

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT on behalf of STUDENT,	OAH CASE NO. 2009100925
v.	
PLUMAS UNIFIED SCHOOL DISTRICT,	
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PLUMAS UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2009110449
v.	
PARENT on behalf of STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On October 19, 2009, Student filed a request for due process hearing naming the District. This matter was designated as OAH Case No. 2009100925. On November 17, 2009, the District filed a request for due process hearing naming Student. This matter was designated as OAH Case No. 2009110449.

On November 18, 2009, the District filed a Motion to Consolidate both cases. On November 25, 2009, the parties filed a stipulation to consolidate the matters and continue both hearings to the December 16, 2009 hearing date.

DISCUSSION

Consolidation

OAH will generally consolidate matters that involve a common question of law and/or fact and that involve the same parties, and when consolidation of the matters furthers the interests of judicial economy and will obviate potentially inconsistent rulings. While no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, California statutes offer, by analogy, a standard appropriate to special education cases. Government Code section 11507.3, subdivision (a), provides that an administrative law judge “may” order pending administrative proceedings consolidated if they involve “a common question of law or fact . . .” California Code of

Civil Procedure section 1048, subdivision (a), applies the same standard to the consolidation of civil cases.

Here, both cases involve common questions of law and fact, specifically related to Student's placement and services. In addition, there is a request to assess made by the District which will not add any significant length to the hearing. Because of the remote location of the hearing and the necessity that the same witnesses will need to testify in both matters, consolidation does further the interests of judicial economy. In addition, the parties agree to consolidation.

The parties have also agreed to continue these matters to the December 16, 2009 hearing date and set mediation. The request to continue is granted. The dates will be set below.

ORDER

1. The Motion to Consolidate is granted. The above-titled cases are consolidated.
2. All dates are vacated in both matters.
3. The request to continue is granted. The consolidated matters are continued to the following dates and time:
 - Mediation: December 8, 2009, from 9:30 a.m. to 4:30 p.m.
 - Prehearing Conference: December 14, 2009, at 10:00 a.m.
 - Due Process Hearing: December 16-17, 2009
4. 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 No. 2009100925.

Dated: December 3, 2009

/s/

RICHARD CLARK
Presiding Administrative Law Judge
Office of Administrative Hearings