BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ORCUTT UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2023010165

ORDER DENYING MOTION FOR RECONSIDERATION

JUNE 15, 2023

On May 23, 2023, the undersigned Administrative Law Judge issued an order denying Orcutt Union School District's motion for sanctions because the Office of Administrative Hearings, called OAH, no longer has jurisdiction over this case. On June 2, 2023, Orcutt filed a motion for reconsideration. On June 5, 2023, Student filed an opposition.

Orcutt argues the Administrative Law Judge did not apply the appropriate law to the facts, which would have permitted OAH to rule upon the motion for sanctions. To support its argument, Orcutt cites two California appellate cases, *Frank Annino & Sons Construction, Inc., etc., et al. v. McArthur Restaurants, Inc., et al.* (1989) 215 Cal.App.3d 353, and *Spinks v. Superior Court* (1915) 26 Cal.App. 793. *Annino* upheld a trial court's decision to allow a responding party who had been dismissed from the case to seek

sanctions against the plaintiff. In *Spinks*, the trial court awarded court costs to the defendant after the plaintiff voluntarily dismissed the case. However, the trail court refused to proceed on a contempt hearing after the plaintiff refused to pay the costs, on the grounds that it no longer had jurisdiction over the case. The appellate court disagreed and ordered the trial court to proceed with the contempt hearing. Relying on *Annino* and *Spinks*, Orcutt argues it should have retained its right to seek sanctions when Student voluntarily dismissed the case during the due process hearing.

Student argues the motion for reconsideration should be denied because Orcutt failed to present any new or different facts, circumstances, or law, to justify reconsideration. Further, Student argues Orcutt failed to cite any legal authority showing that OAH can grant a motion for sanctions after a case has been dismissed. Finally, Student argues *Annino* and *Spinks* are not applicable to the present case because the case had not been dismissed in *Annino*, and *Spinks* did not involve sanctions.

OAH 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 10 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.)

RECONSIDERATION IS NOT WARRANTED

Orcutt did not establish that reconsideration of the May 23, 2023 Order Denying Motion for Sanctions is warranted. Orcutt did not raise any new or different facts,

circumstances, or law justifying reconsideration. Instead, Orcutt raised two California appellate cases, both more than 30 years old, and neither of which offer legal authority that allows OAH to retain jurisdiction over a case after it is dismissed.

Student dismissed its case on the record during the due process hearing on March 30, 2023. OAH dismissed the case with prejudice on April 26, 2023. Nothing prevented Orcutt from filing its motion for sanctions within this timeframe. Instead, Orcutt waited until May 18, 2023, to file its motion. Consequently, OAH no longer had jurisdiction to rule on Orcutt's motion. If Orcutt believes OAH has misapplied the law in denying the motion for sanctions, Orcutt may seek review with an appropriate court.

ORDER

Orcutt Union School District's Motion for Reconsideration on OAH's May 23, 2023 Order Denying Motion for Sanctions is denied.

Tara Doss

Tara Doss
Presiding Administrative Law Judge
Office of Administrative Hearings