

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

Integrity Pain Management, PLLC v. Davis & Associates Medical Consultants, LLC

No. 04-21-00450-CV (Tex. App.—San Antonio May 11, 2022) · No. No. 04-21-00450-CV · Decided May 11, 2022

SUMMARY

The Fourth Court of Appeals of Texas ordered the appellant's brief unsealed after determining that the trial court's sealing order appeared overly broad. The court noted that the appellant stated its brief did not disclose protected health information and that the appellee did not object or file a notice.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Rebeca C. Martinez, Chief Justice
JURISDICTION	Texas
DECIDED	May 11, 2022
DOCKET	No. 04-21-00450-CV
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an appellate order addressing whether the appellant's brief, filed under seal because it referenced a sealed trial-court record, should remain sealed.
PRECEDENTIAL VALUE	published
PARTIES	Integrity Pain Management, PLLC v. Davis & Associates Medical Consultants, LLC

TOPICS

[appellate procedure](#)[medical records privacy](#)[health law](#)

PRACTICE AREAS

[appellate procedure](#)[health law](#)

QUESTIONS PRESENTED

1. Whether the appellant's appellate brief should remain sealed when the asserted basis for sealing was protected health information, the appellate court determined the trial-court sealing order appeared overly broad, and appellant represented that the brief disclosed no protected health information.

HOLDINGS

1. The appellant's brief should be unsealed and made publicly available because appellant represented that it did not disclose protected health information and appellee did not file a contrary notice after being given an opportunity to do so.

KEY QUOTATIONS

“In light of the foregoing, we ORDER appellant’s brief be unsealed. We instruct the clerk of court to make appellant’s brief publicly available.”

FACTUAL BACKGROUND

The appellant filed its appellate brief under seal because it referenced portions of the trial record that the trial court had sealed. The asserted basis for sealing was the alleged inclusion of protected health information concerning nonparty patients. After the court of appeals found the sealing order appeared overly broad, appellant stated that its brief contained no protected health information and that there was no need to keep it sealed; appellee did not respond.

PROCEDURAL HISTORY

The trial court entered a sealing order covering portions of the record that purportedly contained protected health information of nonparty patients. Integrity Pain Management filed its appellate brief under seal. The court of appeals concluded that the sealing order appeared overly broad, requested notices concerning whether the brief disclosed protected health information, and ordered the brief unsealed after appellant stated that it contained no such information and appellee filed no contrary notice.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas May 11, 2022 No. 04-21-00450-CV INTEGRITY PAIN MANAGEMENT, PLLC Appellant/Cross-Appellee v. DAVIS & ASSOCIATES MEDICAL CONSULTANTS, LLC Appellee/Cross-Appellant From the 408th Judicial District Court, Bexar County, Texas Trial Court No. 2018-CI-23848 Honorable Aaron Haas, Judge Presiding ORDER On April 6, 2022, appellant filed its brief under seal because the brief references portions of the trial record that was ordered sealed by the trial court.

The basis for sealing was that portions of the record purportedly include “protected health information of numerous non-party patients to whom medical services were rendered.” On April 12, 2022, we noted that the trial court’s sealing order appears to be overly broad, and we ordered appellant—and appellee if it desired—to file a notice stating whether the brief discloses protected health information and where in the brief such information is disclosed.

On April 13, 2022, appellant filed a notice stating that it did not believe any portion of its brief contains protected health information and that appellant did not believe there is any need to keep the brief sealed. Appellee did not file a notice, and the time for filing a notice has expired.

In light of the foregoing, we ORDER appellant’s brief be unsealed. We instruct the clerk of court to make appellant’s brief publicly available. _____ Rebeca C. Martinez, Chief Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 11th day of May, 2022. _____
MICHAEL A. CRUZ, Clerk of Court