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SUPERIOR COURT OF CALIFORNIA  
CENTRAL JUSTICE CENTER

APR 05 2007

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FILED

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

APR 05 2007

ALAN BLATER, Clerk of the Court

*M. Samela*  
BY M. SAMELA

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NO FEE PURSUANT TO GOVERNMENT CODE SEC. 6103  
FEES WAIVED \$ 300 GOV CODE 6103

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8 DIRECTOR OF THE DEPARTMENT OF  
CONSUMER AFFAIRS

SUPERIOR COURT OF CALIFORNIA  
FOR THE COUNTY OF ORANGE

07CC00725

SCOTT REID

Acting Director of the Department of Consumer  
Affairs,

Petitioner,

v.

DAVID STEENBLOCK, D.O.,

Respondent.

PETITION FOR ORDER TO  
SHOW CAUSE RE APPEARANCE  
AND TESTIMONY PURSUANT  
TO INVESTIGATIONAL  
SUBPOENA

[Govt. Code §§ 11186-11188]

Date:  
Time:  
Dep:  
Judge:  
Trial Date:  
Action Filed:

Petitioner, SCOTT REID, ACTING DIRECTOR OF THE DEPARTMENT OF  
CONSUMER AFFAIRS OF THE STATE OF CALIFORNIA, by her attorney, Edmund G. Brown  
Jr., Attorney General of the State of California, by Martin W. Hagan, Deputy Attorney General,  
hereby alleges:

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1                   1.    Petitioner SCOTT REID (hereinafter "Petitioner") is the duly appointed current  
 2 Acting Director of the Department of Consumer Affairs of the State of California. He brings this  
 3 action solely in his official capacity. Petitioner was appointed Acting Director on or about February  
 4 2, 2007. He replaced Charlene Zettel, who was the prior Director of the Department of Consumer  
 5 Affairs.

6                   2.    The Department of Consumer Affairs of the State of California (hereinafter  
 7 "Department") is a department within the meaning of Government Code section 11181. Petitioner,  
 8 as Director of the Department, is the head of a department. Pursuant to Government Code sections  
 9 11181 and 11182, both the former director and the current acting director had, and have, the  
 10 authority to conduct investigations, to issue subpoenas and to take testimony as well as the power  
 11 to delegate such authority.

12                   3.    The Osteopathic Medical Board of California (hereinafter "Board") is a board  
 13 within the Department of Consumer Affairs. (Bus. & Prof. Code § 101.) The Board is charged with  
 14 public protection. (*Id.*, at § 2450.1.) Pursuant to Business and Professions Code section 108, the  
 15 Board may conduct investigations of violations of laws within its jurisdiction. Pursuant to Business  
 16 and Professions Code sections 2200 et. seq., and 3600, the Board may institute disciplinary action  
 17 against a licensee who has violated its rules and regulations or who has violated the Medical Practice  
 18 Act. The Medical Board of California provides investigative services pertaining to possible  
 19 disciplinary action against licentiates of the Osteopathic Medical Board. These investigations are  
 20 conducted by the Enforcement Program of the Medical Board of California.

21                   4.    On or about August 3, 1977, the Osteopathic Medical Board of California issued  
 22 respondent DAVID STEENBLOCK (hereinafter "Respondent") Osteopathic Physician and Surgeon  
 23 license no. 20A4160. This license is currently active with an expiration date of January 31, 2009.

24                   5.    Respondent currently maintains an office located at 26381 Crown Valley  
 25 Parkway, No. 130, Mission Viejo, California 92691. The matters that give rise to this Petition  
 26 occurred in part in the County of Orange.

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28    ////

1           6. On May 12, 2005, the former Director of the Department of Consumer Affairs,  
2 Charlene Zettel, duly delegated the powers conferred on her under Government Code section 11181  
3 to Vickie Welch (hereinafter "Welch"), Area Supervisor, Enforcement Program, Medical Board of  
4 California. [Exhibit 1- Delegation of Authority]. This delegation agreement was in effect at the time  
5 the subpoena was issued by Welch in regards to the current action.

6           7. On December 10, 2004, the Osteopathic Medical Board of California received  
7 a complaint from Marc Lerner, M.D., Clinical Professor of Pediatrics, UC Irvine. In his complaint,  
8 Dr. Lerner stated he is concerned about the atypical care offered to one of his patients by David  
9 Steenblock, D.O. The patient is a two year old born at 37 weeks with hypoxic ischemic  
10 encephalopathy and resulting in mild cerebral palsy. The parents heard about alternative therapies  
11 offered by Dr. Steenblock at www.strokedoctor.com. The parents consulted with Dr. Steenblock,  
12 who referred them to Tijuana, Mexico, to receive treatments prepared by Dr. Steenblock's clinic in  
13 Mission Viejo, and transported across the border. The parents paid \$10,000 for a single injection  
14 of umbilical cord based stem cells. The child had an allergic reaction immediately after receiving  
15 the injection and developed hives. The parents brought the child to Dr. Lerner for treatment of the  
16 hives. Dr. Lerner stated in his complaint that the use of these therapies for the child's condition is  
17 not appropriate by scientific and community standards. [Exhibit 2, Declaration of Roberta Terry,  
18 ¶ 2.]

19           8. On December 29, 2004, the complaint by Dr. Lerner against Respondent was  
20 assigned to Medical Board Investigator Roberta Terry and assigned Investigation Case No: 00-2004-  
21 1419. [Exhibit 2, Declaration of Roberta Terry, ¶ 2.]

22           9. On May 26, 2005, the Osteopathic Medical Board of California received a  
23 consumer complaint regarding Dr. Steenblock's treatment of a 77 year old male patient, C.A., who  
24 had a history of stroke and residual problems. The patient was seen by Dr. Steenblock for  
25 rehabilitation beginning November, 2004. He was placed on almost daily hyperbaric oxygen  
26 treatment and physical therapy. The complaint alleges Dr. Steenblock's office double billed for these  
27 services. [Exhibit 2, Declaration of Roberta Terry, ¶ 3.]

28 ////

1           10. On July 5, 2005, the consumer complaint, discussed in the preceding paragraph  
2 was assigned to Medical Board Investigator Roberta Terry and assigned Investigation Case No: 00-  
3 2005-1536 for possible insurance fraud and excessive treatment. [Exhibit 2, Declaration of Roberta  
4 Terry, ¶ 3.]

5           11. On November 28, 2005, Investigator Roberta Terry learned that Dr. Steenblock  
6 was represented by attorney Carlos Negrete via a letter to addressed to Deputy Attorney General Ken  
7 Baumgarten from Mr. Negrete. [Exhibit 2, Declaration of Roberta Terry, ¶ 4.]

8           12. Investigator Roberta Terry made the following attempts to arrange a physician's  
9 interview with Respondent. On July 19, 2006, she phoned Mr. Negrete's office and left him a voice  
10 mail message to call her to schedule an interview with Dr. Steenblock. On August 3, 2006, she  
11 phoned Mr. Negrete's office and left a message with his secretary to call her to schedule an interview  
12 with Dr. Steenblock. She never received any calls back from Mr. Negrete or anyone associated with  
13 his office. [Exhibit 2, Declaration of Roberta Terry, ¶¶ 5-6.]

14           13. On September 21, 2006, Investigator Terry served Dr. Steenblock an  
15 investigational subpoena, pursuant to Government Code section 11181, to appear and testify on  
16 October 12, 2006, by certified and first class mail. In accord with the statute, respondent was duly  
17 and properly served with the subpoena at his office located at 26381 Crown Valley Parkway No. 130,  
18 Mission Viejo, CA 92691. The Medical Board received the Certified Mail Receipt acknowledging  
19 receipt of the subpoena on or about September 26, 2006. [Exhibit 2, Declaration of Roberta Terry,  
20 ¶ 7, Attachment D (including Certified Mail Receipt).]

