BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NEWMAN-CROWS LANDING UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022040545

ORDER DENYING DR. SUNNY KIM'S REQUEST FOR RECONSIDERATION

AUGUST 19, 2022

On August 15, 2022, the undersigned Administrative Law Judge issued an order denying Dr. Sunny Kim's motion to quash. Dr. Kim moved to quash the subpoena duces tecum they received from Newman-Crows Landing Unified School District. Dr. Kim believed that compliance with the subpoena duces tecum would violate Health Insurance Portability and Accountability Act (HIPPA) and Family Educational Rights and Privacy Act (FERPA) laws. Dr. Kim's motion to quash was denied, among other reasons, because the records requested by Newman-Crows Landing did not violate HIPPA or FERPA laws.

On August 17, 2022, Dr. Kim filed a Request to Reconsider the Order Denying Motion to Quash Subpoena. On August 17, 2022, Newman-Crows Landing filed an opposition. On August 18, 2022, Dr. Kim filed a response to the opposition.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION

Dr. Kim offers no new facts, circumstances or law that warrant reconsideration. Dr Kim's motion for reconsideration referenced an August 20, 2020, California Supreme Court case that analyzed seven factors to determine whether to quash a subpoena duces tecum. Dr. Kim argued that each of the factors supported their contention that the motion to quash in the instant matter should have been granted. Dr. Kim asserted they would be happy to share with Newman-Crows Landing the assessment results that is the subject of the subpoena duces tecum under "the correct circumstances". Dr. Kim's response to Newman-Crows Landing's opposition reflected Dr. Kim's mistaken belief that the undersigned did not consider the relevant pleadings before the Order was issued.

Dr. Kim's arguments and agreement to share the subpoenaed documents with Newman-Crows Landing does not meet the threshold for reconsideration. As a result, Dr. Kim's request to reconsider the Order Denying Motion to Quash is not reconsidered.

ORDER

Dr. Sunny Kim has not established the August 15, 2022, Order Denying Motion to Quash Subpoena should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Marlo Nisperos

Marlo Nisperos
Administrative Law Judge
Office of Administrative Hearings