BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT AND SIMI VALLEY UNIFIED SCHOOL DISTRICT	OAH Case No. 2014120059
LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2014120530 ORDER GRANTING MOTION TO CONSOLIDATE

On November 21, 2014, Student filed a request for a due process hearing in OAH case number 2014120059 (First Case), naming Los Angeles Unified School District and Simi Valley Unified School District.

On December 11, 2014, Los Angeles filed a request for a due process hearing in OAH case number 2014120530 (Second Case), naming Student.

On December 16, 2014, Los Angeles filed a motion to consolidate the First Case with the Second Case.

On December 22, 2014, Simi Valley filed an opposition to the consolidation motion. On December 22, 2014, Student filed a statement of non-opposition to the 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 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 involve common questions of law and fact related to the assessments done by Los Angeles. The two cases will require some of the same witnesses to be called to testify and will rely upon some of the same evidence.

Simi Valley objects to consolidation because the assessments are only one small part of Student's case. Simi Valley contends that its involvement in the case is limited to the question of who is responsible for funding Student's residential placement. It does not believe the assessment issue has any common facts or law with the issue of responsibility for funding.

Simi Valley's objections are not well taken. Consolidating the two cases will not lengthen the proceeding – Los Angeles would already have to bring in the same witnesses and evidence regarding the assessments to defend against Student's case. If, as Simi Valley contends, the assessment issue does not involve Simi Valley, then adding Los Angeles' issues will not affect Simi Valley's defense of its own portion of the case.

Consolidation will further the interests of judicial economy and convenience of witnesses. It is proper to consolidate the two cases at this time.

ORDER

1. Los Angeles' motion to consolidate is granted.
2. All dates previously set in OAH Case Number 2014120530 [Second Case] are vacated.
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 OAH Case Number 2014120059 [First Case].

DATE: December 22, 2014

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings