BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

# IN THE CONSOLIDATED MATTERS INVOLVING:

# PARENT ON BEHALF OF STUDENT,

# AND

# MT. DIABLO UNIFIED SCHOOL DISTRICT,

# OAH CASE NUMBER 2024020456

# OAH CASE NUMBER 2024010744

# ORDER DENYING REQUEST FOR RECONSIDERATION

MARCH 28, 2024

On March 25, 2024, Administrative Law Judge Cole Dalton issued an Order Granting Motion to Quash in Part and Modifying Subpoenas Duces Tecum, dated March 22, 2024. An Administrative Law Judge is known as an ALJ.

By the March 22, 2024, Order, ALJ Dalton limited the scope of the subpoenas issued by Mount Diablo Unified School to Student's medical and/or service providers, Anthony Verzi, Dr. Olga Kelly, Jennifer Jourdain, University of California San Francisco Benioff Children's Hospital, and Nan Arkwright. Specifically, the Order limited the production required by the subpoenas to the documents pertaining to Student's feeding disorder, feeding issues, and feeding related needs.

On March 28, 2024, Student filed a motion for reconsideration of the March 22, 2024, Order. ALJ Dalton is unavailable to rule on Student's motion for reconsideration.

## 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 no new facts, circumstances, or law, to justify reconsideration of the March 22, 2024, Order. It appears that Student's motion essentially reargues the motion to quash, which arguments ALJ Dalton has already rejected. Mere disagreement with a judge's analysis is not proper basis for bringing a motion for reconsideration. (See e.g., *Gilberd v. AC Transit* (1995) Cal.App.4th 1494, 1500 [respondent's argument without merit and contrary to the legislative intent behind California Code of Procedure section 1008 when it argued that because the court misinterpreted California law in its initial decision, respondent was relying on "different" law when it reiterated its prior reasoning and authorities].)

While Student argues that on March 20, 2024, he filed a much larger complaint amending the feeding issue, that other complaint is the basis for a separate action, specifically OAH Case No. 2024030791. The filing in the other case does not change the allegations in this case, OAH Case Nos. 2024020456/2024010744, upon which the March

22, 2024, Order was based. The complaint filed in the other action is not a new fact or circumstance justifying reconsideration in this case.

## ORDER

Student has not established the March 22, 2024, Order should be reconsidered. The motion for reconsideration is denied.

## IT IS SO ORDERED.

*Laurie Gorsline*

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings