

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011050574

v.

MANTECA UNIFIED SCHOOL DISTRICT,

MANTECA UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2011050289

v.

PARENT ON BEHALF OF STUDENT.

ORDER DENYING MOTION TO
AMEND COMPLAINT, ADD PARTIES
AND WITHDRAW CLAIMS

On May 12, 2011, Parent on behalf of Student filed a Request for Due Process Hearing (complaint) naming District, and others, as respondents. On May 17, 2011, OAH consolidated the complaint with a District-filed Request for Due Process Hearing in OAH Case Number 2011050289. On May 30, 2011, Student filed a motion to amend the complaint, add parties and withdraw claims. On June 4, 2011, Student filed a further motion to amend. No opposition was received, however as discussed below the motion and further motion are both denied without prejudice.

The May 30, 2011 motion apparently pertains both to this matter and to another matter Student filed on May 24, 2011 (OAH Case No. 2011060184). The motion is unclear because it was filed in two separate matters. In the future Student should file papers that are clear which OAH Case they refer to, and should not file a single motion for separate matters that have not been consolidated. Filing a single motion for separate matters is only proper when those matters have been formally consolidated by OAH, which is not the case with Student's two complaints. The motion to amend, and the June 4, 2011, further motion to amend, are incapable of being ruled on because they do not attach any proposed amended complaint document. Thus it is unclear what document should be used as the complaint in each case if amendment is granted. The motion also cannot be ruled on because it seeks to add parties and withdraw claims, but it is not clear which of Student's two matters these requests pertain to, or whether they pertain to both of Student's two matters. Further, the motion may be seeking consolidation of Student's two separate matters but does not explicitly so request. For these reasons the motion is denied without prejudice.

Student may refile his motion, however Student should: (1) file individual motions clearly labeled with the case number in each case Student has open with OAH; (2) if Student seeks to amend either (or both) of the complaints in either of his two open OAH cases, attach a new, complete “proposed amended complaint” for each individual case that can replace the current complaint on file in that case; (3) clarify whether Student wants to consolidate his May 24, 2011 complaint in OAH case number 2011060184 with his May 12, 2011 complaint in OAH Case Number 2011050574; (4) if Student wants to consolidate his two matters and also wants to amend the complaints, attach a new, combined, complete “proposed amended consolidated complaint” that can replace the current complaints on file.

IT IS SO ORDERED.

Dated: June 08, 2011

/s/

JUNE R LEHRMAN
Administrative Law Judge
Office of Administrative Hearings