

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014051179

ORDER DISMISSING ORDER TO
SHOW CAUSE

On June 30, 2014, the Office of Administrative Hearings issued an Order to Show Cause Why Party or Its Attorney Should Not Be Sanctioned or Ordered to Pay Costs. The Order to Show Cause was based upon information submitted to OAH in the declaration of Maureen Cottrell, special education director for Newport-Mesa Unified School District (Newport-Mesa), wherein Ms. Cottrell asserted Newport-Mesa having a conflict with another matter on the hearing date in this case even though no such conflict existed. The declaration was dated June 25, 2014, and filed in support of a request for reconsideration by Newport-Mesa, filed on June 26, 2014.

Pursuant to the Order to Show Cause all parties filed a response, supported by various sworn declarations. Additionally, Student filed a request for attorney's fees as a response to the Order to Show Cause. On July 11, 2014, a telephonic hearing was held on the Order to Show Cause. Phillip W. VanAllsburg, attorney at law, appeared on behalf of Student. Adam J. Newman and Kristin M. Myers, attorneys at law, appeared on behalf of Newport-Mesa. Ms. Cottrell also appeared on behalf of Newport-Mesa.

Having considered all of the pleadings from the parties and additional oral argument at the telephonic hearing, OAH is satisfied that the error in Ms. Cottrell's declaration was not intentional, was not done in bad faith or to cause unnecessary delay; and, the request for reconsideration based on erroneous information was not a frivolous motion. Accordingly, no sanctions or cost shifting is warranted. The Order to Show Cause is dismissed.

IT IS SO ORDERED.

DATE: July 11, 2014

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings