

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANAHEIM UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2012031076

ORDER GRANTING PEREMPTORY
CHALLENGE

On April 11, 2012, counsel for the Anaheim Union High School District (District) filed with the Office of Administrative Hearings (OAH) a peremptory challenge seeking to disqualify Administrative Law Judge (ALJ) Paul Kamoroff from hearing this case.

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 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).) A peremptory challenge is not allowed on reconsideration or remand, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

The District's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

IT IS SO ORDERED.

ORDER

1. The District's challenge of ALJ Kamoroff is granted.
2. [If the challenge is denied or if there is sufficient time to assign a different ALJ to the case, use this language.] All dates previously set in this matter will remain on calendar.
3. [If the challenge is granted and it is necessary to continue the matter to assign a new ALJ to the case, use this language.] The previously set [prehearing conference/hearing]

date(s) are continued. A mandatory telephonic trial setting conference is set for [Date], at [Time] a.m./p.m. OAH will initiate the call.

Dated: April 11, 2012

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings