BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT) ON BEHALF STUDENT, v. SAN MARCOS UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013101083
SAN MARCOS UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013110340 ORDER DENYING STUDENT'S MOTION TO STRIKE DISTRICT'S REPLY BRIEF

On January 28 through 30, 2014 and February 3 through 5, 2014, Office of Administrative Hearings (OAH), by the undersigned Administrative Law Judge (ALJ), conducted the due process hearing in this consolidated matter. The ALJ ordered that closing briefs be filed with the OAH on February 26, 2014, and rebuttal, or reply, briefs be filed with OAH by the close of business on March 4, 2014. Both parties filed their closing briefs timely. Student filed her rebuttal brief on March 4, 2014. The District filed its rebuttal brief on March 5, 2014, at approximately 11:34 a.m.

On March 5, 2014, Student filed with OAH a pleading titled "Petitioner's Opposition to District's Reply Brief." Student requests that OAH strike District's rebuttal brief on grounds that it is untimely causing unfair prejudice to Student. Student claims that the prejudice was because District's counsel may have read Student's rebuttal brief prior to filing the District's rebuttal brief. Student's opposition is hereby deemed a motion to strike the District's rebuttal brief.

Student cites no evidence to support her position. The District rebuttal brief addresses only the issues raised in Student's closing brief. In reading the District reply brief, there is no evidence that it took into account the Student's rebuttal brief. Accordingly, Student has not suffered any prejudice by the District filing its rebuttal brief less than a half day late.

Student's motion to strike the District's rebuttal brief is DENIED.

DATE: March 06, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings