

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

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 11 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