BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

LONG BEACH UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2023010155

ORDER DENYING REQUEST TO PRESENT ADDITIONAL EVIDENCE AND WITNESSES

MARCH 10, 2023

On March 3, 2023, Administrative Law Judge Ted Mann ordered the parties in this case to appear at a motion hearing on March 13, 2023, at 10:00 am. The motion hearing was ordered in response to Student's request to vacate the hearing that was held in this matter and reopen the record. The parties were ordered to appear at the motion hearing to "present their arguments orally before the ALJ…" The order also granted leave for Long Beach Unified to file a written response to Student's motion no later than 3:00 pm on Monday, March 3, 2023. Long Beach filed a timely written response.

Since then, Student has retained the services of an attorney, and both sides have filed additional documents on this same issue. On March 6, 2023, Student's attorney filed a document titled "Evidence List for Hearing." This document is 122 pages long and contains a list of multiple witnesses and evidence she intends to introduce at the motion hearing. This is being deemed a motion to be allowed to present evidence and witnesses at the motion hearing. On March 9, 2023, Long Beach filed a Motion in Limine objecting to Student's intention to present evidence and call witnesses.

The ALJ in this matter specifically set this hearing to hear arguments from the parties and did not order a full hearing with witnesses and evidence. Therefore, all requests for witnesses to appear at the hearing and to present additional evidence is denied. The attorneys should be prepared to make oral arguments regarding the issue of re-opening the hearing and, if the hearing is reopened, how to handle the issue of the testimony and evidence that have already been presented in this matter.

IT IS SO ORDERED.

Margaret Gibson

Margaret Gibson
Presiding Administrative Law Judge
Office of Administrative Hearings