

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

T.R., et al.,

Plaintiffs,

THE SCHOOL DISTRICT OF PHILADELPHIA,

Defendant.

Case No. 15-cv-4782

**THE SCHOOL DISTRICT OF PHILADELPHIA'S
MOTION FOR SUMMARY JUDGMENT**

Defendant the School District of Philadelphia, hereinafter “the District,” by and through its undersigned counsel, hereby moves this Honorable Court, pursuant to Fed. R. Civ. P. 56, for summary judgment and, in support thereof, avers as follows:

1. Plaintiffs Manqing Lin, her child R.H., and Madeline Perez, and her children D.R. and L.R. (“Plaintiffs”), were added as Plaintiffs to this case on April 20, 2017.

2. In their First Amended Class Action Complaint, Plaintiffs raise claims under the Individuals with Disabilities Education Act (“IDEA”), Section 504 of Rehabilitation Act, the Americans with Disabilities Act as Amended, 22 Pa. Code Chapter 15, the Equal Education Opportunity Act, Title VI of the Civil Rights Act of 1964, and 22 Pa. Code Chapter 14.

3. Plaintiffs’ claims arise from the alleged inability of Ms. Lin and Ms. Perez, who are both limited English proficient, to meaningfully participate in the Individualized Education Program (IEP) processes for their children, as required by the IDEA, due to an alleged lack of language services.

4. For reasons which are more fully set forth in the attached Brief, which is incorporated by reference herein, this Court does not have jurisdiction because Plaintiffs have

not exhausted their administrative remedies as required by the IDEA. Alternatively, this Court lacks jurisdiction because Plaintiffs have suffered no injury-in-fact.

5. Additionally, Plaintiffs fail to state a claim under the IDEA, Section 504 of Rehabilitation Act, the Americans with Disabilities Act as Amended, 22 Pa. Code Chapter 15, the Equal Education Opportunity Act, Title VI of the Civil Rights Act of 1964, and 22 Pa. Code Chapter 14.

WHEREFORE, the School District of Philadelphia respectfully requests that this Honorable Court enter summary judgment in its favor on all counts of Plaintiffs' Amended Complaint.

Date: September 27, 2019

Respectfully submitted:

/s/ Marjorie M. Obod

Marjorie M. Obod, Esquire (#47531)

Katharine V. Hartman, Esquire (#203697)

Danielle Goebel, Esquire (#313622)

DILWORTH PAXSON LLP

1500 Market Street, Suite 3500E

Philadelphia, PA 19102-2101

215-575-7000 / F: 215-575-7200

*Attorneys for Defendant, The School District
of Philadelphia*