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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Anant Kumar Tripathi,
10 Plaintiff,

11 v.

12 Corizon Incorporated, et al.,
13 Defendants.
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No. CV-13-00615-TUC-DCB

ORDER

15 On August 24, 2018, the Court issued an Order (Doc. 274), which denied
16 Plaintiff's motions to disqualify the Court, for a permanent injunction against Counsel
17 and Corizon for HIPPA violations, and for a Telephonic Rule 16 Scheduling Conference.
18 The Court found no basis for disqualification because Plaintiff simply objected to
19 unfavorable rulings by the Court. It denied the request for a Rule 16 Scheduling
20 Conference because discovery was completed prior to the remand of this case. The Court
21 refused to enjoin the Defendants from using Plaintiff's medical records which Defendants
22 shared with counsel without securing a release from the Plaintiff. The Court explained
23 that such relief for any HIPPA violation would fail because Plaintiff could not show "any
24 prejudice based on the disclosure of the information in this case because he has put his
25 health information at issue; to the extent Plaintiff claims too much or irrelevant
26 information was disclosed and is being used for an improper purpose, he has not made
27 such a showing on the current record." (Order (Doc. 274) at 6.) The Court set October
28 15, 2018, as the deadline for filing dispositive motions in this case. *Id.* at 7.

1 The Plaintiff followed the Court’s Order with a Motion to Disqualify Counsel for
2 the alleged HIPPA violation and Motion in Limine to Preclude Evidence Obtained
3 Unlawfully without a medical release. The Court issued a text order denying the motions
4 pursuant to Order (Doc. 274); “no showing of prejudice from HIPPA violation because
5 he has placed his health information at issue.” (Order (Doc. 275)). The Defendants
6 followed this Order with two motions: Motion for Clarification and Motion to Extend the
7 Dispositive Motion Deadline. The Defendants ask the Court to clarify that Defendants did
8 not violate HIPPA.

9 The Court clarifies that it did not reach the merits of whether or not there has been
10 a HIPPA violation. It does not intend to reach the question because if a HIPPA violation
11 occurred here it does not preclude the Defendants from using the Plaintiff’s medical
12 record evidence in this case. As this Court held in its Order issued on August 24, 2018,
13 the Plaintiff has placed his medical care and treatment by Defendants at issue, and he
14 cannot go forward with his case without his medical records being in evidence. The
15 Defendants note that the medical records were disclosed during briefing of the issue of
16 whether Plaintiff was perpetrating a fraud upon the Court regarding his claim of
17 blindness which resulted in this Court’s dismissal of the case and subsequent remand.
18 There was no objection by Plaintiff to the Defendants’ reliance on his medical records
19 then. The Court does not see any procedural necessity to reopen discovery for the sole
20 purpose of ordering the Plaintiff to provide a release for those records, nunc pro tunc.

21 **Accordingly,**

22 **IT IS ORDERED** that the Motion for Clarification (Doc. 280) is GRANTED to
23 the extent it is necessary to reaffirm again the Order issued on August 24, 2018 (Doc.
24 274).

25 **IT IS FURTHER ORDERED** that the Motion to Extend the Dispositive Motion
26 Deadline by 25 days from this Court’s ruling on the Motion for Clarification (Doc. 281)
27 is GRANTED: the dispositive motions deadline is extended to November 9, 2018.
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IT IS FURTHER ORDERED that there shall be no further extensions of time for filing dispositive motions.

Dated this 11th day of October, 2018.



Honorable David C. Bury
United States District Judge