

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LINCOLN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011090998

ORDER VACATING STATUS
CONFERENCE AND CONFIRMING
TIME OF EXPEDITED HEARING

On October 14, 2011, Administrative Law Judge (ALJ) Charles Marson issued orders titled "Order Following Prehearing Conference" and "Granting in Part and Denying in Part District's Motion to Dismiss." These orders collectively set forth the dates, times, and issues to be determined at the expedited portion of the hearing of this matter.

Following ALJ Marson's orders, the parties were notified that a telephonic status conference would be held at 10:00 a.m., October 25, 2011, the morning of the hearing, and that the hearing on the expedited matter would follow at 2:00 p.m.

On October 24, 2011, the Lincoln Unified School District (District) filed a Motion to Dismiss the Expedited Hearing for Failure to Prosecute based on Student's failure to serve his evidence binder upon District.

Between the issuance of ALJ Marson's orders, and the District's filing of its Motion to Dismiss for Failure to Prosecute, ALJ Gary A. Geren was assigned to hear this matter. To assure clarity with how the expedited hearing will now proceed, the undersigned issues the following order:

1. The status conference previously set for October 25, 2011, is vacated;
2. The commencement of the expedited hearing is confirmed for October 25, 2011, at 2:00 p.m., to be held at Village Oaks School, 1900 W. Swain Rd., Stockton, CA 95207, and it shall proceed as set forth in ALL Marson's Order Following Prehearing Conference;
3. The matters to be determined at the expedited hearing are those set forth in ALJ Marson's Order Granting and Denying in Part District's Motion to Dismiss;

4. District shall produce at hearing a schedule and/or calendar setting forth the school days that Student has not attended following his expulsion, so that the deadline for the issuance of the decision on the expedited matter may be calculated; and

All pending matters, including District's Motion to Dismiss for Failure to Prosecute, shall be ruled on at the onset of the hearing.

IT IS SO ORDERED.

Dated: October 24, 2011

/s/

GARY A. GEREN
Administrative Law Judge
Office of Administrative Hearings