BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

# IN THE CONSOLIDATED MATTERS INVOLVING:

# PARENT ON BEHALF OF STUDENT

# AND

# LOS ANGELES UNIFIED SCHOOL DISTRICT.

# OAH CASE NUMBER 2022080663

# OAH CASE NUMBER 2022070154

# DISCHARGE OF ORDER TO SHOW CAUSE WHY OAH'S COSTS FOR THE OCTOBER 3, 2022 PREHEARING CONFERENCE SHOULD NOT BE SHIFTED TO STUDENT

OCTOBER 17, 2022

On August 23, 2022, Student filed a request for due process hearing naming Los Angeles Unified School District, referred to as LAUSD, in case no. 2022080663, called Student's Case. On September 14, 2022, Student's Case was consolidated with case no. 2022070154, filed by LAUSD naming Student, on July 7, 2022, called District's Case. Student's Case was designated as the primary case in the consolidated matter.

In the Scheduling Order dated August 23, 2022, issued in Student's Case a prehearing conference, called a PHC was scheduled for October 3, 2022 at 1:00 PM. The

Scheduling Order noted that PHC statements were due to be filed with OAH on or before September 28, 2022.

Student did not file a PHC statement with OAH. LAUSD timely filed its PHC statement with OAH, and served it on Student. ALJ Christine Arden presided over the PHC on October 3, 2022, at 1:00 PM in the consolidated matter. No one appeared on behalf of Student at the October 3, 2022 PHC. Attorney Patrick Balucan appeared on behalf of LAUSD at the October 3, 2022 PHC. Attorney Balucan dismissed LAUSD's Case on the record at the October 3, 2022 PHC. The ALJ set a hearing an Order to Show Cause, called an OSC, why Student's case should not be dismissed, or OAH's costs for holding the October 3, 2022, should not be shifted to Student and Student's attorney. This hearing on OSC was noticed to occur even if Student's Case was later dismissed. Student filed a request to dismiss Student's Case with OAH at 1:55 PM on October 3, 2022.

On October 5, 2022, Student's attorney filed a responsive declaration, given under penalty of perjury, to the OSC, explaining why he had failed to file a PHC statement and appear at the October 3, 2022 PHC. The hearing on the OSC was continued to October 14, 2022, at 1:00 PM.

Attorney Michael Stoller appeared on behalf of Student at the hearing on the OSC on October 14, 2022, and attorney Patrick Balucan appeared on behalf of LAUSD. At the October 14, 2022 hearing on the OSC the ALJ admonished attorney Stoller for failing to file a PHC statement, and for failing to appear at the October 3, 2022 PHC. Since attorney Stoller had not previously either failed to file a PHC statement, or appear at a PHC, the ALJ discharged the OSC. However, attorney Stoller was warned that OAH's costs may be shifted to him and his client in the future if he fails on another occasion to file a PHC statement and/or appear at a PHC.

LAUSD's attorney was given the opportunity to make a motion or statement on the record at the October 14, 2022 hearing on the OSC, but he elected not to do so.

IT IS SO ORDERED.

*Christine Arden*

Christine Arden

Administrative Law Judge

Office of Administrative Hearings