

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

ELOISE ROPER,)	
)	
Plaintiff,)	CASE NO. 4:06-CV-119 (CDL)
)	
vs.)	
)	
TERRY WILLIAMS, INDIVIDUALLY)	
and d/b/a SIBERTON FENCE, and)	
SIBERTON FENCE SALES, INC.)	
)	
Defendants.)	

**ORDER GRANTING DEFENDANT WILLIAMS' MOTION FOR QUALIFIED
PROTECTIVE ORDER PURSUANT TO HIPAA AND PERMITTING
EX PARTE INTERVIEWS WITH MEDICAL PROVIDERS**

TO: All hospitals; nursing homes; clinics; pharmacies; physicians; nurses; certified nursing assistants; dieticians; emergency medical technicians; physical therapists; all other medical institutions, practitioners and healthcare providers

This matter is before the Court on Defendant Williams' Motion for a Qualified Protective Order pursuant to HIPAA filed March 7, 2007. Plaintiff has objected to the motion, contending that it is overbroad. The Court grants the motion as follows:

Pursuant to Federal and State law, counsel for the parties are hereby authorized to talk with Eloise Roper's treating physicians or other healthcare providers without counsel for the other parties, including Plaintiff, being present or participating, provided the healthcare provider consents to the interview. Plaintiff's physicians or other healthcare providers may provide records and discuss Eloise Roper's medical conditions and past, present and future treatment with counsel for the parties, including

counsel for the Defendants. However, the decision to do so lies with the treating physicians and the other medical personnel and they are not compelled by this Order.

Defense counsel is prohibited from using any such discussed and/or provided healthcare information for any purpose other than as part of the present litigation.

This Order does not apply to five physicians: (1) Dr. Edmund Molnar; (2) Dr. Debra Schilling; (3) Dr. Vladimir Slutsker; (4) Dr. Lamar Carden; and (5) Dr. Robert A. Jenks. Defense counsel is not authorized to conduct *ex parte* interviews of these physician witnesses.

Eloise Roper's health information, which includes any verbal communication that is/was created or received by a healthcare provider that relates to the past, present, or future physical or mental health or condition of Eloise Roper, maybe disclosed to counsel for a party and their legal associates, paralegals, investigators and office staff.

Within seven days of speaking to any health care provider pursuant to this order, counsel for Defendants shall inform Plaintiff's counsel in writing of the person[s] with whom Defense counsel spoke and the date of the conference.

SO ORDERED, this 18thday of April, 2007.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE