

**04-462 BOARD OF EDUCATION OF THE WAPPINGERS FALLS
CENTRAL SCHOOL DISTRICT, et al. V. ABRAHAMSON, et al.**

QUESTIONS PRESENTED

1. In determining that plaintiffs were prevailing parties entitled to an award of attorneys' fees, did the Court redefine the standard by which courts determine "entitlement" as opposed to "eligibility" of a prevailing party to an award of fees?
2. In construing the safe harbor provisions of the Age Discrimination in Employment Act and the Older Workers Benefit Protection Act, is it necessary to mandate retirement in order to qualify as a valid retirement incentive?