BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024050547

ORDER GRANTING DISTRICT'S PEREMPTORY CHALLENGE

JULY 5, 2024

On July 5, 2024, Stockton filed a notice of peremptory challenge with the Office of Administrative Hearings, called OAH, to Administrative Law Judge R. Defilippis. An Administrative Law Judge is called ALJ. The peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act, and California Code of Regulations, title 1, section 1034.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge, also called disqualification without cause, to an ALJ assigned to an OAH hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) A peremptory challenge is not allowed if made after the hearing starts. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the

hearing, any challenge to the assigned ALJ must be made no later than the start of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

The peremptory challenge of ALJ R. Defilippis is granted. The case is now assigned to ALJ A. Hohensee and all scheduled dates remain on calendar. The prehearing conference on July 8, 2024 will be at 1:00 pm.

IT IS SO ORDERED.

Margaret Gibson

Margaret Gibson
Presiding Administrative Law Judge
Office of Administrative Hearings