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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MORGAN HILL CONCERNED  
PARENTS ASSOC., CONCERNED  
PARENTS ASSOC.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
EDUCATION,

Defendant.

No. 2:11-cv-3471 KJM AC

ORDER TO SHOW CAUSE

Plaintiffs in the above-captioned action claim that defendant California Department of Education (CDE) is violating its obligations under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act to ensure that all children with disabilities in California receive a “free appropriate public education,” otherwise known as a FAPE. First Am. Compl., ECF No. 6, at 1-2. Plaintiffs have alleged that CDE is failing to adequately monitor, investigate or enforce the provision of FAPE in local school districts. ECF No. 6 at 2.

It has come to the court’s attention that CDE is implementing a statewide Corrective Action Plan (CAP) concerning its statewide IDEA monitoring obligations under the supervision of the United States District Court for the Northern District of California. See ECF

1 No. 2330 in *Emma C. v. Torlakson*, Case No. 3:96-cv-4179 (VC); *see also* Order filed Dec. 8,  
2 2016 in *Emma C. v. Delaine Eastin, et al.*, Ninth Circuit Court of Appeals No. 14-16479, and  
3 *Emma C. v. State Board of Education*, Ninth Circuit Court of Appeals No. 14-16557 3:96-cv-  
4 04179 VC, slip op. at 5-6. The plaintiffs in this action seek declaratory and injunctive relief  
5 requiring CDE to adopt and implement “a statewide monitoring, investigative and enforcement  
6 model that verifiably measures and ensures the provision of FAPE . . .” ECF No. 6 at 4.

7 The remedial proceedings in *Emma C.* raise the possibility of substantial  
8 duplication of effort by this court. “A trial court may, with propriety, find it is efficient for its  
9 own docket and the fairest course for the parties to enter a stay of an action before it, pending  
10 resolution of independent proceedings which bear upon the case.” *Leyva v. Certified Grocers of*  
11 *California, Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979). In addition, 28 U.S.C. § 1404(a) authorizes  
12 transfer of civil actions “[f]or the convenience of parties and witnesses, in the interest of justice  
13 . . . .”, and both this court and the United States District Court for the Northern District of  
14 California have Local Rules governing Related Cases designed to avoid duplication of judicial  
15 effort and conflicting results. *See* L.R. 123 (E.D. Cal.); Civil L.R. 3-12 (N.D. Cal.).

16 Good cause appearing, IT IS HEREBY ORDERED that within twenty-one days  
17 from the date of this order the parties shall show cause in writing, if any they have, why this  
18 action should not be stayed pending completion of the remedial proceedings in *Emma C.* or, in  
19 the alternative, why this action should not be transferred to the United States District Court for the  
20 Northern District of California for possible relation to *Emma C.* in accordance with the  
21 applicable Local Rule.

22 DATED: November 21, 2017.

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26 UNITED STATES DISTRICT JUDGE  
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