BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENTS ON BEHALF OF STUDENT, v. HEMET UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013090788
HEMET UNIFIED SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH CASE NO. 2014010760 ORDER DENYING DISTRICT'S MOTION TO STRIKE STUDENT'S REPLY BRIEF

The due process hearing in this matter ended on February 6, 2014. The undersigned Administrative Law Judge granted the parties' request to file written closing arguments. Opening briefs were due on February 20, 2014. Reply briefs were due on February 26, 2014, by 5:00 p.m. Both parties timely filed their opening briefs. The District timely filed its reply brief. Student's reply brief was filed with the Office of Administrative Hearings at approximately 11:53 p.m. on February 26, 2014, some seven hours later than it was due.

On February 27, 2014, the District filed a motion to strike Student's reply brief as untimely. Student filed an opposition to the District's motion on February 28, 2014. Student explains that she mistakenly believed that the reply briefs were not due until February 27.

The District did not include a declaration in support of its motion or state how it has been prejudiced by Student's filing of her brief seven hours late. Because there is no prejudice demonstrated to the District by Student's short delay in filing her brief, the District's motion to strike is denied.

IT IS SO ORDERED.

DATE: February 28, 2014

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings