

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2016030513

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016040344

ORDER GRANTING MOTION TO
CONSOLIDATE

On March 9, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016030513 (Student's Case), naming Los Angeles Unified School District.

On April 6, 2016 District filed a Request for Due Process Hearing in OAH case number 2016040344 (District's Case), naming Student.

On that date, District filed a Motion to Consolidate Student's Case with District's Case.

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, Student's and District's Case involve common questions of law or fact. Both cases concern the occupational therapy and speech/language assessments of Student by District staff. Consolidation furthers the interests of judicial economy because hearing the matters separately would require attendance at two hearings by a substantially similar set of witnesses. Consolidating the matters would likewise conserve the time and resources of both sets of counsel and the hearing officer. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted. Student's Case, OAH Case No. 2016030513, is designated as the Primary case. All further filings should be made under that case number.
2. All dates previously set in District's case, OAH Case Number 2016040344, are vacated. 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 Student's case. The matter will proceed to mediation and hearing according to the dates set in the April 7, 2016 Order Granting Joint Request for Continuance in Student's case.

IT IS SO ORDERED.

DATE: April 18, 2016

DocuSigned by:
Chris Butchko
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CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings