BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MODESTO CITY SCHOOLS AND STANISLAUS COUNTY DEPARTMENT OF EDUCATION.

OAH CASE NUMBER 2022040954

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING STUDENT'S MOTION TO AMEND AND DENYING STANISLAUS' MOTION TO QUASH AS MOOT

JULY 11, 2022

On April 28, 2022, Student filed a complaint naming Modesto City Schools and Stanislaus County Department of Education. On July 5, 2022, Student filed a Motion to Amend along with a First Amended Complaint against the same respondents. No written opposition was received to the Motion to Amend.

On July 8, 2022, Administrative Law Judge Ted Mann, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law

Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Daniel Shaw, Attorney at Law, appeared on behalf of Student. Marcy Gutierrez, Attorney at Law, appeared on behalf of Modesto. Jennifer Fain, Attorney at Law, appeared on behalf of Stanislaus County. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

MOTION TO AMEND

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Here, Student's Motion to Amend is timely filed and is unopposed by either Stockton or Stanislaus County. As such, Student's motion to Amend is granted. All applicable timelines shall be reset as of the date of this Order and OAH will issue a new Scheduling Order setting dates for the PHC and the due process hearing.

MOTION TO QUASH SUBPOENA

On June 30, 2022, Student served a subpoena on Stanislaus County to produce documents at hearing. On July 1, 2022, Stanislaus County filed a Motion to Quash the subpoena. On July 5, 2022, Student filed an Opposition to the Motion to Quash.

As Student's Motion to Amend has been granted, Stanislaus County's current Motion to Quash is mooted. Stanislaus County's Motion to Quash is denied without

prejudice. In the event that Student reserves a similar subpoena at a later date, Stanislaus County will be entitled to refile its Motion to Quash.

IT IS SO ORDERED.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings