

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS on behalf of STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2008070767

ORDER FOLLOWING PREHEARING
CONFERENCE

On June 15, 2009, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Elsa H. Jones, Office of Administrative Hearings (OAH). Tara Canady, Attorney at Law, of Martin & Martin, LLP, appeared on behalf of Student and Parents (collectively, Student). Patrick Balucan, Assistant General Counsel, appeared on behalf of the Los Angeles Unified School District (District). The PHC was not recorded.

Based on discussion with the parties, the ALJ issues the following Order:

1. Hearing Dates, Times, and Location. The hearing shall take place from **June 22, 2009 through June 26, 2009**. The hearing shall begin each day at 9:30 a.m., unless otherwise ordered, at the offices of the District, located at 333 South Beaudry Avenue, 17th Floor, Los Angeles, California 90017.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing “good cause” to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

2. PHC. Due to the ongoing settlement negotiations between the parties, the PHC is continued and shall be held on the first day of hearing, immediately preceding the commencement of the hearing.

3. Exchange of Exhibits, Exhibit Lists, and Witness Lists. Due to ongoing settlement negotiations, the parties stipulated at the PHC to extend the time to exchange their final exhibit lists, final witness lists, and exhibits, such that those materials shall be exchanged by no later than **3:00 p.m. on June 19, 2009**. Each party shall also file its final exhibit list and witness list with OAH by no later than **3:00 p.m. on June 19, 2009**. The parties shall not serve exhibits on OAH prior to the hearing.

4. Exhibits. Exhibits shall be pre-marked and placed in three-ring exhibit binders prior to the hearing. Student shall use numbers, commencing with the number “1,” preceded by the letter “S,” to identify exhibits. District shall use numbers, commencing with the number “1,” preceded by the letter “D,” to identify exhibits. Each exhibit shall be internally paginated, by exhibit, or all of a party’s exhibits shall be consecutively numbered by Bates stamp or by other similar method. Each exhibit binder shall contain a detailed table of contents. At the hearing, the parties are to supply an exhibit binder containing their respective exhibits for use by the ALJ, and a second exhibit binder for use by witnesses. In the event of duplicate exhibits, the most legible version will be used.

Unless used solely for rebuttal or impeachment, any exhibit not included in a party’s final exhibit list and not previously exchanged shall not be admitted into evidence at hearing at the request of that party, except for good cause shown and at the discretion of the ALJ, and unless the exhibit is otherwise admissible as evidence.

5. Witnesses. Each party is responsible for procuring the attendance at hearing of its own witnesses. Each party shall make witnesses under its control reasonably available. The parties shall schedule their witnesses to avoid delays in the hearing and to minimize or eliminate the need for calling witnesses out of order. Neither party shall be permitted to call any witnesses not disclosed in the party’s final witness list, except for good cause shown, and at the discretion of the ALJ.

6. Conduct of Counsel and Hearing Room Decorum. Counsel, all parties, and all witness shall conduct themselves in a professional and courteous manner at all times. Cellular phones, pagers, recorders, and other noisemaking electronic devices shall be shut off or set to vibrate during the hearing unless permission to the contrary is obtained from the ALJ.

7. Reimbursement. Any party seeking reimbursement of expenditures shall present admissible evidence of these expenditures, or a stipulation to the amount of expenditures, as part of its case in chief.

8. Settlement. The parties are encouraged to continue their attempts to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If a settlement is reached five days or fewer than five days before the due process hearing is scheduled to begin, the parties shall, in addition, immediately inform OAH of that fact by telephone at (916) 263-0880. IF A FULL AND FINAL SETTLEMENT IS REACHED AFTER 5:00 P.M. THE DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035, AND SHALL ALSO LEAVE CELLULAR PHONE NUMBERS OF COUNSEL FOR EACH PARTY. The ALJ will check for messages the evening prior to the hearing and the morning of the hearing.

9. Failure to comply with this Order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

Dated: June 16, 2009

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings