

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

HEMET UNIFIED SCHOOL DISTRICT

OAH CASE NO. 2013110591

v.

PARENT OF BEHALF OF STUDENT,

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2013090788

v.

HEMET UNIFIED SCHOOL DISTRICT.

CORRECTED ORDER GRANTING
MOTION TO CONSOLIDATE¹

On September 23, 2013, Parents, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Due Process Complaint (Student Complaint) that named the Hemet Unified School District (District). OAH has assigned the Student Complaint case number 2013090788. Currently pending in the Student Complaint is a prehearing conference set for November 25, 2013, and a due process hearing set for December 3, 2013.

On November 18, 2013, the District, through counsel, filed with OAH a Due Process Complaint (District Complaint) that named Student. OAH has assigned the District Complaint case number 2013110591. Currently pending in the District Complaint is a mediation set for December 3, 2013, a prehearing conference set for December 9, 2013, and a due process hearing set for December 17, 2013.

Also, on November 18, 2013, the District filed with OAH a Motion to Consolidate the Student and District Complaints. Student has not filed with OAH a response to this motion.

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

¹ On November 22, 2013, an order consolidating these matters was issued. This corrected order changes the case caption to list the full case titles of the cases that have been consolidated. No substantive changes have been made to the November 22, 2013 order.

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 Student and District Complaints involve common questions of law and fact, consolidation will further judicial economy for all parties, and Student has not opposed the Motion for Consolidation. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted. OAH case numbers 2013090788 and 2013110591 are hereby consolidated.
2. All dates previously set in OAH case number 2013090788 (Student Complaint) are vacated.
3. The mediation and hearing dates currently set in OAH case number 2013110591 (District Complaint) shall become the mediation and hearing dates for the consolidated matters..
4. 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 203110591 (District Complaint).

Dated: November 25, 2013

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings