

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

UPLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012070418

ORDER GRANTING MOTION TO  
QUASH SUBPOENA DUCES TECUM

On September 13, 2012, Claremont Unified School District (Claremont), which is not a party to this action, filed a Motion to Quash Subpoena (Motion) with the Office of Administrative Hearings (OAH). The Motion was directed at a subpoena of a Person Most Knowledgeable (PMK) of Claremont, which Parent and Student (collectively, Student), delivered to Claremont on September 11, 2012. The Motion was made on the grounds that the subpoena did not describe the area(s) of knowledge that the PMK is to possess. Additionally, the Motion was made on the grounds that the subpoena did not provide the statutorily required notice, that it requested the presence of the PMK over several days, and that it did not specify an accurate case number or case title. Student timely filed opposition to the Motion.

The Motion was heard on September 19, 2012, by Administrative Law Judge (ALJ) Elsa H. Jones, of the Office of Administrative Hearings (OAH). Christopher Russell, Advocate, appeared at the hearing on behalf of Student. Rita Loof, Student's Mother (Mother), was also present. Jack B. Clarke, Jr., Attorney at Law, of Best Best & Krieger LLP, appeared on behalf of the Upland Unified School District (District). Amy Foody, Program Manager of the West End Special Education Local Plan Area (West End SELPA), and Benjamin Rich, Director of Student Services for the District, were also present. There was no appearance on behalf of Claremont.

Student argued orally in opposition to the Motion.

The subpoena is directed only at the PMK, and does not describe the area(s) of knowledge that the PMK is required to possess. Accordingly, the motion is granted, and the subpoena is quashed. District has also served a PMK subpoena on Claremont, which Claremont has not challenged, and it is likely that the PMK which District has already subpoenaed will have sufficient knowledge for Student's purposes as well. Therefore, although this Order does not preclude Student from serving a proper PMK subpoena on Claremont, the parties are ordered to meet and confer regarding the PMK witness whom the District has already subpoenaed. The parties should not expect that they each will be permitted to call a Claremont PMK to testify at hearing. Rather, the parties should expect

that only one Claremont PMK will be permitted to testify at hearing, and the single Claremont PMK will be called to testify only once.

IT IS SO ORDERED.

Dated: September 24, 2012

/s/

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ELSA H. JONES  
Administrative Law Judge  
Office of Administrative Hearings