BRIEF [1650079] filed by AARP Iris Y. Gonzalez [Service Date: 12/08/2016] Length of Brief: 6724. [16-7076] (Gonzalez, Iris) [Entered: 12/08/2016 04:34 PM]
- 12/09/2016  1 pg, 38.71 KB PER CURIAM ORDER [1650154] filed denying motion to assign case to prior panel [\[1646434-2\]](#). Before Judges: Rogers and Edwards. [16-7076] [Entered: 12/09/2016 07:15 AM]
- 01/06/2017  41 pg, 158.62 KB APPELLANT REPLY BRIEF [1654609] filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 01/06/2017] Length of Brief: 6,987 words. [16-7076] (Pittman, Lucy) [Entered: 01/06/2017 05:36 PM]
- 01/09/2017  1 pg, 41.13 KB CLERK'S ORDER [1654867] filed scheduling oral argument on Friday, 03/31/2017. [16-7076] [Entered: 01/09/2017 04:15 PM]
- 01/13/2017  6 pg, 27.67 KB UNOPPOSED MOTION [1655660] filed to Submit Trial Documents in Electronic Form filed by Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young Length Certification: 497 Words. [16-7076] (Terris, Bruce) [Entered: 01/13/2017 08:53 AM]
- 01/13/2017  1269 pg, 60.84 MB **JOINT** APPENDIX [1655718] filed by DC, Kaya Henderson and Hanseul Kang. [Volumes: 2] [Service Date: 01/13/2017] [16-7076] (Pittman, Lucy) [Entered: 01/13/2017 10:39 AM]
- 01/13/2017  SEALED SUPPLEMENTAL JOINT APPENDIX [1656016] filed by DC, Kaya Henderson and Hanseul Kang. [Volume: 1] [Service Date: 01/13/2017] [16-7076] [Entered: 01/17/2017 11:01 AM]
- 01/26/2017  96 pg, 544.47 KB APPELLEE FINAL BRIEF [1657499] filed by Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young [Service Date: 01/26/2017] Length of Brief: 13,991 Words. [16-7076] (Terris, Bruce) [Entered: 01/26/2017 09:31 AM]
- 01/26/2017  73 pg, 290.41 KB APPELLANT FINAL BRIEF [1657561] filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 01/26/2017] Length of Brief: 13,833 words. [16-7076] (Pittman, Lucy) [Entered: 01/26/2017 11:09 AM]
- 01/26/2017  41 pg, 158.7 KB APPELLANT FINAL REPLY BRIEF [1657562] filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 01/26/2017] Length of Brief: 6,966 words. [16-7076] (Pittman, Lucy) [Entered: 01/26/2017 11:11 AM]
- 01/30/2017  7 pg, 24.06 KB **CONSENT** UNOPPOSED MOTION [1658131] filed Limited Remand Under Rule 12.1 to Permit the District Court to Modify its Reporting Schedule or an Order Clarifying the District Court's Jurisdiction to Modify the Schedule While the Appeal is Pending Schedule filed by DC, Kaya Henderson and Hanseul

Kang [Service Date: 01/30/2017] Length Certification: 978 words. [16-7076] (Pittman, Lucy) [Entered: 01/30/2017 12:13 PM]

- 01/30/2017  2 pg, 231.11 KB ENTRY OF APPEARANCE [1658270] filed by Bruce J. Terris and co-counsel Carolyn Smith Pravlik on behalf of Appellees Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young. [16-7076] (Pravlik, Carolyn) [Entered: 01/30/2017 04:00 PM]
- 02/06/2017  3 pg, 15.38 KB NOTICE [1659612] to withdraw attorney Bruce Jerome Terris who represented Tammika Young, Bryan Young, XY, Ronald Wisor, TL, TF, Kerianne Piester, Angelique Moore, Arlette Mankemi, Timothy Lantry, JB, HW, Tameka Ford, FD, Frederick Davy, Monica Davy, DL and Leah Bland in 16-7076 filed by Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young [Service Date: 02/06/2017] [16-7076] (Gluckman, Todd) [Entered: 02/06/2017 02:23 PM]
- 02/06/2017  1 pg, 39.97 KB PER CURIAM ORDER [1659654] filed that the motion for limited remand be granted in light of the district court's indicative order filed December 29, 2016. The record is hereby remanded for the limited purpose of enabling the district court to enter an order modifying its reporting schedule. It is FURTHER ORDERED that this case remain on the court's March 31, 2017 oral argument calendar, as the court anticipates that the district court will act promptly. In accordance with Fed. R. App. P. 12.1(b), the parties are directed to notify this court immediately following the district court decision on remand. [[1658131-2](#)] [16-7076] [Entered: 02/06/2017 03:26 PM]
- 02/16/2017  5 pg, 258.14 KB NOTICE [1661828] Notice of the district court's order following limited remand filed by DC, Kaya Henderson and Hanseul Kang [Service Date: 02/16/2017] [16-7076] (Pittman, Lucy) [Entered: 02/16/2017 04:40 PM]
- 02/17/2017  97 pg, 1.12 MB NOTICE - SUPPLEMENTAL RECORD [1662321] received from the Clerk of the U.S. District Court. [16-7076] [Entered: 02/22/2017 07:41 AM]
- 02/27/2017  1 pg, 37.18 KB PER CURIAM ORDER [1663077] filed granting appellees' unopposed motion to submit trial documents in electronic form [[1655660-2](#)] [16-7076] [Entered: 02/27/2017 09:27 AM]
- 03/20/2017  1 pg, 40.77 KB PER CURIAM ORDER [1666741] filed allocating oral argument time as follows: Appellants - 15 Minutes, Appellees - 15 Minutes. One counsel per side to argue; directing party to file Form 72 notice of arguing attorney by 03/24/2017 [16-7076] [Entered: 03/20/2017 11:46 AM]
- 03/20/2017 FORM 72 submitted by arguing attorney, Todd A. Gluckman, on behalf of Appellees Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young (**For Internal Use Only: Form is restricted to protect counsel's personal contact information**). [16-7076] (Gluckman, Todd) [Entered: 03/20/2017 05:03 PM]
- 03/23/2017 FORM 72 submitted by arguing attorney, Lucy E. Pittman, on behalf of Appellants DC, Kaya Henderson and Hanseul Kang (**For Internal Use Only: Form is restricted to protect counsel's personal contact information**). [16-7076] (Pittman, Lucy) [Entered: 03/23/2017 05:34 PM]
- 03/31/2017  1 pg, 39.52 KB ORAL ARGUMENT HELD before Judges Tatel, Griffith and Millett. [16-7076] [Entered: 03/31/2017 10:29 AM]
- 06/23/2017  1 pg, 53.84 KB PER CURIAM JUDGMENT [1680992] filed that the judgment of the District Court appealed from in this cause is hereby affirmed in all respects, for the reasons in the accompanying opinion . Before Judges: Tatel, Griffith and Millett. [16-7076] [Entered: 06/23/2017 09:51 AM]
- 06/23/2017  30 pg, 119.28 KB OPINION [1680993] filed (Pages: 30) for the Court by Judge Tatel. [16-7076] [Entered: 06/23/2017 09:53 AM]
- 06/23/2017  1 pg, 38.9 KB CLERK'S ORDER [1680994] filed withholding issuance of the mandate. [16-7076] [Entered: 06/23/2017 09:55 AM]
- 07/03/2017  4 pg, 235.74 KB BILL OF COSTS [1682463] filed by Leah Bland, DL, Frederick Davy, Monica Davy, FD, Tameka Ford, HW, JB, Timothy Lantry, Arlette Mankemi, Angelique Moore, Kerianne Piester, TF, TL, Ronald Wisor, XY, Bryan Young and Tammika Young [Service Date: 07/03/2017] [16-7076] (Gluckman, Todd) [Entered: 07/03/2017 12:37 PM]
- 08/03/2017  1 pg, 39.62 KB PER CURIAM ORDER [1687105] filed granting appellees' bill of costs [[1682463-2](#)] in the amount of \$130.80. [16-7076] [Entered: 08/03/2017 09:26 AM]
- 08/03/2017  1 pg, 38.89 KB MANDATE ISSUED to Clerk, U.S. District Court. [16-7076] [Entered: 08/03/2017 09:30 AM]
- 08/10/2017 FIRST CLASS MAIL RETURNED [1688374] marked "Return to sender-attempted-not known-unable to forward". Mail had been sent to Attorney Ron Hager for Amicus Curiae for Appellee National Disability Rights Network. [16-7076] [Entered: 08/11/2017 12:02 PM]