

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015120844

vs.

REDLANDS UNIFIED SCHOOL
DISTRICT,

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2016040559

vs.

REDLANDS UNIFIED SCHOOL
DISTRICT.

ORDER DENYING STUDENT'S
MOTION TO CONSOLIDATE

On December 21, 2015, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015120844 (Student's First Case), naming Redlands Unified School District.

On April 12, 2015, Student filed a Request for Due Process Hearing in OAH case number 2016040559 (Student's Second Case), naming District. Student concurrently filed a Motion to Consolidate Student's Second Case with Student's First Case, which would have continued the hearing dates in Student's First Case of April 18 through 21, 2016.

On April 14, 2016, District filed opposition to Student's motion to consolidate contending that Student's Second Complaint asserts different issues than those in Student's First Complaint, that consolidation will not substantively contribute to judicial economy, and that the motion is another attempt to continue the hearing dates in Student's First Case.¹

¹ Student withdrew his First Case the afternoon of April 15, 2016, after being informed orally by OAH that OAH was going to deny the motion to consolidate and the matter would proceed to hearing on April 18, 2016.

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, Student's First Case and Student's Second Case do not substantively involve a common question of law or fact. Specifically, two of the three issues in Student's Second Complaint relate to issues and implementation of a February 27, 2015 settlement agreement while Student's First Complaint concern Student's right to a FAPE from February 2013 through the December 2015 filing of the First Complaint. Therefore, the possibility of inconsistent rulings is unlikely. Though Student's Second Complaint might include some witnesses from Student's First Complaint, the interests to judicial economy would be minimal.

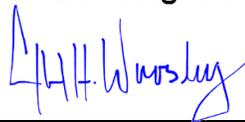
In addition, District correctly notes that OAH has twice ruled there is not good cause to continue Student's First Case. Student's First Case was filed in December 2015. OAH granted a joint request to continue on February 5, 2016. On April 7, 2016, OAH denied a joint request for a second continuance for lack of good cause. On April 11, 2016, Student filed a motion for a second continuance of his First Case, which was heard during the April 12, 2016 prehearing conference before Administrative Law Judge Cole Dalton. The motion was denied. Consolidation would only delay the hearing in Student's First Case.

Student's Motion to Consolidate is denied.

IT IS SO ORDERED.

DATE: April 18, 2016

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings