BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013100575
v.	ORDER DENYING MOTION TO STRIKE
IRVINE UNIFIED SCHOOL DISTRICT.	

Parent, on behalf of Student (Student) filed a due process hearing request (complaint) with the Office of Administrative Hearings (OAH), State of California, on October 15, 2013, naming Irvine Unified School District (District).

Administrative Law Judge Laurie Gorsline (ALJ) heard this matter in Irvine, California, on February 18, 19, 20, 24, 25, and 27, 2014. At the close of hearing on February 27, 2014, the ALJ granted a continuance for the parties to file written closing arguments by 12:00 p.m. on March 17, 2014.

At 11:16 p.m., on March 17, 2014, District filed its written closing brief with OAH. At 11:56 a.m., on March 17, 2014, Student filed his written closing brief with OAH. Student emailed his closing brief to District at 1:04 p.m. the same day. Student also sent his written closing brief to District by facsimile transmission, which District received at approximately 1:30 p.m. on March 17, 2014.

On March 18, 2014, District filed a Motion to Strike Student's Closing Brief as Untimely (Motion). On March 19, 2014, Student filed his Opposition. District argues Student obtained an unfair advantage by delaying the filing of his closing brief until after he received District's closing brief in that it gave Student the opportunity to revise his brief before filing it with OAH. Student argues he timely filed his brief with OAH, and District was thereafter served with the brief by email, facsimile transmission and U.S. mail. Student contends no deadline was specified for serving the closing brief on District.

District's Motion is denied. Student timely filed his closing brief with OAH and District received it the same day, shortly after Student's brief was filed.

DATE: March 25, 2014

/s/
LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings