

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010120935

ORDER VACATING DUE PROCESS  
HEARING AND SETTING STATUS  
CONFERENCE

On December 28, 2010, Cindy Brining, attorney for Student, filed a due process hearing request against the Los Angeles Unified School District (District). On February 2, 2011, the Office of Administrative Hearings (OAH) granted the parties' joint request for a continuance, setting this matter for a prehearing conference (PHC) on February 4, 2011, at 1:30 p.m.

During the week of March 28, 2011, OAH was informed by District that the parties had reached a final settlement in this matter. OAH did not receive a notice of settlement from either party. Immediately prior to the April 4, 2011, OAH staff attempted to contact Student's counsel for an update on the matter, unsuccessfully. District informed OAH that the matter had settled, however Student had not filed a dismissal.

On April 4, 2011, the undersigned asked staff to contact the parties to let them know that the PHC would be held at 3:00 p.m., instead of the originally calendared 1:30 p.m. Staff was able to contact Julie Hall, on behalf of District. However, Ms. Brining's office did not answer.

At approximately 3:00 p.m. on April 4, 2011, the undersigned attempted to convene the PHC. Ms. Hall was available, however, Ms. Brining's office did not answer. A message was left at Ms. Brining's office that the undersigned would attempt to reconvene the PHC in approximately 10 minutes. The undersigned again attempted to convene the PHC, close to 3:30 p.m. Again, Ms. Hall was available, but Ms. Brining's office did not answer. Another message was left on Ms. Brining voicemail indicating that OAH had attempted to convene the PHC and for Ms. Brining to contact OAH upon her receipt of the message.

Subsequently, Ms. Brining left a message for OAH staff, which was received on April 5, 2011, stating that she had been out of her office on April 4, 2011, because she had already sent a notice of settlement, via facsimile, during the week of March 28, 2011. Because OAH had not received the notice, Ms. Brining was asked to resubmit the document. On April 5, 2011, Ms. Brining informed OAH that she was out of town and would not return until April

8, 2011, but would send the notice of settlement and request for dismissal upon her return, if not sooner.

Based upon both parties verbal confirmation to OAH that the matter has settled, and pending receipt of the request to dismiss, this matter is set as follows:

1. All dates in this matter are vacated.
2. A status conference will be held on April 13, 2011, at 2:00 P.M.

IT IS SO ORDERED

Dated: April 7, 2011

/s/

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BOB VARMA  
Administrative Law Judge  
Office of Administrative Hearings