

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SWEETWATER UNION HIGH SCHOOL DISTRICT,	OAH CASE NO. 2012050894
SWEETWATER UNION HIGH SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012101142 ORDER GRANTING RECONSIDERATION OF THE CONSOLIDATION ORDER ONLY AND REINSTATING HEARING DATES IN OAH CASE NO. 2012050894

On November 8, 2012, the undersigned administrative law judge (ALJ) issued an Order granting District's request for a continuance in OAH Case No. 2012050894, (Student's Case), because of Student's failure to timely and properly serve Student's documentary evidence. The ALJ concurrently issued an order *sua sponte* consolidating OAH Case No. 2012050894 with OAH Case No. 2012101142 (District's Case).

On November 8, 2012, ALJ Peter-Paul Castillo also issued an Order in District's case against Student, OAH Case No. 2012101142, (District's case). In his order, ALJ Castillo directed District to serve its complaint on Student, vacated the scheduling order, and reset the timelines.

On November 9, 2012, Student requested reconsideration of the ALJ's consolidation Order in Student's Case.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to

provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION

ALJ Castillo's Order in District's case conflicts with the ALJ's Order in Student's Case. To eliminate the conflict between the Orders, the ALJ's Order in Student's case is vacated. As such, Student's Case and District's Case are no longer consolidated.

District's motion to continue Student's Case is granted for good cause. Student's case shall proceed pursuant to the schedule set forth below.

Student's Case shall proceed on November 26, 2012 through November 27, 2012 and shall continue from day to day, Monday through Thursday, as needed, at the discretion of the ALJ. The hearing shall commence at 1:30 p.m. on November 26, 2012, and at 9:30 a.m. thereafter, and shall end at 5 p.m. each day. Student shall timely and properly serve District all documents he intends to rely on at hearing as set forth in the Order below.

ORDER

1. The orders consolidating and scheduling cases for prehearing conference (PHC) and hearing issued on November 8, 2012 are vacated.
2. District's request to continue the hearing in OAH Case No. 2012050894 is granted for good cause on the dates set forth below.

Due Process Hearing: November 26-27, 2012 starting on the first day at 1:30 PM, at 9:30 AM on other days, and continuing day to day, Monday through Thursday, as needed, at the discretion of the Administrative Law Judge.

3. By November 14, 2012, Student shall serve on District all documents it intends to rely on at the hearing, in a form consistent with that required by the PHC order issued on November 5, 2012.
4. Failure to comply with this Order shall result in the scheduling of an Order to Show Cause re: Sanctions against Student, and/or the exclusion of evidence at hearing.

IT IS SO ORDERED.

Dated: November 12, 2012

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings