

FILED

MAR 13 2003

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LINDA LAUBE, *et al.*,

Plaintiffs,

v.

MICHAEL HALEY, *et al.*,

Defendants.

CIVIL ACTION NO. 02-T-957-N

ORDER

Now pending before the court is the March 6, 2003, motion to compel (doc. # 151) and request for entry upon land for inspection and other purposes (doc. # 152) filed by the plaintiffs. The plaintiffs seek to require the defendants to permit their expert "[t]o inspect, examine, and copy logs, records, policies, and other documents relating to the provision of medical care to members of the proposed class." *Pls' Req. for Entry upon Land for Inspection & Other Purposes*, ¶ 2. Citing privacy and confidentiality concerns, the defendants object to the plaintiffs' expert having access to random inmate medical files without release from the inmates.

Oral argument was held on March 13, 2003. During oral argument, the parties notified the court that they had reached a partial agreement regarding the request for entry upon land and on a protective order to be entered by the court. The agreement and protective order do not resolve the dispute regarding the defendants' objection to the release of "random medical files" without a signed release from an inmate.

During oral argument, the defendants represented to the court that part of their

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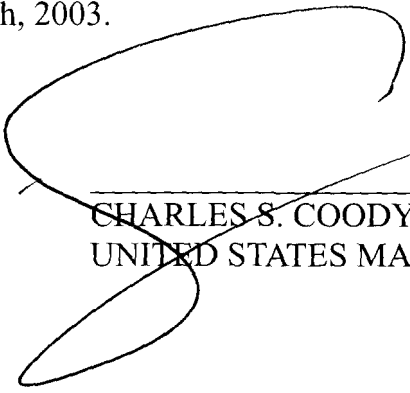
opposition to the plaintiffs' motion for class certification would address the lack of typicality and commonality between the proposed class members. In light of that representation, the plaintiffs' request for random medical records is due to be granted.

Accordingly, upon consideration of the motion to compel and for reasons as stated in open court, it is

ORDERED that the motion to compel (doc. # 151) and request for entry upon land for inspection and other purposes (doc. # 152) be and are hereby GRANTED. It is further

ORDERED that the persons who review medical information of any inmate pursuant to the authority granted in this order shall not disclose the information to any person except counsel for the parties and their employees and then only to the extent necessary for the proper conduct of this litigation.

Done this 13th day of March, 2003.



CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE