BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. POWAY UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013020661
POWAY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012100261 ORDER DENYING DISTRICT'S MOTION TO CONTINUE HEARING

On April 15, 2013, at 2:45 p.m., District filed a motion to continue the hearing in these consolidated matters, which is scheduled for 9:30 a.m., April 16 and 17, 2013. District's motion states that one of its properly designated expert witnesses had become ill and would be unable to testify until she recovers. District identified the witness as crucial to its case and, further, stated that it would be greatly prejudiced if required to proceed to hearing without the expert's testimony. District requested a one to two week continuance.

The assigned hearing officer, Administrative Law Judge (ALJ) Clifford H. Woosley, contacted and held a telephonic status conference with District's attorney Sundee M. Johnson and Student's attorney Marci Tiffany at approximately 4:00 p.m. April 15, 2013. The sole purpose of the conference was to discuss District's motion. The conference was not recorded.

The parties discussed the various options. By the time of the conference, Ms. Johnson had obtained a letter from the witness's treating specialist, which she faxed to OAH and Student's counsel. Student objected to a continuance because his expert witness had long ago been scheduled. If the hearing was continued, Student would still be required to pay its expert because the expert reserved the time. The parties discussed options regarding the hearing timetable, order of witnesses, reserving testimony for a later time, the necessity of District's expert's testimony, and the manner of the District's expert's testimony if received after she has recovered.

Based thereon, and in consideration that the District's due process was initially filed in October 2012, the District's motion to continue is denied. However, the District retains

the right to call the identified expert witness at a later time, after she recovers, which the treating specialist indicates would be seven to 10 days.

Any motion regarding the expert witness's testimony, like any other proffered witness, will be heard, argued, and ruled upon at hearing.

IT IS SO ORDERED.

Dated: April 15, 2013

/s/
CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings