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10 ORANGE COUNTY DEPARTMENT OF
11 EDUCATION

JS-6

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

12 ORANGE COUNTY DEPARTMENT
13 OF EDUCATION,

14 Petitioner/Plaintiff,

15 v.

16 A.S., a minor, CALIFORNIA
17 DEPARTMENT OF EDUCATION,
18 LOS ANGELES UNIFIED SCHOOL
19 DISTRICT, CHARTER OAK
20 UNIFIED SCHOOL DISTRICT,
21 CALIFORNIA OFFICE OF
22 ADMINISTRATIVE HEARINGS,
23 and DOES 1 through 10, inclusive,

24 Respondents/Defendants.

Case No. SACV 08-00077 JVS
(MLGx)

JUDGMENT

The Honorable James V. Selna,
United States District Judge

1 This action was heard by the Court on June 15, 2009, on the following motions:

- 2 • Plaintiff Orange County Department of Education’s (“OCDE”) Motion
3 for Summary Judgment.
- 4 • Defendant California Department of Education’s (“CDE”) Motion for
5 Summary Judgment, or in the Alternative, for Summary Adjudication.
- 6 • Defendant Los Angeles Unified School District’s (“LAUSD”) Motion
7 for Summary Judgment, or in the Alternative, for Summary
8 Adjudication.
- 9 • Defendant Charter Oak Unified School District’s (“COUSD”) Motion for
10 Summary Judgment.

11 All parties appeared through counsel, as reflected by the record. The Court
12 issued an order on June 18, 2009 GRANTING OCDE’s Motion, DENYING
13 CDE’S Motion, GRANTING LAUSD’s Motion, and GRANTING COUSD’s
14 Motion.

15
16 In accordance with the Court’s June 18, 2009 Order, the Court hereby ENTERS
17 JUDGMENT as follows:

18
19 On OCDE’s Claims Against A.S. And The Office Of Administrative Hearings:

20 1) The Decision rendered by the hearing officer at the October 31, 2007
21 hearing of the Office of Administrative Hearings (“OAH”), in Case No.
22 N2006100050, is hereby reversed.

23 2) As of June 8, 2006, OCDE did not have, and OCDE does not now
24 have, any obligation to implement or fund any portion of the Individualized
25 Educational Program (“IEP”) for the student known in this proceeding as
26 “A.S.,” including his out-of-state placement at the residential treatment
27 facility at Cinnamon Hills, Utah.

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1 3) CDE is the entity entirely responsible for implementing and funding
2 A.S.' educational program for the period between July 28, 2006 and April 19,
3 2009. This responsibility includes the out-of-state placement of A.S. at the
4 residential treatment facility at Cinnamon Hills, Utah.

5 4) Judgment is entered in favor of OCDE.

6 5) OCDE is the prevailing party for purposes of the underlying OAH
7 hearing from which OCDE appeals.

8 6) OCDE is the prevailing party for purposes of its claims against A.S.
9 and OAH in this Action.

10
11 On OCDE's Claims Against CDE:

12 1) Judgment is entered in favor of OCDE and against CDE.

13 2) As of June 8, 2006 OCDE did not have, and OCDE does not now
14 have, any obligation to implement or fund any portion of A.S.' educational
15 program, including his out-of-state placement at the residential treatment
16 facility at Cinnamon Hills, Utah.

17 3) CDE is the entity entirely responsible for implementing and funding
18 A.S.' educational program for the period between July 28, 2006 and April 19,
19 2009. This responsibility includes A.S.' out-of-state placement at the
20 residential treatment facility at Cinnamon Hills, Utah.

21 4) OCDE is the prevailing party for purposes of its claims against CDE in
22 this Action.

23 5) OCDE shall recover its reasonable costs of suit herein as against CDE.

24 6) OCDE shall recover reimbursement for the all costs it incurred for
25 funding A.S.' educational program for the period between July 28, 2006 and
26 April 19, 2009. This reimbursement includes A.S.' out-of-state placement at
27 the residential treatment facility at Cinnamon Hills.

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7) This Court retains jurisdiction over the parties to the extent necessary to allow OCDE to obtain reimbursement from CDE as described herein.

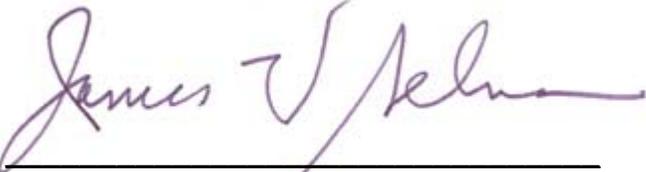
On OCDE’s Claims Against LAUSD:

- 1) Judgment is entered in favor of LAUSD.
- 2) As of July 28, 2006, LAUSD did not have, and LAUSD does not now have, any obligation to implement or fund any portion of A.S.’ educational program, including his out-of-state placement at the residential treatment facility at Cinnamon Hills, Utah.
- 3) LAUSD is a prevailing party for purposes of this appeal.

On OCDE’s Claims Against COUSD

- 1) Judgment is entered in favor of COUSD.
- 2) As of July 28, 2006, COUSD did not have, and COUSD does not now have, any obligation to implement or fund any portion of A.S.’ educational program, including his out-of-state placement at the residential treatment facility at Cinnamon Hills, Utah.
- 3) COUSD is a prevailing party for purposes of this appeal.

Dated: July 9, 2009

By: 

 HON. JAMES V. SELNA
 UNITED STATES DISTRICT JUDGE