BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024120392

ORDER DENYING MOTION TO COMPEL

MARCH 19, 2025

On December 11, 2024, Student filed a request for due process, called a complaint, naming Palo Alto as respondent. On January 15, 2025, Student exchanged its witness list with Palo Alto. On January 15 2025, OAH issued an order granting a continuance of the due process hearing to commence on March 25, 2025 and the prehearing conference, called PHC, for March 17, 2025.

On March 17, 2025, the parties appeared at the PHC. Student's attorney exchanged an updated witness list with Palo Alto. Palo Alto identified that three of Student's proposed witnesses were former employees of Palo Alto.

On March 18, 2025, Student filed an untimely motion to compel Palo Alto to produce the contact information for its former employees, in light of Palo Alto's refusal.

On March 18, 2025, Student's attorney filed a declaration in support of the motion and provided an explanation of the untimely filing. Student relied on Palo Alto's request for an updated witness list in March 2025 as the reason for the untimely motion to compel. Palo Alto did not file an opposition to the motion to compel.

Special education law does not specifically address motions to compel. In ruling on such motions, OAH relies by analogy on the relevant portions of the Code of Civil Procedure. Code of Civil Procedure section 1987.1 provides that a court may make an order quashing a subpoena entirely, modifying it, or directing compliance with it upon such terms or conditions as the court shall declare, including protective orders.

Here, Student's motion is untimely However, Student established good cause for the delay as the witnesses' employment status was unknown to Student until the PHC. However, Student offers no legal authority in support of its motion. Furthermore, Student offers no legal authority authorizing Palo Alto to share private former employee's contact information. Therefore, Student motion is without legal authority to mandate OAH to issue an order to compel Palo Alto to disclose the contact information for its former employees.

ORDER

1. Student's motion to compel the disclosure of former employees contact information is denied.

2. Student's request that OAH order Palo Alto to disclose the private and personnel information is denied.

Thanayi Lindsey
Thanayi Lindsey (Mar 19, 2025 14:47 PDT)

Thanayi Lindsey

Administrative Law Judge

Office of Administrative Hearings