

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
EAST WHITTIER CITY SCHOOL DISTRICT	OAH CASE NO. 2013030544
V.	
PARENTS ON BEHALF OF STUDENT,	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2013030208
v.	
EAST WHITTIER CITY SCHOOL DISTRICT	ORDER GRANTING MOTION TO CONSOLIDATE AND GRANTING MOTION TO CONTINUE

On March 6, 2013, Student's parents on behalf of Student (Student) filed a request for a due process hearing in Office of Administrative Hearings (OAH) case number 2013030208 (First Case), naming the East Whittier City School District (District). That case is currently set for hearing on May 2, 2013.

On March 13, 2013, the District filed a request for due process hearing in OAH case number 2013030544 (Second Case), naming Student. That case is set for hearing on April 11, 2013.

On March 19, 2013, the parties filed a joint motion to consolidate the First Case with the Second Case and to continue the due process hearing date and other dates set in the Second Case.

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; 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, the First Case and Second Case involve common questions of law and fact regarding the appropriateness of the District's assessments, and both parties agree to

consolidation. Consolidation will further the interests of judicial economy and is hereby granted.

In addition, it is appropriate to continue the hearing, prehearing conference and mediation dates in the Second case, as requested by the parties.

ORDER

1. The parties' joint motion to consolidate is granted.
2. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2013030544 [Second Case].
3. All dates previously set in OAH Case Number 2013030544 [Second Case] are vacated, and the case is continued.
4. The new dates for the consolidated case shall be as follows:

Hearing: May 2, 2013, at 9:30 a.m.

Telephonic Prehearing Conference: April 22, 2013, at 10:00 a.m.

Mediation: April 11, 2013, at 9:30 a.m.

Dated: March 21, 2013

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings