

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

DELVONN HECKARD,

Plaintiff,

v.

MAYOR EDWARD MURRAY,

Defendant.

No. 17-2-09152-9SEA

ORDER ON PLAINTIFF'S MOTION
TO COMPEL UNREDACTED
MEDICAL RECORD

Pending before the Court is Plaintiff's Motion to Compel Un-redacted Medical Record. In connection with Plaintiff's Motion, the Court reviewed the following:

- (1) Plaintiff's Motion to Compel Unredacted Medical Record;
- (2) Declaration of Lincoln C. Beauregard on Motion to Compel Unredacted Medical Records and the document attached thereto;
- (3) Defendant's Response to Plaintiff's Motion to Compel Unredacted Medical Record;
- (4) Declaration of Malaika M. Eaton in Response to Plaintiff's Motion to Compel Unredacted Medical Record and Exhibits A-H attached thereto; and
- (5) Plaintiff's reply.

The Court has also reviewed the records on file herein. And being otherwise fully advised herein, now, therefore,

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion
2 to Compel Unredacted Medical Record is DENIED without prejudice.
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4 This Motion is premature. The time to respond to the interrogatories has yet to
5 lapse. Additionally, items have been requested by Plaintiff's counsel outside the
6 processes established by the Civil Rules of Procedure (CR). CR 26(a) clearly sets out
7 methods of discovery. These include depositions upon oral examination or written
8 questions; written interrogatories; production of documents or things or permission to
9 enter upon land or other property, for inspection and other purposes; physical and mental
10 examination; and requests for admission. Additionally, CR 26- CR37 specifically instruct
11 parties how to make requests for discovery and respond to the same via these different
12 methods. The Civil Rules of Procedure have been in place for approximately 50 years, and
13 combined with half a century of jurisprudence addressing them, offer guidance as to how
14 counsel must conduct the discovery process in an effort to move the litigation forward in
15 an efficient manner. If the parties are unable engage in the discovery process through
16 established rules and practice, then this Court will appoint a special master pursuant to CR
17 53 and apportion costs accordingly.
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19 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED Defendant
20 is entitled to his reasonable fees and costs in responding to Plaintiff's Motion as the
21 Motion was not substantially justified under CR 37(a)(4). Defendant is directed to submit
22 a fee petition in connection with his Response to Plaintiff's Motion within 10 days of the
23 date of entry of this Order.
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26 IT IS SO ORDERED.

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2 DATED this 6 day of June, 2017.

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5 Honorable Veronica Alicea-Galván
6 King County Superior Court Judge
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