BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

V.

GOLETA UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2022020266

ORDER GRANTING IN PART, AND DENYING IN PART, GOLETA UNION'S MOTION TO STRIKE PORTIONS OF STUDENT'S CLOSING BRIEF

DECEMBER 20, 2022

On February 8, 2022, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student, naming Goleta Union School District as respondent. Administrative Law Judge Laurie Gorsline heard this matter by videoconference on September 27, 28, 29, October 11, 12, 13, 14, 18, 19, 20, and November 1, 2, 3 and 8, 2022. At the conclusion of the hearing on November 8, 2022, the ALJ granted the parties' request to file written closing briefs by December 5, 2022. After discussing the closing briefs with the parties, the ALJ ordered that the parties'

closing briefs not exceed 30 pages, excluding the first page, table of authorities, and tables of contents, and prohibited attachments.

On December 5, 2022, Goleta Union filed its closing brief, which was 30 pages in length, excluding the first page and the tables. On December 5, 2022, Student submitted his 115-page closing brief, consisting of 34 pages of briefing, including the first page. The closing brief also included two attachments, a California Department of Education Investigation Report, and an amicus curiae appellate brief.

On December 6, 2022, Goleta Union filed an objection to Student's closing brief on the grounds it exceeds the page limitation and included attachments. Goleta Union requests that OAH strike pages 32 through 34, as well as the attachments.

On December 8, 2022, Student filed a reply to the objection. Student's counsel claims she remembered the page number limitation incorrectly and realized the error upon reviewing the recording. Student argues that the amicus brief was included as legal authority and not evidence. Student argues that the motion to strike be denied, and, in the alternative, Goleta Union be allowed to file an additional "4.5"-page closing argument.

Student's brief was three pages over the 30-page limitation, excluding the first page and the attachments. Student improperly attached exhibits to his closing brief, violating the order made on November 8, 2022, prohibiting attachments. Contrary to Student's argument, an amicus brief is not legal authority.

Goleta Union's request to strike the attachments to Student's closing brief is granted. The attachments will not be considered. The request to strike pages 32 through 34 of Student's brief is denied. Goleta Union may file additional closing argument, not to exceed three pages, by no later than December 22, 2022 at 10:00 AM.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings