

MARICOPA COUNTY  
OFFICE OF GENERAL LITIGATION SERVICES

By: Sherle R. Flaggman  
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Attorney for Maricopa County

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Brian A. Wilkins,

Plaintiff,

v.

Maricopa County, et al.

Defendants.

NO. CV09-01380-PHX-LOA

**MARICOPA COUNTY'S MOTION  
TO COMPEL**

(Honorable Lawrence O. Anderson)

Pursuant to Federal Rules of Civil Procedure Rule 37(a)(4) Defendant Maricopa County requests the Court to order Plaintiff to sign the original medical releases sent to him on numerous occasions but most recently on March 24, 2010.

Defendant Maricopa County has in good faith mailed medical authorizations on three (3) separate dates, January 5, January 21, and March 24, 2010, to Plaintiff, which would allow us to obtain medical records from three (3) of

1 Plaintiff's providers. Defendant's efforts are specifically outlined in the attached  
2 Certification of Cooperation. (See Exhibit A). The medical authorizations were  
3 for the medical providers Banner Desert Medical Center, Arizona State University  
4 Health Center, and to Walgreens Pharmacy. (See Exhibit B)  
5

6 On April 1, 2010, we received by mail four (4) signed authorizations from  
7 Plaintiff. (See Exhibit C). Although the authorizations were signed by Plaintiff  
8 they were significantly altered.  
9

10 Our original authorization stated we wanted all medical records in each of  
11 the providers' possession through the end of litigation. Plaintiff changed the  
12 authorization to list the dates March 20, 2005, to March 20, 2010, and limited the  
13 release to the end of disclosure. (See Exhibit C). The description of what was to  
14 be disclosed was also altered (See Exhibit C). The original authorization stated  
15 we wanted any and all medical/treating records. On two of the authorizations  
16 Plaintiff changed this section to list treatment, prescriptions, and  
17 recommendations for broken hand. On the other two authorizations he listed  
18 blood pressure, pain, and anti-inflammatory medication/prescription history, and  
19 all records of broken bones in patients hands. (See Exhibit C).  
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23 Plaintiff's action of attempting to limit the medical disclosure to five (5)  
24 years is potentially harmful to Defendant's case. The claim against Maricopa  
25 County is premised upon Plaintiff's medical condition, the medical history is  
26 germane to this lawsuit given his allegation of not being provided the proper  
27 blood pressure medication or not being provided a splint for his broken hand.  
28

1 Plaintiff has asserted in the authorization that he and Defendant  
2 collaborated in drafting the medical authorizations that he signed on March 26,  
3 2010. (See Exhibit C).

4 Defense Counsel had no discussion with Plaintiff in which they agreed to make  
5 changes to the original authorizations that were sent to Plaintiff.  
6

7 Based on the foregoing Defendant respectfully asks the Court to grant its  
8 Motion to Compel Plaintiff to sign the medical release authorizations as prepared  
9 and submitted by Defendants. Furthermore, Defendant asks this Court pursuant  
10 to Federal Rules of Civil Procedure Rule 37(5)(A) to order Plaintiff to pay the  
11 Defendant's reasonable expenses in making the motion including attorney's fees.  
12  
13  
14

15  
16 RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of April 2010.  
17  
18  
19

20 MARICOPA COUNTY  
21 OFFICE OF GENERAL LITIGATION SERVICES  
22

23 BY: /s/Sherle R. Flaggman  
24 SHERLE R. FLAGGMAN  
25 Attorney for Defendant Maricopa County  
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27  
28

1 ORIGINAL of the foregoing E-FILED  
2 and automatically generated E-COPIES  
3 sent this 14<sup>th</sup> day of April 2010 to:

4 Honorable Lawrence O. Anderson  
5 Sandra Day O'Connor U.S. Courthouse  
6 401 W. Washington Street Ste. 322, SPC11  
7 Phoenix, Arizona 85003

8 S. Lee White, Assistant Litigation Counsel  
9 Office of Special Litigation Services  
10 234 N. Central Avenue, Suite 4400  
11 Phoenix, Arizona 85004

12 and copy **MAILED** to:

13 Brian A. Wilkins  
14 P.O. BOX 50854  
15 Phoenix, Arizona 85280  
16 Plaintiff *Pro Per*

17 /s/Victoria Carbajal  
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