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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

E.R.K., by his legal guardian R.K., R.T.D., through his parents R.D. and M.D.; HAWAI`I DISABILITY RIGHTS CENTER, in a representative capacity on behalf of its clients and all others similarly situated,

Plaintiffs,

vs.

Case No. 10-00436 SOM-KSC

PLAINTIFFS' REPLY MEMORANDUM IN SUPPORT OF [293] MOTION RE IDENTIFICATION OF INTERESTED CLASS

[caption continued to next page]

DATE: TBD
TIME: TBD
JUDGE: Kevin S. C. Chang

DEPARTMENT OF EDUCATION, State of Hawai`i, Defendant.	**MEMBERS, FILED NOVEMBER 30, 2015;** CERTIFICATE OF WORD COUNT; DECLARATION OF W.P.; CERTIFICATE OF SERVICE

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PLAINTIFFS' REPLY MEMORANDUM IN SUPPORT OF [293] PLAINTIFFS' MOTION RE IDENTIFICATION OF INTERESTED CLASS MEMBERS, FILED NOVEMBER 30, 2015

I. INTRODUCTION

The DOE's opposition rests on a central premise of misplaced blame on the Class Members for failing to "work up their case." DOE Opp., ECF No. 311 ("Opp."), at 2. The DOE contends that each Class Member must (and has failed to) prove that he or she is entitled to a Free Appropriate Public Education ("FAPE"). That is not the way the IDEA works.

Under the IDEA, **every** child with a disability aged 3 through 21 is entitled to a FAPE. 20 U.S.C. § 1412(a)(1). Disabled children do not have to chase the school districts down to receive a FAPE; it is the schools that bear the responsibility of finding, evaluating, and offering FAPEs to their students. 20 U.S.C. § 1412(a)(3). Here, the Ninth Circuit decided in 2013 that Act 163 violated the IDEA by excluding disabled 20- and 21-year-olds from public school, and thereby deprived the Class Members of the FAPE to which they were otherwise entitled. *See* 728 F.3d 982 (9th Cir. 2013). Judge Mollway confirmed in 2014 that the older Class Members were entitled to a remedy for that deprivation in the form of compensatory services to make up for the FAPE that was lost. *See* ECF No. 187. Every issue that follows in this case must flow from the proposition that it is the DOE's **absolute responsibility** to provide or pay for services equivalent to a FAPE to each of the older Class Members. The DOE cannot even show that it is

trying to do this and it seeks to punish the IDEA-eligible students for the fact that the Court and the Plaintiffs have tried to work collaboratively on measures intended to identify, evaluate and facilitate services for the Class Members. The fact that those measures were not effective is NOT a reason to relieve the DOE of its duties; it is a reason to pursue other methods that will be more effective.

The DOE's Opposition reflects startling positions that are completely unmoored from the IDEA and from the rulings that have shaped this case over the past five years. The DOE rejects Judge Mollway's August 2014 determination that the Class Members were injured as a matter of law and spends pages relitigating this issue under the guise of explaining why the disabled Class Members themselves are to blame for the delays to the DOE's provision of services. *See* Opp. at 5-8, 9.[1] The DOE asserts that the Class definition is "old" and inapplicable to the DOE's recent challenges to the membership of 200+ individuals. *Id*. at 13-

[1] The DOE's contention in this regard may be the most telling portion of its brief. The DOE argues that the delays that have occurred in this case are the fault of the Class Members ("the real culprit"). Why? Because they are the ones seeking compensatory relief in this class action. *See* Opp. at 2, 8-9. In other words, it is not the DOE's fault that there are hundreds of disabled individuals who are seeking compensatory education. Indeed, it would no doubt be quicker and cheaper for the DOE if the Plaintiffs in this lawsuit simply walked away from the services they are owed, just as it would be much simpler for the DOE to operate a school system without special education. However, as the Ninth Circuit aptly noted, "the IDEA stands for the principle that exclusion is a false economy unbefitting a society committed to the complete integration of its disabled citizens." 728 F.3d at 992. The State should never have taken Plaintiffs' services away, and they are entitled to back what they lost—no less.

14. Finally, the DOE attempts to portray the Class Members—two-thirds of whom have not yet been reached—as subject to an "opt in" requirement that appears nowhere in Rule 23(b)(2). *See id.* at 3.

The fact is, the class definition has not changed[2], and it comprises only four objective criteria: (1) Age (i.e., the individual did not turn 22 before losing eligibility due to Act 163); (2) entitlement to special education and related services; (3) lack of a regular diploma; and (4) location (in Hawai`i during their entitlement to services). *See* ECF No. 31 at 2; Pls.' Mot., ECF No. 293, Exs. 5-7. The Ninth Circuit recognized that this Class had been injured as a matter of law, and Judge Mollway granted them a remedy. Plaintiffs have long ago established their injury and their right to relief. *Cf.* Opp. at 11-13.

Moreover, the remedy is a highly valuable one—the opportunity to make up for lost services valued at well over $23,000 per year. *See* ECF No. 173-1 Ex. B. Unfortunately, as Plaintiffs demonstrated in their Motion, two-thirds of the 1,800 Class Members have not yet been reached and have not had the opportunity to consider whether or to not to participate in the remedy (or to take a monetary settlement). Pls.' Mot. at 11. The DOE's argument that the remainder should be cut off based on a mailing, phone calls to largely unusable numbers, and limited publications is not based on any actual need to do so, and a ruling in the DOE's

[2] Subject to the parties' agreed upon clarification regarding age, *see* ECF No. 213 at 3-4 & Alston Decl. Ex. A thereto.

favor would improperly validate the DOE's obstruction tactics over the past year (the facts of which are set forth in Plaintiffs' Motion at pp.7-11 and are undisputed by the DOE). The DOE's determination to retread ground and litigate meritless objections to eligibility has left this case in a holding pattern,[3] but it need not remain there. The Class Members who have already expressed interest can and should be served immediately; services to the remainder can wait but need not be closed off completely.

Therefore, the Court should rule that the Class includes all 1,800 of the interested Class Members whose names were supplied by the DOE, as well as others on the "Interested Class Members" list (Exhibit 23), so long as those individuals were born after July 1, 1988, did not receive a regular diploma, and have not unequivocally refused compensatory education after being contacted by Plaintiffs.

The Court should also require that the DOE, having failed to provide current and accurate contact information for the majority of the Class Members, bear responsibility for finding their current contact information and for providing an offer of services to every interested Class Member. Finally, the Court should reject

[3] Where are the DOE's responses to the counterproposals and to Plaintiffs' services matrix? Where are the services to the 93 undisputed Class Members? What efforts have been made to reach incarcerated Class Members?

the DOE's challenges to the Class Members based on their age and their attendance status at age 20.

II. ARGUMENT

A. Efforts Taken to Identify and Locate Class Members

The DOE asserts that Plaintiffs have failed to advise the Court of efforts taken to notify Class Members (*see* Opp. at 2-3), but that is not true. Plaintiffs have fully discussed the efforts taken thus far—primarily by Plaintiffs' counsel—to identify and locate Class Members. *See* Pls.' Mot. at 5-12. Plaintiffs note that the DOE appears to have abandoned its claims to spending millions of dollars on locating class members, now acknowledging that its efforts consisted of providing the contact information from the DOE's files and paying for a search for updated contact information. *See* Opp. at 12. As discussed in Plaintiffs' Motion, the DOE (as the entity charged with providing the remedy under the IDEA) can and should do more with the information it has available to it from other State agencies. Pls.' Mot. at 27-28.

