BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

POWAY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019100201

ORDER FINDING MOTION TO QUASH SUBPOENA MOOT

On October 2, 2019, Student and Parent, collectively referred to as Student, filed a request for due process naming Poway Unified School District. An order granting a continuance was issued on October 23, 2019. Student's motion to amend the complaint was granted on November 26, 2019, which resulted in the issuance of a new scheduling order setting the case for hearing on January 22 and January 23, 2020. An order granting a continuance of those hearing dates was issued on January 7, 2020. The case is currently scheduled for hearing on March 3 through March 5, 2020.

On December 13, 2019, Student served a subpoena duces tecum on Poway Unified, seeking Student's browser history of a specified internet account with respect to the then-pending hearing dates of January 22 and January 23, 2020. On December 18, 2018, Poway Unified filed a motion to quash the subpoena duces tecum on the grounds that the subpoena contained no date for production, and it was not supported by specific facts demonstrating that production of the documents was reasonably

necessary for Student to present his case. Student filed no opposition to the motion. Both the subpoena duces tecum and the motion to quash were filed or served prior to the second order granting a continuance of the hearing.

The motion is moot. The hearing was continued since the motion was filed, and the docket shows that Student issued a similar subpoena duces tecum for the same documents on January 6, 2020. The subpoena duces tecum served on December 13, 2019, which is the subject of Poway Unified's motion to quash, has been superseded by both another subpoena duces tecum and by events, and is moot. The subpoena duces tecum which is the subject of the motion to quash is unenforceable and need not be responded to.

IT IS SO ORDERED.

DATED: January 21, 2020

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Elsa H. Jones
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Elsa H. Jones
Administrative Law Judge
Office of Administrative Hearings