BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019080644

ORDER DENYING LEAVE TO EXCEED PAGE LIMIT

On October 28, 2019, Student simultaneously filed his closing brief and a request for leave to exceed the page limit imposed on the closing briefs on the last day of hearing by Administrative Law Judge Alexa Hohensee, Office of Administrative Hearings. The Office of Administrative Hearings will be referred to as OAH, and the Administrative Law Judge will be referred to as an ALJ.

On October 29, 2019, Los Angeles Unified School District filed a motion to strike Student's closing brief as not in conformity with the ALJ's order.

The ALJ's order limited the parties to 15 pages at 1.5 line spacing. Student's closing brief was 18 pages long, and included a page numbered "0" and single spacing on the last two pages. The last three pages of Student's closing brief consist of a summary of Student's remedies request.

Student's request was untimely made. By the time the motion was brought, it was too late for Los Angeles to file an objection, or for the ALJ to consider the request, before the closing brief was filed. Accordingly, Student's motion is denied.

However, the statute cited by Los Angeles authorizes a judge to strike all or a part of a pleading (Code of Civ. Proc., § 436), and a closing brief is not a pleading. Accordingly, Los Angeles' motion to strike is denied.

However, Student's closing brief is not in conformity with the page limitation order. The ALJ in a due process hearing has the authority to make such orders as necessary to the orderly conduct of the hearing. (Govt. Code, § 11512(b).)

Here, the last three pages of Student's closing brief do no more than summarize the relief requested and recommended by Student's expert witnesses. The relief requested was already set forth in Student's request for due process, and the ALJ was present and heard the witness testimony. Therefore, there is no prejudice to Student if the ALJ does not consider the pages of Student's closing brief in excess of the page limitation order.

Accordingly, the last three pages of Student's closing brief, which are in excess of the page limitation order, were not, and will not be, considered by the ALJ.

IT IS SO ORDERED.

DocuSigned by:
Alexa Hohensee
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DATED: November 14, 2019

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings