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SCHOOL DISTRICT

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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

12 HRK, BY AND THROUGH HIS
GUARDIAN AD LITEM, JDK,

13 Plaintiff,

14 vs.

15 FREMONT UNION HIGH SCHOOL
16 DISTRICT,

17 Defendant.

CASE NO. C11-05382 LHK

**~~[PROPOSED]~~ ORDER GRANTING THE
PARTIES LEAVE TO FILE
SUPPLEMENTAL BRIEFING**

As Amended

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19 The parties having jointly stipulated to move for administrative relief to allow
20 supplemental briefing, or in the alternative to seek Court approval for the parties simultaneously to
21 file supplemental briefing in order to address an out of Circuit case (*Casey K. ex rel. Norman K. v.*
22 *St. Anne Community High School District No. 302*, 400 F.3d 508 (7th Cir. 2005) raised by the
23 Court at oral argument on the Motion for Preliminary Injunction on January 26, 2012; which case
24 was neither cited, briefed or argued by the parties, and the Court having considered said Motion
25 and Joint Stipulation, the Court hereby makes the following order.

26 **IT IS HEREBY ORDERED** that the parties are granted leave simultaneously to file
27 supplemental briefing on *Casey K. ex rel. Norman K. v. St. Anne Community High School District*
28 *No. 302*, 400 F.3d 508 (7th Cir. 2005) , not to exceed three pages in length per side.

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IT IS FURTHER ORDERED that the parties shall file their separate, supplemental briefing via electronic filing no later than 5:00 p.m. on Wednesday, February 1, 2012.

IT IS FURTHER ORDERED that the Parties must (1) notify the Court immediately if they settle the dispute in this case; (2) file with the Court a copy of the OAH's ruling on Petitioner's due process complaint once the ruling issues; and (3) by February 8, 2012, file a status report, not to exceed 2 pages per side, regarding any new developments that impact Petitioner's pending stay put motion.

IT IS SO ORDERED.

Dated: January 30, 2012


Lucy H. Koh, U.S. District Judge