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### THE SUPERIOR COURT OF THE STATE OF WASHINGTON

7 IN **AND FOR THE COUNTY OF CLARK**

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### STATE OF WASHINGTON,

1. **Plaintiff, NO. **
2. **v. NOTICE OF INTENT TO ISSUE SUBPOENA DUCES TECUM FOR**
3. **xxxxxx, COUNSELING RECORDS PURSUANT TO RCW 70.02.060**
4. **Defendant.**

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1. **TO:** Kaiser Permanente Medical Center Vancouver Medical Office
2. 2211 East Mill Plain Blvd. Vancouver, WA 98661
3. ATTN: RECORDS CUSTODIAN

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**NOTICE**

1. COMES NOW the Defendant, XXXXXX, by and through counsel, AMY I. MUTH of
2. RHODES & MERYHEW, and hereby gives notice of his intent to issue a subpoena duces tecum 23

for the following records:

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* 1. Any and all medical/counseling records ofTMR, DOB\_, including, but

not limited to, medication records, notes, and reports.

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1. This notice is made pursuant to RCW 70.02.060, which provides as follows:

### RCW 70.02.060 Discovery request or compulsory process.

1. (1) Before service of a discovery request or compulsory process on a health care provider for health care information, an attorney shall provide advance notice
2. to the health care provider and the patient or the patient's attorney involved through service of process or first class mail, indicating the health care
3. provider from whom the infonnation is sought, what health care information is sought, and the date by which a protective order must be obtained to
4. prevent the health care provider from complying. Such date shall give the

patient and the health care provider adequate time to seek a protective order,

1. but in no event be less than fourteen days since the date of service or delivery
2. to the patient and the health care provider of the foregoing. Thereafter the request for discovery or compulsory process shall be served on the health
3. care provider.
4. (2) Without the written consent of the patient, the health care provider may not disclose the health care information sought under subsection(!) of this
5. section if the requestor has not complied with the requirements of subsection
	1. of this section. In the absence of a protective order issued by a court of
6. competent jurisdiction forbidding compliance, the health care provider shall disclose the information in accordance with this chapter. In the case of
7. compliance, the request for discovery or compulsory process shall be made a
8. part of the patient record.
9. (3) Production ofhealth care information under this section, in and of itself, does not constitute a waiver of any privilege, objection, or defense existing under
10. other law or rnle of evidence or procedure.

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1. **DATE BY WHICH PROTECTIVE ORDER MUST BE SOUGHT:** Service of the subpoena
2. duces tecum will be made on **January 18, 2010,** fourteen days following service of this notice,
3. as required by RCW 70.02.060.

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**NOTICE OF INTENT TO SEEK HIPPA­ PROTECTED MEDICAL RECORDS** - **2**

**RHODES & MERYHEW, LLP**

**600 First Avenue, Suite 410**

**Seattle, Washington 98104**

DATED this the

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day of December, 2009.

Respectfully submitted, RHODES & MERYHEW

AMY I. MUTH, WSBA #31862 ATTORNEY FOR XXXXXX

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**NOTICE OF INTENT TO SEEK HIPPA­ PROTECTED MEDICAL RECORDS** - **3**

**RHODES** & **MERYHEW, LLP**

600 First Avenue, Suite 410

Seatlle, Washington 98104