21           14. On October 11, 2006, Investigator Terry received a phone call from Mr. Negrete  
22 in response to the subpoena served on Dr. Steenblock. Mr. Negrete said he was representing Dr.  
23 Steenblock regarding the Board's investigation. Investigator Terry told Mr. Negrete that she needed  
24 to interview Dr. Steenblock regarding patients L.H. and C.A. She told Mr. Negrete that Dr.  
25 Steenblock was subpoenaed to appear as he had not returned her phone calls to schedule an interview  
26 with Dr. Steenblock. Mr. Negrete did not deny that he received her phone messages regarding Dr.  
27 Steenblock, but stated he was busy and that he had been off work taking care of his mother. Mr.  
28 Negrete said neither he nor Dr. Steenblock were available to appear for the interview, as he would

1 be in court on another matter, and Dr. Steenblock would be out of the country. He requested to  
 2 reschedule the interview. Investigator Terry asked Mr. Negrete to put his request in writing.  
 3 Investigator Terry received a letter from Mr. Negrete, dated October 11, 2006. She gave Mr. Negrete  
 4 available dates the interview could be rescheduled. Mr. Negrete said he would talk with Dr.  
 5 Steenblock and call her back. Investigator Terry phoned Mr. Negrete's office two more times and  
 6 was not able to leave a voice mail message on the automated phone system. [Exhibit 2, Declaration  
 7 of Roberta Terry, ¶ 8.]

8 15. On December 20, 2006, Investigator Terry phoned Mr. Negrete's office and left  
 9 a message with his secretary to have Mr. Negrete call her to reschedule the interview with Dr.  
 10 Steenblock. Mr. Negrete never returned the telephone call. [Exhibit 2, Declaration of Roberta Terry,  
 11 ¶ 9.]

12 16. On December 21, 2006, Deputy Attorney General Steven Adler sent a letter to  
 13 Mr. Negrete requesting that he contact Investigator Terry to reschedule the interview with Dr.  
 14 Steenblock, to take place on or before January 26, 2007. Mr. Negrete never called back Investigator  
 15 Terry to schedule an interview with Dr. Steenblock. [Exhibit 2, Declaration of Roberta Terry, ¶ 10,  
 16 Attachment F.]

17 17. Government Code section 11187 authorizes Petitioner to seek orders to show  
 18 cause from the Superior Court to enforce compliance with subpoenas issued pursuant to Government  
 19 Code section 11181. Such compliance includes compelling the witness to compel the attendance  
 20 of witnesses. Government Code section 11188 provides that the Superior Court shall issue an order  
 21 to show cause upon the filing of the Petition provided in alleges that due notice of the time and place  
 22 for testifying was given; that the person was subpoenaed in the manner prescribed in this article; and,  
 23 that the person has not attended the investigatory interview as requested through the subpoena. Such  
 24 allegations are set forth in paragraphs 1 through 16 above.

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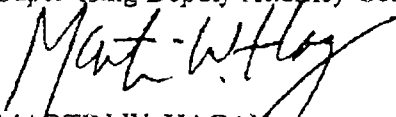
1                   18.     There is a compelling state interest in being able to conduct a physician's  
 2 interview on Respondent, Dr. Steenblock. Such testimony will assist in the investigation of possible  
 3 violations of the Medical Practices Act including, but not limited to, Business and Professions Code  
 4 section 810, Insurance Fraud, and Business and Professions section 2234, subdivision (b), gross  
 5 negligence.

6                   **WHEREFORE**, pursuant to Government Code sections 11186-11188, petitioner  
 7 prays that this court issue an order directing respondent, DAVID STEENBLOCK, D.O., to appear  
 8 in person before this court at such time as is suitable to this court and then and there to show cause  
 9 why he should not be compelled to appear for a physician's interview conducted pursuant to  
 10 Government Code sections 11180 *et. seq.*, and, upon failing to do so, enter an order directing  
 11 respondent, DAVID STEENBLOCK, D.O., to appear at a time and place fixed by said order and  
 12 pursuant thereto to make himself available for a physician's interview in regards to Investigation  
 13 Nos. 00-2004-1419 and 00-2005-1536.

14                   Dated: March 28, 2007

15                   Respectfully submitted,

16                   EDMUND G. BROWN JR.  
 17                   Attorney General of the State of California  
 18                   THOMAS S. LAZAR  
 19                   Supervising Deputy Attorney General

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 21                   MARTIN W. HAGAN  
 22                   Deputy Attorney General  
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