

1 KAREN VAN DIJK, Bar No. 205460
 Karen.VanDijk@bbklaw.com
 2 JENNIFER C. BROWN, Bar No. 230181
 Jennifer.brown@bbklaw.com
 3 BEST BEST & KRIEGER LLP
 5 Park Plaza
 4 Suite 1500
 Irvine, CA 92614
 5 Telephone: (949) 263-2600
 Telecopier: (949) 260-0972
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7 Attorneys for Defendant/Cross Claimant,
 ORANGE COUNTY DEPARTMENT OF
 8 EDUCATION

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

11
 12 NEWPORT MESA UNIFIED
 SCHOOL DISTRICT,

13 Plaintiff,

14 v.

15 R.R., a minor, ORANGE COUNTY
 16 DEPARTMENT OF EDUCATION;
 CALIFORNIA DEPARTMENT OF
 17 EDUCATION, and DOES 1 through
 18 10,

19 Defendants.

Case No. SACV09-0980 JVS (MLGx)

The Honorable James V. Selna
 United States District Judge

JUDGMENT

Date: May 3, 2010
 Time: 3:00 p.m.

BEST BEST & KRIEGER LLP
 ATTORNEYS AT LAW
 RIVERSIDE

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1 This action was heard by the Court on May 3, 2010, on the following
2 Motions:

- 3 • Plaintiff Newport Mesa Unified School District's ("NMUSD") Motion
4 for Summary Judgment;
- 5 • Defendant Orange County Department of Education's ("OCDE")
6 Motion for Summary Judgment;
- 7 • Defendant R.R., *et al.*'s ("R.R.") Motion for Summary Judgment; and
- 8 • Defendant California Department of Education's ("CDE") Motion for
9 Summary Judgment.

10 All parties appeared through counsel, as reflected by the record. The Court
11 issued an order on May 3, 2010 GRANTING OCDE's Motion, GRANTING
12 NMUSD's Motion, GRANTING R.R.'s Motion as to CDE, and DENYING CDE'S
13 Motion.

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15 In accordance with the Court's May 3, 2010 Order, the Court hereby ENTERS
16 JUDGMENT as follows:

- 17
18 1) Judgment is entered in favor of NMUSD and OCDE, in favor of R.R.
19 as to its claims against CDE only, and against CDE;
- 20 2) The Decision rendered by the administrative law judge at the June 2,
21 2009 hearing of the Office of Administrative Hearings ("OAH"), in
22 Consolidated Case Nos. 2009010078 and 2009010529
23 ("Administrative Action") is hereby reversed, in part, with respect to
24 its finding that NMUSD is responsible for implementing and funding
25 R.R.'s education following her release from the Orangewood
26 Children's Home ("Orangewood");

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- 1 3) From March 9, 2007 through December 31, 2008, neither NMUSD nor
- 2 OCDE had any obligation to implement or fund any portion of R.R.'s
- 3 educational program, including her out-of-state residential placement at
- 4 Excelsior;
- 5 4) CDE is the entity entirely responsible for implementing and funding
- 6 R.R.'s educational program for the period of March 9, 2007 through
- 7 December 31, 2008, including R.R.'s out-of-state residential placement
- 8 at Excelsior;
- 9 5) CDE is ordered to reimburse OCDE in the amount of \$30,633.46 for
- 10 the educational costs that OCDE expended for R.R.'s educational
- 11 program from March 9, 2007 through December 31, 2008;
- 12 6) NMUSD and OCDE are prevailing parties for purposes of the
- 13 underlying administrative action and the instant appeal thereof;
- 14 7) R.R. is the prevailing party as to the sole issue of which entity was
- 15 responsible for implementing and funding R.R.'s educational program
- 16 for the period of March 9, 2007 through December 31, 2008 against
- 17 CDE only for purposes of the underlying administrative action and the
- 18 instant appeal thereof;
- 19 8) NMUSD, OCDE, and R.R. shall recover their reasonable costs of suit
- 20 herein as against CDE;
- 21 9) This Court retains jurisdiction over the parties to the extent necessary
- 22 to allow OCDE to obtain reimbursement from CDE, as described
- 23 herein; and

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10) This Court retains jurisdiction over the parties to the extent necessary to allow R.R. to obtain prevailing party attorney's fees from CDE pursuant to the Individuals with Disabilities Education Act for purposes of the underlying administrative action and the instant appeal hereof.

Dated: June 02, 2010

By: 
HON. JAMES V. SELNA
UNITED STATES DISTRICT JUDGE