BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024090356

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING CONTINUANCE

APRIL 7, 2025

On April 4, 2025, the undersigned Administrative Law Judge issued an order Denying Student's Motion to Continue Due Process Hearing. On April 7, 2025, Student filed a motion for reconsideration. The Office of Administrative Hearings did not receive a response from Irvine Unified School District.

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, generally within ten

days. (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 offers new facts, circumstances or law. to support reconsideration. Student argues OAH failed to take into consideration Student's counsel did not know he would be involved in another matter at the time he represented he would be available for the instant matter. The motion for reconsideration is granted.

ORDER

On reconsideration, Student's motion for reconsideration is granted. Student case has been pending since September 9, 2024. Student was granted a mediation scheduled for December 6, 2024. Student cancelled this mediation on December 4, 2024. A mediation was convened for this matter on March 24, 2025. This is now the second request for continuance filed by Student's counsel for the same basis of counsel unavailability. Student filed a motion to continue due to counsel's unavailability on January 17, 2025. This motion was granted on January 17, 2025, over the Irvine's objection. Student is requesting to continue a matter until the week of May 20-22, 2025, which is almost a complete school year since its filing.

Student again fails to demonstrate how counsel unavailable is a matter rising to a second continuance for the same reason state on her first request for continuance. This firm has three named attorneys above the firm header representing to the public and OAH that three attorneys are representing Student. Student is not deprived her ability to be represented by her counsel of choice. Student remains represented by the firm.

Student has already had another attorney appear on her behalf for a prehearing conference hearing on March 28, 2025. Student provided no evidence that either Andrea Blair, who appeared at the March 28, 2025, prehearing conference, or Madeline Knutson who is also named on the firm filings are unavailable for the hearing set to commence on April 8, 2025.

Student's request for reconsideration is granted, the relief is denied. All hearing dates are confirmed.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings