

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DL, <i>et al.</i> , on behalf of themselves)	
and others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 05-1437 (RCL)
)	
THE DISTRICT OF COLUMBIA, <i>et al.</i>)	
)	
Defendants.)	

**NOTICE TO PLAINTIFF SUBCLASSES OF PLAINTIFFS' MOTION
FOR AN AWARD OF LITIGATION COSTS, INCLUDING
ATTORNEYS' FEES AND RELATED EXPENSES**

Pursuant to Rule 23(h)(1) of the Federal Rules of Civil Procedure, notice is hereby given to the members of the plaintiff subclasses in the above-captioned matter that, on September 28, 2016, the attorneys representing the plaintiff subclasses filed Plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Related Expenses, requesting an award of attorneys' fees and expenses totaling \$10,010,956. If the motion is granted, the fees and expenses will be paid by the District of Columbia. Defendants are scheduled to file by February 11, 2017, an opposition to that motion. Subclass members may review plaintiffs' motion and file any objections that they may have.

To ensure that subclass members have sufficient time to examine and to raise any objections to that motion, the district court will not enter an order awarding fees and expenses prior to 45 days from the date on which this notice was placed on the website of the United States District Court for the District of Columbia and the website of plaintiffs' lead counsel, Terris, Pravlik & Millian, LLP.

Determining if you are a subclass member. The plaintiff subclasses include the

following children:

Subclass 1: All children, who, when they were or will be between the ages of three and five, were or will be disabled, as defined by the IDEA, lived or will live in, or were or will be wards of, the District of Columbia, and were not or will not be identified and/or located for the purposes of offering special education and related services.

Subclass 2: All children, who, when they were or will be between the ages of three and five, were or will be disabled, as defined by the IDEA, lived or will live in, or were or will be wards of, the District of Columbia, and did not or will not receive an initial evaluation within 120 days of the date of referral for the purposes of offering special education and related services.

Subclass 3: All children, who, when they were or will be between the ages of three and five, were or will be disabled, as defined by the IDEA, lived or will live in, or were or will be wards of, the District of Columbia, and did not or will not receive a determination of eligibility within 120 days of the date of referral for special education and related services.

Subclass 4: All children with disabilities, as defined by the IDEA, who lived in or will live in, or are or will be wards of, the District of Columbia, and who participated or will participate in early intervention programs under Part C of IDEA, and who participated or will participate in preschool programs under Part B, and who did not or will not have a “smooth and effective” transition from Part C to Part B by the child’s third birthday. A transition shall be considered “smooth and effective” if (1) the transition begins no less than 90 days prior to the child’s third birthday; (2) the child is provided with an IEP listing both the type of placement and a specific location for services by the child’s third birthday; (3) there is no disruption in services between Part C and Part B services; and (4) Part B personnel are involved in the transition process.

Subclass members’ right to review the motion. If you believe that you or a child for whom you are a parent or guardian is a subclass member, and would like to review Plaintiffs’ Motion for an Award of Litigation Costs, Including Attorneys’ Fees and Related Expenses and the supporting papers, you may contact counsel for plaintiffs or defendants at the following addresses:

Counsel for plaintiffs: Todd A. Gluckman, Terris, Pravlik & Millian, LLP, 1121 12th Street, N.W., Washington, DC 20005, (202) 204-8482, tgluckman@tpmlaw.com.

Counsel for defendants: Chad W. Copeland, Assistant Deputy Attorney General, Public Interest Division, 441 Fourth Street, N.W., Suite 600S, Washington, DC 20001, (202) 724-6623, chad.copeland@dc.gov.

Subclass members' right to object to the motion. Subclass members have the right to file objections to plaintiffs' motion. The Court will consider your views. To object you must send a signed letter saying that you object to Plaintiffs' Motion for an Award of Litigation Costs, Including Attorneys' Fees and Related Expenses in *DL v. District of Columbia*, Civil Action No. 05-1437 (RCL). Be sure to include your name, address, telephone number, e-mail address if you have one, and signature. Set out in clear language all of the reasons why you object. Your objection, if any, must be mailed or delivered to all of the following addresses such that it is **postmarked or received no later than March 23, 2017**, which is 45 days from the date that the notice was posted on the Court's website:

Court: Clerk of the Court, United States District Court for the District of Columbia, 333 Constitution Avenue, N.W., Washington, DC 20001.

Counsel for plaintiffs: Todd A. Gluckman, Terris, Pravlik & Millian, LLP, 1121 12th Street, N.W., Washington, DC 20005, (202) 204-8482, tgluckman@tpmlaw.com.

Counsel for defendants: Chad W. Copeland, Assistant Deputy Attorney General, Public Interest Division, 441 Fourth Street, N.W., Suite 600S, Washington, DC 20001, (202) 724-6623, chad.copeland@dc.gov.