

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RIVERSIDE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016020716

ORDER DENYING MOTION TO
AMEND COMPLAINT AND
DEEMING AMENDED COMPLAINT
AS ORIGINAL COMPLAINT

On February 11, 2016, Meldie Moore, counsel for Student, filed a Due Process Hearing Request (complaint), against the Placentia-Yorba Linda Unified School District, the Orange County Department of Education and the Orange Unified School District. Within hours of filing of the complaint, the Office of Administrative Hearings received another complaint with the same caption and against the same parties. OAH determined this to be a duplicate and placed it in the file. The matter was opened and assigned OAH Case No. 2016020557.

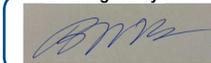
On February 16, 2016, Student's counsel submitted a request to amend the complaint, contending that the second filing of February 11, 2016, was intended to be a new and separate complaint against the Riverside Unified School District. Ms. Moore had mistakenly submitted the complaint with the caption page from the filing against the three other education agencies mentioned above.

OAH staff accepts filings by attorneys and rely upon the attorney ensuring that the caption is accurate. Staff may not independently review the complaint to determine if the party named in the caption is consistent with the rest of the complaint. Here, a separate action against Riverside was never deemed filed and opened. Student certainly does not seek to amend OAH Case No. 2016020557. Therefore, there is nothing to amend and the motion to amend is denied.

The “amended” complaint against Riverside, filed on February 16, 2016, is deemed an original complaint. It is accepted as filed on February 16, 2016, and assigned the case number set out in the caption of this order, OAH Case No. 2016020716. The time lines for this action shall be calculated from February 16, 2016.

IT IS SO ORDERED.

DATE: March 8, 2016

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BOB N. VARMA
Division Presiding Administrative Law Judge
Office of Administrative Hearings