

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

In the Matter of the Fair Hearing Request of:

AUSTIN P.,

Claimant,

and

HARBOR REGIONAL CENTER,

Service Agency.

OAH No. 2011031484

**PREHEARING CONFERENCE
ORDER**

On October 17, 2011, a telephonic Prehearing Conference was held before David B. Rosenman, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), at Los Angeles, California. The following appearances were made: Francine Eth Clebowicz for Claimant, and Mona Z. Hanna and Gigi Thompson for Harbor Regional Center (HRC).

Pursuant to the authority in Government Code section 11511.5 and California Code of Regulations, title 1 (CCR), section 1026, discussions with the parties, and good cause appearing therefore, the following Orders relating to the conduct of the hearing are hereby made:

1. Hearing Date, Time and Location

a. The hearing in this matter is scheduled to begin at 9:00 a.m. on November 14, 2011, and continue day-to-day, through November 18, 2011 (**NOTE:** one day of hearing has been added), if necessary, at HRC, 21231 Hawthorne Blvd., Torrance, California.

b. Ms. Hanna notified the ALJ of a possible calendar conflict. Ms. Hanna is to notify OAH as soon as possible if the conflict occurs.

2. Issues

After discussion with counsel, the following issues are to be determined:

a. Claimant presently receives funding from the Service Agency for five hours per month of direct intensive behavior intervention services. Should the Service Agency fund an additional 35 hours per week of these services?

b. Claimant presently receives funding from the Service Agency for ten hours per month of respite services. Should the Service Agency fund 30 hours per month total of respite services or behavioral respite services?

3. Meet and Confer

By November 1, 2011, the parties shall meet, in person or by telephone, to discuss a combined exhibit list and any stipulations as to the facts and/or admissibility of the evidence. There shall be no duplicate exhibits. The joint exhibit list and any written confirmation or joint statement containing such stipulations shall be filed by November 7, 2011.

4. Witnesses and Exhibits

a. Except for good cause shown or for rebuttal, and at the discretion of the Administrative Law Judge, no exhibit not included in the exhibit lists and not previously exchanged in discovery may be marked for identification or admitted into evidence at the hearing, and no witness not included in the witness lists may testify at the hearing.

b. The parties are directed to schedule their witnesses so as to avoid any delays in the hearing and so as to accommodate the witnesses' schedules to eliminate or reduce the need to take witnesses out of order. All witnesses are to be prepared to continue their testimony day-to-day if their testimony is not concluded on the day they first testify, and the parties shall inform witnesses of this obligation.

5. Courtroom Conduct

a. Cellular phones, pagers, and similar devices shall be turned off or to silent mode while court is in session.

b. Parties and witnesses shall be prompt for all court sessions.

c. Courtesy toward and by everyone in the courtroom is required at all times.

d. Parties shall not present argument in support of any objection unless requested to by the Administrative Law Judge. When objecting, simply state "Objection," and the legal grounds.

IT IS SO ORDERED.

DATED: October 17, 2011.

DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings