

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Gabriel Shin v. Jeanine Nicholson, et al.

Shin · No. 23-cv-00456-VC (DMR) · Decided December 9, 2025

SUMMARY

The United States District Court for the Northern District of California addresses Plaintiff Gabriel Shin’s discovery letters concerning Rule 45 subpoenas served on the San Francisco Emergency Medical Services Agency, AT&T, and Verizon. The court finds that objections were waived or insufficient and orders the nonparties to produce responsive documents by December 31, 2025, while denying the request to require EMSA to appear for a deposition.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of California                                                                                                                                                                                                          |
| WRITING FOR THE COURT | Donna M. Ryu                                                                                                                                                                                                                                                                  |
| JURISDICTION          | United States District Court for the Northern District of California                                                                                                                                                                                                          |
| DECIDED               | December 9, 2025                                                                                                                                                                                                                                                              |
| DOCKET                | 23-cv-00456-VC (DMR)                                                                                                                                                                                                                                                          |
| DISPOSITION           | other                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | The plaintiff submitted two unilateral discovery letters concerning Rule 45 subpoenas served on nonparties San Francisco Emergency Medical Services Agency, AT&T, and Verizon. The court resolved the discovery disputes without oral argument under Civil Local Rule 7-1(b). |
| STANDARD OF REVIEW    | The court applied the requirements governing objections to Rule 45 subpoenas and motions to quash or for protective orders; it did not articulate a separate appellate standard of review.                                                                                    |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                                                                                       |
| PARTIES               | Gabriel Shin v. Jeanine Nicholson, Robert Muhammad, City and County of San Francisco, Tom O'Connor, Robert Postel, and other defendants                                                                                                                                       |

TOPICS

discovery dispute

civil procedure

## PRACTICE AREAS

civil procedure

discovery

subpoenas

## QUESTIONS PRESENTED

1. Whether EMSA should be treated as a nonparty for purposes of plaintiff's Rule 45 subpoena.
2. Whether EMSA waived objections by failing to timely serve written objections or move to quash, modify, or obtain a protective order.
3. Whether CCSF's objections to subpoenas directed to nonparties could prevent production when CCSF did not move to quash or seek a protective order and did not establish a personal right or privilege.
4. Whether plaintiff could obtain an order requiring EMSA to sit for a deposition when the subpoena before the court sought only document production.
5. Whether AT&T and Verizon waived objections by failing to respond or seek a protective order or motion to quash.

## HOLDINGS

1. Because CCSF counsel repeatedly represented that CCSF had no control over EMSA and did not represent EMSA, the court treated EMSA as a third party for purposes of plaintiff's subpoena.
2. EMSA waived any objection to plaintiff's subpoena by failing to serve a timely written objection and by failing to appear to seek a protective order or to quash or modify the subpoena.
3. CCSF's objections did not preclude EMSA, AT&T, or Verizon from producing responsive documents because CCSF did not move to quash or seek a protective order and lacked standing to object on the nonparties' behalf absent a personal right or privilege.
4. The court denied plaintiff's request to require EMSA to sit for a deposition because the subpoena before the court sought only document production and plaintiff had not served a deposition subpoena.
5. AT&T and Verizon waived any objections to plaintiff's subpoenas by failing to serve written responses or objections and by failing to seek a protective order or move to quash or modify the subpoenas.

## KEY QUOTATIONS

*"Under these circumstances, where CCSF counsel has repeatedly insisted that EMSA is a third party over which CCSF has no control, the court treats EMSA as such for purposes of Plaintiff's subpoena."* (at 3)

*"EMSA nevertheless failed to respond to the subpoena and has therefore waived any objection thereto."* (at 3)

*"CCSF's objections alone are insufficient to preclude EMSA from producing responsive documents, as CCSF lacks standing to object on EMSA's behalf."* (at 4)

## FACTUAL BACKGROUND

Plaintiff subpoenaed EMSA for records concerning defendant Robert Muhammad, EMSA licensure actions involving San Francisco firefighters, and EMSA investigative policies. CCSF's counsel repeatedly stated that CCSF did not possess or control EMSA records and did not represent EMSA, while the San Francisco City Attorney's Office contacted plaintiff about extending the subpoena response deadline. Plaintiff also subpoenaed AT&T and Verizon for business, billing, call, and text-message records associated with phone numbers used by San Francisco Fire Department officials and another individual. None of the subpoena recipients served written objections or sought judicial protection before the court ruled.

## PROCEDURAL HISTORY

Plaintiff served a document subpoena on EMSA and subpoenas on AT&T and Verizon. EMSA, AT&T, and Verizon did not serve written objections or move to quash, modify, or obtain a protective order, while defendant City and County of San Francisco served objections but did not pursue a motion. The court treated EMSA as a nonparty, found the nonparties' objections waived, rejected CCSF's objections as insufficient to preclude production, ordered production by December 31, 2025, and denied plaintiff's request to compel an EMSA deposition because no deposition subpoena had been served.

## DISPOSITION

other

## CASES CITED

- AEC Yield Cap., LLC v. Am. Home Energy, Inc., No. 24-MC-80225-PHK, 2025 WL 3085720, at \*4 (N.D. Cal. Nov. 5, 2025)
- Pizzuto v. Tewalt, 136 F.4th 855, 868 (9th Cir. 2025)
- Huynh v. Wal-Mart Assocs., Inc., No. 18-CV-01631-VC (SK), 2019 WL 13221170, at \*1 (N.D. Cal. Aug. 1, 2019)
- Khosroabadi v. Mazgani Soc. Servs., Inc., No. 17-cv-00644-CJC-KESx, 2018 WL 1858153, at \*3 (C.D. Cal. Mar. 1, 2018)
- Doe v. Kaiser Found. Health Plan, Inc., No. 23-cv-02865-EMC (PHK), 2023 WL 8714880
- Glass Egg Digital Media v. Gameloft, Inc., No. 17-cv-04165-MMC (RMI), 2019 WL 2499710, at \*5 (N.D. Cal. June 17, 2019)