BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

RIVERSIDE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2023090117

OAH CASE NUMBER 2024010703

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING MOTION TO CONSOLIDATE

MARCH 28, 2024

On March 25, 2024, the undersigned Administrative Law Judge issued an order denying Riverside's Motion to Consolidate Student's case, 2023090117, with Riverside's case, 2024010703, with a later filed Student case, 2024020782. On March 26, 2024, Riverside filed a Motion for Reconsideration of Consolidation. Student filed a non-opposition to Riverside's Motion for Reconsideration on March 27, 2024.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION

Riverside was granted leave file its written Motion for Reconsideration during the Prehearing Conference held on March 25, 2024. Riverside argues a single hearing is necessary to promote judicial economy as Student's two operative complaints contain overlapping facts. Judicial economy is not served by having more than one operative complaint with differing statutory timelines from the same party. Consolidation in this instance does not serve judicial economy. That is particularly true when another vehicle, namely a Motion to Amend and an amended complaint, is an available option and resolves multiple complaints by the same party being litigated in a single action. Utilizing that vehicle results in one operative complaint for each party for hearing.

Given the length of time this matter has been pending, any such motion should be expeditiously filed. At the present time, the parties should be prepared to move forward with the prehearing conference and due process hearing in this consolidated matter.

ORDER

1. The Motion for Reconsideration is GRANTED.
2. Riverside's Request for Consolidation is DENIED.
3. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Tiffany Gilmartin

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings