

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  SAUGUS UNION SCHOOL DISTRICT,	OAH CASE NO. 2011040302
SAUGUS UNION SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011030122  ORDER GRANTING MOTION TO CONSOLIDATE

On February 28, 2011, Saugus Unified School District (District) filed a Request for Due Process Hearing (District's complaint), Office of Administrative Hearings (OAH) Case Number 2011030122, naming Parent on Behalf of Student (Student) as respondent.

On April 8, 2011, Student filed a Request for Due Process Hearing (Student's complaint), OAH Case Number 2011040302, naming District as respondent. Student contemporaneously filed with his complaint a Motion to Consolidate the two cases.

On April 8, 2011, District filed an objection to Student's motion on the ground that there lacked sufficient commonality of facts and issues in the two matters to support consolidation. On April 8, 2011, Student filed a reply to District's opposition asserting that sufficient commonality existed to warrant consolidation, and that Student would be prejudiced by not having the matters heard simultaneously because he will be relying on the testimony of the same five expert witnesses in both matters.

APPLICABLE LAW AND DISCUSSION

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 matters alleged in the complaints involve common questions of law and fact, specifically, whether Student was appropriately assessed. In addition, consolidation furthers the interests of judicial economy because, as Student alleges, he will rely on the testimony of the same five expert witnesses' testimony to both defend District's contention that Student was appropriately assessed, and to also support Student's contention that he was denied a free appropriate public education. Accordingly, consolidation is granted for these reasons.

#### ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2011030122 (District's case) are vacated.
3. Student's case, OAH Case Number 2011040302, is designated as the lead case. 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 2011040302, Student's case.
4. The mediation in these consolidated matters shall take place on May 12, 2011.
5. The prehearing conference in these consolidated matters shall take place on May 25, 2011, at 10:00 a.m.
6. The due process hearing in these consolidated matters shall take place on June 2, 2011.

Dated: April 12, 2011

/s/

---

GARY A. GEREN  
Administrative Law Judge  
Office of Administrative Hearings