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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

A.V, a minor, by parent and Guardian
ad Litem CONCEPCION VARELA,

Plaintiff,

v.

PANAMA-BUENA VISTA UNION
SCHOOL DISTRICT; RITA PIERUCCI,
(in her official capacity and as an
individual), JANET CLARK, (in her
official capacity), DARRYL POPE, (in
his official capacity and as an
individual), CINDY KOEPP-ROMERO,
(in her official capacity), PATRICK
CALLEY, (in his official capacity and as
an individual), JANE COTHERN, (in
her official capacity and as an
individual), BRITTANY GENTRY, (in
her official and individual capacity),
MATT HARPER (in his official
capacity), Does 9-20,

Defendants.

No. 1:15-cv-00246-MCE-JLT

ORDER REOPENING CASE

The Court is in receipt of Defendant Panama-Buena Vista Union School District's
Ex Parte Request for Clarification on Case Status (ECF No. 146), filed on January 10,
2018 following this Court's adjudication of Plaintiff's Motion for Summary Judgment—
Appeal of Administrative Hearing Decisions (ECF No. 116) by Memorandum and Order

1 filed January 9, 2018 (ECF No. 141). Plaintiff correctly points out that the Memorandum
2 and Order in fact disposed only of Plaintiff's appeal as to the subject OAH decisions on
3 Plaintiff's IDEA claims and did not encompass Plaintiff's non-IDEA claims, which include
4 claims under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq., as
5 well as claims for discrimination and retaliation on the basis of disability and national
6 origin under both Section 504 and Title II of the Americans with Disabilities Act.

7 Consequently, the last sentence of the Court's January 9, 2018 Memorandum
8 and Order, which directed the Clerk of Court to close the file, was made in error and is
9 hereby stricken. The Clerk is therefore ordered to reopen the case in order to permit the
10 adjudication of Plaintiff's remaining claims as enumerated above. The Court notes that
11 Plaintiff filed a Third Amended Complaint on December 4, 2017 (ECF No. 138), and
12 Defendant District, in turn, has filed a Motion to Dismiss/Motion to Strike (ECF No. 138)
13 as to said Third Amended Complaint. That Motion was set for hearing on January 25,
14 2018. The Court notes that Plaintiff's Opposition (ECF No. 138) to the Motion has
15 already been filed; Defendant District is directed to file its reply, if any, not later than
16 January 22, 2018.

17 The parties are also directed to file a Joint Status Report not later than thirty (30)
18 days following the Court's ruling on Defendant's currently pending Motion to
19 Dismiss/Motion to Strike which proposes new deadlines for adjudicating such claims as
20 may be remaining after that ruling.

21 IT IS SO ORDERED.

22 Dated: January 10, 2018

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25 MORRISON C. ENGLAND, JR.
26 UNITED STATES DISTRICT JUDGE
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