

**BEFORE THE NEBRASKA DEPARTMENT OF EDUCATION  
STATE OF NEBRASKA**

)               **CASE NO. 20-04 SE**  
)  
)  
)  
)  
)

**Petitioners,**

)               **ORDER TO DISMISS  
WITHOUT PREJUDICE**  
)  
)

**vs.**

**BELLEVUE PUBLIC SCHOOLS  
2600 Arboretum Drive  
Bellevue, Nebraska 68005**

**Respondent.**

THIS MATTER comes before the Hearing Officer on Petitioner's Motion to Dismiss. The Hearing Officer finds, and orders as follows:

This matter is hereby dismissed without prejudice.

IT IS SO ORDERED.

Dated this 11th day of November, 2020.

By: /s/ Mona L. Burton  
**Mona L. Burton, #21696, Hearing Officer**  
**ANDERSON, CREAGER &**  
**WITTSTRUCK, P.C., L.L.O.**  
1630 K Street  
Lincoln, NE 68508  
(402) 477-8800  
(402) 477-8868 (facsimile)  
mburton@acwllaw.com

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the above and foregoing was duly served on the 11th day of November, 2020, via email on:

Seamus Kelly, #25509  
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/s/ Mona L. Burton  
Mona L. Burton, #21696

BEFORE THE NEBRASKA DEPARTMENT OF EDUCATION

|                          |   |                   |
|--------------------------|---|-------------------|
|                          | ) | CASE NO. 20-04 SE |
|                          | ) |                   |
|                          | ) |                   |
|                          | ) | MOTION TO         |
| Petitioner,              | ) | WITHDRAW PETITION |
|                          | ) |                   |
| Vs.                      | ) |                   |
|                          | ) |                   |
| BELLEVUE PUBLIC SCHOOLS  | ) |                   |
| 2600 Arboretum Drive     | ) |                   |
| Bellevue, Nebraska 68005 | ) |                   |
| Respondent.              | ) |                   |

COMES NOW Petitioner, by and through counsel Seamus Kelly, and respectfully requests the Hearing Officer enter and Order to Dismiss the pending action without prejudice. After the filing of the Due Process Petition, Respondent, through its attorney, and Petitioner have agreed to resolve the issues raised in the Petition through other means.

WHEREFORE, Petitioner prays the Department for an Order dismissing the above captioned action without prejudice

Dated this 10<sup>th</sup> day of November 2020.

/s/ Seamus Kelly  
Seamus Kelly, #25509  
Law Office of Seamus Kelly  
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[seamus@seamuskellylaw.com](mailto:seamus@seamuskellylaw.com)  
Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing was delivered via electronic mail to the following on this 10<sup>th</sup> day of November 2020.

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/s/ Seamus Kelly  
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