BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017050757 ORDER SETTING ASIDE ORDER TO SHOW CAUSE

On July 13, 2017, the Office of Administrative Hearings issued an Order to Show Cause why Student's counsel should not pay OAH's costs related to cancelation of the scheduled July 13, 2017, 1:30 p.m. mediation. The Order to Show Cause called for Student's counsel to submit a response to OAH by July 18, 2017. OAH received the response on July 13, 2017.

Student's counsel response, which included a declaration from counsel and copies of emails between her and the Los Angeles Unified School District representative, and a declaration from her assistant, which show that the District representative contacted Student's counsel's office the late afternoon of July 12, 2017, to discuss cancelling the mediation for the next day. In the subsequent email chain that occurred after 5:00 p.m., there appeared to be some confusion as to who would cancel the mediation scheduled for the next day when the parties determined that they could settle the matter outside of mediation.

Based on Student's counsel's response, on July 14, 2017, OAH issued an Order to Show Cause why District should not pay the costs related to cancelation of the scheduled July 13, 2017 mediation. The Order to Show Cause called for District to submit a response to OAH by July 18, 2017. OAH received the response on July 18, 2017.

From the responses, it appeared that Student and District determined after the close of business on July 12, 2017, that the parties need not meet the next afternoon in mediation as the parties could resolve the matter outside of mediation. The District representative indicated that since the mediation was not until the afternoon of the next day that he would cancel the mediation that morning, especially since the assigned mediator was scheduled that morning at the District for another mediation.

While District did cancel the mediation with the assigned mediator the morning of July 13, 2017, the failure to contact OAH sooner about the mediation cancellation impacted OAH's ability to reassign another mediation to the mediator for the afternoon. In the future, instead of waiting until the next morning to cancel the mediation, OAH would expect the

parties to contact OAH's settlement line after business hours if the parties determine that the next day's mediation is not required. Accordingly, the Order Show to Cause is set aside and the Order to Show Cause hearing for July 21, 2017, is vacated.

IT IS SO ORDERED.

DATE: July 19, 2017

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