

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Amira Faris v. Neighbor to Neighbor, Inc.

Faris · No. 24-cv-01884-SKC-KAS · Decided November 26, 2025

SUMMARY

The court partially grants and partially denies the defendant’s motion to restrict access to exhibits containing medical and mental-health information. It orders most exhibits to be unrestricted because the plaintiff placed her medical condition and emotional distress at issue, while maintaining restricted status for an adverse childhood experiences questionnaire containing information implicating nonparty privacy interests.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Kathryn A. Starnella, Magistrate Judge
JURISDICTION	United States District Court for the District of Colorado
DECIDED	November 26, 2025
DOCKET	24-cv-01884-SKC-KAS
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to restrict access to ten exhibits submitted for a motion hearing because the exhibits contained confidential medical information. After the motion was publicly posted and no timely objections were filed, the court ruled on the requested restriction.
STANDARD OF REVIEW	The court applied the presumption of public access to judicial records and balanced that presumption against asserted privacy interests, including privacy interests in medical information and the privacy interests of nonparties.
PRECEDENTIAL VALUE	Unknown; district-court minute order

TOPICS

- medical records privacy
- evidence
- civil procedure

PRACTICE AREAS

- civil procedure
- evidence
- medical records privacy
- employment law

QUESTIONS PRESENTED

1. Whether access to exhibits containing Plaintiff's medical records and mental-health information should be restricted when Plaintiff placed her medical condition and emotional distress directly at issue in the lawsuit.
2. Whether an exhibit containing information not central to Plaintiff's claims and implicating the privacy interests of nonparties should remain restricted.

HOLDINGS

1. When a plaintiff places her medical condition and emotional distress directly at issue, medical records and related testimony that are central to the claims generally should not be restricted solely because they contain confidential medical information.
2. An exhibit may remain restricted when it is not central to the plaintiff's claims and contains information implicating the privacy interests of nonparties, including family members.

KEY QUOTATIONS

"the privacy interest inherent in personal medical information can overcome the presumption of public access." (at 2)

"Where, as here, a plaintiff's medical condition is directly at issue, courts are reluctant to restrict related medical records." (at 2)

FACTUAL BACKGROUND

The exhibits included the deposition of Plaintiff's former mental-health care provider and Plaintiff's counseling and treatment records. Plaintiff alleged emotional pain and suffering, mental anguish, emotional distress, and loss of enjoyment of life resulting from Defendant's actions, and claimed anxiety-related physical and psychological symptoms after her termination. She sought more than \$500,000 in emotional-distress damages and more than \$500,000 in punitive damages.

PROCEDURAL HISTORY

In this employment-discrimination action, Plaintiff placed her alleged emotional and mental-health injuries at issue and sought substantial emotional-distress and punitive damages. Defendant moved to restrict access to ten hearing exhibits, including a former mental-health provider's deposition and Plaintiff's treatment records. The court denied the motion as to nine exhibits and granted it as to one exhibit, directing the Clerk to unrestrict Exhibits 1-2 and 4-10 while maintaining Level 1 restricted status for Exhibit 3.

DISPOSITION

other

CASES CITED

- United States v. Dillard, 795 F.3d 1191, 1205-06 (10th Cir. 2015)

- Ryan v. Corr. Health Partners, No. 18-cv-00956-MSK-MEH, 2020 WL 6134912, at *13 (D. Colo. Oct. 19, 2020)
- Hill v. Corr. Corp. of Am., No. 14-cv-02960-MSK-MJW, 2016 WL 8925432, at *8 (D. Colo. June 20, 2016)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO Civil
Action No. 24-cv-01884-SKC-KAS AMIRA FARIS, Plaintiff, v. NEIGHBOR TO NEIGHBOR,
INC., Defendant.

MINUTE

ORDER

ENTERED BY MAGISTRATE JUDGE KATHRYN A. STARNELLA This matter is before the Court on Defendant's Motion to Restrict Access to Exhibits to Be Used in Motion Hearing [#68] (the "Motion").

Defendant seeks to restrict ten exhibits submitted for the Motion Hearing held on October 28, 2025. Exhibits 1-10 [#69-#78]. Defendant explains that the documents were marked Confidential pursuant to the parties' Protective Order because they discuss Plaintiff's confidential medical information. Motion [#68] at 2.

In accordance with D.C.COLO.LCivR 7.2(d), the Motion [#68] was publicly posted to allow for any objections to the Exhibits' sealing. No timely objections were filed. The Exhibits include the complete deposition transcript of Winnie Siwa, LPC, Plaintiff's former mental health care provider, and Plaintiff's treatment records. Exhibit 1- 10 [#69-#78].

The Court recognizes "the privacy interest inherent in personal medical information can overcome the presumption of public access." United States v. Dillard, 795 F.3d 1191, 1205-06 (10th Cir. 2015). Ms. Siwa's deposition and Plaintiff's treatment records include discussion of Plaintiff's confidential medical information.

However, in this lawsuit, Plaintiff has specifically asserted that she has suffered emotional pain and suffering, mental anguish, emotional distress, and loss of enjoyment of life because of Defendant's actions. Compl. [#1] at 21, 22, 24, 25.

In Plaintiff's withdrawn expert disclosures, she claimed that following her termination from employment, she experienced worsening symptoms of anxiety, palpitations, chills, panic, nightmares, and other related symptoms, which have significantly impacted her day-to-day activities. Pl.'s Expert Disclosures [#40-1] at 2; see also S. Woods-J. Duvall Email (dated Sept.

2, 2025) [#51-4] at 1 (regarding withdrawal of expert designation). In those same disclosures, Plaintiff claimed that her heightened anxiety and stress manifested in physical symptoms, including a racing heart, tension in the shoulders and neck, headaches, and nausea. Id. at 3.

Plaintiff seeks more than \$500,000 for these emotional distress damages, plus more than \$500,000 for punitive damages.

See Pl.'s Initial Rule 26(a)(1) Disclosures [#40-2] at 8-9. Where, as here, a plaintiff's medical condition is directly at issue, courts are reluctant to restrict related medical records. See *Ryan v. Corr. Health Partners*, No. 18- cv-00956-MSK-MEH, 2020 WL 6134912, at *13 (D. Colo. Oct. 19, 2020) (denying motion to restrict medical records because the plaintiff "put her medical condition at issue as part of her claims" and "the records contain information that is central to the issues implicated in this case"); cf. *Hill v. Corr.*

Corp. of Am., No. 14-cv-02960-MSK-MJW, 2016 WL 8925432, at *8 (D. Colo. June 20, 2016) ("Although the Court concedes that [the plaintiff] has some privacy interest in his medical records, that privacy interest is voluntarily compromised when he brings a lawsuit that necessarily concerns his medical condition and the treatment he received.").

Here, the Court finds that most of the hearing exhibits contain information that is central to Plaintiff's claims; therefore, restriction is not appropriate for those exhibits. Consequently, the Clerk of Court is directed to UNRESTRICT the following exhibits: • Deposition of Winnie Siwa, LPC, Motion Hearing Exhibit 1 [#69]; • Counseling Intake Note, Motion Hearing Exhibit 2 [#70]; • Generalized Anxiety Disorder Testing, Motion Hearing Exhibit 4 [#72]; • Health Depression Questionnaire, Motion Hearing Exhibit 5 [#73]; • December 19, 2023 Progress Note, Motion Hearing Exhibit 6 [#74]; • December 19, 2023 Treatment Plan, Motion Hearing Exhibit 7 [#75]; • January 5, 2024 Progress Note, Motion Hearing Exhibit 8 [#76]; • January 19, 2024 Progress Note, Motion Hearing Exhibit 9 [#77]; and • March 17, 2024 Counseling Termination Notes, Motion Hearing Exhibit 10 [#78].

However, the Court finds that the following hearing exhibit contains information that is not central to Plaintiff's claims, including information that implicates the privacy interest of nonparties, such as Plaintiff's family members. Consequently, the Clerk of Court is directed to MAINTAIN the Level 1 restricted status of the following exhibit: • Adverse Childhood Experiences Questionnaire, Motion Hearing Exhibit 3 [#71].

Accordingly, IT IS HEREBY ORDERED that the Motion [#68] is DENIED in part and GRANTED in part. The Clerk of Court is directed to UNRESTRICT Exhibits 1-2 [#69, #70] and Exhibits 4-10 [#72, # 73, #74, #75, #76, #77, #78]. Dated: November 26, 2025 2