

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. 2011010530
PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT. .	OAH CASE NO. 2011030805 ORDER GRANTING MOTION TO CONSOLIDATE

On January 19, 2011, Parent, on behalf of Student, filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2011010530 (First Case), naming the Los Angeles Unified School District (District). On January 19, 2011, OAH issued a Scheduling Order and Notice of Due Process Hearing and Mediation. The mediation was set for January 26, prehearing conference was set for March 7, and due process hearing was set for March 13, 2011. On February 11, 2011, OAH issued an order granting the parties' joint request for a continuance and the prehearing conference was set for May 9, and the due process hearing was set for May 17-19, 2011.

On March 16, 2011, Parent filed a Request for Due Process Hearing in OAH case number 2011030805 (Second Case), naming District. On March 17, 2011, OAH issued a Scheduling Order and Notice of Due Process Hearing and Mediation. The mediation was set for April 20, prehearing conference was set for May 4, and due process hearing was set for May 10, 2011.

On March 23, 2011, Parent requested both cases be heard on May 17-19, 2011. On March 28, 2011, District filed a Motion to Consolidate the First Case with the Second Case. Parent did not object to District's 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, the First Case and Second Case involve a common question of law or fact. Specifically, the issues in both cases relate to Student's gross and fine motor skills. Parent requested that both cases be heard at the same time and does not oppose District's motion. In addition, consolidation furthers the interests of judicial economy because both cases will likely involve the same witnesses and the same evidence. The issues in both cases can be resolved in a single proceeding. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. The dates previously set for prehearing conference and due process hearing in OAH Case Number 2011030805 (Second Case) are vacated.
3. The Mediation in the consolidated cases shall be held on April 20, 2011, at 1:30 p.m.
4. The dates for the prehearing conference and due process hearing currently set in OAH Case Number 2011010530 (First Case) are confirmed as the dates set for the consolidated cases. The prehearing conference shall be on May 9, 2011, at 10:00 a.m., and the due process hearing shall be on May 17-19, 2011.
5. 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 Number 2011010530 (First Case). The timeline is tolled from the date of the February 11, 2011 continuance order.

Dated: April 8, 2011

/s/

TROY K. TAIRA
Administrative Law Judge
Office of Administrative Hearings