

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00809-MSK-MJW

FIFI MENO INGILA,

Plaintiff,

v.

DISH NETWORK LLC, a Colorado limited liability company,

Defendant.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff's Motion to Quash Subpoenas Duces Tecum (docket no. 30) is DENIED for the following reasons.

In this case, Plaintiff is seeking damages for lost income (i.e., back pay and front pay), diminished earning capacity, past and future earning capacity, pain and suffering, mental anguish, diminished quality of life, loss of enjoyment of life, punitive damages, all economic and non-economic losses, pre-judgment interest, post-judgment interest, reasonable attorney fees and costs and injunctive relief. In particular, Plaintiff has made specific allegations concerning a miscarriage which she claims was caused by Defendant. In addition, there is some discovery already received by Defendant that indicates that Plaintiff may have a preexisting condition of post-traumatic stress disorder. See Complaint (docket no. 1) and Scheduling Order dated August 14, 2013 (docket no. 17) at page 5 paragraph 5 - Computation of Damages.

Based upon the Complaint (docket no. 1), Plaintiff's medical issues (i.e., mental and physical conditions) are at the forefront of this case. Here, I find that Plaintiff has waived her psychotherapist-patient privilege pursuant to LeFave v. Symbios, Inc., No. 99-z-1217, 2000 WL 1644154, at \*2 (D. Colo. Apr. 14, 2000) and Weatherspoon v. Provincetown Master Owners Assoc., Inc., No. 08-cv-02754-MSK-KLM, 2010 WL 936109, at \*3 (D. Colo. Mar. 15, 2010). Moreover, the subject records sought are relevant on the issues of causation and damages, and are discoverable. Plaintiff has placed her mental and physical conditions at issue. For these reasons, the subject motion (docket no. 30) is denied.

Date: December 5, 2013

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