

1 Communications, Inc. on March 30, 2017.¹

2 3. Plaintiff's counsel shall contact the medical records custodian at the particular Kaiser
3 Permanente facility or facilities that plaintiff attended for his medical care and confirm
4 with that custodian both that the subpoena plaintiff served on Kaiser Permanente
5 International is the correct channel for obtaining plaintiff's medical records responsive
6 to defendant's requests for production brought into issue by defendant's present
7 motion, and whether there are any other methods for obtaining such records on a
8 timeline shorter than that provided by plaintiff's subpoena. Plaintiff's counsel shall
9 contact defendant's counsel by no later than April 17, 2017, to provide him with the
10 information plaintiff obtained as a result of this investigation. After plaintiff obtains
11 any of the medical records responsive to defendant's requests for production currently
12 at issue, plaintiff shall promptly produce such documents to defendant.

13 4. The court declines to address the parties' additional issue relating to whether
14 defendant has waived the attorney-client privilege and/or work product protection with
15 regard to certain documents it is withholding on those bases because that issue is not
16 ripe at this juncture.² The court will address the issue, if necessary, if the parties
17 properly present it after defendant has filed an answer to plaintiff's recently-filed first
18 amended complaint.

19 5. The court declines to modify the pretrial schedule at this time. As discussed during
20 the hearing, the parties are encouraged to meet and confer regarding how much time
21 they believe they will need to complete any further discovery, and resolve their
22 remaining discovery disputes. As part of that meet and confer effort, the parties
23 should endeavor to reach a stipulation to modify the current pretrial scheduling order,

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25 ¹ This means that plaintiff should produce any such documents to defendant as soon as he
26 receives them from Verizon Communications, Inc., even if he receives such documents on a
26 rolling basis.

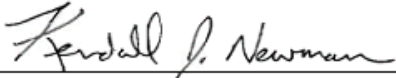
27 ² Similarly, for the reasons provided in the court's April 7, 2017 minute order, the court declines
28 to address the parties' additional discovery issues raised in plaintiff's improperly noticed motion
28 to compel filed on April 6, 2017, as of this time.

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and then present that stipulation to the court.³

IT IS SO ORDERED.

Dated: April 17, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

³ As discussed during the hearing, the parties will need to notice such a stipulation before the presiding district judge if the modified dates they propose will impact the balance of the schedule of this action. (See ECF No. 23 at 9.)