

# USE OF PLAINTIFF'S MEDICAL RECORDS IN DEFENSE OF AN AUTO CLAIM

By Ranelle M Meroney  
Hawkins Parnell Thackston & Young  
Austin, TX

[hptylaw.com](http://hptylaw.com)

## Why do I need Plaintiff's Medical Records?

- 60-80% of adults have low back pain
- 50% have had neck pain.
- 50% of those over 50 have had rotator cuff pain.



## Why do I need Plaintiff's Medical Records?

- 2/3 of women over 50 have had knee pain.
- 8 million Americans go to the doctor with headache pain.
- You might find out your car wreck didn't cause all the alleged problems.



## How do I obtain Plaintiff's medical records?

- Plaintiff's response to Tex. R. Civ. P. 194.2 (e) should give the list of providers.
- Tex. R. Civ. P. 194.2 (j) gives the requesting party, the defense, the option of the records or an authorization.



## How do I obtain Plaintiff's medical records?

- In re Shipman, 68 S.W.3<sup>rd</sup> 815, 819 Tex.App.—Amarillo 2001, orig. proceeding negated the argument that a party cannot be forced to create a document.



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Use of Plaintiff's Medical Records in Defense of an Auto Claim

Also available as part of the eCourse

[2016 The Car Crash eConference](#)

First appeared as part of the conference materials for the  
2016 The Car Crash Seminar session

"Defendant Perspective Medical Records"