B. The DOE's Determination to Relitigate the Law of the Case Is Needlessly Delaying Services to Interested Class Members

The DOE again devotes several pages to its argument that there is no classwide right to compensatory education. *See* Opp. at 5-8. The DOE insists that every Class Member must prove he or she was injured and is entitled to compensatory education. *Id*. at 2, 11-12; *see also* ECF No. 312 at 1-2, 32-34. But

the Class's right to compensatory education is not open for discussion. This issue was litigated and decided in 2014, ECF Nos. 172-187,[4] and Judge Mollway's ruling was clear: "this court now rules that the members of the class should receive compensatory services to make up for the services missed as a result of that improper determination of ineligibility." ECF No. 187 at 2-3.

This motion is not a vehicle for the Court to revisit Judge Mollway's order, and the Court should decline the DOE's invitation to do so. The DOE's intransigence with respect to Judge Mollway's ruling regarding classwide relief is serving only to distract the parties and the Court from the current issues in this case—most urgently, the need to move forward with the Class Members' right to compensatory services. Unfortunately, it now appears the DOE's disagreement with this ruling is preventing the Department from implementing it. Noticeably missing from the DOE's Opposition is any suggestion that the DOE has actual

[4] Plaintiffs established in their briefing on that motion that the Complaint sufficiently sought the relief that was ultimately granted, ECF No. 173-1 at 17-18, and that Rule 23(b)(2) certification did not preclude the Court from an injunctive order of compensatory education because the Class had suffered a common injury for a common reason, *id*. at 13-16. The relief sought here is injunctive—the right to services—so the concept of "incidental damages" does not apply. *Cf*. Opp. at 7-8. Plaintiffs further note that, contrary to the DOE's alarmist rhetoric, classes continue to be certified under the IDEA where there are eventual requirements of individualized IEPs. The focus of those courts, as here, is on the Class's right to a common injunction to remedy a common injury. *See, e.g.*, *M.G. v. N.Y. City Dep't of Educ.*, No. 13-cv-4639 (SAS), 2016 WL 54687, at *9-*11(S.D.N.Y. Jan. 4, 2016) (certifying IDEA class).

plans to serve any individual Class Member. This is plainly contrary to the letter and the spirit of the August 2014 order.

C. The Class Members in this Case Have Been Granted the Right to Notice of the Remedy, and the DOE Should Be Responsible for Providing Notice to the 1,175 Individuals Still in the Dark

Contrary to the DOE's suggestion, neither *Wal-Mart* nor Rule 23 precludes giving notice to the parties in a Rule 23(b)(2) class action. *Cf.* Opp. at 6-7; *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 131 S. Ct. 2541, 2559 (2011). *Wal-Mart* merely recognizes that notice to Rule 23(b)(2) Class Members is not granted as a matter of right. *See id*. However, Rule 23 expressly allows the court to order notice to Rule 23(b)(2) class members as needed to "protect" those class members. *See* FRCP 23(d) ("court may issue orders that . . . require—to protect class members and fairly conduct the action—giving appropriate notice to some or all class members of . . . any step in the action [or] the proposed extent of the judgment"); *see also* FRCP 23(c)(2), (e). Judge Mollway unquestionably contemplated notice of her ruling would be provided to the Class. *See* ECF No. 187 at 3-4.[5]

The question is whether that notice was sufficient. Plaintiffs have demonstrated that it is not. Pls.' Mot. at 19-23. This is a class action, not a series of due process claims, a point the DOE has not truly accepted. In this Rule

[5] Indeed, without notice to the Class, Judge Mollway's order would be of little utility to anyone.

23(b)(2) class action, unlike the individual due process procedure, there is no opt in/out right. *See* Pls.' Mot. at 14. Class Members are **all** entitled to the injunctive relief ordered, but at the price of claim preclusion. The DOE does not dispute this point and would no doubt argue that anyone who sought to bring a claim for relief based on Act 163 after this action ends is precluded from doing so.

