

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CALIFORNIA SCHOOL FOR THE DEAF RIVERSIDE,	OAH CASE NO. 2014040388
PARENT ON BEHALF OF STUDENT, v. FULLERTON JOINT UNION HIGH SCHOOL DISTRICT.	OAH CASE NO. 2014040284 ORDER GRANTING MOTION TO CONSOLIDATE

On April 2, 2014, Parent, on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2014040284 (First Case), naming Fullerton Joint Union High School District (District).

On April 7, 2014, Student filed a Request for Due Process Hearing in OAH case number 2014040388 (Second Case), naming California School for the Deaf Riverside (CSDR).

On April 7, 2014, Student filed a Motion to Consolidate the First Case with the Second Case. Student stated that the two actions have similar issues, will involve the same parties, and include many of the same witnesses. Student also indicated that the District does not oppose the consolidation and defers to OAH regarding the scheduling of dates in the consolidated matter, allowing parties ample opportunity to prepare for hearing.

District and CSDR have not filed responses to the motion to 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, regarding Student's placement and services, and the respondents have not opposed the consolidation. In addition, consolidation furthers the interests of judicial economy because the two matters involve many of the same witnesses and evidence. Accordingly, consolidation is granted.

Though Student defers to OAH in the rescheduling of dates in the consolidated matters, the proper means of continuing the dates is a joint stipulation of the parties or a motion demonstrating good cause. Therefore, the dates in the First Case are vacated and the dates scheduled in the Second Case will apply to the consolidated matters.

ORDER

1. Student's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2014040284 [First Case] are vacated.
3. 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 2014040388 [Second Case].
4. The April 9, 2014, scheduling order issued in the Second Case shall apply to these consolidated actions. The Mediation shall be held on May 13, 2014 at 9:30 a.m.; the Prehearing Conference shall be held on May 23, 2014, at 3:00 p.m.; and the Due Process Hearing in the consolidated cases shall be held on June 3, 2014, and shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
5. The location of the mediation and due process hearing in these consolidated cases shall be Fullerton Joint Union HSD, 1051 West Bastenchury Road, Fullerton, CA 92833.

DATE: April 14, 2014

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings