

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

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## 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.



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