



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#152-23
Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
rfuller@newtonma.gov

April 24, 2023

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Councilors:

I respectfully submit a docket item to the Honorable Council requesting authorization to appropriate and expend the sum of \$525,000 from June 30, 2022 Certified Free Cash, for full and final settlement of *John Doe, Jane Doe and David Doe v. Newton Public Schools et al* (C.A. No. 19-cv-12293-PBS).

Please see the attached request from Carolyn Weisman, Assistant City Solicitor.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

CITY CLERK
NEWTON, MA 02459

2023 APR 24 PM 4:43

RECEIVED

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

CITY SOLICITOR
ALISSA O. GIULIANI

DEPUTY CITY SOLICITOR
JONAH M. TEMPLE

ASSISTANT CITY SOLICITORS
ALAN D. MANDL
JACLYN R. ZAWADA
ANDREW S. LEE
CAROLYN A. WEISMAN
JENNIFER M. WILSON
KRISNA M. BASU
JENNIFER S. KELLY

April 24, 2023

Mayor Ruthanne Fuller
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: Settlement of *John Doe, Jane Doe and David Doe v. Newton Public Schools et al* (C.A. No. 19-cv-12293-PBS)

Dear Honorable Mayor Fuller:

Plaintiffs John Doe and Jane Doe, parents of former Newton Public Schools student, David Doe, filed suit against the Newton Public Schools in December 2022. The lawsuit seeks recovery of attorneys' fees for prior litigation with NPS before the Bureau of Special Education Appeals, the US District Court, and the First Circuit Court of Appeals. Plaintiffs brought this case to recover attorneys' fees as the prevailing party pursuant to the Individuals with Disabilities Education Act.

On April 14, 2023, the parties participated in a court-ordered mediation with a magistrate judge of the US District Court, and arrived at a negotiated compromise whereby the City shall pay \$525,000 to Plaintiffs in full and final settlement of all claims against NPS. We believe this settlement is reasonable given the circumstances of the case. Therefore, I respectfully request that you docket this item for City Council authorization for a transfer of funds in the amount of \$525,000 from an account designated by you into the Law Department's "judgments and settlements" account in accordance with City Ordinance § 15-5.

Sincerely,

/s/Carolyn A. Weisman
Assistant City Solicitor