

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Z.F, a minor, by and through his)
parents M.A.F and J.F. and)
M.A.F. and J.F. individually;)
L.H., and J.H., minors, by and)
through their parents J.A.A.H.)
and J.R.H. and J.A.A.H. and)
J.R.H. individually; A.N., a)
minor, by and through his)
parents, G.N. and M.R., and G.N.)
and M.R. individually; E.F., a)
minor, by and through his)
parents M.Y.F. and A.F., and)
M.Y.F. and A.F. individually and)
E.R., minor, by and through her)
parents D.R. A.R, and D.R. and)
A.R. individually and J.M, a)
minor, by and through his)
parents E.M. and R.M and E.M.)
and R.M. individually,)

Plaintiffs,)

v.)

RIPON UNIFIED SCHOOL DISTRICT)
(RUSD); RIPON UNIFIED SCHOOL)
DISTRICT BOARD OF TRUSTEES;)
SAN JOAQUIN COUNTY OFFICE OF)
EDUCATION; SAN JOAQUIN COUNTY)
SPECIAL EDUCATION LOCAL PLAN)
AREA (SELPA), VALLEY MOUNTAIN)
REGIONAL CENTER (VMRC),)
MODESTO CITY SCHOOLS,)
MODESTO CITY SCHOOL SELPA,)
MODESTO CITY SCHOOLS BOARD)
OF EDUCATION, TRACY UNIFIED)
SCHOOL DISTRICT (TUSD); TUSD)
BOARD OF EDUCATION;)
STANISLAUS COUNTY SELPA;)
STANISLAUS COUNTY OFFICE OF)
EDUCATION; STOCKTON UNIFIED)
SCHOOL DISTRICT; STOCKTON)
UNIFIED SCHOOL DISTRICT)
SELPA, STOCKTON UNIFIED SCHOOL)

2:08-cv-00855-GEB-JFM

RELATED CASE ORDER

1 DISTRICT BOARD OF EDUCATION;)
2 CALIFORNIA OFFICE OF)
3 ADMINSTRATIVE HEARINGS;)
4 CALIFORNIA DEPARTMENT OF)
5 EDUCATION; CALIFORNIA)
6 DEPARTMENT OF DEVELOPMENTAL)
7 SERVICES; RICHARD JACOBS,)
8 Executive Director of VMRC, in)
9 his official and individual)
10 capacity; TARA SISEMORE-HESTER,)
11 Coordinator for Autism Services)
12 for VMRC, in her official and)
13 individual capacity; LEO ZUBER,)
14 Superintendent for RUSD, in his)
15 official capacity, CAMILLE)
16 TAYLOR, Director of Special)
17 Education for RUSD, in her)
18 official capacity; ARTURO)
19 FLORES, Superintendent of)
20 Modesto City Schools, in his)
21 official and personal capacity;)
22 DIANE SCOTT, Supervisor of Pre-K)
23 - 6 Special Education, Modesto)
24 City Schools SELPA, in her)
25 official and individual)
26 capacity; VIRGINIA JOHNSON,)
27 Director of Modesto City Schools)
28 SELPA, in her official and)
individual capacity; JAMES)
FRANCO, Superintendent of TUSD,)
in his official and individual)
capacity; NANCY HOPPLE, Director)
of Special Education for TUSD,)
in her official and individual)
capacity; DORIAN RICE, Director)
of San Joaquin County Office of)
Education and SELPA, in his)
official and individual)
capacity, SANDEE KLUUDT,)
Assistant Superintendent of San)
Joaquin County Office of)
Education and SELPA, in her)
official and individual)
capacity, FREDERICK WENTWORTH,)
Superintendent of San Joaquin)
County Office of Education, in)
his official and individual)
capacity, REGINA HEDIN,)
Director of Stanislaus County)
SELPA, in her official and)
individual capacity; BONNIE)
JONES-LEE, Special Education)
Director for Stanislaus County)
Office of Education, in her)
official and individual)

1 capacity; TOM CHAGNON,)
2 Superintendent of Stanislaus)
3 County Office of Education, in)
4 his official and individual)
5 capacity; JACK MCLAUGHLIN,)
6 Superintendent of Stockton)
7 Unified School District, in his)
8 official and individual)
9 capacity, Julie Penn, Director)
10 of Stockton Unified School)
11 District Special Education)
12 Department and SELPA, in her)
13 official and individual)
14 capacity, SHERIANNE LABA,)
15 Presiding Judge of Office of)
16 Administrative Hearings, Special)
17 Education Division, in her)
18 official capacity; JACK)
19 O'CONNELL, Superintendent of)
20 California Department of)
21 Education, in his official and)
22 individual capacity; TERRI)
23 DELGADILLO, Director of the)
24 Department of Developmental)
25 Services, in her official and)
26 individual capacity and Does 1 -)
27 200,)
28)
29)
30)
31)
32)
33)
34)
35)
36)
37)
38)
39)
40)
41)
42)
43)
44)
45)
46)
47)
48)
49)
50)
51)
52)
53)
54)
55)
56)
57)
58)
59)
60)
61)
62)
63)
64)
65)
66)
67)
68)
69)
70)
71)
72)
73)
74)
75)
76)
77)
78)
79)
80)
81)
82)
83)
84)
85)
86)
87)
88)
89)
90)
91)
92)
93)
94)
95)
96)
97)
98)
99)
100)

Defendants.

Z.F., a minor by and through his
parents M.A.F. and J.F. and
M.A.F. and J.F. individually;
L.H., and J.H., minors, by and
through their parents J.A. and
J.R.H. and J.A. and J.R.H.
individually; A.N., a minor, by
and through his parents G.N.
and M.R. and G.N. and M.R.
individually,

Plaintiffs,

v.

RIPON UNIFIED SCHOOL DISTRICT
(RUSD); RIPON UNIFIED SCHOOL
DISTRICT BOARD OF TRUSTEES; SAN
JOAQUIN VALLEY COUNTY OFFICE OF
EDUCATION; VALLEY MOUNTAIN
REGIONAL CENTER (VMRC); MODESTO
CITY SCHOOLS; MODESTO CITY
SCHOOLS BOARD OF EDUCATION;
RICHARD JACOBS, Executive

2:10-CV-00523-FCD-EFB

1 Director of VMRC, in his)
 2 official and individual)
 3 capacity; TARA SISEMORE-HESTER,)
 4 Coordinator for Autism Services)
 5 for VMRC, in her official and)
 6 individual capacity; VIRGINIA)
 7 JOHNSON, Director of Modesto)
 8 City Schools SELPA, in her)
 9 official and individual)
 10 capacity; SUE SWARTZLANDER,)
 11 Program Director for Modesto)
 12 City Schools, in her official)
 13 and individual capacity and DOES)
 14 1-200,)
 15)
 16)
 17)
 18)
 19)
 20)
 21)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

Defendants.

11 Defendants Valley Mountain Regional Center, Richard Jacobs and
 12 Tara Sisemore-Hester ("Defendants") filed a Notice of Pendency of Other
 13 Action under L.R. 123 on July 13, 2010, stating "this action is related
 14 to another action on file with this Court: Z.F. v. Ripon Unified School
 15 District *et al*, Case No. 2:08-cv-00855-GEB-JFM." (Docket No. 85, 2:2-3.)
 16 Defendants contend action 2:10-CV-00523-FCD-EFB is related to the
 17 above-action already assigned to the undersigned judge within the
 18 meaning of L.R. 123, because "the Instant Action and the Related Action
 19 are related insofar as they involve the same parties and appear to
 20 involve the same events, underlying facts, and questions of law."
 21 Specifically, Defendants argue:


22 As in the Related Action, Plaintiffs allege that
 23 they were unlawfully denied intensive behavior
 24 treatment for Autism Spectrum Disorder at local
 25 government agencies contracted by the Department of
 26 Education due to the eligibility criteria and
 27 referral process set forth in the EIBT Document.
 28 Moreover, the complaint in the Instant Action
 specifically references the Related Action and
 addresses the exhaustion of administrative remedies
 issue which caused the dismissal of the Related
 Action.

1 (Id., 3:12-17.) Defendants further contend, "[t]he parties to the
2 Instant Action were all parties to the Related Action as well, with the
3 exception of Defendant Sue Swartzlander." (Id., 3:2-4.)

4 In light of the notice of related cases filing, action
5 2:10-CV-00523-FCD-EFB is reassigned to the undersigned judge and
6 Magistrate Judge John F. Moulds for all further proceedings, and any
7 dates currently set in the reassigned case are VACATED.

8 IT IS FURTHER ORDERED that the caption on documents filed in
9 the reassigned case shall show the initials "GEB-JFM" next to the action
10 number. The Clerk of Court shall make an appropriate adjustment in the
11 assignment of civil cases to compensate for this reassignment and shall
12 issue Judge Garland E. Burrell, Jr.'s Order Setting Status (Pretrial
13 Scheduling) Conference in 2:10-CV-00523-GEB-JFM setting a status
14 conference.

15 Dated: July 23, 2010

16
17 
18 _____
19 GARLAND E. BURRELL, JR.
20 United States District Judge
21
22
23
24
25
26
27
28