

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MANTECA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011060184

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

On May 24, 2011, Student filed a Due Process Hearing Request (complaint) naming District, and others, as respondents. On May 30, 2011, Student filed a motion to amend the complaint, add parties and withdraw claims. No opposition was received, however as discussed below the motion is denied without prejudice.

The motion was filed under a different OAH Case Number, 2011050574. That is a different matter filed by Student on May 12, 2011. The motion apparently pertains both to that matter and to this one. 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 is incapable of being ruled on because it did not attach a 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 07, 2011

/s/

JUNE R LEHRMAN
Administrative Law Judge
Office of Administrative Hearings