

This document constitutes a ruling of the court and should be treated as such.

Court Authorizer

Comments:

After oral argument, considering the record and all applicable law, this Court in the exercise of its discretion
HEREBY DENIES the instant motion.

present or participating therein. These interviews are at the request of Defendants, not Plaintiff, and are for the purpose of assisting Defendants' Counsel in the present litigation.

The individuals who may be interviewed include Mr. Hill's treating healthcare providers identified by name or referenced in his medical records and only after Defendants have obtained those medical records via a request for records pursuant to O.C.G.A. §9-11-34(c) or from Plaintiff's Counsel. These individuals may provide records and discuss with Counsel for Defendants information that is relevant to Mr. Hill's medical conditions which are at issue in this proceeding. The medical conditions at issue in this proceeding are as follows: The medical care and treatment of Charles Hill from October 27, 2008 until October 28, 2008 while he was a patient at Saint Joseph's Hospital of Atlanta and Mr. Hill's medical conditions existing prior to his October 27, 2008 admission to Saint Joseph's Hospital of Atlanta that may be relevant to causation and/or damages in this litigation (i.e., full value of life).

The decision to engage in such *ex parte* communications lies with the treating healthcare providers, and they are not compelled by this Order to do so and may choose not to be interviewed. Their participation in such meetings is voluntary. Defendants' Counsel is not required to produce any notes or memorandum associated with these interviews, which constitute attorney work product.

Defendants' Counsel is prohibited from using or disclosing the protected health information for any purpose other than the litigation or proceeding for which such information was requested. At the conclusion of this litigation, Defendants' Counsel must either return to the treating healthcare providers or destroy the protected health information of Charles Hill, including all copies made thereof.

Plaintiff's Counsel hereby is prohibited from communicating with Charles Hill's treating healthcare providers, orally or in writing, in an effort to prevent or thwart *ex parte* communications with Defendants' Counsel. Plaintiff's Counsel shall not act in a manner which would tend to intimidate the healthcare providers or cause them any fear of repercussions should they agree to Defendants' Counsel's request to communicate *ex parte* permitted herewith.

A copy of this Order will be given to each healthcare provider.

SO ORDERED this _____ day of _____, 2011.

THE HONORABLE JAY ROTH
STATE COURT OF FULTON COUNTY