IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No.: 1:16-cv-425-TDS-JEP

UNITED STATES OF AMERICA
Plaintiff,

v.

STATE OF NORTH CAROLINA, PATRICK MCCRORY, in his official capacity as Governor of North Carolina, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, UNIVERSITY OF NORTH CAROLINA, and the BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA,
Defendants.

NON-PARTY WITNESS DB'S MOTION TO JOIN UNITED STATES' MOTION TO PARTIALY QUASH AND MODIFY DEFENDANTS' SUBPOENAS DUCES TECUM AND FOR A PROTECTIVE ORDER

Non-party witness, D. B., through undersigned counsel, respectfully moves this Court to permit him to join the United States' Motion to Partially Quash and Modify Defendants' Subpoenas Duces Tecum and for a Protective Order. [Doc. 204] In support thereof, movant shows the following:

1. D. B. is a non-party witness in this matter. He is not a party. He asserts no claims against defendants. He does not seek to recover damages.

2. D. B., who is transgender, submitted a declaration [Doc. 76-Exh. 44] in the above-captioned matter.

3. On or about September 30, 2016, D. B. received a subpoena from defendants seeking for the prior ten years all records regarding his medical, psychiatric or psychological treatment. The subpoena requests confidential medical and therapy records, including all histories, records, summaries, diagnosis, prognoses, order sheets, nurses daily notes, psychiatric/psychological records, counseling records, medication orders, imaging films, pathology reports, and substance abuse treatment. A complete list of the confidential medical and therapy records requested is contained in the United States' Memorandum in Support of its Motion [Doc. 205, pp. 2-3].

4. The United States' Memorandum in Support of its Motion [Doc. 205] accurately identifies relevant arguments and concerns applicable to D. B. Specifically:

a. the subpoena is overbroad;

b. compliance with the subpoena would be oppressive and burdensome;

c. information in the requested records is irrelevant;

d. the records themselves are protected by the therapist-patient privilege, and the privilege has not been waived; and

e. the records contain highly sensitive information that could embarrass and/or cause harm to D. B.

5. Movant and movant's counsel are familiar with the Joint Rule 26(f) Report [Doc. 175] and understand that D. B. may seek further protection from the Court with regard to the disclosure of medical information. Through the filing of this motion, D. B. and his counsel do not intend to limit nor waive any future objections or arguments applicable to D. B. and not presently raised by the United States.

For the foregoing reasons, D. B., respectfully moves this Court to allow him to join in the United States' Motion to Partially Quash and Modify Defendants' Subpoenas Duces Tecum and for a Protective Order.

Respectfully submitted, November 14, 2016.

Elliot Morgan Parsonage, PLLC

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CERTIFICATE OF SERVICE

The undersigned certified that he electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Date: November 14, 2016

/s/ J. Griffin Morgan