BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

MENIFEE UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2020020214

ORDER FOLLOWING AND CONTINUING PREHEARING CONFERENCE ONLY

MAY 15, 2020

On May 15, 2020, Administrative Law Judge June R. Lehrman, Office of Administrative Hearings held a telephonic prehearing conference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC. Rosa Hirji and Alexander Rodriguez, Attorneys at Law, appeared on behalf of Student. Constance Taylor, Attorney at Law, appeared on behalf of Menifee Union School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

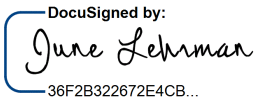
PRE-HEARING CONFERENCE DATE AND TIME

The prehearing conference only is continued to next Monday, May 18, 2020 at 3:00 PM for the following reasons.

Menifee has moved to continue the due process hearing currently scheduled for May 27, 2020 through May 28, 2020, based on recent retention of new legal counsel. Student has opposed, arguing prejudicial interference with the availability of witnesses. The attorneys are mutually available for continued hearing dates, should a continuance be granted, during the non-sequential weeks of June 23, 2020 and July 7, 2020. However, counsel for Menifee was unable to represent the availability of the District witnesses listed on Student's witness list during those weeks, without the need for subpoenas, given that summer break begins on June 5, 2020 and the witnesses may not be within Menifee's control during that time. Moreover, Student was currently unaware of the availability of expert witnesses during the two weeks in question. Student's counsel, moreover, raised potential prejudicial delay to Student, in that Menifee is allegedly not in compliance with the placement orders contained in Paragraphs 5 and 6 of the Order in the Expedited Decision dated April 21, 2020. Menifee's new counsel was currently unable to answer questions concerning that as well. For these reasons, the prehearing conference only is continued to Monday, May 18, 2020 at 3:00 PM. Menifee's motion to continue the due process hearing will be addressed then. Counsel will meet and confer prior to then, concerning the witnesses on Student's witness list

who are likely to be called, and whose availability during the weeks of June 23 and July 7 is therefore at issue.

IT IS SO ORDERED.



June Lehrman

Administrative Law Judge

Office of Administrative Hearings