



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CITY ATTORNEY

ADMINISTRATIVE SUBPOENA

To: **Dr. Kenneth P. Stoller, 1545 Broadway, San Francisco, CA 94109**

Pursuant to San Francisco Charter § 6.102, San Francisco Administrative Code §2A.231, and in furtherance of an investigation, the San Francisco City Attorney's Office hereby commands you, within fifteen (15) days after service, to produce and permit inspection and copying of all documents, records, and other materials described in **Exhibit A**, by mailing such materials, together with a certification from you, dated and signed under penalty of perjury under the laws of the State of California that the documents provided are true, correct and complete copies of all documents responsive to this Administrative Subpoena, to the following location:

Office of the City Attorney
Attn: Marc Price Wolf
1390 Market Street, 7th Floor
San Francisco, CA 94102

The subpoenaed items are relevant to an investigation of possible violations of law, including California Civil Code §§ 3479 and 3480 and the documents requested are believed to contain evidence of such violations.

If you have any questions regarding compliance with this Subpoena, contact: Marc Price Wolf, Deputy City Attorney (State Bar No. 254495), Tel. (415) 554-3800, Fax (415) 554-4248.

Please be advised that destruction or concealment of any items requested will result in a referral to law enforcement for criminal prosecution pursuant to California Penal Code § 135.

Failure to comply with the commands of this Subpoena may subject you to citation for contempt or other penalties before the Superior Court of the State of California.

Signed in the City and County of San Francisco this 8th day of May 2019.

By: 

Dennis Herrera
City Attorney for the City and County of San
Francisco

EXHIBIT A

1. Any and all patient Records related to your provision, verification, denial, recommendation, and/or consideration of medical exemptions from immunization requirements, as set forth in Section 120370 of the California Health and Safety Code, from January 1, 2016 to the present. For purposes of this Subpoena, "Record/s" shall include hardcopy or electronically stored documents, writings, emails or information related to the provision, verification, denial, recommendation, and/or consideration of medical exemptions from immunization requirements, as set forth in Section 120370 of the California Health and Safety Code, from January 1, 2016 to the present. For Records maintained in an electronic format, those Records shall be produced in their native format with associated available metadata and redacted consistent with the terms of this Subpoena;
2. Any and all Records consisting of correspondence to or from any third party, such as patients, medical professionals, and schools;
3. Any and all billing Records;
4. Any all Records consisting of advertising material (in any media, including print, internet, television or radio);
5. Any and all Records evidencing circumstances in which you did not provide a medical exemption from immunization requirements where requested;
6. Any and all Records evidencing circumstances in which you did provide a medical exemption from immunization requirements;
7. Any and all Records evidencing, containing, or illustrating the number of medical exemptions from immunization requirements you have provided since January 1, 2016; and
8. Any and all Records evidencing, containing, or illustrating the number of medical exemptions from immunization requirements you have declined to provide since January 1, 2016.

This Subpoena does not seek the production of individually identifiable medical information, as defined by the California Medical Information Act, Cal. Civ. Code § 56.05(j), or protected health information, as defined by the Health Insurance and Portability and Accountability Act Privacy Rule, 45 C.F.R. § 160.103. Please ensure that all documents you produce meet the de-identification safe harbor standard set forth in 45 C.F.R. § 164.514(b)(2) by redacting the following information prior to production, in addition to any other elements of personal identifying information sufficient to allow identification of the patient:

- (A) Names;
- (B) All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census:

- (1) The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and
 - (2) The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.
- (C) All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;
- (D) Telephone numbers;
- (E) Fax numbers;
- (F) Electronic mail addresses;
- (G) Social security numbers;
- (H) Medical record numbers;
- (I) Health plan beneficiary numbers;
- (J) Account numbers;
- (K) Certificate/license numbers;
- (L) Vehicle identifiers and serial numbers, including license plate numbers;
- (M) Device identifiers and serial numbers;
- (N) Web Universal Resource Locators (URLs);
- (O) Internet Protocol (IP) address numbers;
- (P) Biometric identifiers, including finger and voice prints;
- (Q) Full face photographic images and any comparable images; and
- (R) Any other unique identifying number, characteristic, or code.

PROOF OF SERVICE

I, Martina Hassett, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Seventh Floor, San Francisco, CA 94102.

On May 8, 2019 date, I served the following document(s):

ADMINISTRATIVE SUBPOENA

on the following persons at the locations specified:

Dr. Kenneth P. Stoller
1545 Broadway, #1-A
San Francisco, CA 94109

in the manner indicated below:

- BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.
- BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed on May 8, 2019, at San Francisco, California.



Martina Hassett