

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: MANHATTAN BEACH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2011020411
PARENT ON BEHALF OF STUDENT, v. MANHATTAN BEACH UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2010031408 ORDER GRANTING JOINT MOTION TO CONSOLIDATE AND GRANTING REQUEST TO ADD ADDITIONAL DATES TO DUE PROCESS HEARING

On February 11, 2011, Manhattan Beach Unified School District (District) filed a Request for Due Process Hearing in OAH case number 2011020411 (First Case), naming Student (Student).

On March 28, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011031408 (Second Case), naming the District.

On April 5, 2011, the parties filed a Joint Motion to Consolidate the First Case with the Second Case and to vacate the hearing dates in the first case, and add additional days for hearing in Case Number 2011031408 (second case).

CONSOLIDATION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the parties concur that both cases involve the same parties, and common questions of law and fact. In addition, consolidation furthers the interests of judicial economy because it is more efficient and will avoid the duplication of testimony and evidence. Accordingly, consolidation is granted.

ORDER

1. The Joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011020411 (First Case) are vacated.
3. The existing dates OAH Case Number 2011031408 shall remain as scheduled. The Mediation in the above-captioned case shall be held on May 3, 2011, at 9:30 a.m. The Prehearing Conference in the consolidated cases shall be held on May 11, 2011, at 1:30p.m., and the Due Process Hearing in the consolidated cases shall be held commencing on May 19, 2011, and continuing on May 20, 23, 24, 25, 31, and June 1 and 2, 2011, starting at 9:30 a.m. on the first day.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2011031408 (Second Case), with April 6, 2011, acting as the first continuance date.

Dated: April 06, 2011

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings