

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

TAMARA M. HINE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:09-cv-00416-SEB-TAB
	)	
EXTREMITY IMAGING PARTNERS,	)	
INC.,	)	
	)	
Defendant.	)	

**ORDER ON DEFENDANT’S MOTION TO COMPEL**

This cause is before the Court on Defendant’s motion to compel. [Docket No. 40.] Defendant seeks an order compelling Plaintiff to sign medical authorizations that will permit Defendant to obtain copies of her medical records. Plaintiff has alleged post-traumatic stress disorder and depression in connection with this discrimination and retaliation action.

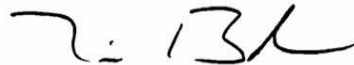
Plaintiff objects to Defendant’s request for her medical records on a number of grounds [Docket No. 41], but these objections are unavailing. While Plaintiff’s medical records are privileged as Plaintiff contends, Plaintiff has waived that privilege by putting her medical condition at issue in this litigation. Contrary to Plaintiff’s contention, the Court finds her medical records are relevant to her emotional distress-related claims, and the releases are not overbroad. And while Plaintiff is correct that Defendant’s motion does not have a separate brief as required by Local Rule 7.1, the Court will not deny the motion for this procedural shortcoming given that the motion is otherwise well taken.

Plaintiff’s response raises other objections and issues, but they require little mention.

The Court will not wade into Plaintiff's contention that Defendant's motion contains false statements, as these allegations seem irrelevant to the substance of the motion. [Docket No. 41 at 1.] Likewise, Plaintiff claims that given the pending summary judgment motion "the last thing that the parties need at this time is to be spending time and money arguing about voluminous medical records." [Docket No. 41 at 5.] The Court does not ordinarily stay discovery just because a dispositive motion has been filed, and Plaintiff has not requested a discovery stay in any event.

At bottom, Plaintiff has put her medical condition at issue by claiming post-traumatic stress disorder and depression, and Defendant seeks discovery of Plaintiff's medical records to explore these claims. As a result, Defendant's motion to compel [Docket No. 40] is granted. Plaintiff shall sign the medical releases attached to Defendant's motion to compel and serve the originals on Defendant within 14 days.

Dated: 09/08/2010



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Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

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