BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. ANTIOCH UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015030589
ANTIOCH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015020590 ORDER FOLLOWING PREHEARING CONFERENCE AND GRANTING MOTION TO CONSOLIDATE

On March 23, 2015, a telephonic prehearing conference was held before Administrative Law Judge Margaret M. Broussard, Office of Administrative Hearings in OAH case number 2015020590 (first case). David Mishook, Attorney at Law, appeared on behalf of Antioch Unified School District. Nicole Hodge Amey, Attorney at Law, appeared on behalf of Student. The PHC was recorded.

Based on discussion with the parties, the ALJ issues the following orders:

1. Motion for Consolidation On March 13, 2015, Student filed a due process hearing request naming Antioch, designated as OAH case 2015030589 (second case). On the same date, Student filed a motion to consolidate first case with second case. Antioch did not oppose consolidation of the 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, subdivision (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, Student's continued eligibility for special education. Antioch did not oppose the

motion. In addition, consolidation furthers the interests of judicial economy because both cases require the testimony of common witnesses. Accordingly, consolidation is granted.

a. Second case, OAH case number 2015030589, will be the primary case.

b. All dates previously set in first case, OAH case number 2015020590 (first case) are vacated.

c. 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 2015030589 (second case). The case will proceed on the dates currently set in the second case.

2. Other Matters: All other matters relevant to preparing for hearing, including clarification of issues and identification of witnesses and exhibits, will be addressed at the next PHC.

3. Settlement: Dates for hearing will not be cancelled until a letter of withdrawal, or a request for dismissal with the signature page of the signed agreement has been received by OAH. In the event a settlement agreement is executed subject to board approval, the parties may request to continue the hearing and set a telephonic status conference call following the date anticipated for board approval. The parties should otherwise plan to attend the scheduled PHC and the hearing unless different arrangements have been agreed upon by the assigned ALJ or ordered by OAH.

IT IS SO ORDERED.

DATE: March 23, 2015

/s/
MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings