

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023120395

ORDER GRANTING STUDENT'S AND SANTA
MONICA-MALIBU'S PEREMPTORY CHALLENGES

JANUARY 16, 2024

On January 12, 2024, at approximately 10:00 AM, Student filed with the Office of Administrative Hearings, called OAH, a notice of peremptory challenge to Administrative Law Judge Paul Kamoroff. The Administrative Law Judge is called an ALJ. At approximately 11:00 AM, on January 12, 2024, OAH informed the parties that Student's peremptory challenge was granted and that ALJ Rita Defilippis was assigned to the case. At approximately 12:30 PM, on January 12, 2024, Santa Monica-Malibu filed a notice of peremptory challenge to ALJ Defilippis. The parties' peremptory challenges were made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act, and California Code of Regulations, title 1, section 1034.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge, also called disqualification without cause, to an ALJ assigned to an OAH hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) A peremptory challenge is not allowed if made after the hearing starts. In addition, if at the time of a scheduled prehearing conference, an ALJ has been assigned to the hearing, any challenge to the assigned ALJ must be made no later than the start of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Student's and Santa Monica-Malibu's peremptory challenges were timely made and are granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c). The case is assigned to ALJ Cara Lucier. All hearing dates remain as scheduled.

IT IS SO ORDERED.

Tara Doss

Tara Doss

Presiding Administrative Law Judge

Office of Administrative Hearings