



Transgender Inmate Wins Personal E-mail Discovery

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By [Tera Brostoff](#)

June 15 — A transgender prisoner can get the personal e-mails of physicians who allegedly acted with deliberate indifference to the inmate's need for hormone therapy, the Eastern District of New York held June 14 (*Sunderland v. Suffolk County*, 2016 BL 189009, E.D.N.Y., No. CV 13-4838 (JFB) (AKT), 6/14/16).

The court allowed the “no stone unturned” search because of the concern that relevant e-mails could be found on personal computers that the defendants intentionally decided to keep off their work computers.

Jem Sunderland sued Suffolk County, N.Y., as well as physicians employed by the county who treated Sunderland while she was an inmate, for alleged violations of the Eighth Amendment.

Her discovery demands included a request for electronically-stored information—including e-mails related to her—that might be found on the physicians' personal computers.

The court granted the motion, saying the information requested fell within the broad scope of relevant discovery under Federal Rule of Civil Procedure 26(b).

“Moreover, to the extent such documents exist on the Individual Defendants' personal computers, they may contain information going to bias or motivation which may show why a personal computer was used for such communications, including information which may support Plaintiff's claims of deliberate indifference against the Individual Defendants,” the court concluded.

Magistrate Judge A. Kathleen Tomlinson wrote the order.

The David B. Shanies Law Office and Hughes Hubbard & Reed LLP in New York City represented Sunderland.

The Suffolk County Attorney's Office in Hauppauge, New York represented the defendants.