UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

HONG-NGOC T DAO,

Plaintiff,

v.

LIBERTY LIFE ASSURANCE COMPANY OF BOSTON,

Defendant.

Case No. 14-cv-04749-SI (EDL)

ORDER FOLLOWING IN CAMERA REVIEW

Re: Dkt. No. 151

This is a lawsuit regarding the denial of benefits under a long term disability policy issued to Plaintiff by Defendant Liberty Life Assurance Company of Boston. On July 30, 2015, this Court granted in part Plaintiff's motion to quash or modify subpoenas and for a protective order and ordered Plaintiff to produce psychotherapy notes but allowed for redactions. Dkt. No. 66. On March 10, 2016, the parties filed a joint letter brief seeking a determination of whether Plaintiff's redactions to her psychotherapy notes were overbroad, and requested that the Court review the records in camera to make this determination. Dkt. No. 151. The Court granted in part the request for in camera review, stating:

> The Court's prior Order was not intended to strictly limit redactions to Plaintiff's own personal trauma, and limited redaction of private information relating to third parties may also be appropriate. The Court will review in camera the documents Bates numbered 304, 313, 316, 317, 375, 384, 390, 393, 394, 396, 402, 406, 407, 412, and 419 that, according to the log attached to the joint letter, were redacted to remove information relating to third parties.

Dkt. No. 154. Plaintiff timely submitted the requested documents for in camera review. Having reviewed the documents, the Court concludes that some of the redacted information should be disclosed to Defendant as it is not sufficiently private or confidential to outweigh its relevance to the issues in this case, for the reasons stated in connection with the underlying motion to compel. However, some limited redaction is appropriate to protect the privacy of third parties and does not

unduly obscure the information relevant to this case. Specifically, Plaintiff may only redact the following:

- Bates no. 304: The redacted sentence shall read: "Partner having issues with [ONE WORD REDACTED], friends having difficulties with [ONE WORD REDACTED], etc."

- Bates no. 313: The redacted phrase shall read: "coupled with partner having to undergo [ONE WORD REDACTED] surgery next week Wednesday"

- Bates no. 390: The redacted sentence shall read: "And that since she didn't stress as much (for example about partner finding out that he needs to have a [ONE WORD REDACTED] biopsy [THREE WORDS REDACTED] that her partner also didn't stress as much."

- Bates no. 393: The redacted sentences shall read: " She is, however, getting stressed out 2/2 to her partner's stressing out about his work (he's a [TWO WORDS REDACTED]) his family [NINE WORDS REDACTED], and she notes that now she 'manages his time' more often. Some of this is good, because he's more receptive to doing things to take care of himself, but some of it is taxing to her and she is continually surprised that he likes her in this role. We discuss what her role is in all of this, and how sometimes moods can be shared between partners, and how to deal with that."

- Bates no. 396: The redacted phrase shall read: "her partner's father needing [ONE WORD REDACTED] surgery, the aftermath of a stressful Thanksgiving and dealing with partner's stress as the most difficult to deal with."

- Bates no. 402: The redacted phrase shall read: "partner's family is very challenging [THREE WORDS REDACTED]."

- Bates no. 406: The second redacted phrase shall read: "like planning her partner's [ONE WORD REDACTED] birthday in [ONE WORD REDACTED]."

No other redactions should be retained.

IT IS SO ORDERED.

Dated: March 28, 2016

ELIZABETH D. LAPORTE
United States Magistrate Judge