

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KIMBERLY HUBBARD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-2266-CM
)	
LOGI WAREHOUSING AND)	
TRANSPORTATION, LLC, et al.)	
)	
Defendants.)	

ORDER

This matter is before the court on the joint proposed order for inspection and reproduction of medical, mental health, education, and employment records. The proposed order authorizes and directs all hospitals, clinics, pharmacies, physicians, social workers, psychologists, psychiatrists, therapists, and all other medical institutions, practitioners, and health care providers; all governmental agencies; all insurance companies; all employers, past and present; and all educational institutions to make available for examination and reproduction all documents concerning the plaintiff, Kimberly Hubbard.

The entities from whom the documents are being sought are not parties in this action. Therefore, the court has no jurisdiction over them to order production of the requested records. However, Fed. R. Civ. P. 45 provides that a party may obtain documents from a non-party by service of subpoena for the production of documentary evidence. The records may be obtained by issuance of a subpoena, pursuant to a notice to take depositions, under Fed. R. Civ. P. 30.

By agreeing to the proposed order, plaintiff apparently consents to the production of the requested documents. Therefore, should the plaintiff execute an authorization to be presented to the above-describe entities, the records would likely be produced. This approach, it seems to the court, would be the most efficient.

In consideration of the foregoing,

IT IS HEREBY ORDERED that defendants should promptly provide plaintiff with authorizations for the requested documents for her execution.

Dated this 29th day of December, 2009, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge