

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
PARENT ON BEHALF OF STUDENT,

and

CONEJO VALLEY UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2021090397
OAH CASE NUMBER 2021060020

ORDER GRANTING MOTION TO CONSOLIDATE

SEPTEMBER 20, 2021

On May 28, 2021, Conejo Valley Unified School District filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2021060020, First Case, naming Parent on behalf of Student. OAH granted the parties' joint request to continue First Case on June 11, 2021, so the parties could mediate, which occurred on August 11, 2021.

On September 13, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021090397, Second Case, naming Conejo Valley Unified School District.

On September 13, 2021, Student filed a Motion to Consolidate First Case with Second Case. Conejo Valley Unified School District filed a non-opposition on September 14, 2021.

CONSOLIDATION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, 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, First Case and Second Case involve a common question of law or fact. Specifically, each case involves the appropriateness of Conejo Valley's assessments for Student. In addition, consolidation furthers the interests of judicial economy because each case involves identical parties and witnesses. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Second Case, OAH case number 2021090397, is designated as the primary case. All dates previously set in First Case, OAH case number 2021060020, are vacated.
3. The consolidated matters shall proceed on the dates previously set for hearing in the Primary Second Case, OAH case number 2021090397.
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 Primary Case, OAH case number 2021090397.
5. As OAH has already continued this matter, any subsequent continuance request must establish good cause by way of declaration.

IT IS SO ORDERED.


Paul H. Kamoroff (Sep 21, 2021 08:33 PDT)

Paul H Kamoroff
Administrative Law Judge
Office of Administrative Hearings