

**STATE OF MINNESOTA****FOURTH JUDICIAL DISTRICT****DISTRICT COURT****COUNTY OF HENNEPIN****PROBATE/MENTAL HEALTH DIVISION**

In the Matter of the Civil Commitment of:

Court File No.: 27-MH-PR-23-815

**MATTHEW DAVID GUERTIN,**

Respondent.

Petitioner:

HENNEPIN COUNTY ATTORNEY'S OFFICE

Lead Attorney for Petitioner:

DE SOUZA, LEA MARIE

**RESPONDENT'S MOTION  
TO COMPEL PRODUCTION  
OF MEDICAL RECORDS**

TO: THE HONORABLE JUDGES OF THE DISTRICT COURT.

**PRO SE REPRESENTATION NOTICE**

I, Matthew David Guertin, hereby file this Motion to Compel Production of Medical Records pro se, for the limited purpose of this specific motion. Joel A. Fisher remains my court-appointed attorney for all other matters related to my case.

**MOTION**

Pursuant to the General Rules of Practice for the District Courts, particularly focusing on Rules 26 through 37 concerning the scope and procedures of discovery, Matthew David Guertin, the Respondent in the above-captioned matter, acting specifically in a pro se capacity for this motion, respectfully requests the Court to order the production of medical records pertaining to the Respondent's examination by Dr. Adam Milz.

**BACKGROUND**

The request for the production of medical records is grounded in the comprehensive framework established by Rules 26 through 37 of the General Practice Rules for the District Courts, which collectively govern the discovery process in litigation. This framework

underscores the entitlement of parties to access all relevant, non-privileged information that may support their claims or defenses.

## **ARGUMENTS**

### **Scope of Discovery (Rule 26):**

This rule asserts the right to discover any matter that is not privileged and is relevant to any party's claim or defense, including documents and electronically stored information (ESI). The medical records sought herein are directly relevant to the case and fall within the scope of discovery as defined by this rule.

### **Discovery Procedures (Rules 27-34):**

These rules provide detailed mechanisms for conducting discovery, including the production of documents and ESI (Rule 34). The procedures outlined are integral to this motion, establishing the legal basis for requesting and compelling the production of the medical records in question.

### **Physical and Mental Examinations (Rule 35):**

While primarily addressing court-ordered examinations, this rule reflects the court's recognition of the importance of medical and mental conditions in legal proceedings. It supports the assertion that existing medical records, pertinent to the respondent's condition and examination, are crucial for a fair adjudication of the case.

### **Requests for Admission (Rule 36) & Sanctions for Non-compliance (Rule 37):**

These rules further support the motion by enabling the use of admissions to confirm the relevance and necessity of the medical records and outlining potential sanctions for non-compliance with discovery obligations. The motion leverages these rules to emphasize the mandatory nature of producing relevant medical records upon request.

## CONCLUSION

In light of the detailed analysis supported by Rules 26 through 37 of the General Rules of Practice for the District Courts, and the crucial relevance of Dr. Adam Milz's medical examination report to the Respondent's case, this motion seeks not just to compel the production of essential documents but to uphold the principles of fairness, transparency, and due process in the legal proceedings.

Therefore, the Respondent respectfully implores the Court to grant this Motion to Compel Production of Medical Records and specifically order that the medical examination report by Dr. Adam Milz, conducted on January 3, 2024, be furnished to the Respondent within a reasonable timeframe. Such an order is vital for ensuring the Respondent has a fair opportunity for comprehensive case preparation and the ability to mount an effective defense.

This request is made in good faith, driven not by a desire for delay but by the necessity to safeguard the Respondent's right to a fair and equitable trial process, as enshrined in the Minnesota Rules of Civil Procedure and the broader ideals of justice and equity that underpin our legal system.

Respectfully submitted,

Date: April 4, 2024

By: /s/ Matthew Guertin  
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