

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

K.I., by and through her mother and next)	
friend, JENNIE I., and JENNIE I.,)	
individually,)	
)	
PLAINTIFFS,)	
)	
v.)	CASE NO. 2:06-cv-905-MEF
)	
MONTGOMERY PUBLIC SCHOOLS,)	WO - Do Not Publish
)	
DEFENDANT.)	

MEMORANDUM OPINION AND ORDER

Jennie I., the mother of a child afflicted with arthrogyrosis and the child seek review of an unfavorable administrative decision under the Individuals with Disabilities Education Act (“IDEA”) and bring claims pursuant to Section 504 of the Rehabilitation Act, 29 U.S.C. § 749 for education in the least restrictive environment. One of the motions pending before this Court is the alternative motion for judgment on the pleadings made as an alternative motion to Defendant Montgomery Public Schools’ motion for summary judgment. Because the Court deems it appropriate to address the merits of this case in the context of the motion for summary judgment and not in the context of a motion for judgment on the pleadings and because all of Defendant Montgomery Public Schools’ arguments in support of the motion appear predicated on matters beyond the pleadings,¹ it is hereby ORDERED that the motion

¹ In deciding a Rule 12(c) motion for judgment on the pleadings, a Court may consider only the pleadings, in this case the Complaint and Answer. *See* Fed. R. Civ. P. 12(c).

for judgment on the pleadings (Doc. # 79) is DENIED. The alternative motion for summary judgment (Doc. # 79) remains pending.

Done this the 28th day of March, 2011.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE