

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015101063
LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015110075 ORDER GRANTING MOTION TO CONSOLIDATE

On October 27, 2015, Student filed with the Office of Administrative Hearings a [Request for Due Process Hearing] in OAH case number 2015101063 (Student’s Case), naming Los Angeles Unified School District.

On October 30, 2015, District filed a Request for Due Process Hearing in OAH case number 2015110075 (District’s Case), naming Student.

On November 13, 2016, District filed a Motion to Consolidate District’s Case with Student’s Case. Student did not file a response to the motion.

Consolidation

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, Student's Case and District's Case involve a common question of law or fact, specifically, whether Student is entitled to an independent occupation therapy evaluation. In addition, consolidation furthers the interests of judicial economy because of the commonality of factual and legal issues and witnesses. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015110075 District's Case are vacated.
3. Matter shall proceed on the dates set in the October 30, 2015 scheduling order for Student's Case, OAH Case No. 2015101063.
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 2015101063 Student's Case.

IT IS SO ORDERED.

DATE: November 19, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings