

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JEREMY BUSTAMANTE,)	
)	
Plaintiff,)	
vs.)	
)	Case No. 06 -1336 -WEB
CENTRAL KANSAS MEDICAL CENTER.,)	
a Kansas Corporation,)	
)	
Defendant.)	
_____)	

**ORDER AUTHORIZING INSPECTION AND REPRODUCTION OF
EMPLOYMENT INFORMATION AND RECORDS**

TO: All Past and Present Employers

This matter comes on before the Court on the application of the defendant for an order directing all past and present employers of Jeremy Bustamante to allow the inspection of and copying of his employment records. Plaintiff appears by and through Jeremy Bustamante's attorney, James R. Howell of Prochaska, Craig, Giroux & Howell. Defendant Central Kansas Medical Center appears by and through its attorney Chris Cole of Woodard, Hernandez, Roth & Day, L.L.C.

WHEREUPON, the Court, after reviewing the files and records, hearing statements of counsel and being fully advised in the premises, finds:

1. Plaintiff has filed an action wherein he is seeking loss of earning capacity, therefore his work experience and training are relevant;
2. In addition, plaintiff has placed his medical condition in issue and therefore any medical records or medical information contained in any employment file may be

relevant;

3. Plaintiff objects to defendant's request for the production of all documents contained in any employment file of his past and present employers on the basis that the file may contain documents which are confidential, personal and/or not relevant to the issues in the case; and that any medical information, wage information, education, training and work experience contained in any employment file may be obtained from other reliable sources and moves the Court for a protective order as to any documents contained in any employment file which are personal, confidential and not relevant to the issues in the case;

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED:

- a. The findings of the Court shall be made a part of the orders of the Court.
- b. The defendant is authorized to obtain a complete copy of any employment file maintained by a past and present employer of Jeremy Bustamante from any past and current employer, provided:
 1. A copy of any file obtained pursuant this order is provided to plaintiff's counsel at plaintiff's counsel's expense;
 - 2) Any documents obtained pursuant this order will not be disclosed to others or otherwise utilized to obtain further information concerning Jeremy Bustamante for a period of fifteen (15) days from receipt of the file by plaintiff's counsel;
 - 3) Plaintiff's counsel shall file a motion for protective order concerning any objectionable documents within the fifteen (15) day period which will

serve as a continuation of the stay of further disclosure or use of the obtained information until the court has entered a ruling on plaintiff's protective order;

4) If a motion is not filed by plaintiff during the fifteen (15) day period, all objections to the production, disclosure and use of the records for discovery purposes is waived.

- c. Clerical fees and expenses as permitted under K.S.A. 65-4971 shall be paid by the attorney making the request for examination and reproduction and any copy provided to plaintiff shall be at the expense of the plaintiff.
- d. This Order complies with HIPAA federal standards for privacy of individually identifiable health information, 45 C.F.R. Parts 160 and 164 and Kansas Statutes Annotated, K.S.A. 60-427 (physician-patient privilege).
- e. This Order does not provide for the production of any medical records maintained in connection with any program relating to substance abuse education, prevention, training, treatment, rehabilitation or research, which are conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, and which are covered by the provisions of 42 U.S.C. § 290dd-2 and 42 C.F.R., Part 2.

e. This Order shall be effective throughout the pendency of this action.

Dated at Wichita, Kansas this 11th day of May, 2007.

s/ DONALD W. BOSTWICK
U.S. MAGISTRATE JUDGE

APPROVED BY:

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