

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013110189 (Primary)
PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2014040911 ORDER GRANTING MOTION TO CONSOLIDATE

On November 1, 2013, Student filed a Request for Due Process Hearing in OAH case number 2013110189 (First Case), naming Yorba-Linda Unified School District (District).

On April 21, 2014, District filed a Request for Due Process Hearing in OAH case number 2014040911 (Second Case), naming Student. District concurrently filed a Motion to Consolidate the First Case with the Second Case. District did not ask for a continuance or any change to the currently scheduled hearing in Student's case. Attached to District's motion as an exhibit is an email from Student's attorney to District's attorney attesting that Student does not oppose District's motion to consolidate these cases.

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, both Student and District's case raise issues concerning whether District provided Student a free appropriate public education (FAPE) for the 2013-2014 school year. Student does not oppose the motion. In addition, consolidation furthers the interests of

judicial economy because the consolidated cases will require the same witnesses and substantially the same evidence. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates set in OAH Case Number 2013110189 [First Case] shall remain on calendar.
3. All dates set in OAH Case Number 2014040911 [Second Case] are vacated.
4. 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 2013110189 [First Case] which shall be designated as the primary case.

DATE: April 22, 2014

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings