BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NEWARK UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022120182

ORDER DENYING MOTION TO QUASH SUBPOENAS, AS MOOT

FEBRUARY 23, 2023

On December 6, 2022, Student filed a request for due process naming Newark Unified School District. On December 19, 2022, OAH issued an order determining Student's complaint insufficient, granting Student permission to file an amended complaint no later than 14 days from the date of the order. On January 4, 2023, Student timely filed an amended complaint. On January 4, 2023, OAH issued a scheduling order scheduling the case for hearing on February 22 and 23, 2023.

On January 27, 2022, Newark issued subpoenas duces tecum on Dr. Vrittamani, Ms. Panoringan, and Dr. Nazaneen. A notice to consumer was sent to Student advising Student of the subpoenas directed to Dr. Vrittamani, Ms. Panoringan, and Dr. Nazaneen.

Copies of the subpoenas were sent to Student with the notice to consumer. The subpoenas to Dr. Vrittamani, Ms. Panoringan, and Dr. Nazaneen, sought testimony and records, to be produced on February 22, 2023, the first day of the scheduled due process hearing.

On February 3, 2023, Student filed a second amended complaint. On February 6, 2023, OAH issued a scheduling order scheduling hearing on March 28, 29, and 30. On February 17, 2023, Student filed a motion to quash the subpoenas issued by Newark on January 27, 2023, as overly broad and violative of Student's right to privacy regarding medical records. On February 21, 2023, Newark filed an opposition asserting that Student's motion to quash is moot based on Student's filing of a second amended complaint.

Newark's subpoenas at issue here, pertained to records ordered to be produced on February 22, 2023. Student's filing of a second amended complaint subsequent to the issuance of the subpoenas, reset timelines. Accordingly, Student's motion to quash Newark's January 27, 2023 subpoenas is denied, as moot.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings