

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Owens v. Fluz Fluz LLC, a Delaware limited liability company

Owens · No. 24-cv-01083-MMC (TSH) · Decided April 8, 2025

SUMMARY

The United States District Court for the Northern District of California orders Plaintiff to revise redactions in medical records after conducting an in camera review under the patient-litigation exception to the physician-patient and psychotherapist-patient privileges. The Court identifies categories of information that may not be redacted and orders an exhibit containing the redacted records to remain sealed.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Thomas S. Hixson
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 8, 2025
DOCKET	24-cv-01083-MMC (TSH)
DISPOSITION	other
PROCEDURAL POSTURE	Discovery order resolving objections to redactions in Plaintiff's medical records after in camera review.
STANDARD OF REVIEW	In camera review of medical-record redactions for compliance with the patient-litigation exception to applicable privileges.
PRECEDENTIAL VALUE	Unpublished district court discovery order

TOPICS

- discovery dispute
- privilege
- medical records privacy
- evidence
- civil procedure

PRACTICE AREAS

- civil procedure
- evidence
- health law

QUESTIONS PRESENTED

1. Whether the redactions to Plaintiff's medical records complied with the patient-litigation exception to the physician-patient and psychotherapist-patient privileges.
2. Which identifying, prescription, pharmacy, and medical-record information could permissibly be redacted.

HOLDINGS

1. The patient-litigation exception is not broad enough to require disclosure of every aspect of a patient-litigant's personality or medical information merely because it may be relevant; the permitted inquiry depends on the nature of the injuries placed at issue by the patient-litigant.
2. Certain identifying information, including Plaintiff's date of birth, legal sex, name, document-printing date and time, and other patient-identification information, may not be redacted; pharmacy and prescription information related to conditions at issue also may not be redacted. Redactions concerning conditions not at issue may remain where permitted by the order.
3. The redacted version of Plaintiff's medical records, Exhibit A to ECF No. 37, must remain sealed.

KEY QUOTATIONS

“Disclosure cannot be compelled with respect to other aspects of the patient-litigant’s personality even though they may, in some sense, be ‘relevant’ to the substantive issues of litigation.” (at 1)

“The patient thus is not obligated to sacrifice all privacy to seek redress for a specific mental or emotional injury; the scope of the inquiry permitted depends upon the nature of the injuries which the patient-litigant himself has brought before the court.” (at 1)

FACTUAL BACKGROUND

Plaintiff's medical records contained redactions made under the physician-patient and psychotherapist-patient privileges. The Court reviewed those redactions in camera and determined that the patient-litigation exception did not permit withholding all information relating to Plaintiff's personality or medical records. The Court found that certain identifying information and prescription or pharmacy information related to conditions at issue in the litigation had to be disclosed, while other redactions could remain.

PROCEDURAL HISTORY

The Court previously ordered an in camera review of redactions to Plaintiff's medical records to determine whether they complied with the patient-litigation exception to the physician-patient and psychotherapist-patient privileges. After reviewing the records, the Court sustained most redactions, identified categories of information that could not be redacted, ordered Plaintiff to revise the redactions, and ordered the redacted medical-record exhibit to remain sealed.

DISPOSITION

other

CASES CITED

- In re Lifschutz, 2 Cal. 3d 415, 435 (1970)

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