BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016060895
v.	ORDER TO SHOW CAUSE WHY THE PARTIES SHOULD NOT BE ORDERED TO PAY OAH EXPENSES
NEW WEST CHARTER SCHOOL DISTRICT; LOS ANGELES UNIFIED SCHOOL DISTRICT.	

On June 10, 2016, Student, through counsel the Law Offices of Abraham Labbad, filed a request for due process hearing with the Office of Administrative Hearings naming New West Charter School and the Los Angeles Unified School District. On June 29, 2016, OAH issued a Scheduling Order setting a mediation for July 14, 2016, at 9:00 A.M., at the offices of LAUSD at 333 South Beaudry, 17th Floor, Los Angeles, CA, 90017. The Order was duly served on all parties. On June 29, 2016, New West Charter School filed a Notice that they would be represented in this matter by the law offices of Young, Minney & Corr, LLP.

On July 14, 2016, at 9:00 A.M., an OAH mediator appeared at the offices of LAUSD at 333 South Beaudry, 17th Floor, Los Angeles, CA, 90017, to conduct the scheduled mediation. No appearance was made by either Student or New West Charter School, or their respective counsel. OAH had received no prior notice of the cancellation of mediation.

On July 14, 2016, at 11:00 A.M, counsel for New West Charter School informed OAH that the parties had agreed to cancel the mediation and it was their understanding that LAUSD would so inform OAH.

ORDER TO SHOW CAUSE

Under certain circumstances, an administrative law judge presiding over a special education proceeding is authorized to shift expenses from one party to another, or to OAH. (Gov. Code, §§ 11405.80, 11455.30; Cal. Code. Regs., tit. 5, § 3088; see *Wyner ex rel. Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1029 ["Clearly, [California Code of Regulations] § 3088 allows a hearing officer to control the proceedings, similar to a trial judge."].)

All parties are ordered to show cause in writing why OAH should not order them to pay OAH's expenses for preparing for and attempting to conduct the July 14, 2016 mediation, which was cancelled without notice, and for the time preparing this

OSC. The written statements shall be filed with OAH, by not later than 5:00 p.m. on July 20, 2016, by facsimile transmission to (916) 376-6319.

A telephonic status conference shall take place at 10:00 a.m., on Wednesday, July 27, 2016. OAH will initiate the telephone call to the parties. The parties shall be prepared to discuss the imposition of monetary sanctions.

ORDER

1. An Order to Show Cause as to Why the Parties Should Not be Ordered to Pay Expenses is hereby issued. The parties shall file written statements not later than 5:00 p.m., on July 20, 2016. No responsive briefs will be allowed.

2. The parties shall appear at a telephonic status conference at 10:00 a.m., on July 27, 2016. OAH will initiate the call.

3. Should any of the parties fail, without excuse, to timely file their written statements as ordered above, or participate in the telephonic status conference, OAH may impose sanctions without further notice.

DATE: July 14, 2016

DocuSigned by:
June Lehrman
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JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings