BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. BENICIA UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017040249
BENICIA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017050972 ORDER QUASHING SUBPOENAS TO TESTIFY

On the record during hearing November 1, 2017, in these matters, the undersigned ordered the subpoenas previously served upon the California Department of Education for the testimony of its employees Allison Smith and Stephanie Papas quashed in full.

As explained in more detail on the record, the subpoenas were defective because they were not served in compliance with Government Code Section 68097.2, subdivision (b), as they were not accompanied by the witness fees required by that statute.

The subpoenas were also defective because they called for expert testimony on the law surrounding the process for waivers of graduation requirements, and therefore did not seek admissible evidence. (See, e.g., *Summers v. A.L. Gilbert Co.* (1999) 69 Cal.App.4th 1155, 1178-1184.) To the extent that the subpoenas sought testimony on practices and procedures not required or addressed by law, such testimony would have been irrelevant.

DATE: November 3, 2017

DocuSigned by:
Charles Marson
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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings