BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ANAHEIM ELEMENTARY SCHOOL DISTRICT.	OAH Case No. 2018070654 ORDER DENYING STUDENT'S OPPOSITION TO SUBPOENA TO COMPEL MEDICAL RELEASES

On July 12, 2018, Parent on behalf of Student filed a request for due process hearing (complaint) naming Anaheim Elementary School District. Parent is self-represented.

On August 23, 2018, Anaheim issued notices to consumer, pursuant to California Civil Code 1985.3 to Parent on behalf of Student seeking documents from Benjamin Stepanoff, Psy.D. and Dr. Juan Mocega, accompanied by subpoenas duces tecum to each care provider, directing them to appear with documents on October 4, 2018, for testimony in the hearing scheduled to begin that day.

On August 20, 2018, Parent on behalf of Student, filed objections to the subpoena of Dr. Stepanoff and it was treated as a motion to quash the subpoena. Anaheim opposed the motion to quash the subpoena directed to Dr. Stepanhoff and further requested that the subpoena directing production of documents by Dr. Mocega also be determined to be valid, despite the fact that it had not been the subject of an objection by Student. Absent a motion to quash the subpoena to Dr. Mocega, OAH did not make a ruling as to the adequacy of that subpoena. OAH, however, denied Student's motion to quash the subpoena duces tecum seeking records from Dr. Stepanoff, on August 24, 2018.

On August 29, 2018, Student filed an opposition to motion and subpoena to compel medical releases. The same day, Anaheim replied to Student's opposition noting that it did not file a motion.

DICUSSION

Student's August 29, 2018, opposition lacks specificity as to what motion, subpoena, and medical records it complains of. It is unclear if Student's opposition is a request to reconsider the August 24, 2018, order, or if Student is attempting to oppose or quash a different subpoena duces tecum. Student failed to include in her opposition any name, date or description of the medical releases that it opposes. While there is brief mention of both Dr. Stepanoff and Dr. Mocega in her opposition, it is unclear if either subpoena duces tecum is at issue here.

Because of this, Student's opposition to subpoena to compel medical releases is DENIED without prejudice for lack of specificity.

IT IS SO ORDERED

DATE: August 30, 2018

DocuSigned by:
Cynthia Fritz
3054C9C1F7E040A...

CYNTHIA FRITZ
Administrative Law Judge
Office of Administrative Hearings