BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENTS ON BEHALF OF STUDENT, v. LAKE ELSINORE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015080436 ORDER GRANTING REQUEST FOR TELEPHONIC TESTIMONY

On December 9, 2015, Parents on behalf of Student submitted a request to allow her expert witness to appear telephonically during the due process hearing. Student bases her request on this witness being on maternity leave. District submitted a non-opposition to Student's request.

Whether a witness may appear by telephone is a matter within the discretion of the Administrative Law Judge. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) Any party seeking to present a witness by telephone shall move in advance for leave to do so, unless the opposing party has stipulated that the witness may appear by telephone. The proponent of the witness shall provide the proposed witness with a complete set of exhibit binders from all parties, containing all of each party's exhibits, prior to the hearing; and shall ensure that the hearing room has sound equipment that allows everyone in the room to hear the witness, and the witness to hear objections and rulings. No witness will be heard by telephone unless all these requirements have been fulfilled.

Student's motion to allow Erickson Tomaino to testify telephonically is granted. Student shall provide Ms. Tomaino with a complete exhibit binder from each party, containing all of each party's exhibits, prior to the hearing, and shall ensure that the hearing room has sound equipment that allows everyone in the room to hear the witness.

IT IS SO ORDERED.

DATE: December 10, 2015

/s/
PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings