

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

FRESNO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011120458

ORDER TO SHOW CAUSE RE  
DISMISSAL, NOTICE OF  
TELEPHONIC HEARING AND  
DENYING REQUEST FOR STATUS  
CONFERENCE

Student is ordered to show cause as to why the above captioned matter should not be dismissed with prejudice for failure to participate, prosecute or advance the matter.

This case is set for hearing on February 21, 22, 23, 28, 29 and March 1, 2012, and for telephonic prehearing conference (PHC) on February 13, 2012, at 10:00 a.m. On February 9 and 13, 2013, the Office of Administrative Hearings (OAH) contacted Student's counsel, Elaine Yama-Garcia, regarding the status of the case, because OAH had not received Student's PHC statement, and left telephone messages. On February 9, 2012, District's counsel, Sang-Jin Nam, informed OAH that the parties had settled the matter and Ms. Yama-Garcia should be sending a dismissal request. OAH advised Student's counsel to file a written notice of withdrawal if the matter had settled, or the PHC would proceed as scheduled. Student's counsel did not respond to OAH's status request. No such written notice was filed. Ms. Yama-Garcia did not appear at the PHC. Subsequent to the PHC, Ms. Yama-Garcia, submitted on behalf of Student, a request to vacate the PHC and hearing dates and to set a status conference as the parties reached a settlement agreement that is contingent on the District's board approval. Student did not submit proof of the agreement to OAH.

Because Ms. Yama-Garcia was not present for the PHC nor submitted proof of the agreement before the PHC, the request for a status conference is denied and a telephonic hearing is hereby set for Friday, February 17, 2012, at 10:00 a.m., at which time Student's counsel shall show cause why this matter should not be dismissed with prejudice for failure to participate, prosecute or advance the matter. The parties are further ordered to file a PHC statement by 5:00 p.m. on Thursday, February 16, 2012. If Student submits proof of the

agreement to OAH before 5:00 p.m. on Wednesday, February 15, 2012, OAH shall consider setting a status conference.

IT IS SO ORDERED.

Dated: February 13, 2012

/s/

---

PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings