

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015030014
v.	
MOUNT DIABLO UNIFIED SCHOOL DISTRICT,	
MOUNT DIABLO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015020503
v.	
PARENT ON BEHALF OF STUDENT.	ORDER FOLLOWING PREHEARING CONFERENCE AND GRANTING MOTION TO CONSOLIDATE

On March 2, 2015, a telephonic prehearing conference was held before administrative Law Judge Theresa Ravandi, Office of Administrative Hearings. Melanie D. Seymour, Attorney at Law, appeared on behalf of Mount Diablo Unified School District. Advocate Heyman Hakimi appeared for Attorney Michelle Ortega on behalf of Parents and Student. The PHC was recorded.

MOTION TO CONSOLIDATE

On February 6, 2015, Mount Diablo filed a request for due process naming Student (First Case). On February 26, 2015, Student filed a request for due process naming Mount Diablo (Second Case). On February 26, 2015, Student filed a motion to consolidate the First Case with the Second Case. On March 2, 2015, Mount Diablo filed a Non-Opposition to Student's Motion to Consolidate.

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 present overlapping issues regarding the appropriateness of Mount Diablo's 2014 psycho-educational assessment of Student, and whether Mount Diablo denied Student a free appropriate public education during the 2013-2014 and 2014-2015 school years including extended school years. Consolidation, therefore, is warranted and will prevent the risk of inconsistent rulings. In addition, consolidation furthers the interests of judicial economy because both cases involve the same parties and many of the same witnesses would be required to testify in each proceeding. Each matter will also involve introduction of the same or similar documents including relevant assessment reports. Accordingly, consolidation was granted.

ORDER

1. The statutory 45-day timeline for issuance of the decision in the consolidated matter shall be based on the date of filing of the Second Case, OAH Case No. 2015030014.
2. All dates previously set in OAH Case No. 2015020503, the First Case, are vacated.
3. The consolidated matter shall now be heard on the dates set for the Second Case. Specifically, mediation shall be held on April 2, 2015, at 9:30 a.m., with a PHC on April 13, 2015, at 10:00 a.m., and the due process hearing shall commence on April 22, 2015, at 9:30 a.m.

DATE: March 2, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings