BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. TEMECULA VALLEY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2017110897
TEMECULA VALLEY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018020619 ORDER TO SHOW CAUSE

On November 21, 2017, attorney Cara Lucier, on behalf of Parents and Student, filed a request for a due process hearing ("Temecula Valley matter") with the Office of Administrative Hearings, naming Temecula Valley Unified School District, Springs[1] Charter School, and the Riverside County Office of Education. Springs Charter School and the Riverside County Office of Education were dismissed from the action on December 21, 2017.

On December 7, 2017, attorney Cara Lucier, on behalf of Parents and Student, filed a request for a due process hearing ("River Springs matter") with the Office of Administrative Hearings, naming River Springs Charter School and the Riverside County Office of Education. The Riverside County Office of Education was dismissed from the action by agreement of the parties on March 5, 2018.

On March 1, 2018, the parties in this matter jointly stipulated to delay the start of hearing in the Temecula Valley matter from March 6, 2018, to April 17, 2018. Continuance was requested because Student suffered "an alarming physical condition" that required "immediate medical interventions and constant supervision under a doctor's care." Student's mother was on medical leave from work to care for Student, and a 41-day continuance was necessary to allow Student's Parents "to attend to his urgent medical needs" and meet their "obligations in managing Student's distressing medical condition." Parents anticipated that

[1] Springs Charter School was intended to refer to River Springs Charter School.

the upcoming weeks would "require fluid scheduling to address pressing medical appointments, which may continue to affect their ability to appear in court." The stipulation was approved by the undersigned ALJ and the matter continued as requested by order dated March 2, 2018.

Attorney Cara Lucier appeared at a prehearing conference on March 5, 2018, in the River Springs matter before the undersigned ALJ. No mention was made of Student's illness or of Parents' obligations to care for him. Hearing was scheduled to begin on March 15, 2018, and continue through the two following weeks.

ORDER TO SHOW CAUSE

Student's counsel has represented in this action that Parents are unavailable for hearing in March 2018 because Student's urgent medical needs require their constant attention and may require them to need to take Student for treatment on little or no notice. However, in the River Springs matter, which is derivative of this action and involves a party originally named herein, Parents did not request continuance and have committed to hearing dates running from March 15 through March 28, 2018.

Student's counsel is ordered to file a written response with OAH by no later than 12:00 p.m. on Thursday, March 15, 2018. A copy of the response shall be served upon Temecula Valley Unified School District by facsimile. District is not expected to file a written response.

The response shall address why Student's counsel has represented in this action that Parents are unavailable to participate in hearing while contemporaneously agreeing to attend hearing in the River Springs matter during essentially the same time period. Absent good explanation, counsel may be subject to sanction, including cost-shifting, costs to OAH, and dismissal of the action.

The order to show cause hearing shall take place telephonically at 2:00 p.m. on March 16, 2018. Failure of Student's representative to appear telephonically on March 16, 2018, will result in the dismissal of this case with prejudice to refiling and the imposition of other sanctions.

ORDER

1. An Order to Show Cause is hereby issued. Student must file a response no later than 12:00 p.m. on Thursday, March 15, 2018.

2. A telephonic order to show cause hearing shall be convened at 2:00 p.m., on Friday, March 16, 2018.

3. All dates in this matter shall remain as calendared, pursuant to the March 2, 2018 Order granting the Joint Request for Continuance, subject to further order by OAH.

DATE: March 8, 2018

DocuSigned by:
Chris Butchko
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CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings