BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016061182
v.	ORDER FOR SUPPLEMENTAL BRIEFING ON MOTION FOR DISMISSAL OF STUDENT'S ISSUES 1, 2, AND 5
LOS ANGELES UNIFIED SCHOOL DISTRICT.	

On July 8, 2016, Los Angeles Unified School District filed a motion asking the Office of Administrative Hearings to dismiss Student's issues 1, 2, and 5, contained in his request for due process hearing (complaint) filed on June 20, 2016. The basis of Los Angeles's motion is that Parents and a Los Angeles litigation coordinator executed a settlement agreement on February 2, 2016, during a mediation related to a Los Angeles-filed OAH case, Case No. 2015120682. Los Angeles believes waiver language contained in that settlement agreement prevents Student from raising any claims for acts or omissions allegedly committed by Los Angeles prior to the date of the agreement. Attached to the motion is a declaration by the litigation coordinator who negotiated the February 2, 2016 agreement, and a copy of the agreement.

Student filed an opposition to the motion on July 11, 2016, and argues that the waiver language in the agreement, and the lack of waiver language referencing Civil Code section 1542 relating to unknown claims, allows Student to raise issues 1, 2, and 5. Student's opposition does not include any declarations. Los Angeles filed a reply to Student's opposition on July 12, 2016.

In order to properly analyze the motion and the opposition, additional information is required before a ruling may be made on the pleadings. The parties are ordered to submit further briefing containing more specific information concerning the drafting of the agreement on February 2, 2016, especially naming the person or persons who drafted the agreement.

ORDER

Within five days of this order, each party shall file with OAH additional briefing concerning the drafting of the settlement agreement on February 2, 2016, including sworn declarations supporting any factual assertions included in its briefing.

IT IS SO ORDERED.

DATE: July 13, 2016

DocuSigned by:
Rebecca Freie
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REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings