

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: 2025 UPMC SUBPOENA

MISCELLANEOUS ACTION

Case No. 2:25-mc-1069-CB

MOTION TO ALLOW SUPPLEMENTAL BRIEFING

The United States respectfully requests this Court allow expedited supplemental briefing due to a material change in circumstances regarding the subpoena at issue in this matter. Specifically, the United States—after discussions with UPMC and its counsel on December 12 and 15, 2025—has narrowed the scope of the subpoena to accept only anonymized patient medical records in full satisfaction of the challenged requests in the subpoena. *See* Email from UPMC Counsel to Government (Dec. 15, 2025) (Ex. A). Previously, the Government had agreed provisionally to accept redacted patient records from UPMC with the option to request unredacted material in the future, but the Government has now agreed to accept anonymized material¹ in full satisfaction of the challenged requests. As the Government has communicated to plaintiffs' counsel, the Government does not currently plan to seek unredacted patient records from UPMC via another HIPAA subpoena. The Government agrees to alert plaintiffs' counsel and/or the Court if it does issue a new HIPAA subpoena seeking such material in the future.

UPMC has not filed a motion to quash the instant subpoena, and the anonymous plaintiffs in this matter are seeking relief only as to patient records. Because the Government is now

¹ The Government has requested that a minor's year of birth or age (but not birthdate) be retained in the anonymized records, as the investigation is into medical care provided to minors.

willing to accept anonymized records and has instructed UPMC to produce only anonymized records, the plaintiffs' challenge is likely moot because they have no privacy interest in anonymized records—and certainly not one that could support standing to file an independent lawsuit against the Government. *In re NHL Players' Concussion Injury Litig.*, 120 F. Supp. 3d 942, 955 (D. Minn. 2015) ("The privacy interests of a patient in his or her medical records is tied to identity information contained in the records. Once the identifying information is removed from the record, the patient's privacy interest is essentially eliminated."). At the very least, the Government's narrowing of the subpoena—undertaken, in part, to address the privacy concerns that the plaintiffs have raised—changes the legal landscape such that the Court should permit supplemental briefing on the topic.

The Government contacted plaintiffs' counsel for a conference on this motion. Plaintiffs have agreed to take no position on this motion for supplemental briefing under the condition that UPMC not produce material challenged by plaintiffs' suit (including anonymized material) while this motion and the supplemental briefing are *sub judice*. The Government agreed with those conditions, believes that such an agreement maintains the status quo, and has communicated to UPMC not to produce such material pending further Court action. The Government proposes that its supplemental brief be due next Tuesday, December 23, 2025, and that plaintiffs' response (upon plaintiffs' request) be due no earlier than January 12, 2026.

Dated this 16th day of December, 2025.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2025, I served the foregoing Motion for Supplemental Briefing via ECF to counsel of record.

Dated this 16th day of December 2025.

/s/ *Patrick Runkle*
PATRICK RUNKLE