BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. EL RANCHO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017090159 ORDER SETTING ASIDE ORDER TO SHOW CAUSE

On September 6, 2017, Student filed with the Office of Administrative Hearings a request for a due process hearing naming El Rancho Unified School District. On September 7, 2017, OAH issued a scheduled order, setting the mediation for October 11, 2017. The parties participated in the mediation and agreed upon adjournment to schedule a second mediation for October 19, 2017.

On October 19, 2017, the assigned mediator traveled to the District's office. The District informed the mediator upon her arrival that the parties had settled the case and therefore the second mediation was no longer required.

On October 20, 2017, the Office of Administrative Hearings issued an Order to Show Cause why Student's and District's counsel should not pay OAH's costs related to cancelation of the scheduled October 19, 2017 mediation. The Order to Show Cause called for Student's counsel, Tanya Whiteleather, and District's Counsel, Darin Barber, to submit a response to OAH by October 25, 2017. OAH received Ms. Whiteleather's response on October 20, 2017, and Ms. Barber's response on October 25, 2017.

Both Ms. Whiteleather's and Mr. Barber's responses took full responsibility for the oversight in not contacting OAH that the second mediation was not required as the required signatures on the agreement had been obtained. As to Ms. Whiteleather's contention that OAH should have sent notice of the second mediation as a reminder to the parties, the mediation documents prepared by the mediator and given to the parties included the October 19, 2017 mediation date. Further, both attorneys are admonished to maintain a better scheduling system as to upcoming mediations on their calendars. As the parties

acknowledged responsibility and that their failure to notify OAH was due to their inadvertence, the Order Show to Cause is set aside and the Order to Show Cause hearing for October 27, 2017, is vacated.

IT IS SO ORDERED.

DATE: October 27, 2017

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings