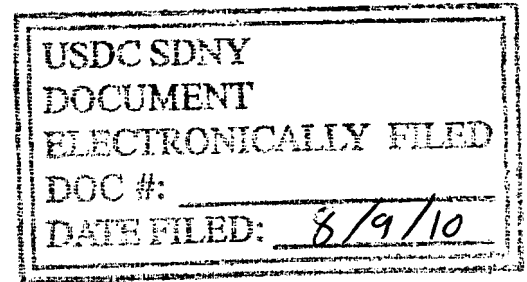


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
B.W. o/b/o K.S., a minor; :
T.S. o/b/o J.W., a minor; :
 :
Plaintiffs, :
 :
-against- :
 :
NEW YORK CITY DEPARTMENT :
OF EDUCATION, :
 :
Defendant. :
-----X

09 Civ. 6686 (HBP)
OPINION
AND ORDER

PITMAN, United States Magistrate Judge:

By notice of motion dated June 28, 2010 (Docket Item 27), plaintiff seeks to recover attorney's and expenses incurred in connection with this action. Plaintiffs seek fees and expenses in the amount of \$37,419.71 and have submitted time records and other documentation in support of this amount. I have previously awarded plaintiffs the sum of \$18,642.50 representing the attorney's fees and expenses incurred in the underlying administrative proceeding.

By letter dated August 2, 2010, a copy of which is annexed hereto, counsel for defendant has advised me that it has reviewed plaintiffs' fee application, finds it reasonable and does not oppose it. Accordingly, plaintiff's are awarded

\$37,419.71 for the attorney's fees and expenses incurred in litigating the present action in this Court.

The Clerk of the Court is directed to enter final judgment in the amount of \$56,062.21 comprised of \$18,642.50 representing the legal fees and expenses incurred in the underlying administrative proceeding and \$37,419.71 representing the legal fees and expenses incurred in this action. The Clerk of the Court is also directed to mark Docket Item 27 closed.

Dated: New York, New York
August 9, 2010

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

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THE CITY OF NEW YORK
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(not for service)

August 2, 2010

BY FAX

Hon. Henry B. Pitman
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: B.W. o/b/o K.S., a minor, et ano. v. New York City Dep't of Educ.,
09 Civ. 6686 (HBP)

Dear Judge Pitman:

I am the Assistant Corporation Counsel assigned to represent Defendant New York City Department of Education in the above referenced matter. By Opinion and Order dated June 3, 2010, the Court granted Plaintiffs' motion for summary judgment, and directed Plaintiffs to submit documentation of their attorney's fees and costs incurred in connection with the present federal action. Plaintiffs did so by motion dated June 28, 2010.

Pursuant to several extension requests that the Court granted, Defendant's opposition papers to Plaintiffs' motion would be due today. However, the City has reviewed Plaintiffs' fee application and finds it to be reasonable. Accordingly, the City does not oppose Plaintiffs' motion and has no objection to the Court entering judgment for Plaintiffs for the full amount of fees and costs sought (i.e., \$37,419.71).

Thank you for your consideration of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Rosinus, Jr.", written over a horizontal line.

David A. Rosinus, Jr. (DR 6431)
Assistant Corporation Counsel