

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ORANGE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011080016

ORDER GRANTING REQUEST FOR
RECONSIDERATION

On August 29, 2011, the undersigned administrative law judge issued an order granting District's Motion to Dismiss Student's Complaint for Failure to Participate in a Mandatory Resolution Session. Student did not file opposition to the motion.

On August 30, District filed a request for reconsideration on the grounds that District failed to serve Student with the motion to dismiss.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION

District alleges new facts in support of the request reconsideration, as follows: The declaration of Lani M. Beggs, an employee in the law firm of the District's Attorney, states that she served the motion to dismiss by facsimile to the Student's attorneys at the wrong number. Therefore Student never received notice and was not aware of the motion. District did not discover the transmission error until after Student's attorney received the order dismissing the case.

The request is timely because it was received within two days after issuance of the order. Accordingly, District's request for reconsideration is granted.

ORDER

1. District's request for reconsideration of the order issued on August 29, 2011, dismissing Student's complaint is granted
2. Student shall have up to and including September 9, 2011 to file opposition to District's Motion to Dismiss Student's Complaint for Failure to Participate in a Mandatory Resolution Session.
3. If Student fails to file opposition the original order dismissing Student's complaint shall stand.

IT IS SO ORDERED.

Dated: September 02, 2011

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings