

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021110690

ORDER GRANTING IN PART AND DENYING
IN PART PLEASANTON'S MOTION TO QUASH
SUBPOENAS DUCES TECUM

FEBRUARY 22, 2022

On November 23, 2021, Student filed a due process hearing request with the Office of Administrative Hearings, referred to as OAH, naming Pleasanton Unified School District, called Pleasanton, and Contra Costa County Office of Education, called CCCOE. On January 3, 2022, OAH granted Student's motion to file a first amended due process hearing request. The undersigned convened the prehearing conference on February 14, 2022, and the due process hearing is set to begin on February 23, 2022.

Student's counsel issued 23 subpoena duces tecum to Pleasanton and CCCOE employees and custodian of records, and various third parties which required them to

produce the requested documents on February 23, 2022. Student's subpoenas duces tecum included: Pleasanton employees Ken Goeken, Jennifer Rickard, Sohail Ahmed, Christine Frazier, Ellen Bernie, Kelly Bammar, Roxanne Blair, Shawn Dean, and the custodian of records; CCCOE employees Tom Scruggs, Michael Allum, Abida Hamid, Maureen Kim, Ricky Mendoza, Steven Finch, and the custodian of records; custodian of records for Austin Texas Learning, The Stepping Stone Group, and Maxim Health; Andrew Kung from Maxim Health, Chann Bond of Sonja Biggs Educational Services, and Jenna Williams and Lisa Resnick from Speech Pathology Group.

On February 10, 2022, Pleasanton filed a motion to quash all 23 subpoena duces tecum. On February 14, 2022, Student filed opposition to Pleasanton's motion to quash.

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).)

Special education law does not specifically address motions to quash subpoenas or subpoenas duces tecum. OAH has relied by analogy on the relevant portions of the of the California 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.

SUBPOENAS DUCES TECUM DIRECTED AT PLEASANTON'S EMPLOYEES AND THE PLEASANTON CUSTODIAN OR RECORDS

Pleasanton moved to quash the subpoenas duces tecum served on Pleasanton employees Ken Goeken, Jennifer Rickard, Sohail Ahmed, Christine Frazier, Ellen Bernie,

Kelly Bammar, Roxanne Blair, Shawn Dean, and the custodian of records asserting that the subpoenas are untimely, without reasonable necessity, overbroad and burdensome, and improperly requests business records of employees. Student disagrees and argues that the subpoenas were timely, necessary, and appropriate.

The issues in this matter as set forth in the Order Following Prehearing Conference, dated February 17, 2022, are:

1. Did Pleasanton and CCCOE deny Student a free appropriate public education, called FAPE, from March 2021 through the end of the 2020-2021 school year by failing to:
 - a. implement the August 2019 individualized education program, called IEP, by failing to give Student a one-to-one academic aide for educational needs,
 - b. implement the August 2019 IEP by failing to give Student an academic aide with time for familiarization before the start of extended school year;
 - c. implement the August 2019 IEP by failing to give Student the appropriate equipment and devices;
 - d. implement the August 2019 IEP by failing to give Student a back-up one-to-one nurse;
 - e. implement the August 2019 IEP by failing to give Student a one-to-one nurse within 30 days of the departure of Student's one-to-one nurse in March 2021;
 - f. timely complete Student's vision and physical therapy assessments by the April 29, 2021 IEP team meeting;

- g. failing to give data to Parent regarding Student's vision and physical therapy educational needs to enable Parent to monitor Student's progress in these areas of need.
- 2. Did Pleasanton and CCCOE deny Student a FAPE, during the 2021-2022 school year by through January 3, 2022, by failing to:
 - a. implement the August 2019 IEP, by failing to give Student a one-to-one academic aide and an limiting the one-to-one academic aide support,
 - b. implement the August 2019 IEP by failing to give Student an academic aide with time for familiarization before the start of academic school year;
 - c. implement the August 2019 IEP by failing to give Student the appropriate equipment and devices;
 - d. implement the August 2019 IEP by failing to give Student a back-up vocational licensed nurse;
 - e. implement the August 2019 IEP by failing to give Student a one-to-one nurse within 30 days of the departure of Student's on-to-one nurse in March 2021;
 - f. implement the August 2019 IEP by not giving the appropriate amount of nurse aide services and supports;
 - g. implement the August 2019 IEP by failing to give Student any educational services while Student remained at home;
 - h. give appropriate and timely prior written notice regarding limiting the one-to-one licensed vocation nurse aide services and support;
 - i. failing to offer an appropriate placement to Student when it offered home hospital instead of an appropriate home-based program;

- j. failing to offer appropriate in-person services for physical therapy, occupational therapy, vision therapy, and speech therapy;
- k. failing to offer appropriate one-to-one educational aide services and support;
- l. failing to offer appropriate one-to-one licensed vocation nurse aide services and support;
- m. failing to offer appropriate specialized academic instruction;
- n. failing to implement the October 2021 IEPs and March 2021 Settlement Agreement by failing to give Student appropriate one-to-one licensed vocation nurse aide, a back-up nurse, appropriate educational one-to-one aide support, timely one-to one aide support for the familiarization process, equipment in a timely manner, physical therapy, occupational therapy, and speech therapy
- o. failing to include Student's one-to-one licensed vocational nurse and one-to- aide for educational needs in the monthly meetings with Parents;
- p. failing to give prior written notice with parental safeguards in response to Parent's notice of unilateral placement of licensed vocational nurse and paraprofessional services; and
- q. failing to give prior written notice of parental safeguards in response to Parent's unilateral placement of physical therapy, occupational therapy, and speech therapy services.

TIMELINESS

Here, some of Student's subpoenas duces tecum were timely and some were not. California Code of Civil Procedure section 1985.3, subdivision (d), states that service of a

subpoena duces tecum must be made "in sufficient time to allow the witness reasonable time to locate and produce the records or copies thereof." Code of Civil Procedure section 2020.410, subdivision (c) defines sufficient time as "no earlier than 20 days after the issuance, or 15 days after the service" of the subpoena, whichever is later.

On January 28, 2022, Student issued by mail four subpoenas duces tecum to Pleasanton employees Ken Goeken, Jennifer Rickard, Sohail Ahmed, and the custodian of records and emailed them to Pleasanton's counsel. The subpoenas were received by Pleasanton on February 2, 2022 by mail. On February 3, 2022, Student issued by mail subpoenas duces tecum to Pleasanton employees Christine Frazier, Ellen Bernie, Kelly Bammer, Roxanne Blair, and Shawn Dean and emailed them to Pleasanton's counsel. The Christine Frazier and Ellen Bernie subpoenas were received on February 8, 2022 by mail. It is unknown when the other three subpoenas were received. Pleasanton's counsel maintains that it is not authorized to accept service of subpoenas on behalf of Pleasanton.

Under the two code sections, Ken Goeken, Jennifer Rickard, Sohail Ahmed, the custodian of records had sufficient time to respond to the subpoenas. More information is needed to determine if the subpoenas directed Kelly Bammer, Roxanne Blair, and Shawn Dean were untimely. Thus, Pleasanton failed to prove that the subpoenas of Kelly Bammer, Roxanne Blair, and Shawn Dean are untimely. The subpoenas issued to Christine Frazier and Ellen Bernie are untimely by one day. Thus, Christine Frazier and Ellen Bernie are ordered to produce documents in response to the subpoenas duces tecum on February 24, 2022, at 9:30 AM.

Pleasanton argues that the OAH subpoena form, DGS OAH Form 55, directs the person subpoenaed to drop the documents into Caselines, OAH electronic document sharing system, five days before the hearing. Here, the date to drop the documents in

Caselines is February 15, 2022. Pleasanton argues this OAH directive shortens the time for production, making all issued subpoenas untimely.

The request to drop the documents into Caselines five days before the hearing is not for production purposes as stated clearly on OAH form 55, and thus does not make Student's subpoenas untimely. Caselines allows the subpoenaed persons and entities to drop the documents into Caselines up to five days before the hearing but no later than the start of the hearing. The documents were not due to be produced until February 23, 2022, at the start of the hearing as stated on the subpoenas. If Pleasanton wanted clarity regarding the Caselines' instructions, it could have made a written request for clarification. Thus, Pleasanton's argument is unpersuasive.

Pleasanton further argues that even if the subpoenas were timely served, the scope and breath of the requests are overburdensome and improper and would not allow enough time to produce the documents, essentially making Student's subpoena requests untimely. This assertion will be addressed below.

REASONABLE NECESSITY FOR THE RECORDS AND SCOPE OF THE REQUESTS

Pleasanton argues that the subpoenas duces tecum should be quashed because it fails to make the requisite showing of reasonable necessity for the requested documents with a statement of facts showing the material and relevant information sought. Pleasanton further contends that the requested documents, which consist of anywhere from 15 to 45 separate categories of documents, are overbroad and burdensome as to time and scope, a that will take up to weeks to respond, then will need to be reviewed for privilege and privacy and redacted if necessary. Additionally, Pleasanton maintains that Student seeks business records from individual employees

who are not the custodian or records and lack authorization to disclose records maintained by Pleasanton. Student maintains the reasonable necessity of the documents was established through the attached declarations of each subpoena duces tecum, and that the requests were narrow, specific, and proper.

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.)

A party to a matter may file a motion to quash a subpoena under California Code of Civil Procedure 1987.1, subsection a. Under Evidence Code section 1560, "Business includes every kind of business described in Section 1270" and "Record includes every kind of record maintained by a business." (*Cooley v. Superior Court* (2006) 140

Cal.App.4th 1039, 1044.) Business records must be accompanied by the affidavit of a custodian or other qualified witness, stating, among other matters, that "The affiant is the duly authorized custodian of the records or other qualified witness and has authority to certify the records." (Evid. Code, § 1561.) The custodian of records or other qualified witness contemplated by Evidence Code section 1561 must also be able to attest to various attributes of the records relevant to their authenticity and trustworthiness." (Cooley, *supra*, 140 Cal.App.4th at p. 1044.)

Student's declaration in support of all subpoena duces tecum directed at Pleasanton employees and custodian of records states six to nine similar grounds in each subpoena regarding reasonable necessity for the production of documents including: (1) Respondents' failure to implement Student's IEP supports and services; (2) Respondents' failure to provide Student appropriate equipment and devices; (3) Respondents' failure to provide a 1:1 aide for Student's educational needs; (4) Respondents' failure to provide a 1:1 nurse, including back-up 1:1 nurse, to Student; (5) Respondents' failure to provide any in-person services to Student as part of her home-based from October 19, 2021 onwards; (6) Student's day-to-day needs at the school setting; (7) Student's day-to-day needs during the school day while Student participated in distance learning; (8) Respondents' unilaterally limiting Student's LVN's role, obligations, and duties to Student; (9) Witness Credibility, and (10) Impeachment/Rebuttal evidence.

Four of the nine subpoenas duces tecum directed at Ken Goeken, Jennifer Rickard, Sohail Ahmed, and the custodian of records only include a list of grounds for subpoenas duces tecum but do not set forth any facts showing the reasonable necessity for the requested documents. The declaration in support of a subpoena duces tecum must set forth sufficient detail, specific to the legal or factual issues to be adjudicated, to

show that the required documents are objectively required for the party present a case or defense. Here, the list above includes some of the general allegations listed in Student's first amended complaint, two broad and non-specific areas, and credibility, rebuttal, and impeachment. The declarations in support of the subpoenas duces tecum did not contain the requisite good cause as to materiality for production of the matters and things described in the subpoenas. The list above is merely conclusory allegations and nonspecific areas devoid of any facts. In this regard, the subpoenas are no different from standard discovery requests that are routine in civil litigation; however, neither authorized nor appropriate in this proceeding. Accordingly, the subpoenas duces tecum directed at Ken Goeken, Jennifer Rickard, Sohail Ahmed, and the Pleasanton custodian of records are quashed.

Five of the nine Pleasanton subpoenas duces tecum directed at Ellen Bernie, Christine Frazier, Roxanne Blair, Shawn Dean, and Kelly Bammer set forth an additional statement for reasonable necessity that states:

"The records sought from this subpoena duces tecum range from 2019-2020 school year to the current 2021-2022 school year. These records are relevant and of reasonable necessity, for, but not limited to, the following reasons: The 2019-2020 records and related ESY are relevant and of reasonable necessity in this case because it was (1) the start of Student's placement at the Mauzy School, and the (2) last school year period in which Student was received in person services physically at the Mauzy School with school's classroom aides, (3) Student's LVN/aide was present at the school providing her services. The 2020-2021 records and related ESY school year are relevant and of reasonable necessity in this case because (1) it involves Student's distance learning plan; the (2) the parties' contentions regarding whether Student requires in person services at the home; (3) the time period in which Student was receiving an

LVN/aide at the home, (4) the parties' contentions regarding the duties of the LVN/aide, (5) the period in which Student received and LVN and aide; the period in which her part of her triennial assessments were done and completed; and the school year at issue from March 2021 onwards. The 2021-2022 school year records are relevant and of reasonably necessity because the entire period is at issue in this case."

The specific documents requests directed at Kelly Bammer, Ellen Bernie, Christine Frazier, Roxanne Blair, and Shawn Dean range from 16 to 19 categories of documents. Kelly Bammer, Ellen Bernie, Christine Frazier, and Roxanne Blair received the identical 16 document category requests, and Shawn Dean received an additional three document category requests. The requests are as follows:

1. Any and all notes, memos, emails, or other communications about or relating to Student's special education (hereinafter, "SPED" services involving you the 2019-2020, 2020-2021, and 2021-2022 school years, including related Extended school Year ("ESY")

2. Any and all notes, memos, emails, or other communications reflecting your observation of Student during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

3. Any and all notes, memos, emails, or other communications regarding use of Student's equipment in the classroom setting during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

4. Any and all notes, memos, emails, records and communications regarding use of Student's communication related needs during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

5. Any and all notes, memos, emails, records and communications regarding use of Student's communication related devices and equipment during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

6. Any and all records, notes, memos, emails, or other communications regarding your interactions with Student during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

7. Student's class schedules during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

8. All evaluation reports and evaluation protocols, interview notes and forms, observation reports and notes, student history documents, and communications of any kind used as part of your assessments of (including speech and language), or interactions with, Student during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

9. All of your service logs pertaining to Student during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

10. All written notes you drafted at any meeting you attended, whether in person or virtually, about and/or with Student, during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

11. All of your progress reports of Student, weekly/monthly/or midsemester reporting on assignments, activities, IEP goals, social interaction, communication, and class involvement of any kind for 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

12. Any and all notes, memos, emails, or other communications about or relating to Student's missing and/or incorrect equipment and devices during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

13. Any and all communications between you and each 1:1 LVN AND/OR 1:1 AIDE during the 2019-2020, 2020-2021, and 2021-2022 schools and related ESY, regarding Student's SPED services and supports, IEP goals, classroom activities, services provided by each 1:1 LVN AND/OR 1:1 AIDE to Student (respectively), and/or observation of Student. LVN AND/OR 1:1 AIDE is defined as each and every individual who served Student as her 1:1 LVN and/or 1:1 aide—each individual who falls within this definition is listed below. a. Molly (last name), who provided 1:1 services to Student during the 2019-2020 school year;

b. Liana Perez, who provided 1:1 services to Student during the 2019-2020 school year;

c. Lottie Wise, who provided 1:1 services to Student during the 2019-2020 school year;

d. Juna Gera Suriba, who provided 1:1 services to Student during the 2020-2021 school year;

e. Leslie Khalilian, who provided 1:1 services to Student during the 2020 - 2021 school year and related ESY;

f. Diana Garcia, who provided 1:1 services to Student during the 2020 - 2021 school year; and

g. Adella Pacheco, who provided 1:1 services to Student during 2020 - 2021 ESY.

14. Any and all notes, memos, and correspondences about the role of the classroom aides at the Mauzy School during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

15. Any and all notes, memos, correspondences, and records regarding any complaints that you either received or made about any classroom aide at Student's class at the Mauzy School during the 2019-2020, 2020-2021, and 2021-2022 school years, including related ESY.

16. Any and all notes, memos, correspondences, and records regarding the "home hospital" program at the Mauzy School for the 2021-2022 school year.

17. Any and all notes, memos, correspondences, and training documents you received regarding Pleasanton Unified School District's "home hospital" programming for students with IEPs during 2021-2022 school year.

18. Any and all notes, memos, correspondences, and training documents you received regarding Contra Costa County Office of Education "home hospital" programming for students with IEPs during 2021-2022 school year.

19. A copy of your most current resume and/or curriculum vitae (CV)

Some of the document requests are quashed and others are modified or determined to be proper as stated below. As to document requests numbered one through 12 above, Student failed to establish in the declarations the requisite necessary for the requested documents. Further, the requests are overbroad and burdensome. Here, Student's requests ask for all documents related to special education generally, and documents related to observations, equipment, communications, interactions, class schedules, evaluation reports, evaluation protocols, service logs, written notes at any

meeting, and progress reports from the 2019-2020 school year through the 2021-2022 school year. However, Student's declaration falls short of demonstrating any valid basis for requiring witnesses to produce every document ever created in these areas for a three-year period as it lacks any facts regarding any of these areas in the declarations. For this reason, Student's document requests numbered one through 12, as listed above, are quashed.

Student's document request number 13 and 15 are overbroad as to time. The time period at issue in this matter is March 2021 through January 3, 2022 and Student failed to provide in the declarations the requisite necessity for documents over this span of time, except for a brief conclusory statement. Given that Student's issues are specific and narrow, the time period here is too broad. Thus, Student's document request numbers 13 and 15, as listed above, are modified to the time period between March 2021 to January 3, 2022.

Student's document request numbers 14 and 16 as listed above are business records and improperly requested as to Kelly Bammer, Ellen Bernie, Christine Frazier, Roxanne Blair, and Shawn Dean. As stated in the declaration of Ed Diolazo in support of Pleasanton's motion to quash, Kelly Bammer, Ellen Bernie, Christine Frazier, Roxanne Blair, and Shawn Dean are not Pleasanton's custodian of records. These requests ask for documents maintained by Pleasanton, not by a specific employee. Thus, these document requests are improper as to specific Pleasanton employees. Thus, Student's document requests numbered 14 and 16, as listed above, are quashed.

Student's document request numbers 17 and 18 as listed above relate to all students in general, and is therefore overbroad, and may also violate other students' privacy rights. Thus, Student's document request numbers 17 and 18 as listed above are quashed. Student's request number 19, as listed above, is proper.

Accordingly, the subpoenas duces tecum directed at Ken Goeken, Jennifer Rickard, Sohail Ahmed, and Pleasanton's custodian of records are quashed. The subpoenas duces tecum directed at Kelly Bammer, Ellen Bernie, Christine Frazier, Roxanne Blair, and Shawn Dean are modified as stated above. All document requests as modified above directed at Kelly Bammer, Roxanne Blair, and Shawn Dean must be produced on February 23, 2022, at 9:30 AM. All document requests as modified above directed at Christine Frazer and Ellen Bernie must be produced by February 24, 2022, at 9:30 AM.

SUBPOENAS DUCES TECUM DIRECTED TO CCCOE AND THIRD PARTIES

Pleasanton moved to quash the subpoenas duces tecum served on: CCCOE employees Tom Scruggs, Michael Allum, Abida Hamid, Maureen Kim, Ricky Mendoza, Steven Finch, and the custodian of records; the custodian of records for Austin Texas Learning, The Stepping Stone Group, and Maxim Health; Andrew Kung from Maxim Health, Chann Bond of Sonja Biggs Educational Services, and Jenna Williams and Lisa Resnick from Speech Pathology Group. The general rule is that a party has no standing to quash a subpoena served upon another party or third party, except as to claims of privilege relating to the documents being sought. (*California Sportfishing Prot. All. v. Chico Scrap Metal, Inc.*, 299 F.R.D. 638, 643 (E.D. Cal. 2014); *Peccia v. Dep't of Corr. & Rehab.*, No. 2:18-cv-3049 JAMAC, 2020 WL 2556751, at 1 (E.D. Cal. May 20, 2020.); *Bureau of Consumer Fin. Prot. V. Certified Forensic Loan Auditors, LLC*, 2020 WL 1181491, at 1 (C.D. Cal. Mar. 9, 2020.)

Applying this rule, Pleasanton failed to show that it or its employees had a personal right or privilege in the information sought by these subpoenas duces tecum directed at CCCOE and third parties. Pleasanton's counsel does not represent CCCOE and any of the third-party entities and persons. CCCOE has retained its own counsel

and CCCOE did not file a motion to quash the subpoenas duces tecum of CCCOE employees or its custodian or records. Additionally, Pleasanton failed to articulate a violation of personal rights or privilege in the documents sought by Student of CCCOE employees and third parties.

Accordingly, the motion to quash the subpoenas duces tecum of CCCOE employees Tom Scruggs, Michael Allum, Abida Hamid, Maureen Kim, Ricky Mendoza, Steven Finch, and the custodian of records; custodian of records for Austin Texas Learning, The Stepping Stone Group, and Maxim Health; Andrew Kung from Maxim Health, Chann Bond of Sonja Biggs Educational Services, and Jenna Williams and Lisa Resnick from Speech Pathology Group is denied. All subpoena duces tecum responses by these persons and custodian of records must be produced by February 23, 2022, at 9:30 AM.

ORDER

1. Pleasanton's motion to quash the subpoenas duces tecum of Ken Goeken, Jennifer Rickard, Sohail Ahmed, and Pleasanton's custodian of records is granted.
2. Pleasanton's motion to quash the subpoenas duces tecum of Ellen Bernie, Christine Frazier, Roxanne Blair, Shawn Dean, and Kelly Bammer is denied.
3. The subpoenas duces tecum of Ellen Bernie, Christine Frazier, Roxanne Blair, Shawn Dean, and Kelly Bammer are modified as stated above.
4. The documents of Ellen Bernie and Christine Frazier, as modified, must be produced by February 24, 2022, at 9:30 AM.
5. The documents of Roxanne Blair, Shawn Dean, and Kelly Bammer, as modified, must be produced by February 23, 2022, at 9:30 AM.

6. Pleasanton's motion to quash the subpoenas duces tecum of CCCOE employees Tom Scruggs, Michael Allum, Abida Hamid, Maureen Kim, Ricky Mendoza, Steven Finch, and the custodian of records; custodian of records for Austin Texas Learning, The Stepping Stone Group, and Maxim Health; Andrew Kung from Maxim Health, Chann Bond of Sonja Biggs Educational Services, and Jenna Williams and Lisa Resnick from Speech Pathology Group is denied.
7. The documents of Tom Scruggs, Michael Allum, Abida Hamid, Maureen Kim, Ricky Mendoza, Steven Finch, and the custodian of records; custodian of records for Austin Texas Learning, The Stepping Stone Group, and Maxim Health; Andrew Kung from Maxim Health, Chann Bond of Sonja Biggs Educational Services, and Jenna Williams and Lisa Resnick from Speech Pathology Group must be produced by February 23, 2022, at 9:30 AM.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings