BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

RIVERSIDE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025030636

OAH CASE NUMBER 2025090139

ORDER DENYING MOTION TO QUASH SUBPOENA WITHOUT PREJUDICE

SEPTEMBER 25, 2025

On March 17, 2025, Student filed a request for due process naming Riverside Unified School District. On June 27, 2025, Student's motion to amend was granted. On September 5, 2025, Riverside's motion to consolidate and continuance of due process hearing was granted.

On September 5, 2025, Riverside filed a motion to quash subpoena duces tecum. Riverside did not attach the subpoena in question though it is referenced in the declaration of counsel. On September 10, 2025, Student filed an opposition to Riverside's motion to quash. On September 15, 2025, Riverside filed a response to

Student's opposition. None of the responses provided a copy of the subpoena duces tecum in question either.

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.

Riverside had the burden of proof in this motion. Riverside failed to meet the burden by failing to provide a copy of the subpoena duces tecum it seeks to quash. Accordingly, the motion is denied.

ORDER

The motion to quash is denied without prejudice.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings