

IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA



MAY 04 2017

Kevin Westray, Legal Assistant

█ by and through her guardian, █

Plaintiff,

v.

Docket No. OSAH-DOE-SE-1713447-60-Baxter

ATLANTA INDEPENDENT SCHOOL  
SYSTEM,

Defendant.

**ORDER**

On May 2, 2017, the Court convened for Plaintiff's Due Process Hearing. Plaintiff failed to appear at the start of the hearing. During the hearing, the Court ordered the following in response to motions by the Defendant.

**Defendant's Motion for Summary Determination:**

On April 21, 2017, Defendant filed a partial Motion for Summary Determination addressing the statute of limitations for Plaintiff's claims and the scope of matters to be address in the Due Process Hearing. Defendant supported said motion with supporting affidavits and exhibits. OSAH Rule 616-1-2-.15 states a party opposing a motion for summary determination must show by affidavit or other probative evidence that there is a genuine issue of material fact for determination and that the party may not rest upon mere allegations or denial. Plaintiff failed to substantively respond to Defendant's partial Motion for Summary Determination. For good cause shown, this Court **GRANTS** Defendant's partial Motion for Summary Determination in its entirety.

**Defendant's Notice of Interested Party**

On April 21, 2017, Defendant filed a Notice of Interested Party. In its Notice, Defendant established Centennial Academy as an interested party in the matter. The Defendant designated Carol Santos as a Party Representative who would remain in the courtroom on behalf of Centennial Academy and designated Katika Lovett as a party representative who would remain in the courtroom on behalf of Atlanta Public Schools. Additionally, in its Potential Witness List for Trial filed on April 25, 2017, Defendant notified Plaintiff and this Court that Carol Santos and Katika Lovett may be called as witnesses to testify on behalf of Defendant. Plaintiff failed to substantively respond to Defendant's Notice of Interested Party or Defendant's Potential Witness List for Trial. For good cause shown, this Court **GRANTS** Defendant's Notice of Interested Party.

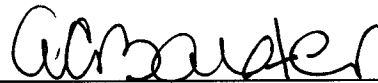
**Defendant's Motion to Dismiss Plaintiff's Due Process Hearing Request with Prejudice**

This matter was originally filed on October 28, 2016. Following several amendments to the due process hearing request and the rescheduling of the hearing, this Court entered an Order on March 24, 2017 setting the hearing for May 2, 2017 at 9:00 a.m. In the week preceding the hearing, Plaintiff sought a thirty-day extension of the hearing based on allegations that [REDACTED] was being bullied at Centennial Academy. After careful review, the Court denied Plaintiff's request and informed the parties that the hearing would go forward as scheduled. The Plaintiff has since filed multiple requests for an extension of the hearing based on allegations that she was medically unable to attend the hearing. After careful review of the medical documentation Plaintiff provided to the Court, the Court found a lack of good shown cause shown for why Plaintiff would be unable to attend the hearing on May 2, 2017. Accordingly, the Court ordered

that the hearing would go forward on May 2, 2017. Additionally, this Court previously ordered Plaintiff would be prohibited from introducing any evidence or testimony other than her own individual testimony because she failed to meet the IDEA and this Court's required deadlines for the exchange of witness lists, exhibits, and copies of subpoenas five business days before the hearing.

The Court convened on May 2, 2017 shortly after 9:00am for Plaintiff's Due Process Hearing. Plaintiff failed to appear, and Plaintiff had the burden of proof in this matter. The Defendant made a Motion to Dismiss this case with Prejudice. In accordance with OSAH Rule 616-1-2-.30, this Court hereby enters this Order and **GRANTS** Defendant's motion that Plaintiff's due process hearing request (originally filed on October 28, 2016, and last amended on March 14, 2017) be **DISMISSED WITH PREJUDICE**.

**SO ORDERED** this 4th day of May 2017.



**AMANDA C. BAXTER**  
**Administrative Law Judge**

Order prepared and presented by:

/s/ Sherry H. Culves

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