BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017100459
v.	ORDER FOLLOWING STATUS CONFERENCE
UPLAND UNIFIED SCHOOL DISTRICT.	

On January 8, 2018, a telephonic status conference was held before Administrative Law Judge Alexa J. Hohensee, Office of Administrative Hearings. Parent appeared on behalf of Student. Jonathan Read, Attorney at Law, appeared on behalf of Upland Unified School District. Maria Elena Fletes provided Spanish language interpretation. The status conference was recorded.

Based upon the representations of District's counsel, Student's witness Nora Brooks is on a three-month medical leave, and is not expected to be available to testify, in person or telephonically, on the dates currently scheduled for hearing. Parent was offered, and declined, a continuance due to the unavailability of Ms. Brooks.

Student's witness Rochelle Yatomi has left District employment and is no longer under the reasonable control of District. District forwarded contact information for Ms. Yatomi to Parent on the morning of January 8, 2018, and Parent left a voicemail message for Ms. Yatomi to arrange her appearance at hearing.

Parent's prior subpoena to Ms. Yatomi was quashed on December 26, 2017, subject to a subsequent offer of proof to the ALJ conducting the hearing. During the status call, Parent made a sufficient offer of proof of the reasonable necessity of Ms. Yatomi's testimony. The ALJ offered to issue a subpoena for Ms. Yatomi to appear and testify at the due process hearing, and to grant a short continuance to allow Parent sufficient time to serve Ms. Yatomi with the subpoena. Parent declined, and stated that she wanted to proceed on January 10, 2018, as currently scheduled.

District's counsel represented that arrangements had been made for Student's witness Aaron Dover to appear and testify at hearing at 9:30 a.m. on January 10, 2018.

Based upon discussion with the parties, the ALJ issues the following order:

ORDER

1. The hearing date, time and location set forth in the PHC order of January 5, 2018 are confirmed.

2. District shall make Aaron Dover available to testify at the due process hearing at 9:30 a.m. on January 10, 2018, unless the parties agree otherwise.

DATE: January 9, 2018

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Alexa Hohensee
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ALEXA HOHENSEE
Administrative Law Judge
Office of Administrative Hearings