Given that barely a third of the disabled Class Members have been reached to date, the DOE's proposal would leave approximately 1,175 individuals with no prospect of receiving a remedy in any form, through this action or any other. *See* Pls.' Mot. at 11. It is also undisputed that the Class Members, as disabled young adults, face challenges that exceed the everyday experience of most of Hawaii's residents. *See, e.g.*, DiIonno Decl., ECF No. 294-1, ¶ 7 (some clients are homeless); Pls.' Mot. at 21 & Comeau Decl. ¶ 25 (11% are incarcerated). Ordinary contact methods—mailing, publication, and call centers—have simply not worked for the majority of this Class. *See* Pls.' Mot. at 22.

The DOE does not dispute these facts, yet asserts that its duty was discharged when it provided stale contact information and then paid for a search to update this information. Opp. at 4, 12. This response reflects an overly narrow reading of Judge Mollway's order. The DOE has been ordered to actually provide the remedy to the older Class Members, ECF No. 187 at 2-3, and has a statutory

right of access to the records of all of the other agencies of the State.[6] *See* HRS § 92F-19. Instead of acknowledging that coordinating with other agencies is necessary to provide cohesive services and in fact will very likely save the DOE substantial sums of money, the DOE attempts to build a mountain out of this issue, arguing that the lack of signed authorization forms prevents the DOE from obtaining any other information from another agency. *See* Opp. at 3-4 (claiming that "lack of a signed consent form" paralyzes the DOE and all other agencies, citing HRS § 92F-19(b)).

As the DOE is well aware, however, a court order is all that is needed to release the necessary information the DOE may obtain from these agencies (and Plaintiffs have requested entry of such an order). For example, Plaintiffs were told by the Department of Health that it refused to supply information without consent forms—yet the DOH attorney herself suggested to the Court in a status conference that the court could simply issue an order to avoid the necessity of collecting forms. Similarly, the FERPA and HIPAA laws both permit disclosure of relevant

[6] Plaintiffs are in agreement with the DOE that compensatory education should not be provided to those who are not interested in receiving it. *Cf*. Opp. at 9-10. The point, which the DOE has not addressed, is that Class Members are demonstrably and understandably confused about what they will be offered since the DOE—which is charged with providing the remedy—has taken no steps toward defining what the compensatory education remedy will actually look like. *See* Pls.' Mot. at 23-27. Many are interested based on Plaintiffs' counsel's general description, but the DOE would surely acknowledge that a defined remedy (which has never been provided by the DOE) will allow Class Members to make more informed decisions about whether or not to participate.

information pursuant to court order. *See* 34 C.F.R § 99.31(a)(9); 45 C.F.R. §164.512(e). Section 92F-19 gives the DOE the ability to obtain information from other state agencies easily, and the DOE should be ordered to do so in order to move this case forward with respect to notice to missing Class Members and the provision of services for those already identified as interested.

D. Plaintiffs Have Met Their Burden; the DOE Has Failed to Support Its Objections to Class Members Otherwise Entitled to Relief

The DOE cites the Supreme Court for the unremarkable principle that plaintiffs generally bear the burden of persuasion. Opp. at 12, *quoting Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 57-58 (2005). Plaintiffs long ago met their burden in this case. Plaintiffs have established (1) the Class definition; and (2) the list of individuals who fall under this definition. That is precisely the "evidence regarding their class eligibility" the DOE claims to be seeking. *See* Opp. at 11. Furthermore, the Ninth Circuit and Judge Mollway's order have already established that the Class Members were injured.[7]

Now, it is the DOE who is ignoring its obligations to provide FAPEs to these Class Members and is instead raising new objections based on facts

[7] In the rare case where Plaintiffs have learned that certain individuals previously identified as Class Members are not actually Class Members (*i.e.*, too old, graduated with a diploma, or not receiving special education, Plaintiffs have not sought to include them in the class. *See* Exs. 23, 25 at 2 (noting removal of various individuals); Comeau Decl. ¶ 29. The Class Members who are the subject of this motion are not among that small group.

peculiarly within the DOE's knowledge; as such, the DOE, not Plaintiffs, must plead and prove these objections. *Cf. Tovar v. U.S.P.S.*, 3 F.3d 1271, 1284 (9th Cir. 1993) ("In every civil case, the defendant bears the burden of proof as to each element of an affirmative defense."); *United States v. N.Y., New Haven & Hartford R.R. Co.*, 355 U.S. 253, 256 n.5 (1957) (litigant does not bear the burden of "establishing facts peculiarly within the knowledge of his adversary"). The DOE has failed to prove that the individuals listed on Exhibits P and R are ineligible (*see* Pls.' Opp., ECF No. 312, at 22-29), and has waived its objections to the remainder by its failure to object timely.

Finally, the DOE's claim that "[t]here is no legitimate reason why the Department should do more than it has already done" to locate Class Members ignores Judge Mollway's order yet again. As discussed above, the DOE has been charged with providing compensatory education to the Class Members. That is the reason the DOE should also be charged with providing actual notice to those individuals of their right to this remedy. *Cf.* Opp. at 12.

1. Drop-Outs and Others Exiting Before Age 20

The DOE's Opposition does not add anything to its prior, discredited arguments on this issue. As Plaintiffs have previously demonstrated (Pls.' Mot at 28-31), the DOE's proposal to carve out drop outs and others who left prior to age 20 would improperly modify the class definition, and would ignore the fact that

these individuals all lost the right to reenroll in school because of Act 163. *See* 20 U.S.C. § 1412; 34 C.F.R. §§ 300.101, 300.102.

The DOE strains to show that its position is compatible with Judge Mollway's January 2015 ruling denying the DOE's earlier motion (Opp. at 13), but it is not. The relief requested by the DOE's current Motion is the same as the relief requested in December 2014—a finding that, if the student was not in school at age 20, this means, as a matter of law, they are not eligible for relief. *Compare* Mem. Supp. Def.'s Mot. for the Court to Modify the Class Definition (ECF No. 200-1) at 5 ("Defendants request a rebuttable presumption that any class member who voluntarily left the DOE six months or longer prior to their 20th birthday to be deemed ineligible for compensatory education.") *with* Mem. Supp. Def.'s Mot. with Regard to Efforts in Identifying Class Members (ECF No. 297-1) at 36-37 ("Another group of students who should be presumptively dismissed are those group of individuals [sic] . . . who left school for reasons unrelated to Act 163 . . . this group of potential class members voluntarily exited the school prior to turning age 20 and were not exited because of Act 163."). That the DOE has now supplemented its position with documents demonstrating that the students had in fact left prior to age 20 (*see* DOE Mot. at 36) is immaterial, as the students

nevertheless retained the right to return under the IDEA. The DOE's objection on this ground should be denied.[8]

2. Individuals Born After August 5, 1993

The DOE continues to insist that Class Members who were 19 at the start of the 2013-14 school year (or 20 at the start of the 2014-15 school year) "could not have been impacted by Act 163," but Plaintiffs have demonstrated that the Plaintiffs were never told of their right to return. *See Class Member Declarations* (filed under seal); *see also* DOE Ex. R (showing FAPE letters sent to <10% of Class Members).[9]

The DOE denies that the IDEA requires the DOE to find and notify former special education students of their rights. However, efforts to find and advise qualified special education students of their rights is plainly contemplated by the

[8] The DOE contends the letters sent to former students were not misleading, citing a portion of certain FAPE letters advising the recipient that he or she is eligible for special education and related services until age 22. *See* Opp. at 14 n.7. This language is directly contradicted by other portions of the letters, most notably the statements that, if the student does not respond, he or she "will **no longer** be eligible for special education" and "**will no longer** receive this notice." Ex. 27 (emphasis in original). The DOE's mixed messages are exactly what makes these letters misleading.

[9] To demonstrate that the DOE regularly failed to inform IDEA-eligible students of their continuing rights under the IDEA after leaving school, Plaintiffs submitted 15 declarations from allegedly "underage" class members as well as 3 from individuals who, though not objected to as underage, had left school prior to age 20. The declarations demonstrate that most Class Members received no notice regarding their eligibility to return at age 20 or 21 (and those who received the notice were confused by the language).

statute, which requires school systems to "ensure that all children with disabilities residing in the State . . . who are in need of special education and related services, are identified, located, and evaluated." *See Reid ex. rel. Reid v. District of Columbia*, 401 F.3d 516, 518-19 (D.C. Cir. 2005); 20 U.S.C. § 1412(a)(3). The *Cari Rae S.* case is not to the contrary, as it does not purport to limit the DOE's Child Find obligation but simply holds that the DOE did violate Child Find when it failed to evaluate a student quickly enough. *See* 158 F. Supp. 2d 1190, 1197 (D. Haw. 2001). The DOE's fallback position is that "Child Find violations and/or other non-Act 163 violations are not part of this class action lawsuit," Opp. at 16-17, but this misses Plaintiffs' central point that the IDEA recognizes that children with disabilities aren't assumed to know the law, and so the DOE cannot simply dismiss Plaintiffs' evidence that the underage Class Members were not informed of their right to return by claiming ignorance of the law is no excuse.

The DOE's objections to the declarations submitted by Plaintiffs are unfounded. *See* Opp. at 15-16. ***First***, the DOE asserts that the declarations submitted "cannot be said to be representative of the 90+ underage potential class members," but fails to explain why not. *Id.* at 15. The purpose of the declarations is to provide a representative sample of individuals. Plaintiffs obtained declarations from approximately 15% of the "underage" group that the DOE identified to Plaintiffs prior to submitting its motion (13% of the individuals who

were ultimately identified as underage on DOE Exhibit P); lacking a specific objection to the selection of these Plaintiffs, this is a sufficient group to provide a representative sample. *See* Pls.' Mot. Ex. 25; DOE Mot. Ex. P; *cf. Arredondo v. Delano Farms Co.*, 301 F.R.D. 493, 506, 526 (E.D. Cal. 2014) (on motion for class certification, examining 69 declarations submitted by Plaintiffs on potential class of approximately 14,000 individuals); *Benedict v. Hewlett-Packard Co.*, Case No. 13-cv-00119-LHK, 2014 WL 587135, at *9 (N.D. Cal. Feb. 13, 2014) (33 declarations sufficient to show similar treatment of 9,800 potential class members). These declarations suffice to show that the DOE's evidence is insufficient; the DOE cannot simply submit a birth date and establish ineligibility of these allegedly "underage" Class Members.

Second, the DOE's requirement that a parent be "authorized" to sign a declaration is made up. *See* Opp. at 15. The rules of evidence are not concerned with guardianship paperwork; so long as each declarant testifies to his or her own personal knowledge, that is sufficient. *See* FRE 602, 701.

Finally, as far as the "missing information," Opp. at 15-16, the DOE asks too much of the declarants. How could an individual be asked to swear that they intended to or tried to return at age 20 or 21 when they did not know they could do so? Why should that be the litmus test under these circumstances, where Plaintiffs have already established that the DOE erred as a matter of law in excluding

individuals from school at the time these individuals left the school system, and failed to properly apprise the former students (in violation of the DOE's own policy) that the former students had any right to return?

As far as M.P., the IEP produced by the DOE does not demonstrate that he left voluntarily. *Cf.* Opp. at 17-18. Indeed, the DOE's claim makes no sense. Why would M.P. voluntarily withdraw from school in 2014 and then sign up for compensatory education a few months later? M.P.'s father was told, clearly and repeatedly by the DOE officials at M.P.'s school, that M.P. was aging out at the end of the year in which he turned 20 years old. *See* Decl. W.P. ¶ 4; *see also* Decl. W.P., dated Jan. 12, 2016 ("1/12/16 W.P. Decl."), ¶¶ 3-4. He was led to believe the January 2014 IEP meeting was M.P.'s last meeting, and that irrespective of what might be listed on the IEP form, M.P. was not legally able to return to receive these services. 1/12/16 W.P. Decl. ¶ 5. W.P. was also told by school officials that they did not want M.P. at school, and they "offered" to allow M.P. to leave at the end of the fall semester, but W.P. refused. *Id.* ¶ 3. M.P. was made to leave school because of Act 163, which continued to be illegally implemented at his school even after the Ninth Circuit's opinion.[10]

[10] Nor does the DOE dispute a single fact surrounding R.G.'s participation in this lawsuit—his dismissal from school at 20 based solely on his age, his belief that he was a Class Member and identification to the DOE as such in December 2014, his lengthy participation in the assessment process as well as the DOE's initial offer of services to him in July 2015, and the DOE's failure throughout to object to R.G.'s

III. CONCLUSION

For the reasons set forth above, as well as in Plaintiffs' Motion and Opposition to the DOE's cross-motion, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion and deny the DOE's cross-motion.

DATED: Honolulu, Hawai`i, January 13, 2016.

/s/ Michelle N. Comeau
PAUL ALSTON
KRISTIN L. HOLLAND
MICHELLE N. COMEAU
Attorneys for Plaintiffs

status until August 2015. *See* Decl. R.G.; Comeau Decl. ¶ 28 & Exs. 19, 24. The DOE's actions merit a finding that the DOE has waived its objections to R.G.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

E.R.K., by his legal guardian R.K., R.T.D., through his parents R.D. and M.D.; HAWAI`I DISABILITY RIGHTS CENTER, in a representative capacity on behalf of its clients and all others similarly situated,

Plaintiffs,

vs.

DEPARTMENT OF EDUCATION, State of Hawai`i,

Defendant.

Case No. 10-00436 SOM-KSC

CERTIFICATE OF WORD COUNT

CERTIFICATE OF WORD COUNT

Pursuant to Local Rule 7.5, I hereby certify that *Plaintiffs' Reply Memorandum in Support of [293] Plaintiffs' Motion re Identification of Interested Class Members, Filed November 30, 2015* was typed using 14-point,Times New Roman font and contains 4,482 words, exclusive of case caption, table of contents, table of authorities, exhibits, declarations, certificates of counsel, and certificate of service.

DATED: Honolulu, Hawai`i, January 13, 2016.

/s/ Michelle N. Comeau
PAUL ALSTON
KRISTIN L. HOLLAND
MICHELLE N. COMEAU
Attorneys for Plaintiffs

DECLARATION OF W.P.

[TO BE FILED UNDER SEAL]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date and method of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served electronically through CM/ECF on January 13, 2016:

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DATED: Honolulu, Hawai`i, January 13, 2016.

/s/ Michelle N. Comeau
PAUL ALSTON
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DONNA AHUNA - Activity in Case 1:10-cv-00436-SOM-KSC P.-K. et al v. Department of Education, State of Hawai'i Reply to Response to Motion

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District of Hawaii

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R. T. D.
Hawaii Disability Rights Center
E.R. K.
Document Number: 320

Docket Text:
REPLY to Response to Motion re [293] MOTION Identification of Interested Class Members filed by M. D., R. T. D. (through his parents R.D. and M.D., for themselves and on behalf of a class of those similarly situated,), R. D., Hawaii Disability Rights Center, E.R. K.. (Attachments: # (1) Certificate of Word Count, # (2) Declaration of W.P., # (3) Certificate of Service)(Comeau, Michelle)

1:10-cv-00436-SOM-KSC Notice has been electronically mailed to:

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Document description: Main Document
Original filename:n/a
Electronic document Stamp:

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Document description: Declaration of W.P.
Original filename:n/a
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