

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Nathaniel Lerum v. Heritage-Crystal Clean, Inc., et al.

Lerum · No. 3:25-cv-05136-TMC · Decided January 12, 2026

SUMMARY

The United States District Court for the Western District of Washington resolves a discovery dispute concerning eight proposed third-party subpoenas. The court orders defendants to modify subpoenas to exclude mental health records and limits requests for employment records from four subsequent employers absent a specific showing of relevance.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Tiffany M. Cartwright
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 12, 2026
DOCKET	3:25-cv-05136-TMC
DISPOSITION	other
PROCEDURAL POSTURE	The parties submitted a joint statement concerning Defendants' proposed issuance of eight third-party subpoenas and asked the court to resolve the discovery dispute on the papers.
STANDARD OF REVIEW	The court applied the relevance, privacy, and proportionality principles governing discovery and protective orders under Federal Rule of Civil Procedure 26(c)(1).
PRECEDENTIAL VALUE	Unknown

TOPICS

- discovery dispute
- civil procedure
- disability discrimination
- employment law

PRACTICE AREAS

- civil procedure
- employment law
- disability discrimination

QUESTIONS PRESENTED

1. Whether subpoenas to Plaintiff's treating medical providers should be modified to exclude mental-health records when Plaintiff alleged garden-variety emotional distress, no diagnosed psychological injury, and no intent to rely on those providers for emotional-distress damages.
2. Whether subpoenas to Plaintiff's subsequent employers should be modified to exclude broad employment-record requests when Defendants made only generalized assertions of relevance.

HOLDINGS

1. When a plaintiff alleges only garden-variety emotional distress, has not alleged a diagnosed psychological injury, and does not intend to rely on treating providers to support emotional-distress damages, the providers' treatment of a physical injury does not place potentially held mental-health records at issue; the subpoenas must therefore be modified to exclude those records.
2. Broad employment records from separate, subsequent employers are not discoverable absent a specific showing of relevance; generalized assertions that the records might concern accommodation, mistreatment, separation, or mitigation are insufficient.

KEY QUOTATIONS

"The testimony of these providers, to whom Plaintiff was referred by the Department of Labor & Industries, about the elbow injury for which Plaintiff alleges he sought accommodation does not place at issue any mental health records that may be in their possession." (at 1)

"Generally, employment records from separate employers are not discoverable due to their highly private nature absent a specific showing by a defendant as to their relevance." (at 2)

"The Court declines to allow Red Robin's fishing expedition into Greenburg's private records based on a hypothetical that can be determined with a simple request for admission." (at 2)

FACTUAL BACKGROUND

Plaintiff identified two treating providers who could testify regarding an elbow injury for which he allegedly sought accommodation. He claimed only garden-variety emotional distress and had not alleged a diagnosed psychological injury or indicated that he would rely on the providers to support emotional-distress damages. Defendants also sought broad employment records from four employers Plaintiff worked for after Defendants terminated his employment, asserting generally that the records could bear on accommodation requests, mistreatment claims, and mitigation.

PROCEDURAL HISTORY

In this employment-discrimination action, Defendants intended to issue subpoenas seeking records from Plaintiff's treating medical providers and subsequent employers. Plaintiff objected to the scope of the subpoenas and sought protective relief. The court decided the dispute without a hearing, granted Plaintiff's requests for protective orders, and ordered Defendants to modify the subpoenas.

DISPOSITION

other

CASES CITED

- E.E.O.C. v. Big Five Corp., No. C17-1098RSM, 2018 WL 2317613, at *4 (W.D. Wash. May 22, 2018)
- E.E.O.C. v. Cheesecake Factory, Inc., No. C16-1942JLR, 2017 WL 3887460, at *4 (W.D. Wash. Sept. 6, 2017)
- Greenburg v. Red Robin Int'l, Inc., No. C17-6052 BHS, 2018 WL 2329671, at *1 (W.D. Wash. May 23, 2018)
- Paananen v. Cellco P'ship, No. C08-1042 RSM, 2009 WL 2057048, at *3 (W.D. Wash. July 15, 2009)
- Scott v. Multicare Health Sys., No. C18-0063-JCC, 2019 WL 1559211, at *2 (W.D. Wash. Apr. 10, 2019)

OPINION

Lerum

PER CURIAM.

1 2 3 4 5

UNITED STATES DISTRICT COURT

6 WESTERN DISTRICT OF WASHINGTON

AT TACOMA

7 NATHANIEL LERUM, Case No. 3:25-cv-05136-TMC 8 Plaintiff, ORDER ON DISCOVERY
DISPUTE 9 v. 10

HERITAGE-CRYSTAL CLEAN, INC., et

11 al., 12 Defendant. 13 14

I. ORDER

15 On January 7, 2026, pursuant to the undersigned's chambers procedures, the parties filed 16 a
joint statement summarizing their discovery dispute over eight third-party subpoenas 17
Defendants intend to issue. Dkt. 18. Through email to the courtroom deputy, the parties asked 18
the Court to issue a decision on the papers and waived the opportunity for a Zoom hearing. The 19
Court rules as follows: 20 A. Mental Health Records 21 Defendants intend to issue subpoenas to
two treating medical providers identified in 22 Plaintiff's initial disclosures for a broad range of
documents in their possession, including any 23 records of mental health treatment. Dkts. 18-3,
18-4, 18-5, 18-6. Although Plaintiff disclosed 24 1 Jeffrey Sala and Claudia A. Holsen as treating
providers who may testify, Dkt. 18-16 at 15–16, 2 nothing in the record suggests that Plaintiff
intends to rely on those providers to support his 3 claim for garden-variety emotional distress, and
the parties agree Plaintiff has not alleged a 4 diagnosed psychological injury. Dkt. 18 at 2. The
testimony of these providers, to whom Plaintiff 5 was referred by the Department of Labor &
Industries, about the elbow injury for which Plaintiff 6 alleges he sought accommodation does not
place at issue any mental health records that may be 7 in their possession. See, e.g., E.E.O.C. v.
Big Five Corp., No. C17-1098RSM, 2018 WL 8 2317613, at *4 (W.D. Wash. May 22, 2018);

E.E.O.C. v. Cheesecake Factory, Inc., No. C16- 9 1942JLR, 2017 WL 3887460, at *4 (W.D. Wash. Sept. 6, 2017); see also RCW 49.60.510 10 (limiting waiver of health care privileges in claims under the Washington Law Against Discrimination). 12 The Court therefore GRANTS Plaintiff's request for a protective order under Federal 13 Rule of Civil Procedure 26(c)(1) and ORDERS that the subpoenas to these providers be modified 14 to exclude mental health records. If, however, Plaintiff changes course and intends to rely on 15 either provider to support his claim for emotional distress damages, Defendants may seek 16 reconsideration of this Order. 17 B. Subsequent Employment Records 18 Plaintiff also objects to the scope of subpoenas directed at places he worked after 19 Defendants terminated his employment: the City of Ellensburg, Seven Motor Corporation, 20 WSDOT, and CleanTech Environmental Inc. Dkt. 18 at 3–4; see Dkts. 18-7, 18-8, 18-9, 18-14. 21 As Plaintiff correctly notes, “[g]enerally, employment records from separate employers are not 22 discoverable due to their highly private nature absent a specific showing by a defendant as to 23 their relevance.” *Greenburg v. Red Robin Int’l, Inc.*, No. C17-6052 BHS, 2018 WL 2329671, at 24 *1 (W.D. Wash. May 23, 2018) (quoting *Paananen v. Cellco P’ship*, No. C08-1042 RSM, 2009 1 WL 2057048, at *3 (W.D. Wash. July 15, 2009)). Defendants here have not made such a 2 showing. Defendants claim broadly that they “are entitled to explore whether Plaintiff has 3 requested accommodation [or] asserted claims of mistreatment with subsequent employers and 4 || the grounds for his separation of employment for mitigation purposes.” Dkt. 18 at 4. But courts 5 in this district routinely reject these types of generalizations. See, e.g., *Greenburg*, 2018 WL 6 || 2329671, at *1 (“The Court declines to allow Red Robin’s fishing expedition into Greenburg’s 7 private records based on a hypothetical that can be determined with a simple request for 8 admission.”); *Scott v. Multicare Health Sys.*, No. C18-0063-JCC, 2019 WL 1559211, at *2 9 (W.D. Wash. Apr. 10, 2019) (“Plaintiffs allegations against Defendants have put her 10 employment at Auburn Medical Center at issue, and do not implicate her performance at 11 Piedmont, whether she has raised similar concerns at Piedmont, or whether Piedmont has 12 disciplined her on the same grounds as Defendants.”). 13 The Court therefore GRANTS Plaintiffs request for a protective order under Federal

14. || Rule of Civil Procedure 26(c)(1) and ORDERS that the subpoenas to these four subsequent 15 employers be modified to exclude the language to which Plaintiff has objected.

16 II. CONCLUSION

17 For the foregoing reasons, the Court ORDERS Defendants to modify their subpoenas as 18 set forth above. 19 0 Dated this 12th day of January, 2026. Tiffany M. Cartwright United States District Judge 23 24