

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANNETTE BROWN, <i>et al.</i> ,)	
)	
PLAINTIFFS,)	
)	
v.)	Civ. No. 13-cv-1560 (KBJ)
)	
DISTRICT OF COLUMBIA,)	
)	
DEFENDANT.)	
)	

**OPINION ADOPTING REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

Plaintiffs Annette Brown and her minor child J.B. (collectively, “Plaintiffs”) reside in the District of Columbia. J.B. is disabled and eligible to receive special education services from the District of Columbia Public Schools (“DCPS”) pursuant to the Individuals with Disabilities Education in Act (“IDEA”), 20 U.S.C. §§ 1400-1450. On May 19, 2010, Plaintiffs filed an administrative due process complaint against DCPS “challenging the appropriateness of [J.B.’s] educational programs, placement, and measures initiated by [DCPS] to ensure that [J.B.] received a free appropriate public education[.]” (Ex. 1 to Pls.’ Mot. for Summ. J., ECF No. 12-5, at 1, 3.) Plaintiffs largely prevailed on their administrative complaint (*see id.* 4-17), and in February of 2011, Plaintiffs commenced an action in this court against the District of Columbia (“Defendant”) seeking reimbursement of attorneys’ fees and costs that Plaintiffs had incurred in connection with the administrative action. *See Brown v. Dist. of Columbia*, No. 11-cv-380. On February 10, 2012, the court awarded Plaintiffs \$8,230.23 for attorneys’ fees and costs. *See id.*, Order and Final Judgment, ECF No.

16. In May of 2012, Plaintiffs filed a motion in that same case seeking reimbursement of the attorneys' fees and costs that they incurred in pursuing the earlier request for fees and costs. *Id.*, Pls.' Mot. for an Award of Attorney's Fees and Costs, ECF No. 22. The court granted that motion in part, awarding Plaintiffs an additional \$13,934.55. *Id.*, Order, ECF No. 26.

On February 20, 2012, ten days after the court issued its initial fee order, Plaintiffs invoiced DCPS for an additional \$14,033.18, representing fees and costs that Plaintiffs claim they incurred from November 8, 2010, through February 12, 2012, "to obtain DCPS' compliance with the Hearing Officer's Determination." (Mem. in Supp. of Pls.' Mot. for Summ. J., ECF No. 12-1, at 9.) DCPS paid \$5,010.20 of this invoice, and Plaintiffs commenced the instant action in October of 2013 seeking the balance (\$9,020.98). (Compl., ECF No. 1.)

On November 8, 2013, this Court referred the matter to Magistrate Judge Deborah A. Robinson for full casement management, up to and excluding trial. Thereafter, the parties filed cross-motions for summary judgment. (ECF Nos. 12, 14.) Magistrate Judge Robinson issued a Report and Recommendation (ECF No. 19, attached hereto as Appendix A) regarding these motions, which reflects her belief that Plaintiffs' motion for summary judgment should be denied and that Defendant's cross-motion for summary judgment should be granted with respect to Defendant's contentions that the statute of limitations and the doctrine of res judicata bar this action, and should be denied as moot in all other respects. (Report and Recommendation at 1, 14.) The Report and Recommendation also advised the parties that either party may file written objections to the Report and Recommendation, which must include the portions of the

findings and recommendations to which each objection is made and the basis for each such objection. (*Id.* at 11.) The Report and Recommendation further advised the parties that failure to file timely objections may result in waiver of further review of the matters addressed in the Report and Recommendation. (*Id.*)

Under this Court's local rules, any party who objects to a Report and Recommendation must file a written objection with the Clerk of the Court within 14 days of the party's receipt of the Report and Recommendation. LCvR 72.3(b). This deadline has passed and no objections have been filed.

The Court has reviewed Magistrate Judge Robinson's report and will **ADOPT** the Report and Recommendation in its entirety. *See* LCvR 72.3(c) (district judge may accept in whole the findings and recommendations of the magistrate judge); *ITPE Pension Fund v. Stronghold Security, LLC*, No. 13cv0025, 2014 WL 702580 (Feb. 25, 2014). Accordingly, the Court will **DENY** Plaintiffs' [12] motion for summary judgment and **GRANT** Defendant's [14] cross-motion for summary judgment with respect to Defendant's contentions that the statute of limitations and the doctrine of res judicata bar this action. A separate order and judgment consistent with this opinion will follow.

DATE: August 26, 2014

KetANJI Brown Jackson
KETANJI BROWN JACKSON
United States District Judge