BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGUITO UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2018021017 ORDER REGARDING REQUEST TO WITHDRAW UNEXPEDITED CLAIMS AND ORDER EXTENDING DATE FOR FINAL BRIEFING

Student filed this action on February 26, 2018. The action contained claims requiring expedited hearing and claims which did not. Hearing on the unexpedited claims was commenced on March 22, 2018, and completed on April 17, 2018. Decision on the expedited claims was issued on May 7, 2018. Hearing on the unexpedited claims in this matter was convened and completed on May 22, 2018. The parties were given until June 4, 2018, to submit their final briefing on the unexpedited claims.

On May 29, 2018, Student submitted a notice that he wished to withdraw his unexpedited claims. Because hearing on the unexpedited claims had taken place, Student may not withdraw those claims unless the withdrawal was with prejudice to refiling. (Cal. Code Civ. Proc., § 581, subd. (e).) Student did not state that the withdrawal was with prejudice. Accordingly, the request will be understood to be a withdrawal with prejudice unless Student notifies OAH **by June 8, 2018**, that he no longer wishes to dismiss his unexpedited claims. If Student does not file such notice, the withdrawal shall be with prejudice and the unexpedited matter dismissed with prejudice.

The due date for final briefing shall be extended to **June 15, 2018**. No briefing shall be due if the unexpedited claims are withdrawn.

IT IS SO ORDERED.

DATE: May 31, 2018

DocuSigned by:
Chris Butchko
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CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings