

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
STEPHANIE A. GALLAGHER
UNITED STATES MAGISTRATE JUDGE

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November 15, 2018

LETTER TO COUNSEL

RE: *Sheila M. Marshall v. University of Maryland Medical Center*,
Civil No. TDC-17-2779

Dear Counsel:

This matter has been referred to me for discovery disputes and related scheduling matters. [ECF No. 16]. I am in receipt of Defendant University of Maryland Medical Center's ("UMMC") Status Report regarding the subpoenas for medical records of Plaintiff Sheila M. Marshall ("Ms. Marshall"). [ECF 37]. UMMC reports that a medical provider in possession of records characterized as "mental health records" requires an authorization, "i.e., HIPAA release," from Ms. Marshall to respond to UMMC's subpoena. *Id.* ¶ 4.

Because UMMC is entitled to records relevant to Ms. Marshall's medical condition, as addressed in my Order of August 6, 2018, [ECF 19], Ms. Marshall must allow access to those records if she intends to present mental health arguments or evidence in support of her case. Accordingly, on or before **Tuesday, November 27, 2018**, Ms. Marshall is ordered to advise this Court whether she will authorize and/or sign a HIPAA release for the aforementioned medical records requested by UMMC. If Ms. Marshall refuses to authorize release of these mental health records, I will recommend to Judge Chuang that Ms. Marshall be precluded from presenting evidence relating to any mental health conditions at trial.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Sincerely yours,

/s/

Stephanie A. Gallagher
United States Magistrate Judge