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11  
12 **UNITED STATES DISTRICT COURT**  
13 **EASTERN DISTRICT OF CALIFORNIA**

14 JEREMY LAPACHET, )  
15 )  
16 Plaintiff, )  
17 vs. )  
18 CALIFORNIA FORENSIC MEDICAL )  
19 GROUP, INC., TAYLOR FITHIAN, )  
20 M.D., LANI ANTONIO, P.A., )  
21 VERONICA BERGHORST, R.N., )  
22 JESSAMAE TRINIDAD, R.N., )  
23 GRASHIKA DEVENDRA, Psychiatric )  
24 R.N., TABITHA KING, L.V.N., )  
AMARDEEP TAWANA, L.V.N., )  
JUDITH ALEJANDRE, L.V.N. )  
COUNTY OF STANISLAUS, a )  
municipal corporation, Stanislaus County )  
Sheriff ADAM CHRISTIANSON, and )  
DOES 1-50, Jointly and Severally, )  
Defendants. )

Case No. 1:17-cv-01226-DAD-EPG  
**STIPULATION AND ORDER RE:  
“FIRST LOOK” AGREEMENT RE:  
DEFENDANTS’ FEDERAL RULE OF  
CIVIL PROCEDURE 45 SUBPOENA  
SEEKING PLAINTIFF’S MEDICAL  
RECORDS**  
(ECF No. 82)

1           The parties, by and through their respective attorneys of record, hereby stipulate to the  
2 following order being issued in this matter:

3           1. On December 6, 2018, Plaintiff’s counsel received a Federal Rule of Civil Procedure 45  
4 subpoena for the Production of Documents which counsel for Defendants served or will  
5 serve by Ronsin Litigation Support Services on the following entity:

6           A.       Custodian of Records: Department of Health Care Services/Medi-Cal  
7                    seeking, regardless of date, “[a]ny and insurance records, documents,  
8                    reports, claims, applications, enrollment records, policies, medical records,  
9                    benefits, explanation of benefits, billings, denials and any other records,  
10                   including but not limited to any records/documents that may be stored  
11                   digitally and/or electronically relating to Jeremy Lapachet, DOB 12/7/74,  
12                   HAR: 56936955, Santa Clara Hosp. # 56837532.”

13           2. The subpoena had a production date and time of January 2, 2019 at 9:00 a.m.

14           3. Plaintiff’s counsel contend that the subpoenaed documents likely contain privileged  
15 information to which Defendants are not entitled (such as medical histories of unrelated  
16 conditions and/or injuries), and that the subpoenas as drafted are overbroad insofar as they  
17 seek discovery of information protected by Plaintiff’s physician-patient privilege and  
18 privacy rights, and which is neither proportional to the needs of this case nor relevant to  
19 the claims and defenses in this matter. Counsel for defendants disputes plaintiff’s  
20 contentions set forth in this paragraph.

21           4. Plaintiff’s counsel and Defendants’ counsel met and conferred by email on December 17,  
22 2018 and again on January 2, 2019. The parties agree to the following “First-Look”  
23 Procedure:

24           a. Counsel for Defendants shall instruct Ronsin Litigation Support Services to obtain  
25 the subpoenaed documents on January 9, 2019; however, instead of producing the  
26 documents to counsel for Defendants, Ronsin Litigation Support Services shall  
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1           instead produce the documents directly to Plaintiff’s counsel’s business address:  
2           Haddad & Sherwin LLP, 505 17th Street, Oakland, CA 94612.

3           b. Upon receipt of the subpoenaed documents from Ronsin Litigation Support  
4           Services, Plaintiff’s counsel will then have fifteen (15) business days to review the  
5           documents to see if they contain any privileged information. If the documents do  
6           contain such information, Plaintiff’s counsel shall redact and/or withhold the pages  
7           containing that information and Plaintiff’s counsel shall create a privilege log  
8           complying with Federal Rules of Civil Procedure 45(e)(2)(A)(i)–(ii) and  
9           26(b)(5)(A)(i)–(ii).

10          c. On or before the fifteenth (15<sup>th</sup>) business day after receiving the records from  
11          Ronsin Litigation Support Services, Plaintiff’s counsel shall serve the subpoenaed  
12          documents by Federal Express Priority Overnight on Defendants’ counsel; if  
13          Plaintiff’s counsel has redacted and/or withheld any information, they shall also  
14          concurrently serve the privilege log described in ¶ 3(b), above.

15          5. Counsel for Defendants shall pay for Ronsin Litigation Support Services in obtaining the  
16          documents and producing them to Plaintiff’s counsel, and Plaintiff’s counsel shall pay to  
17          send them by Federal Express Priority Overnight to Counsel for Defendants.

18          6. Counsel for Defendants reserves their rights to seek production of any documents that are  
19          withheld and/or redacted by Plaintiff’s counsel pursuant to the terms of this agreement.  
20          Should any such discovery dispute not be subject to resolution through the meet and confer  
21          process, Defendants reserve their rights to file discovery motions with the Court seeking an  
22          Order requiring production of withheld documents.

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24        **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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DATED: January 3, 2019

HADDAD & SHERWIN LLP  
LAW OFFICE OF SANJAY S. SCHMIDT

/s/ Teresa Allen

TERESA ALLEN  
Attorneys for Plaintiff

DATED: January 3, 2019

BERTLING LAW GROUP

/s/ Jemma P. Saunders

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**ORDER**

Pursuant to Stipulation of the Parties (ECF No. 82), and good cause appearing,

IT IS SO ORDERED.

Dated: January 4, 2019

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE