



1 compel the health provider to comply with any valid subpoena with which it has been served.<sup>1</sup> *See*,  
2 FED.R.CIV.PRO. 45(c)(2)(B)(i). In the present case, the subpoena Defendants served on San Mateo  
3 Department of Health is invalid because it was not issued by the court for the district where the  
4 production was set to occur.<sup>2</sup> *See* FED.R.CIV.PRO. 45(a)(2)(C) (subpoena for production of  
5 documents must issue “from the court for the district where the production or inspection is to be  
6 made.”)

7 IT IS FURTHER ORDERED that the portion of Defendants’ motion that seeks an order  
8 compelling Plaintiff herself to produce documents remains on calendar for November 25, 2008, and  
9 Plaintiff’s opposition to that portion of the motion remains due on November 4, 2008.

10 Dated: 10/15/08

11   
12 PATRICIA V. TRUMBULL  
13 United States Magistrate Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

---

24  
25 <sup>1</sup> The court deems the July 1, 2008 letter from the County of San Mateo Health Department  
26 to be an objection on grounds of Plaintiff’s privacy, California Welfare and Institutions Code section  
27 5328, and California Evidence Code section 1013(c). The court expresses no opinion at this time as to  
28 the validity of any such objections in this case.

<sup>2</sup> Even if the subpoena had issued from the U.S. District Court for the Central District of  
California, where the production was set to occur, it would be subject to being quashed because it  
requires the subpoenaed party to travel more than 100 miles to produce the documents. *See*  
Fed.R.Civ.Pro. 45(c)(3)(A)(ii).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Counsel automatically notified of this filing via the court's Electronic Case Filing system.*

copies mailed on 10/15/08 to:

Cathy Enwere  
1263 Madera Ave.  
Menlo Park, CA 94025

/s/ Donna Kirchner for  
CORINNE LEW  
Courtroom Deputy