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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 SAMUEL B JOHNSON III,

No. C 07-05756 SI

9 Plaintiff,

**ORDER OVERRULING PLAINTIFF'S  
OBJECTIONS TO PRETRIAL  
DISCOVERY ORDER [Docket No. 157]**

10 v.

11 CHEVRON CORPORATION, *et al.*,

12 Defendants.  
13 \_\_\_\_\_/

14 On October 6, 2008, plaintiff submitted objections to Magistrate Judge Joseph Spero's October  
15 1, 2008 order denying plaintiff's motion to quash. [Docket No. 157] For the reasons discussed below,  
16 plaintiff's objections are OVERRULED.

17 On August 26, 2008, plaintiff filed a letter brief requesting that defendants' subpoena of records  
18 from the California Health and Human Services Agency (Department of Social Services), the Office of  
19 the Attorney General, Dr. Lorin Frank, and Kaiser Permanente Hospital be quashed. [Docket No. 128]  
20 Plaintiff excerpted the following from defendant Chevron's subpoena:

21 All written or recorded records/documents and records, notes, reports, correspondence,  
22 photographs, videotapes or sign-in sheets relating to any social services, educational  
23 services, developmental services, health services, counseling, consultations, sessions,  
examination, evaluations, findings, treatments, diagnosis, prognosis provided or related  
to [plaintiff's two minor children].

24 See Plaintiff's August 26, 2008 Letter Brief, at ex. H. Plaintiff argued, *inter alia*, that California law  
25 precluded the release of sealed adoption records relating to his minor children without a court order from  
26 Sacramento County Superior Court. Defendant responded that it did not seek production of any  
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1 adoption records.<sup>1</sup> [Docket No. 130] On September 18, 2008, Judge Spero denied in part plaintiff's  
2 motion to quash but requested further briefing from defendant on whether production would violate  
3 HIPPA and the California Health and Institutions Code. [Docket No. 145] On October 1, Judge Spero  
4 found that disclosure was permissible so long as the required authorizations were executed, and ordered  
5 plaintiff to execute the relevant authorizations. [Docket No. 155] Plaintiff now objects to Judge Spero's  
6 October 1 ruling.

7 Plaintiff repeats his earlier arguments that the Sacramento County Superior Court has exclusive  
8 jurisdiction to unseal the relevant records and that California law prevents any court from releasing any  
9 such records. Plaintiff's arguments fail because defendant does not seek adoption records. On August  
10 22, 2008, the Department of Social Services advised defendant that it could not comply with the  
11 subpoena unless authorized to do so by the person who is the subject of the records. *See* Def. Letter  
12 Brief, at ex. A. [Docket 150] The Department of Social Services provided the requisite release form,  
13 which Judge Spero ordered defendant to execute. Plaintiff cannot evade a court order by raising the  
14 same arguments in this Court that were already given thorough consideration by Judge Spero.  
15 Accordingly, plaintiff is ordered to comply with Judge Spero's October 1 ruling. If plaintiff fails to  
16 comply by **November 21, 2008**, he will be precluded from seeking damages relating to his children.

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18 **IT IS SO ORDERED.**

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20 Dated: 11/17/08

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22 \_\_\_\_\_  
23 SUSAN ILLSTON  
24 United States District Judge  
25

26 \_\_\_\_\_  
27 <sup>1</sup> Defendant also argued that the records are relevant because plaintiff had put his minor  
28 children's education, social skills, behavior problems and mental conditions at issue by seeking \$3.5  
million for their emotional, developmental, social and behavioral decline. Defendant therefore seeks  
to determine whether the children's purported problems existed before plaintiff was employed by  
defendant.