

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ROBERT W. VAN KIRK,**

**PLAINTIFF *pro se*,**

**V.**

**OFFICER M. HERNANDEZ, in his individual capacity; OFFICER JOHN DOE, in his individual capacity; THE CITY OF HOUSTON; HARRIS COUNTY HOSPITAL DISTRICT d/b/a HARRIS HEALTH SYSTEM / BEN TAUB HOSPITAL; VALERIE M. CONTRERAS, M.D., in her individual capacity, and JASMINE BALBIR SINGH ANEJA, R.N., in her individual capacity,**

**DEFENDANTS.**

**CIVIL ACTION NO. 4:26-CV-02517**

**HARRIS HEALTH NURSE ANEJA AND MONIQUE JONES’S  
UNOPPOSED MOTION TO SEAL EXHIBIT A TO THEIR  
MOTION TO DISMISS**

Defendants Harris County Hospital District d/b/a Harris Health (“Harris Health”), Jasmine Balbir Singh Aneja, R.N. (“Nurse Aneja”), and Monique Jones, LCSW (“Jones”) (collectively, “Defendants”) file this motion to seal Exhibit A to their motion to dismiss (the “Motion”) the “Verified Complaint for Violation of Civil Rights (42 U.S.C. § 1983 & ADA Title II)” (the “Amended Complaint”) [ECF No. 21] filed by Plaintiff Robert Van Kirk and would respectfully show the following:

## I. INTRODUCTION

1. To adequately defend Van Kirk's claims, Defendants must reference Van Kirk's medical records. Sealing those records, which are contained in Exhibit A, is appropriate because

redaction would be inadequate and limiting disclosure would preserve any third-party or other privacy interests that may subsist in such records.

## II. LEGAL STANDARD

2. “The right to public access ‘serves to promote trustworthiness of the judicial process, to curb judicial abuses, and to provide the public with a more complete understanding of the judicial system, including a better perception of its fairness.’” *U.S. v. Holy Land Foundation for Relief & Development*, 624 F.3d 685, 689 (5th Cir. 2010) (citing *Littlejohn v. BIC Corp.*, 851 F.2d 682 (3d Cir. 1988)). In considering whether to seal materials, a court “must balance the public’s right of access to judicial records against the interests favoring nondisclosure.” *Lake Charles Harbor & Terminal Dist. v. Reynolds Metal Co. LLC*, No. 2:17-CV-01114, 2019 WL 8323597, at \*1 (W.D. La. Aug. 28, 2019).

## III. ARGUMENT

3. Sealing Exhibit is appropriate for the following reasons. First, Exhibit A contains health information that is protected by HIPAA. Submitting this information to the Court to defend this lawsuit is entirely appropriate and necessary, and submitting them under seal appropriately balances public interests in disclosure, Defendants’ ability to defend Van Kirk’s lawsuit, and the privacy interests that Van Kirk has in the records. *See* 45 C.F.R. § 164.512; *Landrum v. Schreiber*, No. CV H-19-316, 2020 WL 5632418, at \*2–3 (S.D. Tex. Sept. 21, 2020); *see also Thomas v. 1156729 Ontario Inc.*, 979 F. Supp. 2d 780 (E.D. Mich. 2013).

4. Second, redacting these exhibits would be unwieldy and inadequate. Van Kirk has put essentially every aspect of his care at issue, including but not limited to how he arrived at the hospital, the nature of his mental-health issues, the overall quality of his treatment, and the documentary information imbedded in his records. *See generally* ECF No. 1. To support the

arguments in their motion to dismiss, Defendants must reference, among other things, the timing of his arrival and departure and his recorded statements. Further, Defendants believe that providing Van Kirk's entire record is critical in providing the full picture of his one and only interaction with Harris Health.

5. For these reasons, Harris Health respectfully submits that sealing Exhibit A is appropriate.

Date: June 26, 2026

Respectfully submitted,

THE OFFICE OF THE  
HARRIS COUNTY ATTORNEY

By: /s/ Michael D. Fritz  
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*Attorney-in-Charge for Defendants*

#### **CERTIFICATE OF CONFERENCE**

I certify that on June 26, 2026, I contacted Van Kirk asking whether he was opposed to this motion. He does not oppose this motion. Counsel for the City of Houston is not opposed either. I did not hear back from counsel for Dr. Contreras.

/s/ Michael D. Fritz  
Michael D. Fritz

#### **CERTIFICATE OF SERVICE**

I certify that on June 26, 2026, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing.

/s/ Michael D. Fritz  
Michael D. Fritz