

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2012080512

v.

TEMECULA VALLEY UNIFIED SCHOOL
DISTRICT and THE KEEGAN ACADEMY.

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2012080514

v.

TEMECULA VALLEY UNIFIED SCHOOL
DISTRICT and THE KEEGAN ACADEMY.

ORDER GRANTING MOTION FOR
TELEPHONIC TESTIMONY OF JULIE
HRUBY

On November 7, 2012, Students filed a motion to permit witness Julie Hruby to testify by telephone. Students inform that Ms. Hruby lives in South Pasadena, an approximately two hour drive from the District's offices where the hearing is scheduled to take place.

Whether a witness may appear by telephone is a matter within the discretion of the ALJ. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) Any party seeking to present a witness by telephone shall move in advance for leave to do so, unless the opposing party has stipulated that the witness may appear by telephone. The proponent of the witness shall provide the proposed witness with a complete set of exhibit binders from all parties, containing all of each party's exhibits, prior to the hearing. Generally, the party proposing the witness shall ensure that the hearing room has sound equipment that allows everyone in the room to hear the witness, and the witness to hear objections and rulings. No witness will be heard by telephone unless all these requirements have been fulfilled.

Students' motion to allow witness Julie Hruby to testify telephonically is granted. Students shall provide the witness with a complete exhibit binder from all parties, containing all of each party's exhibits, prior to the hearing. As Student has no control over the equipment available at the District's offices, the District shall ensure that the hearing room has sound equipment that allows everyone in the room to hear the witness.

IT IS SO ORDERED.

Dated: November 9, 2012

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings