

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

**ORDER DENYING DISCOVERY
MOTION REGARDING
MEDICAL RECORDS**

vs.

Tou Thao,

Dist Ct. File 27-CR-20-12949

Defendant.

This matter came before the Court on the Defendant's written motion (Dk # 270) to require the State to produce the following:

1. A list of all Hennepin County employees who accessed Mr. Floyd's medical records from the date of his death to present.
2. A list of all Hennepin County Employees who were informally reprimanded, formally reprimanded, or fired for accessing Mr. Floyd's medical records.
3. An electronic log of all access times and edits to Mr. Floyd's medical records from his date of death to present.
4. Electronic copies of what edits and changes – if any – were made to Mr. Floyd's medical records from the date of his death to present.
5. Any and all other information in the possession of the Hennepin County Attorney's office and the Attorney General's office that relates to the internal investigation of the tampering of Mr. Floyd's medical records.

Matthew Frank, Assistant Attorney General, appeared in writing on behalf of the State of Minnesota.

Robert M. Paule and Natalie R. Paule, Attorneys at Law, appeared on behalf of Defendant Thao.

Based on all the files, records, and proceedings, the Court makes the following:

ORDER

1. Defendant's motion to compel discovery is DENIED.
2. The attached memorandum is incorporated herein.

BY THE COURT

Peter A. Cahill
Judge of District Court

Memorandum

Most of what Defendant requests is not relevant. Who accessed the records, what discipline was imposed on those who accessed such records improperly, and a log of access times would not establish whether the records provided to the defense are different than the accurate records of Hennepin Healthcare. The only legitimate concern is whether the records were tampered with, and thus, inaccurate. The issue of accuracy is adequately answered by the State's affidavit of Aleah Martagon filed as an attachment to the State's response. Dk. #295. Even without that response, the concerns of Defendant are best answered not through more discovery, but by objecting to the records if offered at trial, or at the very least, not stipulating to foundation and cross-examining the foundational witness.