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# Hughes Hubbard & Reed

## Hughes Hubbard Prevails in Discovery Bid for Transgender Inmate

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**January 9, 2017** — Hughes Hubbard secured another victory for a transgender inmate when a New York federal judge refused to set aside HHR's motion to compel discovery in a suit over her access to hormone replacement therapy.

On Dec. 15, 2016, U.S. District Judge Joseph Bianco affirmed an order to force Suffolk County Correctional Facility employees to reveal documents from their personal computers and email accounts.

Jem Sunderland sued the defendants in August 2013, alleging that, within months of her arrival at that prison facility, doctors denied her hormone therapy despite knowing that she had been regularly taking this medication prior to being incarcerated.

Sunderland claimed that this denial violated her Eighth and 14th Amendment rights based on defendants' deliberate indifference to her serious medical needs and that Suffolk County maintains a custom or practice of failing to provide transgender inmates with basic and required medical care.

In January 2016, HHR served discovery requests on the County and the individual defendants for gender dysphoria-related emails and documents that may show bias or animus by defendants toward transgender inmates. But defendants stated that, while they would search the Suffolk County computer system for responsive materials, they would not search the individual defendants' computers and emails. HHR moved to compel that search, arguing that the individual defendants were parties to this case and that the requests were likely to produce relevant evidence. In June, Magistrate Judge Kathleen Tomlinson granted HHR's discovery requests, ruling that they were not unduly intrusive or burdensome.

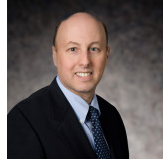
Defendants appealed the decision, but Judge Bianco in his ruling from the bench, walked through HHR's opposition and rejected defendants' motion to set aside.

Fara Tabatabai, Andrew Schwenk and Ryan Kim are working on this matter with supervision from Seth Rothman. HHR alum David Shanies, now a solo practitioner, is co-counsel for Sunderland.

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**Fara Tabatabai**



**Seth D. Rothman**