

1 to this order by December 23, 2008,³ the *in camera* review would automatically be stayed pending
2 District Judge Fogel's ruling on Plaintiff's objection. Plaintiff did not file any such objection.
3 Therefore, the court conducted the *in camera* review of the documents. Based on the court's *in*
4 *camera* review, and the file herein,

5 IT IS HEREBY ORDERED that Defendants' motion to compel is GRANTED. San Mateo
6 County Health Department ("SMCHD") shall promptly contact Defense counsel to set a mutually
7 agreeable date and method for SMCHD to produce documents in compliance with the subpoena.
8 The documents are relevant to Plaintiff's claims for emotional distress damages. As this court
9 previously ruled, by alleging serious on-going mental and emotional distress, and seeking damages
10 for those injuries, Plaintiff waived her right to privacy with respect to her mental health records to
11 the extent her mental health information is relevant to this lawsuit. *See, e.g., Doe v. City of Chula*
12 *Vista*, 196 F.R.D. 562, 569-70 (S.D. Cal. 1999).

13 IT IS FURTHER ORDERED that, absent further order of the court, Defense counsel shall
14 not disclose the documents to anyone other than any expert witness retained by Defendants to opine
15 on issues related to Plaintiff's emotional distress claims.

16 IT IS FURTHER ORDERED that Plaintiff has until January 22, 2009 (ten court days) to file
17 any objection to this order. The court notes that, unless and until Plaintiff either files an objection or
18 obtains a stay,⁴ the provisions of this order govern disclosure of Plaintiff's mental health records by
19 SMCHD.

20 Dated: 1/7/09

21 
22 PATRICIA V. TRUMBULL
23 United States Magistrate Judge
24
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27 _____
28 ³ See FED.R.CIV.PRO. 72(a), 6(a)(2) & 6(d).

⁴ Plaintiff has a request for time off from her case pending before District Judge Fogel.

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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 1/7/09 to:

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/s/ Donna Kirchner for
CORINNE LEW
Courtroom Deputy