

Docket No. X07 HHD-CV-14-5037565-S : **SUPERIOR COURT**
CONNECTICUT COALITION FOR : **COMPLEX LITIGATION**
JUSTICE IN EDUCATION FUNDING, INC. : **DOCKET**
ET AL. : **AT HARTFORD**
: **NOVEMBER 20, 2014**
JODI RELL, ET AL. :

MOTION TO MODIFY ORDER AND SCHEDULE STATUS CONFERENCE

Plaintiffs move to modify the current scheduling order, postponing dates currently scheduled and request a status conference be scheduled as soon as possible. Plaintiffs make this request due to a recently discovered document issue that requires remediation making it impractical to meet the current deadlines and adequately prepare for trial while remediating the issue.

During the course of reviewing several hundred thousand documents to respond to Defendants' discovery requests, Plaintiffs' counsel recently identified some emails sent by CCJEF's Project Director, containing instructions to delete the email. Plaintiffs' counsel communicated this information to Defendants on November 7, 2014. Plaintiffs also learned that there were emails between the Project Director and a plaintiff parent that included instructions to delete the email. This development was communicated by Plaintiffs' counsel to Defendants on November 13, 2014.

Based on the information obtained thus far, Plaintiffs' counsel considers it likely that the issue is neither widespread nor directly related to the merits. However, the issue is being taken seriously and a thorough investigation is being conducted in an effort to appropriately remediate the issue. The investigation and remediation efforts are underway, but they will require not only

considerable effort but also time to complete that will make preparing for trial and meeting current deadlines impractical. For this reason, Plaintiffs respectfully ask the Court to grant this request.

Counsel for Plaintiffs has contacted Defendants' counsel regarding this issue and Defendants do not object to modifying the scheduling order and scheduling a status conference. The parties agree that it would be extremely helpful to have a status conference before Thanksgiving, if at all possible

THE PLAINTIFFS

By 

David N. Rosen
David Hunter Smith
David Rosen & Associates, P.C.
400 Orange Street
New Haven CT 06511
(203) 787-3513
(203) 789-1605 Fax
Juris No.: 51235
drosen@davidrosenlaw.com

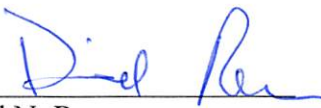
Helen V. Cantwell
Megan K. Bannigan
David Gopstein
Dustin N. Nofziger
David B. Noland
Emily Johnson
Olivia Cheng
Alexandra S. Thompson
Debevoise & Plimpton, LLP
919 Third Avenue
New York, New York 10022
(212) 909-6000
(212) 909-6836 Fax
Juris No.: 434837
dbnoland@debevoise.com

CERTIFICATION

I hereby certify that on November 20, 2014 a true and accurate copy of the foregoing Motion to Modify Order and Schedule Status Conference was sent via electronic mail to the following counsel of record:

Joseph Rubin, Esq., Joseph.Rubin@ct.gov
Beth Z. Margulies, Esq., Beth.Margulies@ct.gov
Eleanor May Mullen, Esq., Eleanor.Mullen@ct.gov
Darren P. Cunningham, Esq., Darren.Cunningham@ct.gov
John DiManno, Esq., John.DiManno@ct.gov
Daniel R. Schaefer, Daniel.schaefer@ct.gov
Claire E. Kindall, Claire.kindall@ct.gov
Gary G. Williams, gary.williams@ct.gov
Lynn Dianne Wittenbrink, lynn.wittenbrink@ct.gov
State of Connecticut
Office of the Attorney General
55 Elm Street
Hartford, CT 06141-0120

Helen V. Cantwell, Esq., hvcantwe@debevoise.com
Megan K. Bannigan, Esq., mkbannig@debevoise.com
David Gopstein, Esq., dgopstein@debevoise.com
David B. Noland, Esq., dbnoland@debevoise.com
Dustin N. Nofziger, Esq., dnnofzig@debevoise.com
Emily Johnson, Esq., eajohnso@debevoise.com
Olivia Cheng, Esq., ocheng@debevoise.com
Alexandra S. Thompson, Esq., athomps1@debevoise.com
Debevoise & Plimpton, LLP
919 Third Avenue
New York, New York 10022



David N. Rosen