

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
JONISHA IVEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 13-1083 (EGS)
)	
DAVIS ELEMENTARY SCHOOL,)	
)	
Defendant.)	
_____)	

MEMORANDUM OPINION

On September 19, 2014, the Court granted the District of Columbia’s motion to dismiss the complaint brought by the mother of two disabled children but stayed this action for one year so that plaintiff could exhaust her administrative remedies under the Individuals with Disabilities Education Act (“IDEA”). *See* Mem. Op. and Order [Dkt. # 11]. The District of Columbia moves pursuant to Fed. R. Civ. P. 59(e) and 60(b)(6) for relief from the order staying the case due to settlement agreements reached for each child while this case was pending. *See* Def. D.C.’s Mot. for Partial Relief [Dkt. # 12], Exs. 1 and 2 (Final Offer of Settlement Pursuant to 20 U.S.C. § 1415(i)(3)(D)(i) by Respondent D.C. Public Schools to Petitioner Jonisha Ivey on Behalf of [Redacted Name], executed March 26, 2014).

It is unclear why the parties did not file a stipulation of dismissal in light of the settlement. However, plaintiff does not dispute the validity of the settlement agreements and is bound by the provision that waives all current and future claims “known and unknown, against DCPS under IDEA” arising from events that took place “up to the date of this Agreement.” *Id.* ¶ 10; *see* Pl.’s Resp. [Dkt. # 15] (requesting time to obtain counsel “and or time to utilize the

administrative remedies”). *Cf. Miller v. U.S.*, 603 F. Supp. 2d 1244, 1251 (D.D.C. 1985) (finding plaintiff “barred by [prior] settlement agreement in which he undertook, for substantial consideration, not to raise the events covered by this action in subsequent administrative or judicial claims”). Permitting time for plaintiff to exhaust her administrative remedies and then seek to reactivate this case would be a futile exercise. Hence, the Court will grant defendant’s pending motion, lift the stay, and dismiss this case with prejudice. A separate order accompanies this Memorandum Opinion.

SIGNED: EMMET G. SULLIVAN
UNITED STATES DISTRICT JUDGE

DATE: December 15, 2014