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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

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

Plaintiffs,

Case No. 10-00436 SOM-KSC

**PLAINTIFFS' STATUS  
REPORT; CERTIFICATE OF  
SERVICE**

DATE: October 29, 2015

TIME: 9:00 a.m.

JUDGE: Kevin S. C. Chang

vs.

DEPARTMENT OF EDUCATION,  
State of Hawai'i,

Defendant.

**PLAINTIFFS' STATUS REPORT FOR OCTOBER 29, 2015  
STATUS CONFERENCE**

Plaintiffs submit the following status report in advance of the October 29, 2015, status conference.

**I. SETTLEMENT OFFER**

At the last status conference the parties discussed the timing of a settlement offer. The Court asked the DOE to prepare a proposal that identifies the components of its offer, without a dollar figure.

**II. CLASS MEMBER SERVICE MATRIX**

Plaintiffs will bring to the status conference the services matrix, which will estimate the services likely to be needed by various groups of Class Members, grouped according to the guideposts discussed by the DOE in May 2015.

### **III. SERVICES FOR PILOT GROUP**

Plaintiffs continue to wait on responses to the counterproposals for the six Pilot Group members submitted on September 28, 2015, and October 6, 2015.

Plaintiffs have prepared a proposed order to be submitted regarding the Department of Health records. Meetings with the case managers are set to take place November 4-6, 2015.

### **IV. IDENTIFYING INTERESTED CLASS MEMBERS**

Plaintiffs are continuing to reach out to Class Members. Plaintiffs will provide the DOE with a list of additional interested Class Members this week. Lexis is searching for parent information.

At last week's status conference, the parties discussed with the Court the November 30, 2015, target date to identify interested Class Members. Specifically, that this date was not a firm "cut-off" date, and that individuals who wished to receive a remedy could still participate. For example, Plaintiffs discussed the possibility that a number of Class Members may wish to participate after they have a better understanding of the services that will be offered.

**V. STIPULATION RE IDENTITY OF CLASS MEMBERS**

Plaintiffs have provided the DOE with an updated list of Class Members that includes the individuals who responded “yes” to Ward Research’s recent calls. Plaintiffs understand the DOE is working on objections to this list.

As discussed at the status conference last week, and as has been discussed in prior correspondence between Plaintiffs and the DOE, the parties agree that the group of individuals receiving compensatory services may be limited by age.

**VI. INTERIM FEE APPLICATION**

As discussed at the last status conference, Plaintiffs are preparing an interim fee application, to be filed in mid-November.

DATED: Honolulu, Hawai`i, October 27, 2015.

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

**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:

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Attorneys for Defendant  
DEPARTMENT OF EDUCATION

DATED: Honolulu, Hawai`i, October 27, 2015.

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

**DONNA AHUNA - Activity in Case 1:10-cv-00436-SOM-KSC P.-K. et al v. Department of Education, State of Hawai'i Status Report**

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**U.S. District Court**

**District of Hawaii**

**Notice of Electronic Filing**

The following transaction was entered by Comeau, Michelle on 10/27/2015 at 8:59 AM HST and filed on 10/27/2015

**Case Name:** P.-K. et al v. Department of Education, State of Hawai'i  
**Case Number:** [1:10-cv-00436-SOM-KSC](#)  
**Filer:** M. D.  
R. T. D.  
Hawaii Disability Rights Center  
E.R. K.

**Document Number:** [282](#)

**Docket Text:**

**STATUS REPORT 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 Service)(Comeau, Michelle)**

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

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**1:10-cv-00436-SOM-KSC Notice will not be electronically mailed to:**

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