

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

HEMET UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NOS. 2012090499 and
2012110300

PARENT ON BEHALF OF STUDENT,

v.

HEMET UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012110702

ORDER GRANTING REQUEST FOR
SECOND PREHEARING CONFERENCE

On January 14, 2013, a telephonic pre-hearing conference (PHC) was held before Administrative Law Judge (ALJ) Marian H. Tully, Office of Administrative Hearings (OAH). At the PHC, the parties stipulated to the consolidation of Student's case with District's consolidated cases and to proceed with the PHC as to all three cases. An Order Following Prehearing Conference issued January 15, 2013. The PHC Order and the record reflect that the parties agreed to the issues as to all three consolidated cases, and that no further motions were anticipated before the date set for hearing, and neither party sought to amend their previously filed prehearing conference statements, witness or exhibit lists.

On January 17, 2013, District filed a motion to set a second PHC on the grounds it had not filed a prehearing conference statement in Student's case, and it had not had an opportunity to identify witnesses and exhibits relevant to Student's case. Student neither joins nor objects to District's motion. District has not proffered any issue or identified witnesses or exhibits not previously disclosed that would be relevant to the defense of Student's case. To the extent Student or District needs to discuss changes to the evidence or hearing procedure due to the consolidation of Student's case, District's motion is granted. District may be subject to sanctions for filing a frivolous motion if there is no material change to the evidence or hearing procedure at the second prehearing conference.

ORDER

1. District's request for a second prehearing conference is granted.
2. The second telephonic prehearing conference shall be held at 1:30 PM, on February 4, 2013.

Dated: January 23, 2013

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings