

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

**Patrick Clarke; Christine Bauknecht; Mary Ann Davis; Freda
Lorriaine Taylor v. Providence St. Joseph Health; Providence Health
& Services; Providence Health and Services—Washington d/b/a
Providence; Providence St. Mary Medical Center; and Providence
Medical Group d/b/a Providence Medical Group Southeast
Washington Neurosurgery, a/k/a PMG Neuroscience Institute, Walla
Walla a/k/a Neuroscience Institute d/b/a Providence**

Clarke v. Providence · No. 2:24-CV-0434-TOR · Decided January 12, 2026

SUMMARY

The United States District Court for the Eastern District of Washington partially denied Defendants’ Rule 26(c) motion for a protective order and partially granted Plaintiffs’ cross-motion to authorize use of discovery from companion cases. The court permitted Plaintiffs to use specified discovery from Estes, Batten, and Palmer concerning the related qui tam action, subject to redaction requirements and specificity for any additional materials.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
JURISDICTION	United States District Court for the Eastern District of Washington
DECIDED	January 12, 2026
DOCKET	2:24-CV-0434-TOR
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 26(c) for a protective order concerning discovery, and plaintiffs cross-moved to authorize use of discovery from related cases. The court considered the motions without oral argument.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 26(c), the moving party must show good cause by demonstrating that discovery will cause particularized harm, annoyance, embarrassment, oppression, or undue burden or expense. For discovery sought by collateral litigants, the

	requesting party must demonstrate the relevance and general discoverability of the material in the collateral proceeding.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Patrick Clarke, Christine Bauknecht, Mary Ann Davis, Freda Lorriaine Taylor v. Providence St. Joseph Health, Providence Health & Services, Providence Health and Services—Washington d/b/a Providence, Providence St. Mary Medical Center, Providence Medical Group d/b/a Providence Medical Group Southeast Washington Neurosurgery, a/k/a PMG Neuroscience Institute, Walla Walla a/k/a Neuroscience Institute d/b/a Providence

TOPICS

discovery dispute civil procedure health law

PRACTICE AREAS

civil procedure discovery medical malpractice health law

QUESTIONS PRESENTED

1. Whether Providence established good cause under Federal Rule of Civil Procedure 26(c) for a protective order limiting plaintiffs' use of discovery from related cases.
2. Whether plaintiffs should be permitted to use discovery produced in *Estes*, *Batten*, and *Palmer* in this litigation.
3. What limitations should govern plaintiffs' use of discovery from the companion cases.

HOLDINGS

1. Providence did not establish good cause for the requested protective order because its assertions of burden, overbreadth, and disproportionality did not demonstrate the particularized harm or prejudice required by Rule 26(c).
2. Plaintiffs were permitted to use discovery produced in *Estes*, *Batten*, and *Palmer* concerning the *qui tam* action, subject to the same redaction requirements applicable in the related proceedings.
3. If plaintiffs seek additional materials or discovery, including materials from cases not addressed in the order, they must identify the relevant documents with specificity and explain why the materials are necessary.

KEY QUOTATIONS

“The burden to show good cause is on the movant of the motion by showing harm or prejudice will arise from the discovery.” (at 2)

“For collateral litigants, as an initial matter, ‘the litigant[s] must demonstrate the relevance of the protected discovery to the collateral proceedings and its general discoverability therein.’” (at 3)

“Moreover, the Ninth Circuit ‘‘strongly favors access to discovery materials’ for individuals engaged in other litigation because ‘[a]llowing the fruits of one litigation to facilitate preparation in other cases advances the interests of judicial economy by avoiding the wasteful duplication of discovery.’” (at 3)

“Similarly to Batten, if Plaintiffs wish to seek additional materials or discovery, including from cases not addressed in this Order, Plaintiffs must identify with specificity the relevant documents sought and explain why they are necessary.” (at 7)

FACTUAL BACKGROUND

Plaintiffs brought claims concerning allegedly unnecessary spine surgeries performed by Dr. Jason A. Dreyer against Providence entities. Related litigation concerning Providence and Dr. Dreyer generated discovery in Estes, Batten, and Palmer. Plaintiffs sought to use discovery from those matters to avoid duplicative discovery, while Providence argued that the request was overbroad, disproportionate, and implicated privilege and confidentiality concerns.

PROCEDURAL HISTORY

The case concerns claims arising from allegedly unnecessary spine surgeries performed by Jason A. Dreyer, D.O. In an earlier order, the court denied plaintiffs' request to use discovery from companion cases but indicated that it might reconsider. Defendants then moved for a protective order regarding ongoing document production, privilege logging, and use of companion-case discovery; plaintiffs cross-moved to use discovery from Estes, Batten, and Palmer. The court denied defendants' motion in part and granted plaintiffs' cross-motion in part.

DISPOSITION

other

CASES CITED

- Rivera v. NIBCO, Inc., 364 F.3d 1057, 1063-64 (9th Cir. 2004)
- Phillips ex rel. Estates of Byrd v. General Motors Corp., 307 F.3d 1206, 1211 (9th Cir. 2002)
- Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1131-32 (9th Cir. 2003)
- Fierro Cordero v. Stemilt AG Servs., LLC, 142 F.4th 1201, 1207 (9th Cir. 2025)
- Estes v. Providence Health & Services—Washington, et al., No. 4:21-cv-5042-TOR
- Batten, et al. v. Providence St. Joseph Health, et al., No. 2:23-cv-0097-TOR
- Palmer v. Dreyer et al., Spokane County Case No. 21-2-01299-32
- Isabel Lindsey and Charles Lindsey v. Jason A. Dreyer, DO, et al., Spokane County Case No. 23-2-04365-32
- Glenda Rae et al. v. MultiCare Health System et al., Spokane County Case No. 22-2-06780-8
- Caroline Angulo et al. v. Providence Health & Services—Washington et al., W.D. Wash. Case No. 2:22-cv-00915-JLR

