BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. COMPTON UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018070743 ORDER SETTING ASIDE ORDER TO SHOW CAUSE RE MARGARET J. MCNAIR

On September 13, 2018, the Office of Administrative Hearings issued an Order to Show Cause why Student's attorney, Lisa Shafii, should not pay OAH's costs related to the cancelation of the scheduled September 13, 2018, 9:30 a.m., mediation. The Order to Show Cause called for Student's attorney to submit a response to OAH by September 17, 2018. OAH received the response from Margaret J. McNair, co-counsel and managing attorney of Hope4Families: A Special Education Law Firm, on September 14, 2018. OAH held that Ms. Shafii's failure to appear was due to her medical condition and excusable, and set aside the order to show cause on September 17, 2018.

On September 17, 2018, OAH issued an Order to Show Cause why Ms. Shafii's' co-counsel, Ms. McNair should not pay OAH's costs related to the cancelation of the scheduled September 13, 2018, 9:30 a.m., mediation. The Order to Show Cause called for Student's attorney to submit a response to OAH by September 24, 2018. OAH received Ms. McNair's response

The basis for the order to show cause regarding Ms. McNair was her responsibility as managing attorney and co-counsel to know that Ms. Shafii might not appear at the mediation due to her medical condition as Ms. Shafii had informed Ms. McNair of her condition. In Ms. McNair's response, she documents that she was in contact with Ms. Shafii regarding her medical issue and asked her about her attendance at the scheduled mediation in this case. Ms. Shafii assured Ms. McNair that she could attend, and Ms. Shafii gave no indication on September 12, 2018, that she would not attend the mediation the next day as they communicated on pending cases, including this case. Therefore, Ms. McNair properly

monitored Ms. Shafii after being informed her medical condition and had no way to know that Ms. Shafii would not appear at the mediation. Accordingly, the order to show cause is set aside.

IT IS SO ORDERED.

DATE: September 21, 2018

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