

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY Eg D.C.

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ROBERT E. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

CARRIE STELLA,)
)
 Plaintiff,)
)
 vs.)
)
 MEMPHIS OBSTETRICS &)
 GYNECOLOGICAL ASSOCIATION, P.C.)
 and FAZAL MANEJWALA, M.D.,)
 Defendants.)

No. 03-2757-DV

ORDER DENYING DEFENDANT'S MOTION TO QUASH SUBPOENA AS MOOT

On January 4, 2004, the plaintiff in this case, Carrie Stella, issued a subpoena duces tecum to a non-party, Methodist Hospital, seeking the production of medical records "for each surgery performed November 19, 2002, in which Fazal Manejwala, M.D. was either the primary or an assisting surgeon." The subpoena also directed that the patient's name and other identifying information be redacted. Presently before the court is the January 24, 2004 motion of the defendants, Memphis Obstetrics & Gynecological Association, P.C. ("MOGA") and Dr. Fazal Manejwala, to quash the subpoena. MOGA and Dr. Manejwala argue that the documents the plaintiff now seeks should not be produced because the production of that information is barred by the Health Insurance Portability and Accountability Act of 1996 ("HIPA"). United States District Court Judge Bernice Donald referred this matter to the United

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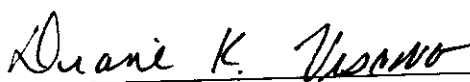
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States Magistrate Judge for determination.

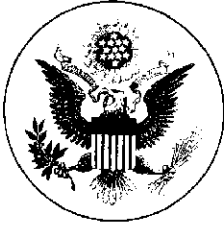
In response to the defendants' motion, Stella argues, among other things, that the defendants' motion is moot because she received a copy of the requested documents from Methodist Hospital pursuant to the subpoena on the same day that she received a copy of the defendants' motion to quash. Furthermore, Methodist Hospital has redacted all patient identifying information from the medical records at issue, with the exception of the date of such reports.

Based on the representations made by plaintiff in her response to the motion to quash, it appears that Methodist Hospital has already produced medical records pursuant to the subpoena the defendants seek to quash. Accordingly, the defendants' motion to quash is moot and therefore denied.

IT IS SO ORDERED this 11th day of February, 2004.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



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Honorable Bernice Donald
US DISTRICT COURT