

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MARK ANTHONY ADELL,

Plaintiff,

v.

Case No. 17-CV-267-JPS

RANDALL HEPP, CHRIS KRUEGER,
JOHN MAGGIONCALDA, LT. JOHN
CONGDON, MARK SCHOMISCH,
WISCONSIN DEPARTMENT OF
CORRECTIONS, and JON LITSCHER,

Defendants.

ORDER

On October 3, 2017, Defendants filed a motion to compel Plaintiff to produce a signed authorization for the release of his medical records. (Docket #26). Those records are undoubtedly relevant here, as Plaintiff's claims arise entirely from his medical conditions, including ulcerative colitis as a complication of Crohn's disease. *See* (Docket #11 at 2–3); Fed. R. Civ. P. 26(b)(1). Defendants claim that they have requested a signed medical authorization from Plaintiff but have received no response.

Plaintiff counters that Defendants' only request for an authorization either occurred before the start of the discovery period in this case or was not posed as a proper discovery request under the Federal Rules of Civil Procedure. (Docket #29). Defendants reply that whatever the infirmities in their earlier requests, it is plain that Plaintiff should be made to execute a medical authorization. (Docket #30).

The Court agrees with Defendants here. Plaintiff does not contest the relevance of his medical records to this case, and although the discovery

period has elapsed, providing a medical release at this time could hardly be described as burdensome. *Packman v. Chicago Tribune Co.*, 267 F.3d 628, 646–47 (7th Cir. 2001) (district courts have broad discretion in resolving matters relating to discovery). There is no reason, other than gamesmanship, for Plaintiff to continue to avoid signing a medical authorization. Defendants shall mail Plaintiff a medical records release authorization form forthwith, and Plaintiff shall sign and return it to Defendants within five (5) days of receiving it.

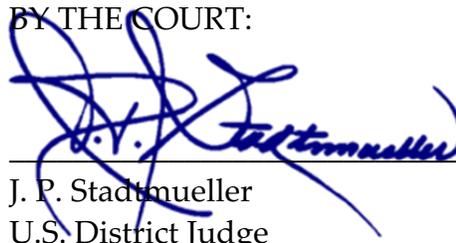
Accordingly,

IT IS ORDERED that Defendants' motion to compel (Docket #26) be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Defendants shall mail Plaintiff a medical records release authorization form forthwith, and Plaintiff shall sign and return it to Defendants within **five (5) days** of receiving it.

Dated at Milwaukee, Wisconsin, this 12th day of October, 2017.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge