

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

WILLIAM R. METALLO,

Plaintiff,

v.

Case No: 6:14-cv-1975-Orl-40KRS

**ORLANDO UTILITIES COMMISSION,
DAN KIRBY, JOHN HUGH DYER and
WAYNE R. ZIMMERMAN,**

Defendants.

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: DEFENDANT'S UNOPPOSED MOTION FOR RENDITION
OF ORDER AUTHORIZING UNITED STATES
DEPARTMENT OF VETERANS AFFIRAMS TO RELEASE
PLAINTIFF'S MEDICAL RECORDS (Doc. No. 79)**

FILED: December 17, 2015

THEREON it is ORDERED that the motion is GRANTED.

Defendants have served a subpoena on the United States Department of Veterans Affairs ("VA") seeking release of Plaintiff William R. Metallo's medical records. Counsel for Defendants represent that Mr. Metallo does not object to production of these records.

Pursuant to 38 U.S.C. § 7332(b)(2)(D), the VA may comply with the subpoena if the subpoena is authorized by an order of this Court upon a showing of good cause therefor.¹ Mr. Metallo has placed his medical conditions at issue in the complaint, which alleges that he is disabled. Mr. Metallo has not voluntarily produced his medical records in discovery. Accordingly, good cause exists to permit Defendants to obtain these records through the subpoena served on the VA. It is, therefore, **ORDERED** that the subpoena served by Defendants on the VA is authorized by this Order of the Court.

Section 7332(b)(2)(D) also requires this Court to impose appropriate safeguards against unauthorized disclosure of Mr. Metallo's medical records. It is, therefore, **ORDERED** that counsel for Defendants shall treat Mr. Metallo's medical records as confidential and disclose them only to the parties, counsel for the parties and their support staff, expert witnesses, and the Court. This Order shall not be construed, however, as permission to file any of these medical records under seal.

Counsel for Defendants are directed to deliver a copy of this Order to the VA forthwith.

DONE and **ORDERED** in Orlando, Florida on December 21, 2015.

Karla R. Spaulding
KARLA R. SPAULDING
UNITED STATES MAGISTRATE JUDGE

¹ Section 7332(b)(2)(D) does not require that the subpoena be signed by a judge of this Court.