

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U. S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
APR 24 2000  
NANCY DOHERTY CLERK  
By Deputy

EQUAL EMPLOYMENT OPPORTUNITY §  
COMMISSION §

Plaintiff, §

VS. §

RED RIVER BEVERAGE COMPANY §

Defendant. §

NO. 3-99-CV-1685-P

ENTERED ON DOCKET  
APR 25 2000  
U S DISTRICT CLERK'S OFFICE

**ORDER**

Intervenor Kimberly Hubbard has filed a motion to quash, for protective order, and for sanctions in connection with a subpoena duces tecum served on her treating physician, Dr. John Jeffers. Hubbard contends that the subpoena invades her privacy, is overbroad and vague, and seeks documents that are not relevant to her pregnancy discrimination claim. (Motion at 3-4). Defendant maintains that the records are necessary to determine whether there were any medical restrictions on Hubbard's ability to work. (Jt. Status Rep. at 2).

The motion was heard on April 14, 2000. At the conclusion of the hearing, Hubbard was ordered to submit her medical records to the Court for an *in camera* inspection. She complied with this order on April 20, 2000. The medical records generally consist of progress notes, operative reports, results of laboratory tests, sonogram pictures, and billing information. Some of the entries were made after Hubbard was allegedly discharged by defendant. After reviewing the records and balancing the interests of the parties, the Court determines that only pages 1, 2, 7, 35, 37, 38, 39, 40 & 50 should be produced to defendant at this time. However, defendant would be entitled to a complete copy of Hubbard's medical file if either she or the EEOC

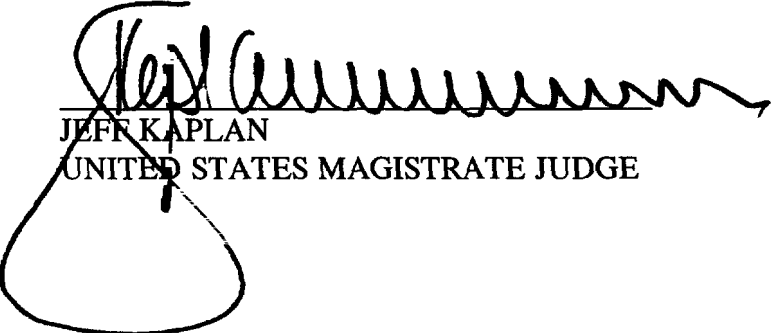
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designates Dr. Jeffers as a fact witness or an expert witness, or if another expert relies on the records in formulating opinions and conclusions in this case.

Accordingly, Hubbard's motion to quash and for protective order is granted in part and denied in part. The motion is denied with respect to pages 1, 2, 7, 35, 37, 38, 39, 40 & 50 of the medical records previously tendered to the Court for an *in camera* inspection. Hubbard shall produce these records to counsel for defendant forthwith.<sup>1</sup> Defendant shall treat these records as confidential under terms and conditions that may be agreed to by the parties. The motion to quash and for protective order is denied in all other respects. The motion for sanctions is denied in its entirety.

SO ORDERED.

DATED: April 24, 2000.



JEFF KAPLAN  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The medical records tendered by Hubbard to the Court were not numbered. The Court numbered the pages 1 through 70, inclusive. Hubbard may retrieve these records and deliver the relevant pages to counsel for defendant.