BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. CULVER CITY UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018120960 ORDER DENYING STUDENT'S MOTION TO CONSOLIDATE

On November 16, 2018, Culver City Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2018110595 (Culver City's Case), naming Student. On November 29, 2018, OAH granted the parties' joint continuance for the hearing to commence on January 29, 2019.

On December 26, 2018, Student filed a Request for Due Process Hearing in OAH case number 2018120960 (Student's Case), naming Culver City. Student's Case is presently scheduled to commence on February 20, 2019.

On December 26, 2018, Student filed a Motion to Consolidate District's Case with Student's Case asserting a commonality of witnesses and evidence between the two cases.

On December 28, 2018, Culver City filed an objection to consolidation on the ground that there was no commonality of issues between the two cases.

On December 31, 2018, Student filed a reply to Culver City's objections continuing to assert a commonality of witnesses and evidence between the two cases.

Consolidation

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, Student's Case and Culver City's Case do not involve a common question of law or fact. Specifically, Student is seeking relief for alleged failure by Culver City to

provide Student with a free appropriate public education, while Culver City simply seeks an order allowing it to conduct an educationally-related intensive counseling services assessment of Student. Although there may be witnesses that may testify in both cases or documents that are relevant to both, the potential overlap is so minimal as to fail to meet the requirements for consolidation articulated above.

ORDER

Student's Motion to Consolidate is denied.

IT IS SO ORDERED.

DATE: December 31, 2018

DocuSigned by:
Ted Mann
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TED MANN
Administrative Law Judge
Office of Administrative Hearings