

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DAVID T. CHUBBUCK,

CASE NO. 1:06-cv-01810-OWW DLB PC

Plaintiff,

ORDER GRANTING MOTION FOR  
ISSUANCE OF SUBPOENA, AND PLACING  
PARTIES ON NOTICE THAT THE  
SUBPOENA TO THE MEDICAL RECORDS  
DIRECTOR WILL ISSUE AFTER THREE (3)  
COURT DAYS FROM THE DATE OF  
SERVICE OF THIS ORDER

v.

HAYDEN, et al.,

Defendants.

\_\_\_\_\_ /

This matter is set for jury trial commencing September 29, 2009.

During a telephonic trial confirmation hearing held in this matter on September 3, 2009, counsel for defendants indicated that defendants may file motions in limine objecting on foundational grounds to Plaintiff’s exhibits from his prison medical file.

Plaintiff’s request for a subpoena, raised during the telephonic hearing, is GRANTED. The subpoena shall direct the Medical Records Director (“Director”) at California Medical Facility to produce Plaintiff’s complete medical file from January 1, 2000 to the date of service of the subpoena. The subpoena shall further command the attendance of the Director at trial, or a declaration from the Director attesting to the authenticity of the documents produced.<sup>1</sup>

Pursuant to Federal Rule of Civil Procedure 45(b)(1), this order provides the requisite notice to the parties that the Court will, after **three (3)** days from the date of service of this order, issue the subpoena and direct the United States Marshal to effect personal service.

///

///

\_\_\_\_\_

<sup>1</sup> The Court recommends that the parties work together to reach a resolution that does not require the Director to travel from Vacaville to Fresno to authenticate documents from Plaintiff’s prison files.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, it is HEREBY ORDERED that:

1. Plaintiff's request for the issuance of a subpoena, raised at the September 3, 2009, hearing, is GRANTED; and
2. Pursuant to Rule 45(b)(1), the parties are placed on notice that a subpoena to the Medical Records Director shall be issued after **three (3)** court days from the date of service of this order.

IT IS SO ORDERED.

**Dated: September 4, 2009**

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE