

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

**NO. 43,647**

**IN THE MATTER OF  
THE MARRIAGE OF**

**ALLISON GELBE-PINKUS  
AND  
MARK PINKUS**

**AND IN THE INTEREST OF  
TODD PINKUS, THOMAS PINKUS  
AND LUCY PINKUS, CHILDREN**

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**IN THE DISTRICT COURT OF**

**510<sup>th</sup> JUDICIAL DISTRICT**

**DENTON COUNTY, TEXAS**

**MOTION FOR CONFIDENTIALITY ORDER**

**COMES NOW, ALLISON GELBE-PINKUS (“ALLISON”)**, Petitioner, who files this her *Motion for Confidentiality Order*, and in support of the same would show as follows:

**I. PROCEDURAL FACTS**

1. On February 1, 2019, Respondent, **MARK PINKUS (“MARK”)**, filed his *Motion to Compel Production of Petitioner’s Medical Records* seeking all of **ALLISON’s** protected health records, including, but not limited to any substance abuse treatment records, from throughout the parties’ marriage.

2. On February 3, 2019, **ALLISON** filed her *Motion for Protection* requesting that this Court deny **MARK’s** *Motion to Compel* and grant a protective order preventing the disclosure of **ALLISON’s** protected health information.

3. On February 11, 2019, counsel for both parties appeared before this Court on various issues, including but not limited to **MARK’s** compel of **ALLISON’s** medical records and **ALLISON’s** motion for protection regarding the same. After hearing the arguments of counsel, this Court ruled that all medical records were to be produced directly by **ALLISON** and/or her counsel to the Court for in-camera inspection to determine their relevancy and their discoverability.

4. On February 12, 2019, one day following the Court's ruling for in-camera inspection of the records, **MARK's** counsel hand-delivered a letter detailing **ALLISON's** purported substance abuse history and enclosing therein a copy of **ALLISON's** drug rehabilitation records from 2017 to the Custody Evaluator. No authorization for release of the records was ever signed or provided at the time of delivery. Notably the records themselves contain a stamp prohibiting the recipient of the records from re-disclosing the same.

5. On February 13, 2019, **MARK**, by and through his counsel, filed his *Motion for Temporary Orders* attaching thereto **ALLISON's** confidential and protected substance abuse treatment records from 2017. Not only were the records re-disclosed without authorization and in violation of the prohibition contained therein, neither **MARK** nor his counsel identified the Motion and the attachments thereto as confidential or containing sensitive information as required by Rule 21c of the Texas Rules of Civil Procedure. While the records are certainly not authenticated and constitute hearsay, the fact remains that **ALLISON's** highly sensitive, private, and federally protected records have now been made a matter of public record by the actions of **MARK** and his counsel.

6. As of the date of the filing this Motion, **ALLISON** has produced to the Court in-camera all requested mental health records and substance abuse treatment records from the date of the parties' marriage forward. In anticipation of such records being disclosed to **MARK** and his counsel following this Court's in-camera inspection, and in considering the past unbridled disclosure of said records by **MARK** and his counsel as set forth above, **ALLISON** would show that the imposition of a confidentiality order is necessary to protect further disclosure of the parties' protected health information to third parties.

7. Based on the aforementioned reasons, **ALLISON** seeks a confidentiality order, in the form attached hereto as Exhibit "A", to prevent disclosure of sensitive personal and mental health records to third parties, the disclosure of which would cause injury and has caused injury to the producing party by public disclosure of private facts. **ALLISON** further requests that this Court enter an order directing the District Clerk to label as confidential and place under seal **MARK's Motion for Temporary Orders** and all attachments thereto to prevent further public disclosure of **ALLISON's** protected health information.

8. **ALLISON** prays that the Court grant a confidentiality order, in the form attached hereto as Exhibit "A", and for all further relief to which she may be justly entitled.

Respectfully Submitted,

Hays, Haston & Wrampelmeier  
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By: /s/ Karl E. Hays  
Karl E. Hays  
State Bar No. 09307050  
Attorney for ALLISON GELBE-PINKUS,  
Petitioner

**NOTICE OF HEARING**

The above motion is set for hearing on February 18, 2019 at \_\_\_\_\_M. in the  
510th District Court of Denton County, Texas.

SIGNED on \_\_\_\_\_.

\_\_\_\_\_  
JUDGE OR CLERK

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been delivered or forwarded to all counsel and unrepresented persons as listed below, [ ] by personal delivery or receipted delivery service, or [ ] by certified or registered mail, return receipt requested, by depositing the same, postpaid, in an official deposit under the care and custody of the United States Postal Service, or [ ] by facsimile to the recipient's facsimile number identified below, or [ X ] by e-service to the recipient's email address identified below and the electronic transmission was reported as complete, on this the 13<sup>th</sup> day of February, 2019, in accordance with the Rule 21a of the Texas Rules of Civil Procedure:

Aimee Pingnot Key

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**Karl E. Hays**