

01-1297-CD
IN RE: PHILLIPSBURG-OSCEOLA AREA SCHOOL DISTRICT

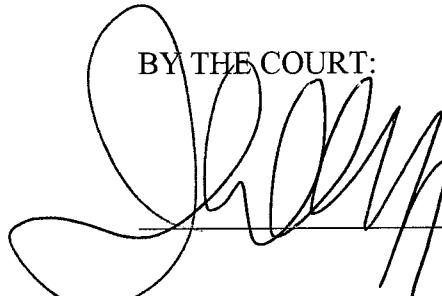
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: :
Philipsburg-Osceola Area School District : No. 2001-1297-cp

ORDER

AND NOW, this 12 day of Aug, 2001, upon consideration
of the foregoing Petition for Issuance of Subpoena Duces Tecum, Petitioner is hereby granted
permission and authority to secure a Supoena Duces Tecum for issuance in accordance
therewith.

BY THE COURT:


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William A. Shaw

Prothonotary

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: :
Philipsburg-Osceola Area School District : No. 2001-1297-cp

PETITION REQUESTING ISSUANCE OF SUBPOENA DUCES TECUM

TO THE HONORABLE JUDGES OF THE SAID COURT:

NOW COMES, the Board of School Directors of the Philipsburg-Osceola Area School District, by its attorney, Winifred H. Jones-Wenger, who requests the Court to issue a subpoena duces tecum and in support thereof avers as follows:

1. Your Petitioner is a school district with its principal office located at 200 Short Street, Philipsburg, Pennsylvania 16866.

2. During the spring of 2001, as a result of incidents involving the alleged abuse of certain of its students on a field trip, Petitioner took action to expel two students and had hearings with respect to the same.

3. Subsequent to such expulsion hearings, information came to the attention of the Superintendent of the school district from representatives of the Pennsylvania State Police that the State Police had additional information which may be helpful in making a determination whether to seek an expulsion and/or other disciplinary action against a third student who is currently enrolled in the school district and who would otherwise be returning to school in the fall of 2001.

4. The Board of School Directors through its Superintendent is unable to determine whether disciplinary proceedings against such third student is necessary or appropriate inasmuch

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as the information is within the hands of the Pennsylvania State Police which agency is unwilling to release such information without a subpoena duces tecum.

5. The Pennsylvania State Police has indicated its willingness to provide such information to the Petitioner if Petitioner secures a subpoena duces tecum. (See copy of note attached hereto as Exhibit "A" and incorporated herein by this reference.)

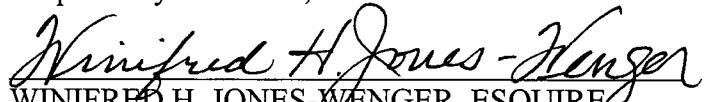
6. It is necessary that the Superintendent secure such information to determine whether disciplinary action is necessary or appropriate and ultimately to take any necessary action to ensure the safety of the students within the school district.

7. Under the circumstances that exist, there is no existing law that would authorize the school district on its own to issue a subpoena duces tecum to the Pennsylvania State Police to secure the information.

8. There is no other means to secure the information that is currently in the possession of the Pennsylvania State Police.

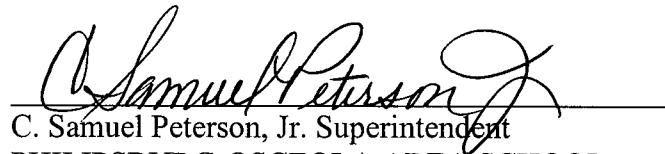
WHEREFORE, Petitioner requests this Honorable Court to issue a subpoena duces tecum directing the Pennsylvania State Police to provide the police report that was generated in connection with this incident to Petitioner for purposes of its internal disciplinary process.

Respectfully submitted,


WINIFRED H. JONES-WENGER, ESQUIRE
Attorney for Philipsburg-Osceola Area School
District

VERIFICATION

The undersigned, C. Samuel Peterson, Jr., Superintendent of the Philipsburg-Osceola Area School District verifies that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



C. Samuel Peterson, Jr. Superintendent
PHILIPSBURG-OSCEOLA AREA SCHOOL
DISTRICT

DATE: Aug 9, 2001



Pennsylvania State Police

People Serving People Since 1905

[PSP Home]

SUBPOENA PROCEDURES

IF YOU WANT TO SUBPOENA A TROOPER'S APPEARANCE ONLY:

A subpoena, complete with caption and docket number, should be addressed to the trooper and served at the station from which the trooper works. This subpoena must be accompanied by a witness fee and mileage check or the witness will not appear.

WITNESS FEES: Fees are set by 42 Pa.C.S. §5903

State Court

- \$5.00 a day
- \$.07 a mile - round trip (estimated from troopers' station to deposition/hearing location and return)

Fees are set by 28 U.S.C.A. §1821

Federal Court

- \$40.00 a day
- \$.32 a mile - round trip (estimated from troopers' station to deposition/hearing location and return)

Checks should be made payable to the "Commonwealth of Pennsylvania"

EXCEPTION: Witness fees will not be required from government/prosecuting entities, such as the U.S. Attorney, the District Attorney or the Office of Attorney General, although travel expenses for overnight travel will be claimed.

IF YOU WANT TO SUBPOENA RECORDS ONLY:

A subpoena duces tecum, complete with caption and docket number, should be addressed to Commissioner Paul J. Evanko, Custodian of Records, Pennsylvania State Police, and sent to him at 1800 Elmerton Avenue, Harrisburg, PA 17110. A subpoena duces tecum may also be accepted at any State Police location. This subpoena does not require a witness fee; however, if the documents you are requesting are voluminous, you will be billed. Photographs, audio and video tape reproductions

http://sites.state.pa.us/PA_EExec/State_Police/info/subpoena.htm

6/25/01

Exhibit "A"

will be billed at the current laboratory rate for such reproduction.

Photographs, audio and video tape reproductions will be billed at the current laboratory rate for such reproduction. Please provide the incident number if you have it. If not, please provide as much information as you can to help us locate responsive information.

IF YOU WANT BOTH THE TROOPERS' APPEARANCE AND THE TROOPER TO BRING RECORDS:

Serve both a subpoena to the trooper and a subpoena duces tecum addressed to the Commissioner as above noted.

Note: All subpoenas must be in compliance with the respective Rules of Civil Procedure or Rules of Criminal Procedure.



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This page was last updated at 07:49:06 AM, on Thursday, March 16, 2000.

Winnie - caption General Investigation # G8-0820903
"INDECENT ASSAULT"

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

*

IN RE:

Philipsburg-Osceola Area School District

*

No. 2001-01297-CD

*

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE
4009.22

TO: _____

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: _____

ADDRESS: _____

TELEPHONE: _____

SUPREME COURT ID # _____

ATTORNEY FOR: _____

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, August 10, 2001

Seal of the Court

Deputy

**COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY**

IN RE:
Philipsburg-Osceola Area School District No. 2001-01297-CD

SUBPOENA TO ATTEND AND TESTIFY

TO: _____

1. You are ordered by the Court to come to

(Specify Courtroom or other place)

at _____ County, Pennsylvania, on _____ at _____

in the above case, and to remain until excused.

2. And bring with you the following: _____

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH P.A.R.C.P. No. 234.2(a)

NAME: _____
ADDRESS: _____

TELEPHONE: _____
SUPREME COURT ID # _____

BY THE COURT:

Prothonotary/Clerk, Civil Division

Deputy

DATE: Friday, August 10, 2001

Seal of the Court

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with P.A.R.C.P. No. 234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.