

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

HACIENDA LA PUENTE UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011120702

ORDER TO SHOW CAUSE RE:
DISMISSAL

On December 21, 2011, Student filed a Request for Due Process (complaint) naming the Hacienda La Puente Unified School District (District) as respondent. On December 23, 2011, the Office of Administrative Hearings (OAH) served Student with a scheduling order setting forth a telephonic prehearing conference (PHC) for February 8, 2012 at 1:30 p.m. On February 6, 2012, OAH staff contacted Student's counsel, Ronald Faulk, to ascertain why he had not filed a PHC statement on Student's behalf, which was due on February 3, 2012. Mr. Faulk advised OAH staff that the case was settling, that he would try to get the settlement agreement executed, and if he was unsuccessful, would file a PHC statement. On February 7, 2012, and again on the morning of February 8, 2012, OAH staff contacted Mr. Faulk again to ascertain status of filing his PHC statement, or, in the alternative, a request to withdraw case. However, Mr. Faulk never filed a request for withdrawal, or a PHC statement. On February 8, 2012, Administrative Law Judge (ALJ) Carla L. Garrett convened the PHC. Mr. Faulk appeared on behalf of Student, and Ricardo Silva, Attorney at Law, appeared on behalf of District. Mr. Faulk advised that he was awaiting his client's signature on the settlement agreement, but had no definitive idea when he would be receiving the executed agreement. Mr. Faulk was not prepared to go forward with the PHC.

Student is ordered to show cause, at a telephonic hearing on February 13, 2012 at 1:30 p.m., as to why this matter should not be dismissed for failure to participate, prosecute, or advance the matter. Should Student provide adequate justification at the hearing on the order to show cause, the PHC will proceed at that time. Student is further ordered to file a PHC statement by 10:00 a.m. on Monday, February 13, 2012 if the matter has not been settled.

Dated: February 09, 2012

/s/

CARLA L GARRETT
Administrative Law Judge
Office of Administrative Hearings