

1 not appear that the subpoena contains a time frame for these records. Plaintiff argues that only
2 his records regarding examinations by ophthalmologists are relevant to this action.

3 In the opposition to plaintiff's motion, defendant argues that prior to the at-issue surgery,
4 plaintiff had an extensive history of glaucoma in both eyes which failed treatment with eye drops.
5 (ECF No. 59 at 2.) Defendant argues that plaintiff also had a history of several ailments
6 including, among other things, cataracts in both eyes, diabetes, Hepatitis C and Graves' disease,
7 which all may have contributed to plaintiff's overall ophthalmological condition. (Id.) Based on
8 these circumstances, defendants argue that all of plaintiff's medical records from the San Joaquin
9 County Hospital are discoverable. (Id.)

10 In his reply to defendants' opposition, plaintiff requests an in camera hearing by the court
11 in order to determine which of his records from the San Joaquin County Hospital should be made
12 available to defendant. Plaintiff does not discuss, in any detail, what portion of his records should
13 not be made available to defendants following an in camera review.

14 Based on defendant's representation that plaintiff's other ailments may have contributed
15 to his ophthalmological condition, the undersigned finds that plaintiff's medical records may
16 contain relevant evidence. See Fed.R. Civ. P. 26(b)(1). Accordingly, these records are
17 discoverable. While the undersigned believes that all of the records should be produced, plaintiff
18 is granted ten days to file briefing, if necessary, in support of his request for an in camera review.
19 In the further briefing, plaintiff shall, at the very least, describe which of his medical records
20 should not be made available to defendant. If plaintiff does not file further briefing within 10
21 days then the records are ordered produced. If plaintiff files further briefing, following receipt of
22 this briefing the court will issue further orders.

23 Accordingly, IT IS HEREBY ORDERED that within ten days of the date of this order,
24 plaintiff shall file further briefing in support of his request for an in camera review.

25 Dated: January 18, 2018

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28 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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