

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL  
DISTRICT,

OAH CASE NO. 2010110397

ORDER DENYING DISTRICT'S MOTION  
TO CONSOLIDATE

On October 28, 2010, Student filed a Request for Due Process Hearing in Case No. 2010101204 (First Case), naming the Newport-Mesa Unified School District (District) as the respondent. On November 8, 2010, District filed a Partial Motion to Dismiss, alleging that three issues in Student's complaint are not within the jurisdiction of OAH.

On November 8, 2010, District filed a Request for Due Process and Mediation in Case No. 2010110397 (Second Case), naming Student and also filed a Motion to Consolidate the First Case with the Second Case. Student did not file a response to the motion.

On November 16, 2010, OAH issued an Order in the First Case denying District's Motion to Dismiss but finding Student's Complaint Insufficient because it did not contain specific facts describing the nature of Student's issues. The Order also granted Student 14 days to amend her Complaint and vacated all hearing dates.

In the First Case, all dates have been vacated, and Student has until November 30, 2010, to amend her Complaint. If Student does not timely file an amended complaint, the First Case would be dismissed.

Accordingly, District's Motion to Consolidate is premature and must be denied without prejudice.

IT IS SO ORDERED.

Dated: November 23, 2010

/s/

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CLARA SLIFKIN  
Administrative Law Judge  
Office of Administrative Hearings