BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LIBERTY UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2017020873 ORDER DENYING REQUEST TO FILE AMENDED CLOSING BRIEF

On May 18, 2017, at the close of the hearing in the above-captioned matter, the undersigned ordered a 20 page limit on the closing briefs to be filed on June 5, 2017. On June 5, 2017, District filed a closing brief slightly more than 24 pages. Student's closing brief was exactly 20 pages. On June 7, 2017, Liberty filed a request seeking the opportunity to amend their closing brief by reducing it to 20 pages. They attached their proposed amended brief. A credible declaration from counsel stated the longer brief was originally filed based on a mis-recollection as to the briefing limit ordered. An immediate effort to correct the mistake was made by Liberty. No opposition to the motion to file an amended brief or objection to the length of district's original brief was filed by Student.

In this situation, no prejudice has been demonstrated to Student by simply accepting the brief originally filed. Although a few more pages were submitted by District than the limit, allowing an amended closing brief would result in District being allowed more time to prepare their brief that Student was allowed. It is more equitable to allow both sides the same amount of time to prepare their closing arguments.

Counsel is cautioned to double-check page limit orders prior to preparing closing briefs.

DATE: June 9, 2017

/s/
PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings