

JUN 27 2017

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

RICK WARREN
COURT CLERK

26 _____

IN RE THE MARRIAGE OF)
)
 [REDACTED])
)
 Petitioner,)
)
 and)
)
 [REDACTED])
)
 Respondent.)

Case No. [REDACTED]
(Judge [REDACTED])

**MOTION TO COMPEL EXECUTION OF AUTHORIZATION FOR RELEASE OF
MEDICAL RECORDS**

COMES NOW the Respondent, [REDACTED] by and through his counsel of record, Laura McConnell-Corbyn and Shane M. Riddles-Hill, and for his Motion to Compel Execution of Authorization for Release of Medical Records alleges and states as follows:

1. On May 16, 2017, Counsel for Respondent sent Counsel for Petitioner a letter via e-mail requesting that Petitioner execute the attached Authorization for Release of Medical Records (the "Authorization"). 5/16/2017 Letter, attached hereto as Exhibit "A".
2. On May 24, 2017, Counsel for Respondent sent Counsel for Petitioner a letter via e-mail following up regarding the Authorization. 5/24/2017 Letter, attached hereto as Exhibit "B".
3. On May 31, 2017, Counsel for Petitioner responded for the first time. Counsel for Petitioner sent Counsel for Respondent a letter via e-mail objecting to executing the Authorization. 5/31/2017 Letter, attached hereto as Exhibit "C".
4. On June 1, 2017, Counsel for Respondent sent Counsel for Petitioner an e-mail requesting a telephone call to conduct a discovery conference regarding the May 31, 2017,

letter. E-mail Thread between Counsel dated June 1, 2017 and June 5, 2017, attached hereto as Exhibit "D". On June 5, 2017, Counsel for Petitioner responded via e-mail and outlined the basis for Petitioner's objection to executing the Authorization. Exhibit "D". That same day, Counsel for Respondent responded via e-mail, agreeing to limiting the scope of the Authorization per Petitioner's objection and agreeing to draft a protective order per Counsel for Petitioner's request. Exhibit "D". Counsel for Respondent provided Counsel for Petitioner an editable version of the Authorization. Exhibit "D".

5. On June 15, 2017, Counsel for Petitioner and Counsel for Respondent conferred in person. Counsel for Petitioner represented that revisions to the proposed Authorization and proposed Agreed Protective Order were under way and should be completed by the beginning of the following week.

6. Having received no further correspondence, Counsel for Respondent sent Counsel for Petitioner an e-mail on June 19, 2017. 6/19/2017 E-mail, attached hereto as Exhibit "E". Counsel for Respondent made the requested changes to the Authorization and provided an editable version for Counsel for Petitioner. Revised Proposed Authorization for Release of Medical Records, attached hereto as Exhibit "F". Counsel for Respondent requested an agreeable executed Authorization by Friday, June 23, 2017, at 5:00 p.m.

7. Counsel for Respondent did not receive any correspondence or the executed Authorization on June 23, 2017. To date, 41 days have elapsed since Counsel for Respondent initially requested the Authorization.

8. As Counsel for Petitioner concedes in Exhibit "D", a limited authorization for release of medical records is relevant for purposes of this litigation. Because custody of minor children is involved in this litigation, information relating to Petitioner's mental health and any

treatment received is relevant and discoverable. Additionally, Petitioner has made unfounded allegations of domestic abuse. Petitioner's Response to Respondent's Cross-Application for Temporary Orders at ¶ 9. Petitioner has further alleged that Respondent was aware of and condoned what Petitioner characterizes as "*minor* cosmetic procedures done to fix minor facial imperfections." Petitioner's Response to Respondent's Cross-Application for Temporary Orders at ¶ 2 (emphasis in original). The requested authorization for release of medical records would allow Respondent to pursue discovery relating to those allegations. Petitioner's continued failure to cooperate is thwarting Respondent's ability to carry out discovery and prepare his case for litigation.

9. On June 26, 2017, Counsel for Respondent attempted to contact Counsel for Petitioner via telephone, but was unsuccessful. On June 27, 2017, Counsel for Respondent contacted Counsel for Petitioner via telephone to discuss the proposed revised Authorization for Release of Medical Records and to attempt to obtain an executed Authorization without this Court's intervention. This attempt was unsuccessful. Counsel for Respondent informed Counsel for Petitioner he would have to file this instant Motion.

10. Counsel for Respondent has conferred in person, via telephone, and via e-mail with Counsel for Petitioner in a good-faith effort to secure an executed Authorization without this Court's intervention. These attempts have not been successful.

11. Respondent has incurred costs and fees, including attorney's fees, in an effort to resolve this issue. Respondent will incur further costs and fees, including attorney's fees, to prepare and present this Motion.

WHEREFORE, Respondent respectfully requests that this Court enters an order compelling Petitioner to execute the Authorization for Release of Medical Records and grant

any and all other relief as may be just and proper, including an award of costs and fees, including reasonable attorney's fees, to Respondent.

Dated this 27th day of June, 2017.

Respectfully submitted,



Laura McConnell-Corbyn, OBA #12394

Shane M. Riddles-Hill, OBA #32013

HARTZOG CONGER CASON & NEVILLE

1600 Bank of Oklahoma Plaza

201 Robert S. Kerr Avenue

Oklahoma City, Oklahoma 73102

Telephone: (405) 235-7000

Facsimile: (405) 996-3403

lmcconnell@hartzoglaw.com

sriddles-hill@hartzoglaw.com

ATTORNEY FOR RESPONDENT,



CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of June, 2017, I caused a true and correct copy of the above and foregoing *Motion to Compel Execution of Authorization for Release of Medical Records* to be placed in the U.S. mail, postage prepaid to:

Tracey D. Martinez, OBA # 19520
Maggie Lanier, OBA # 32816
MULLINS MULLINS SEXTON & REAVES, P.C.
6307 Waterford Blvd., Suite 215
Oklahoma City, OK 73118
Tel: (405) 235-2335
Fax: (405) 235-7930
tmartinez@mmsrlaw.com
mlanier@mmsrlaw.com
ATTORNEYS FOR PETITIONER,
[REDACTED]

Michelle K. Smith, OBA #21823
4100 Perimeter Center Dr., Suite 230
Oklahoma City, OK 73118
Tel: (405) 759-2333
Fax: (888) 873-1575
michelle@michellesmithlaw.com
GUARDIAN AD LITEM


Shane M. Riddles-Hill

HARTZOG CONGER
CASON & NEVILLE

May 16, 2017

Via email

Maggie Lanier
Mullins Martinez Sexton & Reeves
6307 Waterford Blvd., Suite 215
Oklahoma City, OK 73118

Re: [REDACTED] Case No. [REDACTED], District Court of Oklahoma County,
Oklahoma; Our File No. 14019. [REDACTED]

Dear Maggie:

Please find attached an Authorization for Release of Medical Records that we have prepared. Please complete the release and have [REDACTED] execute this Release and return it to us. We will have [REDACTED] execute same and provide it to your office. Thank you for your professional courtesies.

Very truly yours,

HARTZOG CONGER CASON & NEVILLE

Shane Riddles-Hill

Shane M. Riddles-Hill

cc: [REDACTED]



 HARTZOG CONGER
CASON & NEVILLE

May 24, 2017

Via email
Maggie Lanier
Mullins Martinez Sexton & Reeves
6307 Waterford Blvd., Suite 215
Oklahoma City, OK 73118

Re: [REDACTED] Case No. [REDACTED], District Court of Oklahoma County,
Oklahoma; Our File No. 14019.4901

Dear Maggie:

We are following up on our letter dated May 16, 2017, regarding the Authorization for Release of Medical Records for [REDACTED]. Please advise when our office can expect the executed Release.

Very truly yours,

HARTZOG CONGER CASON & NEVILLE



Shane M. Riddles-Hill

cc: [REDACTED]



MULLINS MULLINS SEXTON & REAVES, P.C.

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6307 WATERFORD BLVD., SUITE 215
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www.mmsrlaw.com

May 31, 2017

Via Email Only

Shane M. Riddles-Hill
HARTZOG CONGER CASON & NEVILLE
1600 Bank of Oklahoma Plaza
201 Robert S. Kerr Avenue
Oklahoma City, OK 73102

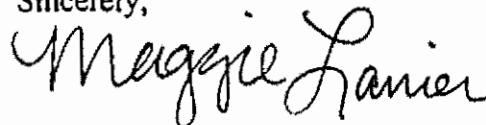
RE: [REDACTED]
Case No. [REDACTED]
District Court of Oklahoma County

Dear Shane:

We do not agree to execute your requested Authorization for Release of Medical Records for [REDACTED]

Should you have any questions, please do not hesitate to contact me.

Sincerely,



MAGGIE LANIER

ML

cc: [REDACTED]



MICHAEL L. MULLINS†
mmullins@mmsrlaw.com

TRACEY D. MULLINS
tmullins@mmsrlaw.com

JAMIE K. SEXTON
jsexton@mmsrlaw.com

RYAN J. REAVES
rreaves@mmsrlaw.com

MAGGIE LANIER
mlanier@mmsrlaw.com

Shane M. Riddles-Hill

From: Shane M. Riddles-Hill
Sent: Monday, June 5, 2017 3:38 PM
To: 'Maggie Lanier'
Subject: RE: Discovery Conference Regarding Medical Release
Attachments: Authorization for Release of Medical Records - [REDACTED] (727757).docx

Maggie,

We are in agreement to limiting the scope in time to since the time the children were conceived forward to date. I will draft a protective order per your request. Please find a Word version of the medical release attached so your office can make any redline changes and see if we can come to an agreement so discovery can proceed. Please advise if your availability would make it difficult for you to be able to return a redlined version of the release before this Friday, June 9th. Please also advise if there are any outstanding issues that you would like to discuss before making redline changes.

Sincerely,

Shane M. Riddles-Hill

Hartzog Conger Cason & Neville, PLLP
201 Robert S. Kerr, Suite 1600
Oklahoma City, Oklahoma 73102
405-235-7000
Fax 405-996-3403
sriddles-hill@hartzoglaw.com

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From: Maggie Lanier [mailto:mlanier@mmsrlaw.com]
Sent: Monday, June 5, 2017 10:40 AM
To: Shane M. Riddles-Hill <SRiddles-Hill@HartzogLaw.com>
Subject: RE: Discovery Conference Regarding Medical Release



Hi Shane,

Would Wednesday morning, Thursday morning, or Friday afternoon work for you? Also, could you shed a little light as to why you believe you would be entitled to such a general release in blank for every single medical, dental, psychological, etc. provider [REDACTED] has ever received treatment from for her entire life? I am curious as to how you believe that is relevant/discoverable. Obviously, a limited authorization for information pertaining to her records for, at most, since the time the children were conceived and forward, and only to providers of her mental and certain medical health care, would be appropriate. We would agree to execute an authorization of this nature, provided there is an appropriate protective order in place that would prevent dissemination or disclosure outside of the lawyers/experts.

Please let me know if any of the above times would work. I look forward to discussing this with you in hopes of coming to a resolution.

Thanks!

Maggie

From: Shane M. Riddles-Hill [<mailto:SRiddles-Hill@HartzogLaw.com>]

Sent: Thursday, June 01, 2017 5:12 PM

To: Maggie Lanier

Subject: Discovery Conference Regarding Medical Release

Maggie,

Please advise when you may be available for a telephone call regarding your letter dated May 31, 2017. Thank you for your time and consideration.

Shane M. Riddles-Hill

Hartzog Conger Cason & Neville, PLLP

201 Robert S. Kerr, Suite 1600

Oklahoma City, Oklahoma 73102

405-235-7000

Fax 405-996-3403

sriddles-hill@hartzoglaw.com

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Shane M. Riddles-Hill

From: Shane M. Riddles-Hill
Sent: Monday, June 19, 2017 9:27 AM
To: 'Maggie Lanier'
Cc: Laura McConnell-Corbyn
Subject: Revised Authorization for Release of Medical Records
Attachments: Authorization for Release of Medical Records - [REDACTED] (727757).pdf;
Authorization for Release of Medical Records - [REDACTED] (727757).docx

Maggie,

Please find attached a revised Authorization for Release of Medical Records for [REDACTED]. We have limited our release in scope to be solely for medical treatment since the birth of the parties' oldest child. We have previously provided a draft Protective Order for your review and revision.

It has been two weeks since we submitted the draft Release for your comment and revision. The information sought is pertinent because [REDACTED] mental health is at issue and relevant for a custody determination. Further, [REDACTED] has put the issue of [REDACTED] condonation of her cosmetic procedures at issue, which entitles us to discover the extent and nature of those procedures.

If our office does not have an agreeable executed Release by Friday, June 23, 2017, at 5:00 p.m., we will file a Motion on Monday so our discovery can proceed.

Sincerely,

Shane M. Riddles-Hill

Hartzog Conger Cason & Neville, PLLP
201 Robert S. Kerr, Suite 1600
Oklahoma City, Oklahoma 73102
405-235-7000
Fax 405-996-3403
sriddles-hill@hartzoglaw.com

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AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

Re: [REDACTED]
SSN: [REDACTED]
Date of Birth: [REDACTED]

TO WHOM IT MAY CONCERN:

I hereby authorize and instruct any physician, surgeon, therapist, dentist, hospital, psychiatrist, psychologist, nurse or other health care provider or agency who has treated, attended or rendered medical services to the above-named, or who is presently treating, attending or rendering medical services to the above-named, to furnish to the law firm of **HARTZOG CONGER CASON & NEVILLE**, 201 Robert S. Kerr Avenue, Suite 1600, Oklahoma City, Oklahoma 73102, or its designated representative, any and all information, opinions, reports, billing information, medical notes, doctor's notes, nurse's notes, or other records regarding the medical history and/or mental or physical condition of [REDACTED] resulting from any injury, illness, accident, disease, and/or disorder and regarding treatment rendered to [REDACTED]

Information is being released for the following purpose: Litigation

Date of Treatment: From May 1, 2001, to Date

Date, Event, or Condition when Consent Expires: Upon resolution of claims.

In the event no date, event, or condition is specified for expiration, this consent expires in ninety (90) days from day of signing.

I understand that treatment services are NOT contingent upon or influenced by my decision to permit the information release. I also understand that I may revoke this consent in writing at any time unless action has already been taken based upon it. I freely and voluntarily give this consent.

I understand that the information used or disclosed pursuant to this authorization may be subject to redisclosure by the recipient and no longer protected by federal law.

I UNDERSTAND THE INFORMATION AUTHORIZED FOR RELEASE MAY INCLUDE RECORDS WHICH MAY INDICATE THE PRESENCE OF A COMMUNICABLE OR NON-COMMUNICABLE DISEASE. I UNDERSTAND THAT MY MEDICAL INFORMATION MAY INDICATE THAT I HAVE BEEN TREATED FOR PSYCHOLOGICAL OR PSYCHIATRIC CONDITIONS OR SUBSTANCE ABUSE.

I hereby further state that a photostatic copy of this authorization will have the same force and effect as the original authorization bearing my original signature.

_____/_____
Date

