

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

JUNCTION ELEMENTARY SCHOOL
DISTRICT, COLUMBIA ELEMENTARY
SCHOOL DISTRICT, CHRYSALIS
CHARTER SCHOOL AND NORTH COW
CREEK SCHOOL DISTRICT.

OAH CASE NO. 2012110685

ORDER DENYING REQUEST TO
RESET MEDIATION AND
CANCELING CURRENTLY
SCHEDULED MEDIATION

On April 24, 2013, the parties jointly filed a creature heretofore unseen, “Stipulation to Assign Judge Pro Tem to Mediate on May 6, 2013.” To call this document a request or motion would not do the parties’ actions justice. In this document, the parties state that they are unavailable for the currently scheduled May 9, 2013 mediation. They have themselves determined that the Office of Administrative Hearings (OAH) reset their mediation on May 6, 2013. The parties acknowledge that May 6, 2013, is a Monday and a Monday mediation is outside of OAH’s established scheduling procedures.¹ They have determined amongst themselves, however, that they have good cause for a Monday mediation. It appears the parties have decided to withhold the underlying facts that would establish good cause from OAH, other than to state that they have all determined they are not available on any other date. Finally, based upon their own analysis and determinations, the parties have jointly stipulated to the assignment of an Administrative Law Judge Pro Tem as their mediator for May 6, 2013, and “request” that OAH accordingly reset their mediation.

While OAH appreciates the deliberations and determinations the parties have undertaken, OAH declines to surrender its authority to determine whether good cause exists to calendar a matter on a date other than one assigned by OAH. OAH further declines to surrender its authority to determine which judge shall be assigned to a particular matter.

¹ The parties are all represented by counsel, F. Richard Ruderman, S. Diane Beall, Jennifer R. Fain, and Heather M. Edwards, who routinely practice before OAH and are well aware of OAH’s calendaring procedures and guidelines.

To the extent that the parties' "Stipulation to Assign Judge Pro Tem to Mediate on May 6, 2013" can be considered a request to reset or a motion, it is denied for failure to establish good cause. Mediation is voluntary and OAH accepts a party's representation that they are unavailable for mediation as grounds to cancel the mediation. Here, OAH accepts the parties' statement that they are not available for the currently scheduled May 9, 2013 mediation. Accordingly, the parties' request for mediation on May 6, 2013, is denied and the May 9, 2013 mediation is vacated.

IT IS SO ORDERED.

Dated: April 25, 2013

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings