BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ELK GROVE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016100772 ORDER DENYING REQUEST FOR RECONSIDERATION

On November 17, 2016, Administrative Law Judge Clifford Woosley issued an order dismissing several issues in this matter and bifurcating the hearing to allow for evidence to be received that will determine whether the remaining issues should be dismissed. On November 21, 2016, Student filed a motion for reconsideration of the order. On the same date, Elk Gove Unified School District filed an opposition to the motion for reconsideration[1].

Student's motion for reconsideration is only signed by James Peters III, a paralegal working for Nicole Hodge Amey, the attorney of record for Student in this matter. Where Ms. Amey is supposed to sign the motion there is a "/s."[2] There are declarations from Mr. Peters and Parent attached to the motion. The motion claims that there are new "facts and conclusions" as well as declarations in support of the motion for reconsideration.

The motion does not contain any new facts. The motion highlights sections of the settlement agreement, all of which was considered as part of the initial order. Student simply attempts to make new arguments regarding his preferred interpretation of the settlement agreement. No new facts were argued in the motion or used to support these new arguments from Student. Although some new facts appear for the first time in the attached declarations, these facts are not used to support any argument in the motion, and, even if they were, do not support a reconsideration of original order. Further, none of these "new" facts occurred after the filing of the initial opposition to the motion to dismiss and no explanation was given to support Ms. Amey's failure to include these facts in her initial opposition. There was no declaration from Ms. Amey attached to the motion for reconsideration.

---

[1] ALJ Woosley is on leave and not available to decide the motion for reconsideration prior to the commencement of the hearing on November 22, 2016.

[2] Ms. Hodge Amey is reminded that OAH requires motions to be signed by the attorney of record and that there is no provision which allows signature by "/s" . In the future, Ms. Amey should sign all pleadings she submits to OAH.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION

Student alleges no new facts, circumstances, or law in support of the request reconsideration. Accordingly, Student's request for reconsideration is Denied.

ORDER

Motion for Reconsideration is Denied.

IT IS SO ORDERED.

DATE: November 21, 2016

DocuSigned by:
Margaret Broussard
88BDF3720DB941A...

MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings