

## UNITED STATES COURT OF APPEALS

JUN 06 2012

## FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

M. M. and E. M., individually and on  
behalf of the minor son, C.M.,

Plaintiffs - Appellants,

v.

LAFAYETTE SCHOOL DISTRICT, a  
local educational agency; et al.,

Defendants - Appellees.

No. 10-16903

D.C. No. 3:09-cv-03668-SI  
Northern District of California,  
San Francisco

ORDER

Before: ALARCÓN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Appellants' motion to defer the decision in Case No. 10-16903 and to consolidate Case No. 10-16903 with Case Nos. 12-15769 and 12-15770 is DENIED. We take no position about whether Case Nos. 12-15769 and 12-15770 should be consolidated.

Appellee Lafayette School District's request for judicial notice of this court's recent decision, *C.O. v. Portland Public Schools*, \_\_\_ F.3d \_\_\_, 2012 WL 1662625 (9th Cir. May 14, 2012), which is more properly considered a citation to supplemental authority under Federal Rule of Appellate Procedure 28(j), is GRANTED.