

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LINCOLN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2013090535

ORDER GRANTING REQUEST FOR  
EXTENSION OF TIME TO FILE  
SECOND AMENDED COMPLAINT

On December 16, 2013, Student filed with the Office of Administrative Hearings (OAH) a request for mediator assistance and for an extension of time to file a second amended complaint that was due to be filed by close of business on December 17, 2013.<sup>1</sup> On December 17, 2013, Rebecca P. Feil, Attorney at Law, filed an opposition to Student's request on behalf of the Lincoln Unified School District (District), on the grounds that this matter has been pending for an extended period of time and the District would be prejudiced by a further delay.

During the December 2, 2013 prehearing conference (PHC), administrative law judge (ALJ) Charles Marson granted Student leave to file a second amended complaint by close of business on December 17, 2013. The Order after PHC specifies that if Student has good cause to request additional time to file his second amended complaint, he shall make such request as soon as practicable, and in any event prior to December 17, 2013. This Order also advises Parent that he may request mediator assistance in filing his complaint and that he should contact OAH immediately should he request such assistance.

Parent initially contacted OAH by telephone on or about December 10, 2012, to request mediator assistance. The District contends that Parent has not demonstrated good cause as to why he waited one week to request this assistance. While Parent could have made a request for mediator assistance sooner, Parent's request was not so delayed as to be untimely. Parent timely submitted his request for an extension and will be afforded an additional opportunity to file his second amended complaint with the assistance of a mediator.

The request for extension of to file a second amended complaint is granted. Any amended complaint shall be filed by close of business on January 8, 2013. If Student does

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<sup>1</sup> Student should immediately contact the assigned clerk to obtain information as to which mediator is available to assist him with identifying the issues and proposed resolutions that must be included in a second amended complaint.

not file a second amended complaint within the time allowed by this Order, the amended complaint now pending shall be dismissed with prejudice, in accord with the December 3, 2013 Order after PHC.

IT IS SO ORDERED.

Dated: December 18, 2013

/s/

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THERESA RAVANDI  
Administrative Law Judge  
Office of Administrative Hearings