

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05cv691-DPJ-JCS

HELMERICH & PAYNE INTERNATIONAL
DRILLING COMPANY

DEFENDANT

ORDER

This cause is before the court on Defendant's motion to compel and Plaintiff's corresponding motion for protective order. Having considered the motions, the court rules as follows regarding the discovery requests at issue.

Interrogatory no. 11: Plaintiff shall respond fully and completely to this interrogatory or, alternatively, state that it is seeking no pecuniary damages.

Interrogatory no. 12: Plaintiff shall respond fully and completely to this interrogatory.

Request for Production no. 5: Although Plaintiff claims that some responsive documents may be privileged, it has failed to provide any privilege log for such documents or otherwise identify the specific documents for which it claims privilege and the nature and basis of the privilege. Accordingly, any privilege is deemed waived. Plaintiff shall provide copies of all responsive documents.

It is further ordered that Plaintiff shall serve upon Defendant a statement identifying those claimants who claim to have suffered any medical, psychiatric or psychological injury as a result of the actions by Defendant alleged in the complaint. Such statement

shall also state the name of the physicians, psychologists, or therapists, if any, who treated those claimants for the injury and the dates of such treatment. Whether or not a claimant received treatment for his or her medical, psychiatric, or psychological injury, Plaintiff shall serve, with the statement referenced above, a HIPPA-compliant release for all treatment records relating to medical or psychological treatment of any kind within the past five years received by any claimant claiming medical, psychiatric or psychological injury as a result of Defendant's actions.

Should Plaintiff allege that there is any material in a claimant's medical records which should remain confidential, Plaintiff may, as an alternative to providing a release executed by that claimant, procure at its own expense copies of *all* medical records relating to *any* medical or psychological treatment received by that claimant during the past five years, review those records, and then, within thirty days of entry of this order, either produce all such records to Defendant or, alternatively, submit them to the court for in camera inspection for a determination of whether portions are irrelevant or whether their relevancy is outweighed by their prejudicial effect. As to any records submitted for in camera inspection, Plaintiff shall clearly identify the specific portions of such records which it seeks to protect from discovery and for each such portion, shall make a specific argument as to why that portion should not be produced.

It is further ordered that the parties shall present to the undersigned an agreed qualified HIPAA protective order covering the release of the medical information referenced above.

Defendant's motion to compel is denied as to Requests for production nos. 6, 7, 8 and 9.

All responses and documents required by this order shall be served within ten days of entry of this order unless stated otherwise herein.

The motions are in all other respects denied.

SO ORDERED this the 20th day of March, 2007.

/s/ James C. Sumner

UNITED STATES MAGISTRATE JUDGE