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**UNITES STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARCELLA JACKSON,

Case No. 1:14-CV-00073-AWI-BAM

Plaintiff,

v.

KAPLAN HIGHER EDUCATION, LLC, a
Delaware limited liability company, KAPLAN
HIGHER EDUCATION CORPORATION, an
unknown business entity, KAPLAN, INC., a
Delaware corporation, and Does 1 through 20,
inclusive,

**ORDER REGARDING NOVEMBER 24,
2014 DISCOVERY CONFERENCE**

Defendants.

_____ /

On November 24, 2014, the Court conducted an informal discovery dispute conference. Amanda Whitten appeared telephonically on behalf of Plaintiff, Marcella Jackson (“Plaintiff”). Philippe Lebel, appeared telephonically on behalf of Defendant, Kaplan Higher Education, LLC (“Kaplan”).

During the conference, the parties stipulated to an informal resolution of the following discovery disputes: (1) The non-appearance of an out-of-state third-party witness from Matrix Absence Management (“Matrix”) at a subpoenaed deposition; and (2) Kaplan’s recently issued subpoenas seeking to compel Plaintiff’s medical records for the past five years.

1 Having carefully considered the arguments of the parties, it is hereby ORDERED as
2 follows:

3 (1) The Court is unable to rule on Plaintiff's request to compel the deposition of a
4 corporate witness from Matrix pursuant to Rules 30(b)(6) and 45 of the Federal Rules of Civil
5 because it lacks jurisdiction to do so. To enforce the subpoena, Plaintiff must comply with Fed. R.
6 Civ. P. 45 in the appropriate district.

7 (2) Given Plaintiff's allegations of severe and ongoing mental and emotional distress,
8 Plaintiff has waived any privacy interest in her medical records. Accordingly, Kaplan is entitled
9 to discovery of Plaintiff's mental and physical health records for the time period beginning
10 November 1, 2011 through the present, from the health care providers served with the subpoenas.
11 These health care providers include: Kaiser Permanente; Community Behavioral Health Center;
12 the Fresno County Department of Behavioral Health; and Roberta Samples, MSN, APRN, FNP-
13 BC, Anderson Medical Associates. All records must be produced at the place(s) identified in the
14 subpoenas on or before **December 12, 2014**. Pursuant to the parties' agreement, Plaintiff shall
15 sign the appropriate medical releases, sufficiently in advance of the production date, to effectuate
16 the production of her records pursuant to the subpoenas and this Order; and

17 (3) The Court extends the non-expert discovery deadline for the parties to file any
18 motion or application regarding these issues no later than **December 19, 2014**. The Court
19 encourages the parties to resolve any issues related to these disputes informally. If a motion is
20 filed, it must be brought on shortened time.

21 IT IS SO ORDERED.

22
23 Dated: November 25, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE