

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>4/1/2021</u>

MICHAEL J. LEE,
Plaintiff,
-against-

PROPOSED ORDER
No. 20-CV-8407 (GBD)(SDA)

CITY OF NEW YORK, CYNTHIA BRANN, in her official capacity as the Commissioner of the Department of Corrections, TANISHA MILLS, in her official capacity as Warden of the Vernon C. Bain Corrections Facility, PATRICIA “PATSY” YANG, in her official capacity as Senior Vice President for Correctional Health Services Division of NYC Health + Hospitals,

Defendants.

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WHEREAS Plaintiff Michael Lee (B&C 3492001663) commenced this action alleging, among other things, that the conditions of his confinement in the City of New York’s Vernon C. Bain Center violate certain constitutional standards and place him at unreasonable risk of contracting COVID-19 in violation of the 14th Amendment’s Due Process Clause, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act;

WHEREAS Defendants City of New York, New York City Department of Correction (DOC) Commissioner Cynthia Brann, Warden Tanisha Mills, and Patricia Yang, (collectively, “Defendants”) seek Plaintiff’s medical records in the custody Correctional Health Services (CHS), a division of the New York City Health and Hospitals Corporation;

WHEREAS Plaintiff and his counsel do not object to the production of his CHS medical records for the use of counsel and any expert retained for purposes of this lawsuit;

IT IS NOW, THEREFORE, ORDERED AS FOLLOWS:

1. By mail or email, CHS shall provide a complete copy of Plaintiff Michael Lee's medical records in its possession, including those records relating to any mental health, HIV, and substance use disorder treatment, to Plaintiff's counsel, Baker & Hostetler, c/o Ivory Bishop, Jr., at 45 Rockefeller Plaza, 14th Floor, New York, New York 10111 or ibishop@bakerlaw.com.

2. Pursuant to agreement of counsel, Plaintiff's counsel shall redact information relating to any mental health, and substance use disorder treatment, and then produce a copy to Defendants' counsel for use in the litigation.

3. This order will remain in place for the duration of this litigation. Accordingly, if required and upon request, CHS shall provide Defendants' counsel with an updated copy of Plaintiff's medical record, subject to the redaction agreement above.

4. Pursuant to N.Y. Mental Hygiene Law § 33.13(c)(1), the Court finds that the interests of justice significantly outweigh the need for confidentiality in the production of this medical record.

5. Plaintiff's medical records shall be used solely for purposes of this litigation, and may not be disclosed without consent of the Court or pursuant to a confidentiality and/or protective order agreed to by the parties.

It is **SO ORDERED.**

Date: New York, New York
April 1, 2021



STEWART D. AARON
United States Magistrate Judge