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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT EWING,

CASE NO. C-07-01229 MEJ

Plaintiff,

vs.

UNITED STATES OF AMERICA AND  
UNITED STATES POSTAL SERVICE,

ORDER GRANTING REDACTED  
ADMISSION OF PLAINTIFF'S MEDICAL  
RECORDS

Defendants.

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The Court will admit, the following statements contained in this Order, pursuant to the Federal Rules of Evidence Code Section 803(4),

"the following are not excluded by the hearsay rule, even though the declarant is available as a witness: Statements for purposes of medical diagnosis or treatment. Statements made for purposes of medical diagnosis or treatment and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment."

The Court has deemed the following information reasonably pertinent as it relates to the Plaintiff's medical treatment:

1. Page 1 of 2, dated 12/08/04, treating physician Gary Payinda, M.D., document entitled "EMERGENCY DEPT RECORD." "...and he fell backwards off the truck onto his right elbow."
2. Page 1 of 2, dated 12/08/04, treating physician Victor Wallenkampf, M.D., document entitled "EMERGENCY DEPT ADMIT NOTE." "He believes he landed on his outstretched hand, which took most of the force."
3. Page 1 of 2, dated 12/08/04, treating physician Victor Wallenkampf, M.D., document

1 entitled "CONSULTATION RECORD." "...he subsequently tripped and fell and landed on his  
2 outstretched right arm, with immediate pain and inability to use his right arm"

3 4. Document dated December 9, 2004, entitled "Patient Transport Record." "...he tripped  
4 over an object causing him to fall from a nonmoving truck bed. To brake the fall, he extended his R  
5 hand, which he landed on, hyperextending his elbow. There were no other complaints or injuries on  
6 exam."

7 All other statements or excerpts preceding or following these statements must be redacted.

8 **IT IS SO ORDERED.**

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10 Dated:

9-18-08



MARIA-ELENA JAMES  
United States Magistrate Judge

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