

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NIKITA PETTIES, et al.)
))
Plaintiffs,)
))
v.)
))
DISTRICT OF COLUMBIA, et al.)
))
Defendants.)

Civil Action No. 95-0148 (PLF)

**UPDATED REPORT OF THE SUPERVISING COURT MASTER CONCERNING
DEFENDANTS’ COMPLIANCE WITH THE COURT’S ORDERS**

David Gilmore, Supervising Court Master, submits this Updated Report concerning Defendants’ operation of the Division of Transportation (the “Division”). The data for the 17 school days between October 9 and November 2, 2012 demonstrate that Defendants continue to operate the Division in compliance or in substantial compliance with the On-Time Arrival Standard. These data further support my prior Recommendation that the Court permit the Transition Order to expire by its terms, without further action by the Court.

Gilmore Kean LLC has compiled that attached Chart that summarizes the Division’s performance under the On-Time Arrival Standard from August 27 through November 2, 2012. (Attachment A) That chart demonstrates that since I submitted my Report and Recommendation on October 10, 2012, the performance of the Division, as measured by the On-Time Arrival statistics, has continued to improve and has been consistent. During this period of 17 school days, the On-time Arrival rate has ranged between 90.00% and 96.30% on a daily basis, with an average of 93.57%. On 10 of these 17 days, the Division’s performance exceeded the 94%

standard incorporated in the Transition Order, which provides a 20 minute window (10-30 minutes before bell time) for arrival of special needs students at school.

As measured under the 30 minute window (5-35 minutes before bell time) provided by the Demonstration Project the Special Court Master authorized, the Division has experienced a higher level of compliance. The On-Time Arrival rate has ranged between 93.40% and 97.10% on a daily basis, with an average of 95.88%. On 15 of the 17 days, the Division exceeded the 94% standard as measured under the expanded window.

These statistics further support my recommendation that the Court permit the Transition Order to expire, without further order of the Court.

Respectfully submitted,

/s/ David Gilmore

David Gilmore
Supervising Court Master

November 6, 2012