

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SWEETWATER UNION HIGH SCHOOL
DISTRICT AND CORONADO UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2012050894

ORDER DISMISSING CORONADO
UNIFIED SCHOOL DISTRICT AS A
PARTY, IN ACCORDANCE WITH
PRIOR ORDER OF DISMISSAL;
NOTICE OF INSUFFICIENCY IS MOOT

On June 25, 2012, Student filed a second amended complaint with the Office of Administrative Hearings (OAH). On July 10, 2012, Sweetwater Union High School District (SUHSD) filed a Notice of Insufficiency (NOI). By order of July 11, 2012, Administrative Law Judge (ALJ) Robert Helfand found the second amended complaint to be insufficiently pled as to SUHSD; Student was granted 14 days to amend.

On July 10, 2012, Coronado Unified School District (CUSD) filed a motion to dismiss, asserting that the second amended complaint's allegations against CUSD were outside OAH's jurisdiction. On July 19, 2012, ALJ Helfand granted the motion to dismiss and entered an order dismissing CUSD as a party to this due process proceeding.

On July 24, 2012, Student filed a third amended due process complaint. The third amended complaint named CUSD as a respondent in the caption and asked for relief from CUSD. On July 30, 2012, CUSD filed a motion to dismiss and an NOI, as to the third amended complaint, noting that CUSD had previously been dismissed per ALJ Helfand's order. On July 31, 2012, Student filed an objection to CUSD's motion and NOI, stating that CUSD was no longer a party and had no standing. On August 1, 2012, CUSD filed a reply, noting the CUSD was named in the pleading.

DISCUSSION

The third amended complaint names CUSD as a respondent, so CUSD's motion to dismiss is understandable. Student's opposition acknowledges that CUSD was already dismissed and is no longer a party. Therefore, the inclusion of CUSD in the third amended complaint was inadvertent.

Therefore, in accordance with the prior July 19, 2012 order of dismissal, CUSD is dismissed from the third amended complaint, is no longer a party, and shall not be named as a party in any further pleadings herein.

Because CUSD is no longer a party, CUSD's NOI is moot.

ORDER

1. In accordance with the prior July 19, 2012 order of dismissal, CUSD's motion to dismiss it from the third amended complaint is granted and, further, CUSD is dismissed as a party.

2. Since CUSD is no longer a respondent, CUSD shall not be named as a party in any further pleadings.

3. The matter will proceed as to the remaining respondent.

Dated: August 03, 2012

/s/

CLIFFORD H WOOSLEY
Administrative Law Judge
Office of Administrative Hearings