

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

DIANE LISCAR and ERIC LISCAR, *

Plaintiffs, *

vs. *

CASE NO. 4:12-CV-8 (CDL)

PEDIATRIC ACUTE CARE OF *

COLUMBUS, P.C., BEN OVERBY, and *

KIM OVERBY, *

Defendants. *

O R D E R

Defendant Pediatric Acute Care of Columbus, P.C. ("Defendant") moves the Court to compel non-party Martin Army Community Hospital ("Hospital") to produce documents and respond to discovery pursuant to Federal Rule of Civil Procedure 37 and Local Rule 37. Defs.' Mot. to Compel Docs. Against Non-Party Martin Army Community Hospital 1, ECF No. 16 [hereinafter Mot. to Compel]. On March 28, 2012 and April 12, 2012, the Hospital received Defendant's Subpoenas to Produce Documents, seeking Plaintiffs Diane Liscar and Eric Liscar's medical records. Mot. to Compel Ex. A, Subpoena, ECF No. 16-1 (seeking D. Liscar's medical records); Mot. to Compel Ex. B., Letter from C. Schondelmayer to Hospital (Apr. 11, 2012), ECF No. 16-2 at 1 (seeking E. Liscar's medical records); Mot. to Compel Ex. B, Subpoena, ECF No. 16-2 at 2 (same). On June 8, 2012, Defendant

sent a letter to the Hospital detailing its efforts to receive a response to the subpoenas and stating that because it had received no response to the subpoenas, Defendant would be forced to ask the Court to compel the Hospital to produce the requested records if the Hospital did not produce them by June 15, 2012. Mot. to Compel Ex. C, Letter from C. Schondelmayer to Hospital (June 8, 2012) 1, ECF No. 16-3. Defendant has still not received a response to the subpoenas from the Hospital. Mot. to Compel ¶ 4.

The Court finds that the Hospital should be compelled to produce the records requested by Defendant's subpoenas. Accordingly, the Court orders the Hospital to produce the requested medical records within twenty one days of being served with today's Order.

Further, the Court orders the Hospital to show cause within twenty one days of service of this Order why it should not be required to pay Defendant's fees and expenses incurred in filing its Motion to Compel. See Fed. R. Civ. P. 37(a)(5)(A).

Counsel for Defendant is ordered to serve this Order on Martin Army Community Hospital by sending a copy of the Order to the person at the Hospital on whom Defendant served the subpoenas and by sending a copy of this Order to the United States Attorney for the Middle District of Georgia. Contemporaneously with the service of today's order, Defendant

shall also serve upon Martin Army Community Hospital and the United States Attorney for the Middle District of Georgia Defendant's motion to recover its expenses and fees, including a breakdown of the fees and expenses it seeks along with all evidence supporting the request.

IT IS SO ORDERED, this 25th day of July, 2012.

S/Clay D. Land

CLAY D. LAND
UNITED STATES DISTRICT JUDGE