BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. STOCKTON UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013050798 ORDER DENYING STUDENT'S MOTION TO QUASH SDT

On May 22, 2013, Parent on behalf of Student filed with the Office of Administrative Hearings (OAH) a request for due process hearing naming the Stockton Unified School District (District) as respondent. On June 27, 2013, OAH issued a scheduling order which scheduled the due process hearing (DPH) to commence on September 9, 2013.

On August 16, 2013, the District, through its counsel, served upon Student's counsel a Notice to Consumer along with a Subpoena Duces Tecum (SDT) addressed to the records custodian for the UCSF Medical Center/ UCSF Benioff Children's Hospital (UCSF Medical Center) for medical records involving Student. The SDT called for the requested records to be produced at the scheduled DPH on September 9, 2013.

On August 23, 2013, Student filed with OAH a motion for leave to file an amended complaint accompanied with the proposed amended complaint. On August 27, 2013, the District filed its opposition to Student's motion for leave to file an amended complaint. On August 28, 2013, OAH issued an order granting Student's motion to file an amended complaint and noted that OAH will issue a new scheduling order. This has the effect of vacating the September 9, 2013 DPH date.[1]

On August 28, 2013, Student filed his motion to quash the SDT addressed to UCSF Medical Center. On August 29, 2013, the District filed an opposition to the motion. The District contends that the motion is moot because the SDT is no longer valid because of the filing of the amended complaint and the vacating of the original DPH date. The District admits, "Because of the change of hearing dates, the District will need to issue a new SDT to compel the production of the documents." Because the SDT has been withdrawn, the motion to quash is now moot.

[1] On August 28, 2013, OAH issued a new scheduling order setting the DPH for October 22, 2013.

ORDER

Student's motion to quash the SDT to UCSF Medical Center is DENIED as it is moot.

Dated: August 29, 2013

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings