

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2010100642
v.	
PARADISE UNIFIED SCHOOL DISTRICT,	
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PARADISE UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2011031037
v.	ORDER GRANTING MOTION TO CONSOLIDATE AND SETTING MEDIATION, PHC AND DPH DATES
PARENT ON BEHALF OF STUDENT.	

On October 8, 2011, Student filed a Request for Due Process Hearing in OAH case number 2010100642 (Student’s Case), naming Paradise Unified School District (District). The Student’s Case is presently scheduled for a prehearing conference (PHC) on April 20, 2011, and for a due process hearing (DPH) on May 3 and 4, 2011.

On March 21, 2011, District filed a Request for Due Process Hearing in OAH case number 2011031037 (District’s Case), naming Student. On March 29, 2011, Student and District filed a joint stipulation to consolidate, requesting that the two cases be consolidated, using the dates already set in Student’s case for the PHC and DPH. Having yet to mediate, the parties also request a mediation date of April 19, 2011.

The joint stipulation is considered a joint motion and, as such, is granted.

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 Student’s Case and the District’s Case possess common questions of law and fact. Both cases present issues of assessment, timeliness, placement and related services for Student during the same time period. The parties, by stipulation, recognize that

consolidation furthers the interests of judicial economy because both cases involve substantially the same witnesses and documentary evidence. Accordingly, consolidation is appropriate.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. All dates previously set in District's Case (OAH Case No. 2011031037) are vacated.
3. The consolidated cases are set for a PHC at 1:30 p.m., April 20, 2011, and for DPH on May 3 and 4, 2011, starting at 9:30 a.m.
4. Mediation in the consolidated cases shall be held on April 19, 2011 at 9:30 a.m.
5. The location for the mediation and the DPH is 6696 Clark Road, Paradise, CA 95969.
6. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the Student's Case in OAH Case Number 2010100642.

Dated: April 1, 2011

/s/

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CLIFFORD H WOOSLEY  
Administrative Law Judge  
Office of Administrative Hearings