

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

OAKLAND UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2013070844  
(PRIMARY CASE)

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2013040580

ORDER GRANTING MOTION TO  
CONSOLIDATE

On March 15, 2013, Parent on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2013040580 (First Case), naming Oakland Unified School District (District). On July 19, 2013, OAH granted Student's request to amend her complaint. (Amended First Case)

On July 19, 2013, the District filed a Request for Due Process Hearing in OAH case number 2013070844 (Second Case), naming Student.

On July 19, 2013, the District filed a Motion to Consolidate the First Case with the Second Case. The District did not make a motion to continue the consolidated cases. Student did not file a response to the motion.

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 First Case and Second Case involve a common question of law or fact, specifically; the District's complaint addresses the same issues as presented in Student's amended complaint. Student has filed no opposition to the consolidation. In addition, consolidation furthers the interests of judicial economy because each case involves the same issues and witnesses. Accordingly, consolidation is granted.

#### ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013040580 (Amended First Case) are vacated.
3. OAH Case Number 2013070844 (Second Case) is deemed the primary case and all further documents in the consolidated cases shall be filed under the Second 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 2013070844 (Second Case), and shall proceed under the dates previously set for hearing in that case, however the issuance date of this order shall act as the first continuance date in the consolidated matter.

Dated: July 26, 2013

/s/

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JUDITH PASEWARK  
Administrative Law Judge  
Office of Administrative Hearings