

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
LEWIS T. BABCOCK, JUDGE

Civil Action No. 15-cv-00426-LTB-MJW

L.S., by and through his parents and next friends, E.S. & J.S.,

Plaintiff,

v.

CALHAN SCHOOL DISTRICT RJ-1 and  
PIKES PEAK BOARD OF COOPERATIVE EDUCATIONAL SERVICES (BOCES),

Defendants.

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ORDER

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On November 11, 2015, I granted the parties' Joint Motion for Order Regarding the Administrative Record and for Extension of Time to Respond to Dispositive Motions [Doc #37] in which I ordered the Colorado Department of Education (CDE) to forward the administrative record in this matter, and to number the entire record sequentially to facilitate uniform citations. In so doing, I directed both parties to submit their pending dispositive motions with citations amended to reflect the uniform CDE administrative record. [Doc #38] Both the CDE and the parties have complied with this order.

Accordingly, I DENY AS MOOT the following dispositive motions filed by the parties prior to the submission of the uniform administrative record by the CDE:

- 1) Plaintiff's Motion for Summary Judgment [**Doc #20**];
- 2) Plaintiff's Motion for Summary Judgment on Defendant's Counterclaim [**Doc #31**]; &
- 3) Defendant's Motion for Judgment on the Administrative Record and Brief in Support [**Doc #32**]

In addition, on February 11, 2016, I granted in part Defendant's Motion to Submit Additional Evidence and Brief in Support [Doc #30] and I ruled that Defendant would be allowed to present additional evidence, and Plaintiff would be allowed to present rebuttal evidence, at an evidentiary hearing. [Doc #51]

Accordingly, I DENY WITHOUT PREJUDICE the following pending dispositive motions, to be amended and re-filed, if appropriate, following the evidentiary hearing:

1) Plaintiff's Corrected Motion for Summary Judgment on Defendant's Counterclaim [Doc #44]; &

2) Defendant's Amended Motion for Judgment on the Administrative Record and Brief in Support [Doc #45].

Dated: February 16, 2016, in Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, JUDGE