BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022020609

ORDER DENYING REQUEST FOR RECONSIDERATION

MAY 6, 2022

On May 5, 2022, the undersigned Administrative Law Judge issued an order denying Student leave to amend. On May 6, 2022, Student filed a motion for reconsideration, on the grounds the ALJ incorrectly applied the law. OAH has not yet received a response from Long Beach Unified School District.

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.)

Student's motion for reconsideration alleges no new facts, circumstances, or law in support of the request reconsideration. It repeats the same arguments Student made in his original motion. The included declaration of Student's counsel explains that she had erroneously cut and pasted in a section from a different case, and states that she has never before been required to explain the difference between the original complaint and proposed amended complaint.

Student argues that the ALJ was incorrect on the law to require such an explanation of the changes made by the proposed amended complaint. However, the ALJ was not required to compare two complaints side by side in an attempt to determine if new claims had indeed been made. "Judges need not excavate masses of papers in search of revealing tidbits in support of litigants' motion, not only because rules of procedure place burden on litigants, but also because their time is scarce." (*Northwestern Nat'l Ins. Co. v. Baltes* (7th Cir. 1994) 15 F.3d 660, 662-63; See also *N.F. v. Antioch Unified School Dist.* (N.D. Cal. July 2, 2021, Case No. 4:20-cv-04123-KAW) 2021 WL 3355280, *1, fn. 1, "the Court will address Plaintiff's arguments on the merits, but it declines to scour the administrative record to cite to pages that Plaintiff did not identify."; affirmed (9th Cir. Apr. 15, 2022, No. 21-16260) 2022 WL 1125645.)

Student fails provide a sufficient explanation for its failure to previously provide different facts, circumstances or law. Instead, Student simply states that he could have provided information about the nature of the amendment in the original moving papers but chose not to do so.

To the extent Student contends that the undersigned ALJ misapplied the law concerning motions to amend, that is not a basis for reconsideration but for seeking review, if and to the extent available.

For the reasons stated above, Student's motion for reconsideration is denied. All dates currently set in this matter are confirmed.

This Order does not bar Student from filing a new motion to amend referencing the correct dates for this matter and providing a timely explanation of the new claim Student seeks to add.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings