BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025030847

ORDER DENYING MOTION TO CONSOLIDATE AND ORDER TO SHOW CAUSE REGARDING SANCTIONS

MARCH 25, 2025

On March 21, 2025, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2025030847, Student's Case, naming Palo Alto Unified School District.

Also on March 21, 2025, Student's brother filed a Request for Due Process Hearing in OAH case number 2025030845, Brother's Case, naming Palo Alto.

On March 21, 2025, Student filed a Motion to Consolidate Student's Case with Brother's Case, arguing that with the exception of two issues, the cases overlapped.

On March 21, 2025, Palo Alto filed an objection to consolidation on the ground that the two students' cases should not be tried together.

On March 24, 2025, Student filed a response to Palo Alto's opposition.

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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 his sibling's Case do not involve the same parties and do not involve a common question of law or fact. Specifically, each case relates to a specific child and their unique needs. Each child's needs must be addressed, individually, under the Individuals with Disabilities Education Act. Accordingly, OAH does not consolidate cases filed by siblings.

It should be noted that this is the second unsuccessful attempt Student has made to consolidate his and his brother's cases. On March 11, 2025, in OAH Case No. 2025030069, OAH denied Student's prior motion to consolidate his and his brother's previously-filed cases. That motion raised the same arguments to those raised here, and it was denied for the same reasons. Both of those prior cases were dismissed on March 20, 2025, and the instant filings made the next day.

Because Student's counsel has caused undue consumption of judicial resources by re-filing under two new case numbers, identical motions that Student and Brother lost previously, Student's counsel is ordered to appear and show cause why monetary or

other sanctions should not be imposed against counsel personally and/or against the law firm. Student's counsel is ordered to appear by videoconference or telephonically at the time of the Pre-Hearing Conference, currently scheduled for April 28, 2025, unless continued, and show cause why sanctions should not be imposed. The attorneys shall file and serve their briefs concerning sanctions concurrently with their prehearing conference statements, explaining why sanctions should or should not be imposed.

ORDER

1. Student's Motion to Consolidate is denied.
2. Student's counsel shall appear by videoconference or telephonically at the time of the Pre-Hearing Conference, currently scheduled for April 28, 2025, unless continued, and show cause why sanctions should not be imposed.

IT IS SO ORDERED.

June Lehrman

June Lehrman
Administrative Law Judge
Office of Administrative Hearings