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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CATHY A. FADNER, as Representative)
of the ESTATE OF DIANA J. REED, and)
SEAN MARTIN MATHESON,)
)
Plaintiffs,)
)
vs.)
)
SANDOZ, INC., and NOVARTIS, INC.)
and DOES I through L, ROES I through)
L, inclusive,)
)
Defendants.)

Case No. 2:09-cv-01262-LDG-GWF

**ORDER ON SECOND JOINT
MOTION TO PERMIT
PRODUCTION OF MEDICAL
AND OTHER RECORDS**

Before the Court is the parties' joint motion to permit the production of additional medical and other records for the decedent, Diana J. Reed (#28). Based upon the representations of the parties, the Court finds that the parties have a legitimate need for immediate access to the decedent's medical and other records and medical history for this lawsuit. HIPAA permits the disclosure of protected health information in certain instances even when a written authorization of the individual or the personal representative is not available. See 45 C.F.R. § 164.512 ("A covered entity may use or disclose protected health information without the written authorization of the individual . . . in the situations covered by this section"). One such circumstance is when the disclosure of protected health information is made for judicial or administrative proceedings. 45 C.F.R. §

1 164.512(e). Under this provision, a health care provider may disclose the
2 information "in response to an order of a court." 45 C.F.R. § 164.512(e)(1)(i); *see also*
3 *Crenshaw v. MONY Life Ins. Co.*, 318 F. Supp. 1015, 1028 (S.D. Cal. 2004) ("During
4 the course of litigation, HIPAA authorizes several options for obtaining medical
5 records from healthcare professionals, including court orders").

6 For these reasons, good cause appearing, IT IS ORDERED that the
7 following entities produce their entire medical records file, employment records
8 file and/or financial information file for the decedent Diana J. Reed¹ to either party
9 to this case upon request:

- 10 1. Ceylon T. Caszatt, M.D.
- 11 2. Larry Pierce, DDS
- 12 3. Hilma Illinidala, M.D.
- 13 4. Lydia Estanislao, M.D.
- 14 5. Clark County Fire Department
- 15 6. Las Vegas Metropolitan Police Department
- 16 7. Nevada Controlled Substance Abuse Prevention Task Force

17 This order applies to all records, including but not limited to the
18 following: All medical and/or hospital records or reports, insurance records,
19 laboratory reports, autopsy reports, histology reports, cytology reports, pathology
20 reports, radiology reports, CT scan reports, MRI reports, electrocardiogram
21 reports, echocardiogram reports, electroencephalogram reports, cardiac
22 catheterization reports, radiographic films, echocardiograms, electrocardiograms,
23 electroencephalograms, pulmonary function tests, kidney function tests, urine
24 tests, creatinine clearance tests, blood tests, perfusion lung scans, cardiac
25 catheterizations, cardiac catheterization tracings, radiographic films, CT scans, X-
26 rays, MRI films, MRA films, myelograms, photographs, communications,

27
28 ¹ The parties shall supply the decedent's date of birth and social security
number to each provider from whom records are requested.

1 correspondence, progress notes, pharmacy/prescription records, patient
2 prescription history reports, questionnaires/histories, immunization records,
3 charts, logs, letters, affidavits, declarations, recordings of any type on any media,
4 written statements, disability records, medical bills, other documents or things in
5 your possession or control, including tapes or transcripts of hearing(s), other
6 judicial, administrative or non-judicial proceedings, documents concerning taxes,
7 tax preparation, payroll, workers compensation, social security, disability or other
8 claim for reimbursement filed by or on behalf of Diana J. Reed, including but not
9 limited to: claim forms, questionnaires, statements, applications, disclosures,
10 communications, correspondence, notes, settlements, agreements, contracts,
11 reports, employment records, unemployment records, training records, and/or
12 records of payments made.

13 The Court FURTHER ORDERS any other entity not identified above
14 that has any such records pertaining to Diana J. Reed to produce such records to
15 either party to this lawsuit upon request.

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17 
18 GEORGE W. FOLEY
19 UNITED STATES MAGISTRATE JUDGE

20 DATED: August 25, 2010
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