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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALINA VARFOLOMEEVA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 2:17-cv-00599-CKD

ORDER

On March 22, 2018, in response to defendant’s motion to compel (ECF No. 24), the court ordered plaintiff to produce for an in camera review the application that served as the basis for her September 23, 2014 disability placard. (ECF No. 29). The court explained that “[i]f upon review this document appears relevant to the questions at issue, the court will order that the document be provided to defendant.” (Id. at 3.) The court received a copy of the application on April 6, 2018.

When plaintiff filed this lawsuit, she placed her physical condition and alleged limitations, at the time of a November 19, 2014 accident, directly at issue. (See ECF Nos. 1, 29.) Thus, any potential physical limitation present before November 19, 2014 is relevant to defendant. As a result of the application under dispute, plaintiff received a disability placard from the Department of Motor Vehicles on September 23, 2014. After reviewing the application in camera, it is apparent that this document is relevant to the questions that plaintiff placed at issue in this matter.

1 Therefore, any privacy right that plaintiff may have in the application is outweighed by the
2 defendant's right to discovery about an issue central to its potential defense. See Fed. R. Civ. P.
3 26; Williams v. Baron, No. CIV S-03-2044-LKK-JFM, 2007 WL 433120, at *1 (E.D. Cal. Feb. 5,
4 2007) (“[p]rivacy rights in medical records are neither fundamental nor absolute.”).

5 Accordingly, IT IS HEREBY ORDERED that:

6 Within seven days of this order, defendant shall retrieve the September 23, 2014
7 Application for Disabled Person Placard or Plates from the undersigned's courtroom deputy, and
8 shall provide plaintiff with a copy.

9 Dated: April 13, 2018



10 _____
11 CAROLYN K. DELANEY
12 UNITED STATES MAGISTRATE JUDGE

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