

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014030356

ORDER DENYING DISTRICT'S
MOTIONS TO QUASH SUBPOENAS

On April 29, 2014, the Oakland Unified School District ("District") filed a motion to quash a subpoena duces tecum issued by Student's counsel, requesting various service logs and records of reimbursements to Parent issued by District. District was to comply with the subpoena duces tecum by sending the subpoenaed documents to the Office of Administrative Hearings no later than May 6, 2014, the day a due process hearing concerning Student was to begin. Several legal grounds were cited by District to support the motion to quash.

On April 29, 2014, District filed a separate motion to quash a different subpoena duces tecum issued by Student's counsel but served on a different District employee than the previously mentioned subpoena duces tecum. In addition to the documents requested in the previously mentioned subpoena duces tecum, Student also requested copies of agreements District had with various providers of services to Student. Again, the date for delivery of the documents to OAH was May 6, 2014. Several legal grounds were cited by District supporting that motion to quash.

On April 29, 2014, District filed yet another motion to quash, this one concerning a subpoena requesting the personal presence of the District's former Director of Special Education, Karen Mates, asking that Ms. Mates personally appear at the due process hearing that was set to begin on May 6, 2014. District cited the unavailability of the witness on that date as grounds for quashing this subpoena.

Finally, on May 1, 2014, District filed a fourth motion to quash, this one concerning a subpoena issued by Student's counsel requesting the personal appearance at hearing on May 6, 2014, of Sharon Casanares, another former Director of Special Education for the District. District asked that this subpoena be quashed because Ms. Casanares had terminated her position with District before the time periods Student alleged were at issue at the hearing, and because Student had not disclosed Ms. Casanares as a potential witness on the witness list parties are to provide to each other five business days before the start of the due process hearing.

Student did not respond to any of the motions to quash. However, on April 29, 2014, after business hours, Student did submit a motion to amend the complaint in this matter to OAH, accompanied by a proposed amended complaint. District submitted a non-opposition to the motion to amend shortly afterwards on the same date.

OAH granted the motion to amend on May 1, 2014, and both parties were then served with the order, which vacated the dates for the hearing scheduled to begin on May 6, 2014. Because new hearing dates will be set by OAH, the motions to quash are all moot, since Student's counsel, if they choose, will need to issue new subpoenas for the new hearing dates. Accordingly, District's motions to quash are all denied.¹

DATE: May 7, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

¹ None of District's motions to quash were accompanied by copies of the challenged subpoenas. It is sometimes difficult for OAH to rule upon a motion to quash if copy of the questioned subpoena is not sent with the motion. Counsel are all cautioned that in the future, motions to quash a subpoenas should be accompanied by the challenged subpoena.