BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120515

ORDER DENYING MOTION TO QUASH SUBPOENA

FEBRUARY 10, 2026

On February 3, 2026, Student issued a subpoena for testimony on Stephen Pietrolungo. On February 3, 2026, Simi Valley Unified School District filed a motion to quash the subpoena on the grounds that the subpoena failed to show reasonable necessity for the testimony requested. On February 5, 2026, Student opposed the motion arguing that the requested testimony was relevant to Student's case and could only be provided by Pietrolungo.

The parties spell Pietrolungo's first name slightly differently, but it is clear both Student's subpoena and Simi Valley's motion refer to the same individual. This Order uses the spelling provided in Student's subpoena.

SUBPOENA FOR ATTENDANCE OF WITNESS

California Code of Regulations, title 5, section 3082, subdivision (c)(2), specifies the right of the parties in a special education hearing to compel the attendance of witnesses at hearing. That regulation states, "[t]he hearing officer shall have the right to issue subpoenas (order to appear and give testimony) and subpoenas duces tecum (order to produce document(s) or paper(s) upon a showing of reasonable necessity by a party)." Thus, subpoenas are available to require the production of information that is reasonably necessary for a party to present their case at hearing.

In the absence of regulations pertaining to the details of subpoena processes in administrative hearings, the Office of Administrative Hearings, called OAH, requires parties to comply with procedures described in California Civil Code. California Civil Code section 1985 governs the issuance of subpoenas. In accordance with the California Civil Code, OAH allows attorneys to issue subpoenas to witnesses to require their attendance at hearing with documents and to excuse the attendance of witnesses if documents are produced. Parties must also comply with the consumer protections of California Civil Code 1985.3 when seeking the production of the personal records of a consumer. (*Sehlmeyer v. Dept. of General Services* (1993) 17 Cal.App.4th 1072.)

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.

At this early stage, Student established that Pietrolungo's testimony, in his capacity as a school principal, is relevant and material to the issues in this matter. However, specific relevancy issues must be determined in the context of the hearing and witness testimony. Accordingly, Simi Valley's motion to quash is denied.

Nevertheless, the administrative law judge, called an ALJ, may subsequently limit or exclude Pietrolungo's testimony if the ALJ later determines it is cumulative, irrelevant, or otherwise subject to limitation or exclusion, such as at the time Pietrolungo is called to testify.

ORDER

1. Simi Valley's motion to quash Student's subpoena to Stephen Pietrolungo is denied.
2. The ALJ may subsequently limit or exclude Pietrolungo's testimony if the ALJ determines it is cumulative, irrelevant, or otherwise subject to limitation or exclusion, such as at the time Pietrolungo is called to testify.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings