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8 Attorneys for Ron Diedrich, in his official capacity as
Director and Chief Administrative Law Judge of the
9 State of California Office of Administrative Hearings

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
13

14 **C.S., by and through his Conservator,**
15 **MARY STRUBLE, on behalf of himself and**
16 **all others similarly situated,**

17 Plaintiff,

18 v.

19 **CALIFORNIA DEPARTMENT OF**
20 **EDUCATION, a State Agency,**

21 Defendant.

Case No. 08 CV0226 W AJB

**DECLARATION OF SUSAN K. LEACH
IN SUPPORT OF RON DIEDRICH, IN
HIS OFFICIAL CAPACITY AS
DIRECTOR AND CHIEF
ADMINISTRATIVE LAW JUDGE OF
THE STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE
HEARINGS' MOTION FOR
INTERVENTION AND EX PARTE
APPLICATION TO SHORTEN TIME
TO HEAR MOTION FOR
INTERVENTION**

Judge: The Honorable Thomas J. Whelan

24 1. I am an attorney admitted to practice before the Courts of the State of California and
25 this Court. I am a Deputy Attorney General in the Government Law Section of the Office of the
26 Attorney General, and I represent Ron Diedrich, in his official capacity as Director and Chief
27 Administrative Law Judge of the State of California Office of Administrative Hearings ("OAH").
28 The matters set forth in this declaration are true of my own knowledge, and if called as a witness

1 I could and would testify competently thereto.

2 2. On information and belief, plaintiff served this complaint on defendant California
3 Department of Education ("CDE") on February 25, 2008.

4 3. On information and belief, plaintiff filed a motion for a temporary restraining order on
5 February 19, 2008 and served it on defendant CDE on February 25, 2008.

6 4. Counsel for defendant CDE, Gabrielle Vivas, stated in conversation with me on
7 February 28, 2008 that the CDE did not oppose OAH's intervention in this case and would sign a
8 stipulation to that effect.

9 5. I called and spoke to plaintiff's counsel, Ellen Dowd, on February 28, 2008 and
10 requested that plaintiff agree to allow OAH to intervene. I asked whether plaintiff's counsel
11 would be willing to sign a stipulation allowing OAH to intervene and told her that CDE's
12 counsel had agreed to sign a stipulation to allow OAH to intervene. Plaintiff's counsel indicated
13 that she was in a client meeting and would call me back the afternoon of February 28, 2008.
14 Plaintiff's counsel has not called me back.

15 6. On February 29, 2008, I called plaintiff's counsel again and left a voicemail message
16 which said I needed to know her position on intervention as soon as possible because OAH
17 intended to intervene and intended to oppose the temporary restraining order motion. Ms. Dowd
18 did not respond to this voicemail.

19 7. In the meantime, on information and belief, counsel for CDE, Gabrielle Vivas, on or
20 about February 28 or 29, 2008, requested an extension of time to the due date for the opposition
21 to the temporary restraining order. This request was denied by plaintiff's counsel. It is my
22 understanding that CDE sought an extension of time from the Court in which to oppose the
23 temporary restraining order based on the delayed date on which CDE was served with the
24 complaint and temporary restraining order motion. CDE proposed that an opposition brief to the
25 temporary restraining order be due on April 9, 2008.

26 //

27 //

28 //

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and that this declaration is executed this 7TH day of March, 2008, in
3 Los Angeles, California.

4 \s\ Susan K. Leach
SUSAN K. LEACH

5 SA2008300685

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DECLARATION OF SERVICE BY FACSIMILE AND OVERNIGHT MAIL

Case Name: **C.S., by and through his Conservator, Mary Struble v. California
Department of Education**

Case No.: **08 CV0226 W AJB**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business. My facsimile machine telephone number is (213) 897-1071.

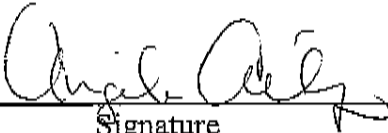
On March 7, 2008 at 1:38 PM., I served the attached **DECLARATION OF SUSAN K. LEACH IN SUPPORT OF RON DIEDRICH, IN HIS CAPACITY AS DIRECTOR AND CHIEF ADMINISTRATIVE LAW JUDGE OF THE STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS' MOTION FOR INTERVENTION AND EX PARTE APPLICATION TO SHORTEN TIME TO HEAR MOTION FOR INTERVENTION** by transmitting a true copy by facsimile machine, pursuant to California Rules of Court, rule 2.306. The facsimile machine I used complied with Rule 2.306, and no error was reported by the machine. Pursuant to rule 2.306(g)(4), I caused the machine to print a record of the transmission, a copy of which is attached to this declaration. In addition, I enclosed in a sealed envelope with the **California Overnight Courier Service**, addressed as followed:

Ellen Dowd
658 Del Mar Heights Road #228
Del Mar, California 92014
(858) 755-6348

Gabriel C. Vivas, Deputy General Counsel
Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814
(916) 319-0155

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 7, 2008, at Los Angeles, California.

Angela Artiga
Declarant


Signature

MODE = MEMORY TRANSMISSION

START=MAR-07 14:12

END=MAR-07 14:14

FILE NO.=585

STN NO.	COMM.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
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-DEPARTMENT OF JUSTICE -

***** UF-8000 v2 ***** -LOS ANGELES - ***** - 213 897 1071- *****

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



FAX TRANSMISSION COVER SHEET

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DATE: March 7, 2008 TIME: 2:03 PM NO. OF PAGES: 5
(Including Fax Cover Sheet)

TO:

NAME: Gabriel C. Vivas, Deputy General Counsel
OFFICE: Department of Education
LOCATION: Sacramento
FAX NO.: (916) 319-0155 PHONE NO.: (916) 319-0860

FROM:

NAME: Susan K. Leach, Deputy Attorney General
OFFICE: Government Law Section
LOCATION: Los Angeles
FAX NO.: (213) 897-1071 PHONE NO.: (213) 897-2105

MESSAGE/INSTRUCTIONS

Re: C.S. by and through his Conservator, Mary Struble v. California Department of Education
United State District Court - Southern District of California, Case No. 08CV0226 W AJB

Declaration of Susan K. Leach in Support of Ron Diedrich, in His Official Capacity as Director and Chief Administrative Law Judge of the State of California Office of Administrative Hearings' Motion for Intervention and Ex Parte Application to Shorten Time to Hear Motion for Intervention

MODE = MEMORY TRANSMISSION

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END=MAR-07 14:12

FILE NO.=584

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EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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DATE: March 7, 2008 TIME: 2:07 PM NO. OF PAGES: 5
(Including Fax Cover Sheet)

TO:

NAME: Ellen Dowd, Esq.

OFFICE: _____

LOCATION: Del Mar

FAX NO.: (858) 756-6348 PHONE NO.: (858) 342-8360

FROM:

NAME: Susan K. Leach, Deputy Attorney General

OFFICE: Government Law Section

LOCATION: Los Angeles

FAX NO.: (213) 897-1071 PHONE NO.: (213) 897-2105

MESSAGE/INSTRUCTIONS

Re: C.S., by and through his Conservator, Mary Struble v. California Department of Education
United State District Court - Southern District of California, Case No. 08CV0228 W AJB

Declaration of Susan K. Leach in Support of Ron Diedrich, in His Official Capacity as Director and Chief Administrative Law Judge of the State of California Office of Administrative Hearings' Motion for Intervention and Ex Parte Application to Shorten Time to Hear Motion for Intervention

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