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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES JOSHUA MAYFIELD, JAMES
ALLISON MAYFIELD, JR., and TERRI
MAYFIELD,

Plaintiffs,

v.

IVAN OROZCO, SHERIFF SCOTT
JONES, JAMES LEWIS, RICK
PATTISON, COUNTY OF
SACRAMENTO, UNIVERSITY OF
CALIFORNIA DAVIS HEALTH
SYSTEM, DR. GREGORY SOKOLOV,
DR. ROBERT HALES, and Does 1-5,

Defendants.

No. 2:13-cv-02499 JAM AC

ORDER

The University of California Davis Health System and related individual defendants (hereinafter “UC Defendants”) filed a Motion to Compel Plaintiff’s Conservator to Sign Authorization to Release Records from the Social Security Administration. ECF Nos. 111, 120. The motion came on for hearing before the undersigned on July 20, 2016. Bianca Watts appeared for the UC Defendants and Acrivi Coromelas appeared by telephone for plaintiffs. For the reasons set forth below, the court will grant the motion.

BACKGROUND

Plaintiff James Joshua Mayfield attempted suicide in the Sacramento County Jail, where

1 he was a pre-trial detainee, and survived with quadriplegia and cognitive impairments. He and
2 his wife and son sue the County and various jail correctional staff, as well as the UC Defendants
3 and related jail psychiatric staff, on grounds including failure to protect, failure to provide
4 medical care, and medical malpractice.

5 The court has previously granted, in substantial part, plaintiffs' motion to compel
6 production of documents from defendants (ECF No. 100). The prior motion was granted by an
7 Order dated July 1, 2016, with the caveat that a Protective Order must be submitted to and
8 approved by the Court prior to production of certain documents. ECF No. 117. No proposed
9 protective order has yet been submitted. At hearing on the instant motion, counsel represented
10 that a draft is currently being circulated among the parties.

11 THE MOTION TO COMPEL

12 On June 15, 2016, defendant requested consent from plaintiff's conservator to obtain
13 records from the Social Security Administration. The parties then met and conferred regarding
14 both the scope and the manner of the production. Plaintiffs wished to receive the documents
15 directly from the Social Security Administration so they could, within a two week period
16 following receipt, redact confidential and sensitive information and prepare a privilege log.
17 Plaintiffs also sought explicit agreement to their right to object to the introduction of any such
18 documents in litigation. The UC Defendants did not accept these conditions, and brought the
19 motion now before the Court. The documents requested include:

- 20 1. Current month Social Security benefit;
- 21 2. Current Social Security Income payment amount;
- 22 3. Benefit or payment amounts from July 13, 2013 to the production date;
- 23 4. Medicare entitlement from July 17, 2014 to the production date;
- 24 5. Records of disability benefits comprising:
 - 25 a. Applications
 - 26 b. Correspondence
 - 27 c. Notice of payments – medical and psychological
 - 28 d. Work capability evaluations

1 DISCUSSION

2 The records sought by the UC Defendants are plainly relevant to issues including the
3 nature and extent of plaintiff's injuries and the permanence of his disability. These matters are
4 placed squarely in issue by plaintiff's claims. The court finds that the request is proportional to
5 the needs of the case. Accordingly, the records are discoverable and the motion to compel must
6 be granted. See Fed. R. Civ. P. 26(b)(1); see also Robinson v. United States, 205 F.R.D. 104
7 (W.D. N.Y. 2001); Grove v. Aetna Casualty & Surety Co., 855 F.Supp. 113, 114-115 (W.D. Pa.
8 1993).¹

9 The only real question, therefore, is how to protect the sensitive, personal information that
10 is characteristically found in such records. Plaintiff's general privacy interest in his medical
11 information does not pose an obstacle to the requested discovery, but does warrant coverage of
12 the Social Security records by the Protective Order that is to be filed in this case. Plaintiff's
13 personal identifying information and personal contact information can be adequately protected by
14 redaction.

15 At this point in the litigation, plaintiffs' request to redact the documents prior to their
16 production to defendants will create unnecessary delay. Both parties bear responsibility for the
17 time crunch that now exists in light of scheduled depositions: the UC Defendants made their
18 requests for the Social Security records too close in time to the depositions to realistically obtain
19 them, and plaintiffs failed to independently obtain the records in time to review and redact them
20 prior to the virtually inevitable order for their production. Having considered the arguments of
21 the parties and the record of the case as a whole, the court will grant the UC Defendants' motion
22 to compel plaintiff's conservator to authorize production of the records directly to defendants.
23 Such production will be subject to restrictions set out below.

24 CONCLUSION

25 For the reasons set forth below and stated on the record at hearing on the motion, IT IS
26 HEREBY ORDERED as follows:

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28 ¹ Discoverability and admissibility are separate matters, and nothing in this order limits any party's ability to object to the admission of evidence.


- 1 1. The UC Defendants’ motion to compel, ECF No. 111, is GRANTED;
- 2 2. The Conservator for James J. Mayfield shall promptly execute a Consent to
- 3 Disclose the records held by the Social Security Administration regarding Plaintiff James Joshua
- 4 Mayfield, authorizing disclosure directly to counsel for the UC Defendants;
- 5 3. Upon receipt, and unless and until the documents are redacted as specified below,
- 6 counsel shall treat the documents as for “attorneys’ eyes only.” Unless and until redacted, the
- 7 documents are to be reviewed only by counsel of record for the moving defendants and for
- 8 plaintiffs, and are not to be shared with any third parties;
- 9 4. Upon receipt, the UC Defendants shall make the unredacted records available to
- 10 counsel for plaintiffs;
- 11 5. Defendants shall redact the following information from all documents received
- 12 from the Social Security Administration prior to their disclosure, pursuant to Protective Order, to
- 13 anyone else, including but not limited to experts and deponents, and from all documents to be
- 14 filed or otherwise used in this litigation:
 - 15 a. Social Security numbers;
 - 16 b. Date and place of birth;
 - 17 c. Mother’s maiden name;
 - 18 d. Addresses;
 - 19 e. Phone numbers;
 - 20 f. Financial account numbers;
 - 21 g. Identification numbers;
 - 22 h. Analogous personal information.
- 23 6. Only redacted documents may be shared with experts, witnesses, or any other
- 24 persons besides Defendants’ counsel.
- 25 7. All records disclosed by the Social Security Administration pursuant to this order
- 26 and the conservator’s authorization shall be subject to Protective Order. The proposed Protective
- 27 Order to be submitted in relation to this Court’s order of July 1, 2016 (ECF No. 117) shall be
- 28 drafted so as to encompass these documents, and to be generally applicable to any future

1 discovery documents subject to protection by stipulation or court order.

2 8. The proposed Protective Order shall be filed, and a Word version submitted to
3 acorders@caed.uscourts.gov, no later than seven (7) days after issuance of this order. If the
4 parties are unable to reach agreement, they shall separately submit proposed language by that
5 deadline, and the court will issue a Protective Order after consideration of the parties' proposals.

6 IT IS SO ORDERED.

7 DATED: July 20, 2016

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10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
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