

MOTION FOR PRODUCTION OF RECORDS
AND BRIEF IN SUPPORT

COME NOW Defendants and move this Court for an Order requiring the production of Social Security disability records as follows:

1.

Plaintiff filed this action for injuries allegedly received when she allegedly was bumped by a vehicle driven by Defendant.

2.

Plaintiff specifically alleged in her Complaint that she had a preexisting condition of Lupus and that the disease allegedly was in remission at the time of the incident, but that the accident exacerbated the Lupus and caused multiple symptoms in Plaintiff.

3.

According to discovery responses by Plaintiff, Plaintiff had been receiving Social Security disability benefits for the lupus since 1992, four years prior to the incident.

4.

By filing this lawsuit, Plaintiff placed her care and treatment and the nature and extent of her injuries at issue, and she therefore waived her privilege regarding her medical history and her treatment. O.C.G.A. § 24-9-40(a).

5.

Plaintiff's medical history, statements by Plaintiff and various physicians regarding her preexisting condition and disability, her designation as disabled, and

surrounding facts are clearly relevant in Plaintiff's action for alleged exacerbation of conditions in this suit. Thus, the various Social Security disability records and relevant and discoverable. O.C.G.A. § 9-11-26.

6.

Social Security records may be disclosed as provided by federal law. 42 U.S.C. § 1306(a). Federal law allows the disclosure of such records "pursuant to the order of a court of competent jurisdiction." 5 U.S.C. § 552a(b)(11).

7.

This Court should order the Social Security Administration to produce to Defendants any and all documents pertaining to Plaintiff's request for and receipt of disability benefits.

WHEREFORE, Defendants respectfully request that this Court issue an order pursuant to 5 U.S.C. 552a(b), requiring the Social Security Administration to produce the entire disability file regarding Plaintiff.

DATED this _____ day of April, 1999.

BOUHAN, WILLIAMS & LEVY LLP

By: _____

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