

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff(s),

vs.

CIVIL NO.03-991 JC/WDS

PVNF LLC,

Defendant(s).

ORDER

This matter comes before the Court on an oral Motion to Compel made and argued before the Court at a telephonic hearing held on 21 April 2004. In their motion the Defendant requested medical records from certain Plaintiffs who were alleging “garden variety” emotional distress damage claims. Plaintiff argued that because the claimed damages were “garden variety” that they should not be required to produce medical releases. The Court being fully informed agrees with the Defendants that, while IMEs are not appropriate in circumstances such as these, medical discovery is appropriate.

IT IS THEREFORE ORDERED that Plaintiffs shall produce requested medical records and execute any requested medical releases to allow Defendant appropriate discovery on this issue. The parties shall meet and confer on an appropriate confidentiality agreement to protect any medical information received.

A handwritten signature in black ink, appearing to read 'W. Daniel Schneider', written in a cursive style.

W. DANIEL SCHNEIDER
United States Magistrate Judge

