

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1995 MTWCC 23

JANINE R. FIELD,

Petitioner,

WCC No. 9501-7216

vs.

NATIONAL UNION FIRE INSURANCE COMPANY,

Respondent/Insurer for

WAL-MART,

Employer.

ORDER REGARDING MOTION TO COMPEL

Summary: Respondent filed motion to compel production of certain medical records. Claimant's response indicated the records will be obtained and reviewed, with claimant asking the Court to review some records *in camera* if the parties cannot agree to terms of production.

Held: Given the representations of claimant, the court will defer ruling on the motion to compel as ruling may not be necessary.

Topics:

Discovery: In Camera Inspection. Following filing of respondent's motion to compel production of certain medical records, claimant represented that the records would be obtained and reviewed and, if the parties cannot reach agreement to terms of production, *in camera* review by the Court would be requested. Under these circumstances, the Court defers ruling on the motion to compel as ruling may not be necessary.

Discovery: Compelling Discovery. Following filing of respondent's motion to compel production of certain medical records, claimant represented that the records would be obtained and reviewed and, if the parties cannot reach agreement to terms of production, *in camera* review by the Court would be requested. Under these

circumstances, the Court defers ruling on the motion to compel as ruling may not be necessary.

The respondent has filed a motion to compel seeking production of certain medical records. It is apparent from the claimant's response to the motion that the records requested will be obtained and reviewed and that if the parties cannot agree upon certain records, the Court will be requested to examine those records *in camera*. In light of the foregoing, the Court will not rule on the motion to compel at this time. In the event that the records become an issue, the parties may request the Court's assistance in resolving any dispute which may arise.

DATED in Helena, Montana this 24th day of March, 1995.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. James G. Hunt
Mr. G. Curtis Drake