

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

K.H.K. and F.Y.K.T., individually, and on behalf of
their child I.K.,

Plaintiffs,

- v -

NEW YORK CITY DEPARTMENT OF
EDUCATION and NEW YORK STATE
EDUCATION DEPARTMENT,

Defendants.

Civil Action No.: 21-cv-05236 (LJL)


~~PROPOSED~~ **ORDER GRANTING MOTION FOR VACATUR OF SRO DECISION
AND DISMISSAL OF CLAIMS AGAINST NYSED AS MOOT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2)**

Having considered the *Plaintiffs' Motion for Vacatur of SRO Decision and Dismissal of Claims Against NYSED as Moot Pursuant to Federal Rule of Civil Procedure 41(a)(2)* (the "Motion"); and the submissions, supporting documents, and other pleadings and papers submitted in support of the Motion; and due and proper notice of the relief sought in the Motion and the opportunity for a hearing thereon having been provided; and such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and no opposition having been received to the relief sought in the motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is:

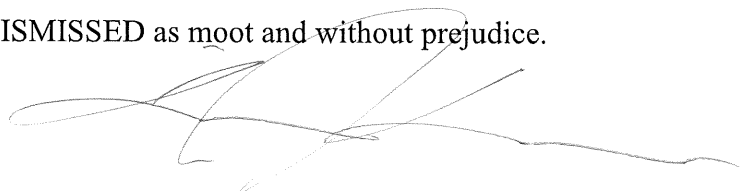
HEREBY ORDERED that Plaintiffs' motion for vacatur due to mootness and to dismiss is GRANTED;

and

IT IS FURTHER ORDERED that the decision of the State Review Officer in the action dated March 15, 2021, captioned Application of a STUDENT WITH A DISABILITY, by her parents, for review of a determination of a hearing officer relating to the provision of educational services by the New York City Department of Education, No. 21-023, is hereby VACATED AS MOOT; and

IT IS FURTHER ORDERED that the claims asserted in this action against Defendant New York State Education Department are DISMISSED as moot and without prejudice.

Dated: 4/3/2022



HON. Lewis J. Liman
United States District Judge