

PROPOSED TENTATIVE

The court has discovered during its review of the briefing that on August 3, 2026, plaintiff Santa Maria-Bonita School District submitted with its reply a new request for judicial notice (involving new Exhibits A to I), as well as new declarations from Mathew Beecher and Javier Cavazos, Jr., offered to counter the import of the arguments advanced by defendant in opposition. Additionally, plaintiff has taken it on itself to file a sur-reply brief on September 14, 2026, with a further declaration from Mathew Breecher. The general rule of law and motion practice is that new evidence is not permitted with reply papers. (*Jay v. Mahaffey* (2013) 218 Cal.App.4th 1522, 1537.) This includes a judicial notice request submitted with a reply. (*Lent v. California Costal Com.* (2021) 62 Cal.App.5th 812, 855 [denial of judicial notice is particularly appropriate when made with a reply brief to which opposing party has not had an opportunity to respond].) When this occurs, the court, if it does not strike the new material, should afford the opposing party an opportunity to respond. (*Alliant Ins. Services, Inc. v. Gaddy* (2008) 159 Cal.App.4th 1292, 1307 [trial court properly considered a supplemental declaration submitted with a reply brief, where the court gave the opposing party the opportunity to respond testify in response].) Out of fairness to defendant, therefore, the court will continue the hearing scheduled for September 29, 2026 to November 3, 2026, at 8:30 a.m., in Department 2. The court will afford defendant an opportunity to file response to address the new evidence submitted with plaintiff's reply on August 3, 2026, as well as the new evidence submitted with the plaintiff's sur-reply on September 14, 2026. Defendant's response should be no more than 15 pages in length, and should be filed no later than Friday, October 16, 2026, by 5:00 p.m. This time frame will allow defendant time to address the new evidence and permit the court a reasonable opportunity to assess all briefing. Plaintiff is not authorized to file any further briefing.

No appearance is required at the September 29, 2026 hearing. Counsel is directed to appear either in person or by Zoom at the November 3, 2026 hearing. The Case Management Conference scheduled for September 29, 2026 is also continued to November 3, 2026, in Department 2, at 8:30 a.m.