BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017051355
v.	DISMISSAL OF ORDER TO SHOW CAUSE
LOS ALTOS SCHOOL DISTRICT.	

On July 17, 2017, the Office of Administrative Hearings issued an Order to Show Cause as to why this matter should not be dismissed due to failure to participate, prosecute or advance the matter. A telephonic hearing was convened to consider the order to show cause and the evidence submitted by Student's counsel explaining his failure to appear for the July 17, 2017 Prehearing Conference as well as any arguments proffered.

Peter Sturges, attorney at law, appeared on behalf of Student. Laurie Reynolds, attorney at law, appeared on behalf of Los Altos School District. The hearing on the Order to Show Cause was recorded.

Mr. Sturges apologized personally for missing the July 17, 2017 Prehearing Conference, echoing the apology in his previously submitted declaration. He stated that this was the first time in twenty-seven years of practice that he had missed an appearance without notice. Ms. Reynolds stated that she had a long professional relationship with Mr. Sturges and had never known him to fail to appear for a hearing in the past.

Mr. Sturges was admonished that his position as a member of the State Bar requires an emergency back-up plan for times when he is prevented from discharging his duties in representing his clients. He was encouraged to establish a means of contacting OAH or arranging for another attorney to make an appearance on his behalf if an emergency prevented him from appearing for a hearing in the future. Mr. Sturges was cautioned that any future failures to appear could result in dismissal of a case or shifting of costs, or both.

The evidence of Mr. Sturges' family emergency and the statements of counsel having been considered, OAH is satisfied that the failure to appear was not intended to cause

unnecessary delay or to waste judicial resources. Therefore, the Order to Show Cause is hereby DISMISSED.

IT IS SO ORDERED.

DATE: July 24, 2017

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Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings