

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DANNY LEE WARNER, JR.,

Plaintiff,

vs.

CHUCK CURRY, JENNIFER ROOT,
JAMES DUSING, TAMMY BOWEN,
SGT. SCHUELEN, and CBM
MANAGED SERVICES,

Defendants.

CV 17-104-M-DLC-JCL

ORDER

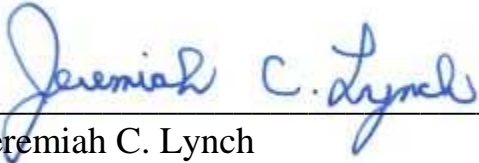
Plaintiff Danny Warner, appearing pro se, moves for an order precluding Defendants' possession of, and the Court's consideration of medical records generated from his treatment in 2017 at the Montana State Hospital in Warm Springs, Montana. In particular, Warner complains that Defendants are unlawfully in possession of a document titled "Montana State Hospital Admission History & Physical". ((Doc. 59-3.) He asserts the document is a confidential document protected from disclosure under federal law, and that it is related only to criminal proceedings prosecuted against him.

But Warner has put his medical condition at issue in this lawsuit. Therefore, his medical records are relevant. *Goldsmith v. Dutton*, 2014 WL 4393535, *2 (D. Mont. 2014).

Additionally, the Court's scheduling order entered June 22, 2018, expressly authorized the release of, and use of Warner's medical records in accordance with the Federal Health Insurance Portability and Accountability Act. (Doc. 45 at 4-5.)

Therefore, Defendants are lawfully in possession of Warner's medical records and they may use them in defense of this litigation. Thus, IT IS HEREBY ORDERED that Warner's motion to suppress his medical records is DENIED.

DATED this 14th day of February, 2019.



Jeremiah C. Lynch
United States Magistrate Judge