

DJW/bh

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**PHILLIP G. CLINE,**

**Plaintiff,**

**CIVIL ACTION**

**v.**

**No. 03-2655-GTV-DJW**

**SOUTHERN STAR INC., f/k/a  
WILLIAMS GAS PIPELINES  
SOUTHCENTRAL INC.,**

**Defendant.**

**ORDER**

This matter is before the Court on Defendant's Motion for an Order for Inspection and Reproduction of Medical, Psychological, Psychiatric, and Employment Records (doc. 17). Defendant seeks an order requiring Plaintiff's employers and doctors to make available for examination and reproduction by the parties all medical and employment records concerning Plaintiff. Plaintiff has consented to the entry of such an order.

The parties from whom the documents are being sought are not parties to this action. The Court therefore has no jurisdiction over them to order production of the requested records. Accordingly, the Court has no basis to enter an order requiring these non-parties to produce medical or employment records.<sup>1</sup>

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<sup>1</sup>The Court makes an exception to this rule where the third-party has consented to the entry of an order requiring it to disclose records. In such a case the Court will issue an order directing the third party to produce the records.

Federal Rule of Civil Procedure 45 provides that a party may obtain documents from a non-party by serving a subpoena for the production of documentary evidence. Thus, these records may be obtained through the subpoena process.

There is no evidence that Defendant has attempted to obtain the records through the use of subpoenas. Furthermore, by agreeing to the proposed order, Plaintiff apparently consents to production of the requested documents. It therefore appears likely that if Plaintiff were to execute proper authorizations to be presented to his employers and doctors, the records would be produced. Accordingly, the Court will deny Defendant's Motion.

IT IS THEREFORE ORDERED that Defendant's Motion for an Order for Inspection and Reproduction of Medical, Psychological, Psychiatric, and Employment Records (doc. 17) is denied.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 20th day of August 2004.

s/David J. Waxse  
David J. Waxse  
U.S. Magistrate Judge

cc: All counsel and *pro se* parties