ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
JUN 2 1998
NANCY DOHERTY, CLERK
By _____ Deputy

JUN 03 1998
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	
Plaintiff,	
v.	**CIVIL ACTION NO.**
	3-97-CV2322-D
FENYVES & NERENBERG, M.D.P.A. formerly d.b.a. MULTICARE FAMILY CLINIC and COLUMBIA HCA, d.b.a. MULTICARE FAMILY CLINIC,	
Defendants.	

ENTERED ON DOCKET
JUN 02 1998 PURSUANT
TO F.R.C.P. RULES
58 AND 79a

AGREED ORDER

COME NOW the Plaintiff Equal Employment Opportunity Commission (hereafter "EEOC") and the Defendant Fenyves & Nerenberg, M.D.P.A, and pursuant to a hearing held May 14, 1998, file this Agreed Order.

The Court having considered the Plaintiff's Expedited Motion to Quash or in the Alternative for a Protective Order, and Defendant's Motion to Compel, and argument of counsel, it is hereby ORDERED that:

1. Plaintiff's Motion to Quash is denied, except to the extent set forth herein. Defendant's Motion to Compel is denied in part and granted in part as set forth herein.

2. The Defendant Fenyves and Nerenberg, M.D.P.A. (hereafter "F&N") is hereby ordered not to send the executed medical releases signed by Regina Moore, Mildred Sewell, Cynthia Aguirre and Mary Ramon to any hospitals, physicians, psychologists, psychiatrists or any other

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medical or mental health care provider from May 14, 1998 forward.

3. The Plaintiff EEOC is hereby ordered to contact the medical facilities and health care providers listed below by letter and telephone to determine if they withheld from disclosure any medical records or other documents believed to be of a "specially sensitive nature." The medical facilities and medical providers to be contacted are as follows:

Dr. Harini Kanani

William A. Dutton, M.D.

Martin O'Brien, D.O.

Methodist Hospital of Dallas

Columbia Surgery Center of Las Colinas

4. The Plaintiff EEOC is also ordered to contact the following medical providers by telephone and request that all medical records regarding Regina Moore, Mildred Sewell, Cynthia Aguirre and/or Mary Ramon be provided to EEOC as soon as possible, rather than to Defendant's counsel of record. The medical facilities and medical providers are as follows:

Launey Medical Group

Jeri Morgan

Family Guidance Center

James G. Saalfield

The Center

5. Upon receipt of any medical records from that above facilities, the EEOC is ordered to immediately provide to U.S. Magistrate Judge Jane Boyle all documents received by the EEOC by any of the medical facilities or medical providers listed in paragraphs 2 and 3 of this Agreed Order

as soon as possible, but not later than June 18, 1998. The Court will review these medical documents in camera, and determine which documents should be released to Defendant's counsel.

6. Further, to the extent that F&N seeks medical records from additional sources during the course of discovery, the parties are further ordered to comply with this process and Agreed Order. Specifically, if F&N seeks medical records from additional sources, F&N should inform EEOC in writing of its request, providing the name, address and telephone number of the source. EEOC will then contact the source and send to the source a copy of the relevant executed release and request disclosure of all medical records for the individual named in the release. Upon receipt of the documents, EEOC will immediately provide the documents to Judge Boyle for review in camera.

7. With respect to any medical documents received by Defendant's counsel on or after May 14, 1998, Defendant is ordered to provide all such documents to U.S. Magistrate Judge Jane Boyle within three (3) days of receiving same. Judge Boyle will review these medical documents in camera, and determine which documents should be released to Defendant's counsel.

8. On the issue of employment releases, Defendant is entitled to obtain limited information regarding Ramon, Aguirre, Sewell and Moore from each of their employers prior to F&N, as set forth in a revised release attached to this Agreed Order.The EEOC will send a copy of the release to Ramon, Aguirre, Sewell and Moore for signature. The signed releases will be returned to counsel for Defendant as soon as possible, but not later than June 18, 1998. Counsel for the Defendant may also obtain the information set forth in the revised release for each of the aggrieved individuals via subpoena or other discovery means permitted under the Federal Rules of Civil Procedure.

Signed on this 18th day of June, 1998.

U.S. MAGISTRATE JUDGE JANE BOYLE

AGREED AS TO FORM AND SUBSTANCE:

FOR THE PLAINTIFF:
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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FENYVES & NERENBERG, M.D.P.A.

Ann Marie Arcadi (with permission)

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ANN MARIE ARCADI
State Bar No. 00786994

CARRINGTON, COLEMAN,
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200 Crescent Court, Suite 1500
Dallas, Texas 75201

(214) 855-3000
(214) 855-1333 telefax

RELEASE OF EMPLOYMENT HISTORY

This release will authorize _____ to furnish Ann Marie Arcadi of Carrington, Coleman, Sloman & Blumenthal, L.L.P., 200 Crescent Court, Suite 1500, Dallas, Texas 75201, or her representatives, orally or in writing, as they request, all documents pertaining to the following for the period from 1990 to date:

1. whether Cynthia Aguirre was ever employed by your company;

2. the dates of Cynthia Aguirre's employment with your company;

3. the manner by which Cynthia Aguirre's employment with your company was terminated (*e.g.*, involuntary termination, voluntarily resignation, job abandonment);

4. the reason or reasons why Cynthia Aguirre's employment with your company was terminated; and

5. the wages, earnings, and benefits provided to Cynthia Aguirre during her employment with your company.

Cynthia Aguirre's **Social Security Number is** [redacted]

It is agreed that a photocopy of this authorization is to have the same force and effect as the original.

Dated this _____ day of _____, 1998.

_____

Cynthia Aguirre