

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT, ABC UNIFIED SCHOOL
DISTRICT, AND CALIFORNIA
DEPARTMENT OF EDUCATION.

OAH Case No. 2015020992

ORDER GRANTING JOINT REQUEST
FOR TELEPHONIC TESTIMONY OF
JIM MATTHEWS

On October 9, 2015, the parties submitted a Joint Stipulation to Allow Telephonic Testimony of Jim Matthews, on the basis that he is a former employee of ABC Unified School District who now resides out of state and arranging for his personal appearance at the due process hearing would create undue burden and additional expense for the parties. The parties all agreed to allow the telephonic testimony of Mr. Matthews at a date and time agreeable to the parties and the Administrative Law Judge. ABC Unified agreed to provide the parties' evidence to Mr. Matthews before he testifies.

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 each 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; and 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. Unless otherwise ordered, the witness shall testify from a private room using a landline telephone. No witness will be heard by telephone unless all these requirements have been fulfilled.

The telephonic testimony of Mr. Matthews is authorized, subject to modification in the event a reasonable attempt to take Mr. Matthew's testimony telephonically does not result in fair participation of the parties or a quality sound recording. ABC Unified is ordered to provide Mr. Matthews with physical copies of the exhibit binders from all parties, containing all of each party's exhibits, exactly as they were prepared by each party. On the

first day of hearing, the parties and the ALJ will discuss the proposed witness schedule and coordinate for a date and time for Mr. Matthews' testimony.

IT IS SO ORDERED.

DATE: October 9, 2015

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings