

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

A.R., on behalf of a Class of those similarly
situated,

Plaintiff,

v.

CONNECTICUT STATE BOARD OF
EDUCATION,

Defendants.

Case No. 3:16-CV-1197 (CSH)

DECEMBER 2, 2021

**MEMORANDUM AND ORDER RE: PLAINTIFF'S MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND COSTS [DOC. 88]**

HAIGHT, Senior District Judge:

In this class action brought under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1400 *et seq.*, this Court ultimately granted summary judgment to the named Plaintiff and the Plaintiff Class. *See A.R. v. Connecticut State Bd. of Educ.*, No. 3:16-CV-01197 (CSH), 2020 WL 3086032 (D. Conn. June 10, 2020), *aff'd*, 5 F.4th 155 (2d Cir. 2021). The Court held that Defendant Connecticut State Board of Education violated IDEA when it denied, on the basis of age, a free appropriate public education to disabled students before the age of 22.

Following entry of this Court's order in favor of Plaintiff A.R. and the Plaintiff Class, the Plaintiff filed a motion dated July 24, 2020, [Doc. 88], for an order directing Defendant to pay Plaintiff \$103,872.50 in attorneys' fees, and \$9,613.32 in litigation expenses. Plaintiff based that motion on the fee-shifting provision in IDEA, which grants district courts the discretion to

“award reasonable attorneys’ fees as part of the costs – (I) to a prevailing party who is the parent of a child with a disability” 20 U.S.C. § 1415(i)(3)(B)(i).

Defendant filed a notice of appeal from this Court’s award of summary judgment in Plaintiff’s favor. While that appeal was pending, Defendant filed an unopposed motion to stay briefing on Plaintiff’s motion for attorneys’ fees until after the appeal was decided, [Doc. 89]. In that motion, Defendant stated that “the Defendant is not asking this court to deny the Plaintiff’s motion for attorneys’ fees based on the Defendant’s appeal, merely to relieve the Defendant from filing a responsive brief until after the appeal is decided, and only if necessary.” [Doc. 89] at ¶ 12. On August 4, 2020, the Court granted Defendant’s motion to stay, *see* [Dkt. 90], on the common-sense principle that, if Defendant succeeded on its appeal, Plaintiff would cease to be a “prevailing party” entitled to claim attorneys’ fees.

In an opinion decided on July 8, 2021, the Second Circuit affirmed this Court’s summary judgment in Plaintiff’s favor. *See A.R. v. Connecticut State Bd. of Educ.*, 5 F.4th 155 (2d Cir. 2021). The Court of Appeals issued its mandate on July 30, 2021.

The case now falls to Defendant, to either agree to Plaintiff’s motion for attorneys’ fees and costs or oppose that motion and state the reasons for doing so. In these circumstances, the Court makes the following Order:

1. The stay granted by the Court’s August 4, 2020 Order, *see* [Dkt. 90], is VACATED.
2. Defendant is DIRECTED to file and serve its response to Plaintiff’s motion for an award of attorneys’ fees and costs, [Doc. 88], on or before **January 7, 2022**.
3. Plaintiff, if so advised, may file reply submissions on or before **January 21, 2022**.
4. The Court will then regard Plaintiff’s motion for an award of attorneys’ fees and costs,

[Doc. 88], as fully submitted. If the Court desires oral argument, counsel will be advised by Chambers.

It is SO ORDERED.

Dated: New Haven, Connecticut
December 2, 2021

/s/Charles S. Haight, Jr.
CHARLES S. HAIGHT, JR.
Senior United States District Judge