BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. TEMECULA VALLEY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2017110897
TEMECULA VALLEY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018020619 ORDER DISCHARGING ORDER TO SHOW CAUSE

On March 16, 2018, an order to show cause hearing was held to address Student's attorney's actions in seeking a continuance in this action. The order to show cause hearing was attended by Administrative Law Judge Chris Butchko, Student's counsel Cara Lucier, and Temecula Valley Unified School District's counsel Cynthia Vargas. The show cause hearing was audio-recorded.

The due process hearing in this matter was to begin on March 6, 2018. On March 1, 2018, counsel explained in a joint stipulation that Student's sudden illness required an immediate continuance of the hearing to allow his family to attend to his health issues. The parties proposed that OAH set the hearing to begin on April 17, 2018. Although a joint stipulation, the moving papers were prepared by Student's counsel. District joined in the stipulation, and the request was granted by OAH on March 2, 2018.

In another matter involving the same student, a prehearing conference was held on March 5, 2018, with hearing scheduled to begin March 15, 2018. Nothing was said of Student's illness at that PHC and no request for continuance was made. No action was taken by counsel in that case prior to the filing of a notice of settlement on March 13, 2018.

The order to show cause was issued to resolve OAH's concerns regarding the representations made in this case in contrast to counsel's actions in the other case. At the OSC hearing, counsel explained that she was confident that she would be able to settle the

other case prior to hearing and did not wish to disclose Student's health situation unnecessarily. She stated that Student's health issue resolved unexpectedly quickly and Student's family decided before the March 5, 2018 PHC that they could prepare for and attend the hearing as scheduled. Counsel and the assigned ALJ had a frank discussion about the degree of disclosure and candor necessary for reliance upon the representations of counsel.

Finding no intent to deceive OAH or opposing counsel on the part of Student's counsel, OAH will take impose no sanction upon counsel. Accordingly, the order to show cause is discharged.

DATE: March 22, 2018

DocuSigned by:
Chris Butchko
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CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings