

IN THE GENERAL DISTRICT COURT FOR THE CITY OF CHARLOTTESVILLE
COMMONWEALTH OF VIRGINIA

V.

CASE NO. GC10003225

GEORGE HUGUELY

ORDER REGARDING MOTION TO QUASH
SUBPOENAS *DUCES TECUM*
AND CONTINUATION OF ORDER SEALING
MEDICAL RECORDS

CAME BEFORE this Court the 15th day of December, 2010, the Commonwealth, by counsel, and the defendant, by counsel, to present evidence and make arguments concerning the Commonwealth's Motion to Quash subpoenas *duces tecum* previously requested in the case of Commonwealth v. George Huguely.

By its motion the Commonwealth sought to quash three subpoenas for medical records that were directed to:

1. Joyce Moton, custodian of medical records for the University of Virginia Department of Student Health;
2. Ethan Saliba, custodian of medical records for the University of Virginia Department of Athletics; and,
3. Lair Dayton Haugh, Esq., of the law firm of Haugh & Haugh, in his capacity as custodian of records.

At the hearing on December 15th it was established in the record that the third subpoena described above was subsequently replaced by a subpoena *duces tecum* for medical records of the Charlottesville/Albemarle Rescue Squad in the possession of Lair

Dayton Haugh, Esq., in his capacity as custodian and was responded to without objection by any party. As a result, the Court finds that the Commonwealth's motion to quash the third subpoena identified above is moot and requires no further action.

It appearing from the evidence received by the Court on December 15th; it appearing from the legal arguments made by respective counsel at that time; and, it appearing from the Court's *in camera* review of all the medical records that were submitted under seal by custodians Joyce Moten and Ethan Saliba as described above that the only documents contained in the submitted medical records of Yeardeley Love that are material to these proceedings are those which relate specifically to an adderall prescription issued to her, the Court finds good cause to permit the inspection and copying of these documents by respective counsel as described below. The Court finds no other material information or documents are contained in the submitted records.

WHEREFORE, the Court hereby Orders that:

1. The documents identified by the Court as relating to the adderall prescription described above and segregated from the other medical records during the Court's *in camera* review of all the submitted records; and,
2. The submitted medical records of the Charlottesville/Albemarle Rescue Squad as described above,

shall remain under seal and in the possession of the Clerk of the Court, but may be copied by counsel for the respective parties under the supervision of the Clerk or her designated Deputy Clerk. These documents may be disseminated by counsel to the medical expert or medical experts retained or designated by them for their consideration and review, but

shall not otherwise be disseminated or disclosed by counsel or any expert retained or designated by them without express leave of Court. The balance of the submitted medical records shall remain under seal and unavailable to any person or party for inspection or copying without express leave of Court.


Entered this 22nd day of December, 2010.

Signed




Robert H. Downer, Judge
Charlottesville General District court

I ask for this:



Warner D. Chapman
Commonwealth's Attorney
City of Charlottesville

Have seen, with objection preserved:



Francis McQuinn Lawrence or
Rhonda Quagliana
Counsel for Defendant