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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA  
5 SAN JOSE DIVISION  
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7 CUPERTINO UNION SCHOOL  
8 DISTRICT,

9 Plaintiff,

10 v.

11 K.A., BY AND THROUGH S.A. AND J.S.,  
12 et al.,

13 Defendants.

Case No. [13-cv-04659-BLF](#)

**ORDER RE JOINDER OF  
INDISPENSABLE PARTY AND LEAVE  
FOR DEFENDANT TO AMEND  
COUNTERCLAIM; CASE  
MANAGEMENT ORDER**

14 On May 29, 2014, counsel for Plaintiff Cupertino Union School District appeared before  
15 Judge Beth Labson Freeman for a Case Management Conference. Defendant did not appear.

16 Upon careful consideration of the posture in this case as well as controlling authority from  
17 the U.S. Supreme Court, *Winkelman ex rel. Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516  
(2007), the Court ORDERS as follows:

- 18 1. Mr. Subramanyam Ajjampura, Defendant K.A.'s father and court-appointed  
19 guardian ad litem, shall be joined as an indispensable party and named as an  
20 individual defendant in Plaintiff's complaint. Plaintiff shall file an amended  
21 complaint adding Mr. Ajjampura as a named defendant and serve the amended  
22 complaint on all parties.
- 23 2. The Answer filed by Defendant K.A. on November 5, 2013, (Answer, ECF 7), shall  
24 be deemed the answer of Defendant Mr. Ajjampura.
- 25 3. Within **twenty-one (21) days** of the date of this order, Mr. Ajjampura may file an  
26 amended set of counterclaims in his own name. Other than the addition of Mr.  
27 Ajjampura as a named counterclaimant, no other amendments to the counterclaims  
28 will be permitted without further court order. Absent such amendment, the

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counterclaims asserted by Defendant K.A. will be dismissed on the ground that a non-attorney parent is not authorized to represent his child *pro se*. *Johns v. Cnty. of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997).

4. Should Mr. Ajjumpura file counterclaims in his own name, Plaintiff’s Answer to Counterclaim filed November 27, 2013, (Pl.’s Answer, ECF 9), shall be deemed the answer to Mr. Ajjampura’s counterclaims.


5. Because Mr. Ajjampura may represent himself in vindicating his independent right under the IDEA to a free appropriate public education for his child, *Winkelman*, 550 U.S. 516, 533, Defendant K.A.’s Motion for Appointment of Attorney filed May 20, 2014, (ECF 30), is DENIED.<sup>1</sup>

IT IS HEREBY ORDERED that the following schedule shall apply in this case:

EVENT	DEADLINE
Plaintiff to Lodge Administrative Record	June 20, 2014
Parties to File Motions for Summary Judgment	July 18, 2014
Parties to File Opposition to Motions for Summary Judgment	August 1, 2014
Parties to File Replies to Motions for Summary Judgment	August 15, 2014
Hearing on Motions for Summary Judgment	September 4, 2014 9:00 a.m. Courtroom 3, 5 <sup>th</sup> Floor, San Jose Courthouse

IT IS FURTHER ORDERED THAT the parties shall comply with the Civil Local Rules and the Court’s standing orders, which are available on the Court’s website and in the Clerk’s Office.

Dated: May 30, 2014

  
BETH LABSON FREEMAN  
United States District Judge

<sup>1</sup> The Court’s March 12, 2014 Order to Show Cause, (ECF 22), is hereby VACATED.