

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN L. DYE, JR.,

Plaintiff,

v.

ORDER

MARY KLEMZ, DR. GAANAN,
THOMAS MICHLOWSKI, and EDWARD F. WALL,

13-cv-284-jdp

Defendants.

On July 25, 2016, I held a telephone hearing regarding the parties' dispute over the authorization of the release of plaintiff John Dye's medical records in this case and in plaintiff's other recent case before this court, no. 14-cv-76-jdp. This order pertains only to case no. 13-cv-284-jdp.

At the hearing, the parties discussed the declaration of Gloria Marquardt, the Department of Corrections' health information supervisor and HIPAA compliance officer, who expressed concern over disclosure of records indicating that plaintiff had been housed at the Wisconsin Resource Center. As I stated in my July 18, 2016, order, Dkt. 80, the fact that plaintiff was a patient at WRC is already a matter of public record and is not a fact that needs to be protected from disclosure.

The parties also discussed the question of "mixed records" containing information about both plaintiff's physical and mental health problems. Ms. Marquardt asserted that, under the current authorization from plaintiff and with a court order, she could disclose plaintiff's treatment records but withhold plaintiff's "Psychological Services Unit Record and Psychiatric Section of the Medical Chart," Dkt. 76, at 4. I concluded that this was an

appropriate solution, so I will order the DOC to release the records in this fashion. The parties' signed medical release authorization form remains in effect.

Also at the hearing, defendants moved for extension of the dispositive motions deadline, currently set for September 15, 2016. I will provisionally grant that motion, but I will not set a new deadline until counsel informs the court when it will be receiving plaintiff's records, how voluminous those records are, and how long of an extension is reasonably required.

ORDER

IT IS ORDERED that:

1. Defendants' motion for an order regarding the authorization of medical records, Dkt. 75, is GRANTED.
2. The Department of Corrections shall release plaintiff's medical records to defendants' counsel in accordance with the opinion above.
3. Defendants' motion for an extension of the dispositive motions deadline is GRANTED, and that deadline is STRICKEN.

Entered July 25, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge