RECEIVED UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA

2005 0CT -5 A 9: 45 Teresa James)
DEDRA P. RACKETT, OLK U.S. METRICI PIAINUIT, METRILI DESTERNALA V.))) Civil Action No. 2:04cv1163-F)
STATE OF ALABAMA DEPARTMENT OF REVENUE.) })
Defendant.))

RESPONSE TO DOCUMENT NUMBER 30

- 1. Comes now Roosevelt McCorvey, M.D., as a non-party, and responds to this Honorable Court's Order dated September 21, 2005. (Document Number 30).
- 2. On or about August 25, 2005, my office received a subpoena for the medical records of Teresa James, a party in the above-styled matter. (Document 29-1).
 - On October 3, 2005, I responded to this Court's Order. (Document 32).
- 4. On that same day, I was informed that my response was unacceptable to the Court because it was not in a pleading format. I was informed by the Judge's clerk that it was Court policy of the District Court that even non-parties would have to submit documents to the Court in a formal pleading format.
- 5. As a result of the foregoing, I now submit my response to the Court to supplement my earlier response. (Document 32).
- 6. I have not responded to the subpoena submitted by counsel because I thought that Ms. James' records were protected by the doctor/patient privilege.
- 7. I am more than willing to submit to the Court's jurisdiction on this matter. I would, however, petition the Court to make these documents available only after an *in camera* review. If the Court so orders though, I shall make these documents available to counsel without such a review.

8. To protect me from any liability, however, I would respectfully request that a protective order be issued prior to these documents being given to counsel. I make this request based on the development and implementation of more stringent HIPPA regulations by the Federal Government.

Respectfully submitted.

Roosevelt McCorvey, M.D. 3088 Rosa L. Parks Avenue Montgomery, AL 36104

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Certificate of Service

I, Roosevelt McCorvey, hereby certify that I have hand delivered a copy of this document on this the 5th day of October, 2005, to the following:

Gwendolyn B. Garner, Esq. P.O. Box 320001 Montgomery, Alabama 36132 (334) 242-9690

Roosevelt McCorvey M.D.