

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT on behalf of STUDENT,

vs.

TEMECULA VALLEY UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2009040514

TEMECULA VALLEY UNIFIED SCHOOL
DISTRICT,

vs.

PARENT on behalf of STUDENT.

OAH CASE NO. 20090500048 &
2009031335

ORDER GRANTING PEREMPTORY
CHALLENGE

On August 12, 2009, Ralph O. Lewis, attorney for Student, filed a notice of peremptory challenge to Administrative Law Judge (ALJ) Stella Owens-Murrell in the above captioned matter. Student's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act (APA), and California Code of Regulations, title 1, section 1034.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subs. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the Hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).)

Student's peremptory challenge to ALJ Owens-Murrell is timely made and is granted pursuant to Government section 11425.40, subdivisions (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

IT IS SO ORDERED

Dated: August 13, 2009

/s/

ANN F. MACMURRAY
Presiding Administrative Law Judge
Office of Administrative Hearings