BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

MURRIETA VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025051034

OAH CASE NUMBER 2025050648

ORDER GRANTING DISTRICT'S MOTION TO QUASH STUDENT'S SUBPOENAS

JULY 24, 2025

On May 27, 2025, Student filed a request for due process naming Murrieta Valley Unified School District. The matter was subsequently consolidated with Murrieta Valley's case, OAH Case No. 2025050648. After a continuance, the matter was set for hearing July 29, 2025 through 31, 2025.

On July 8, 2025, Student filed a request that OAH issue four subpoenas duces tecum on Murrieta Valley employees Rebecca Edwards, Steven Gooch, Richard Rideout and Carissa Torres, seeking videoconference testimony under oath. Student did not file subpoena forms with OAH.

On July 8, 2025, Student filed a request that OAH issue two subpoenas duces tecum on Murrieta Valley employees Rebecca Edwards and Steven Gooch, seeking production of documents for hearing. Student did not file subpoena forms with OAH.

On July 16, 2025, Murrieta Valley filed a motion to quash the subpoenas and produced the subpoenas as part of its motion. Student did not have any of the subpoenas signed by an attorney or judicial officer. Student served all the subpoenas by email. Murietta Valley sought to quash the subpoenas on these grounds.

APPLICABLE LAW

A party to a due process hearing under the Individuals with Disabilities in Education Act has the right to present evidence and compel the attendance of witnesses in "a hearing conducted pursuant to subsection (f) or (k)" of section 1415 of title 20 of the United States Code. (20 U.S.C. § 1415(h); see also Ed. Code, § 56505, subd. (e).)

In special education proceedings in California, "[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)." (Cal. Code Regs., tit. 5, § 3082, subd. (c)(2).) This requirement mirrors that required by Code of Civil Procedure section 1985, subdivision (b), which requires:

> A copy of an affidavit shall be served with a subpoena duces tecum . . ., showing good cause for the production of the matters and things described in the subpoena, specifying the exact matters or things desired to be produced, setting forth in full detail the materiality thereof to the issues involved in

the case, and stating that the witness has the desired matters or things in his or her possession or under his or her control.

The good cause requirement is met by a factual showing of why the requested documents or things are material and relevant to the litigated issues. (*Johnson v. Superior Court* (1968) 258 Cal. App.2d 829, 835-836; see also *Seven Up Bottling Company v. Superior Court* (1951) Cal. App.2d 71, 77.)

Special education law does not specifically address motions to quash subpoenas or subpoenas duces tecum. In ruling on such motions, Office of Administrative Hearings, referred to as 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.

Each of the subpoenas that was issued failed to comply with the requirement that it be signed by a judicial officer or an attorney. Here, the subpoenas were simply unsigned and failed to meet that basic requirement.

Each of the subpoenas that was issued failed to comply with the requirement that they be served by first class mail, personal service or personal delivery. Here, each of the subpoenas was served by email which is only permissible with the agreement of the recipient. Such an agreement to serve subpoenas by email was not given here.

ORDER

1. Murrieta Valley's motion to quash Student's witness subpoenas to Rebecca Edwards, Steven Gooch, Richard Rideout and Carissa Torres is granted. The

subpoenas for witness testimony to Rebecca Edwards, Steven Gooch, Richard Rideout and Carissa Torres are hereby quashed.

2. Murrieta Valley's motion to quash Student's document subpoenas to Rebecca Edwards and Steven Gooch is granted. The subpoenas for documents to Rebecca Edwards and Steven Gooch are hereby quashed.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings