

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

and

HUNTINGTON BEACH CITY SCHOOL DISTRICT,
OAH CASE NUMBER 2021100157
OAH CASE NUMBER 2021070402

ORDER GRANTING MOTION TO CONSOLIDATE]

OCTOBER 7, 2021

On July 13, 2021, Huntington Beach City School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2021070402, District's Case, naming Parents on behalf of Student.

On October 5, 2021, Student filed a Request for Due Process Hearing in OAH case number 2021100157, Student's Case, naming Huntington Beach.

On October 5, 2021, Student filed a Motion to Consolidate District's Case with Student's Case.

On October 7, 2021, Huntington Beach filed a statement of non-opposition to Student's motion to consolidate the cases.

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 common questions of law or fact, the same time period, and would call substantially similar lists of witnesses. Huntington Beach does not oppose the motion. In addition, consolidation furthers the interests of judicial economy by allowing both matters to be resolved in one hearing. Accordingly, consolidation is granted.

ORDER

1. Student's Motion to Consolidate is granted.
2. Student's Case is designated as the primary case. All dates previously set in District's Case, OAH case number 2021070402, are vacated. The consolidated matters shall proceed on the dates set for hearing in Student's Case, OAH case number 2021100157.
3. 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 Student's Case, OAH case number 2021100157.
4. Student previously joined in a request for and then cancelled a mediation in District's case. If a mediation is requested for the consolidated cases, the request must be made by November 9, 2021, which is one week prior to the due date for prehearing conference statements. If the request is not made by that time, it must be accompanied by a declaration setting out good cause for the mediation and for the failure to request the mediation by the November 9, 2021 deadline.

IT IS SO ORDERED.

Chris Butchko

Chris Butchko

Administrative Law Judge

Office of Administrative Hearings