

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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 D.D., a minor, by and through his :  
 Parent and Next Friend, V.D.; :  
et al., :  
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 Plaintiffs, :  
 :  
 - against - :  
 :  
 NEW YORK CITY BOARD OF EDUCATION; :  
 NEW YORK CITY DEPARTMENT OF :  
 EDUCATION; et al., :  
 :  
 Defendants. :  
 :  
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**STIPULATION AND ORDER**  
03 CV 2489 (DGT) (RLM)

**WHEREAS**, a Stipulation and Order ("Stipulation") was entered by this Court on April 25, 2007, resolving claims by the plaintiff-class asserted against State defendant Richard P. Mills, the Commissioner of Education and chief executive officer of the State Education Department, and defendants New York City Board of Education, New York City Department of Education, Joel Klein, Angelo Gimondo, Nelly Real-Korb, Michelle Fratti, Beth Marino, Michael A. Johnson, Joe Blaize, and the City of New York; and

**WHEREAS**, the Stipulation provided that "plaintiffs shall also be entitled to an award of reasonable fees and expenses to monitor compliance with the terms of this Stipulation;"

**WHEREAS**, the Stipulation provided for a "Stipulation Period," during which defendants were obligated to provide

written reports to plaintiffs' counsel concerning their compliance with the terms of the Stipulation, which expired on December 31, 2009; and

**WHEREAS**, in consideration of plaintiffs' request for fees and expenses for compensable monitoring activities incurred between May 1, 2008 and December 31, 2009;

**IT IS HEREBY STIPULATED AND AGREED**, by and among the undersigned that:

1. In full satisfaction of any and all present or future claims by plaintiffs in this action for attorneys' fees and expenses: (i) Defendant City of New York shall pay to plaintiffs= counsel, Emery Celli Brinckerhoff & Abady LLP, the sum of \$1,434.60, and (ii) the State of New York shall pay to plaintiffs= counsel, Emery Celli Brinckerhoff & Abady LLP, the sum of \$717.30.

2. Payments of the sums described in paragraph 1 shall be made payable to the order of Emery Celli Brinckerhoff & Abady LLP, 75 Rockefeller Plaza, 20th Floor, New York, New York 10019.

3. The payment by the State of New York referenced in subparagraph 1(ii) is subject to the approval of all appropriate state officials in accordance with N.Y. Pub. Off. Law § 17. In the event that the payment by the State of New York referenced in subparagraph 1(ii) is not approved, plaintiffs may move for reasonable fees and costs as provided in the Stipulation.

4. In the event that the payment referenced in subparagraph 1(ii) is not made by the ninetieth day after receipt by the New York State Office of the Attorney General of a "so ordered" copy of this Stipulation and Order, interest on the amount referenced in subparagraph 1(ii) which is not paid by the ninetieth day shall begin to run on the ninety-first day at the statutory rate pursuant to 28 U.S.C. § 1961.

Dated: New York, New York  
December 21, 2011

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By:



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 12/27/2011

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SO ORDERED: S/Roanne L. Mann

United States Magistrate Judge