

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BONNIE FIELDS, in her own : CIVIL ACTION
right and as Parent and Natural :
Guardian of KRISTINA VELLAFANE :
 :
v. :
 :
BUCKS COUNTY CHILDREN AND YOUTH :
SOCIAL SERVICE AGENCY, et al. : NO. 03-01019-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

June 8, 2005

Defendants have filed a motion "to compel custodians of records to produce records of treatment of plaintiff-minor." Apparently, defendants are seeking records from a treatment center in Florida and a behavioral health center in Pennsylvania, neither of which is a party to this litigation. I say "apparently" because, although the motion refers to certain attached exhibits as subpoenas, in fact no exhibits of any kind are attached to the motion.

The plaintiff, whose records are sought, has allegedly consented to their production, so there is no statutory impediment to their release by the treatment facilities. But I am not aware of any basis on which this court could now simply order their production: while non-parties may, of course, voluntarily produce documents, the only other way to obtain such production would be issuing and serving valid subpoenas, whereupon, if the recipient of the subpoena were within this

court's jurisdiction, it might be possible to enforce the subpoena.

The institution in Florida is obviously not within the subpoena power of this court. The record does not disclose the location of the other institution from which defendants seek records. Defense counsel would be well advised to re-visit the procedural rules. The current motion will be denied.

An Order follows.

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ORDER

AND NOW, this 8th day of June 2005, upon consideration of defendant's motion "to compel custodians of records to produce records of treatment of plaintiff-minor," IT IS ORDERED:

The motion is DENIED, without prejudice.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.