

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY  
STATE OF GEORGIA

FILED IN OFFICE

2011 MAY 19 PM 2:48

JERRY BOLT, Individually, and as )  
Surviving Spouse of Sarah Bolt, Deceased, )  
JENNIFER ELAINE WILLIAMS and )  
LESLIE ANN POOLE, Individually, and as )  
Surviving Children of Sarah Bolt, Deceased, )  
and JERRY BOLT, as Administrator and )  
Personal Representative of the Estate of )  
Sarah Bolt, Deceased, )

Plaintiffs, )

v. )

THE MEDICAL CENTER, INC. d/b/a )  
THE MEDICAL CENTER and )  
COLUMBUS REGIONAL HEALTHCARE )  
SYSTEM, INC. d/b/a THE MEDICAL )  
CENTER, their agents and employees, )  
KEITH A. BLANKS, D.O., KIRK BROWN, )  
P.A., INPHYNET PRIMARY CARE )  
PHYSICIANS SOUTHEAST, P.C., TEAM )  
HEALTH, INC., and/or X CORPORATION )  
whose true name is unknown to Plaintiffs )  
their agents and employees, RICHARD A. )  
VALENTINE, M.D. AND RICHARD A. )  
VALENTINE, M.D., L.L.C. )

Defendants. )

CIVIL ACTION FILE NO.

SU07CV3132-05

M. LINDA PIERCE  
MUSCOGEE COUNTY  
SUPERIOR COURT

**ORDER ON DEFENDANTS' MOTION FOR A QUALIFIED PROTECTIVE  
ORDER**

This matter has come before the Court on Defendants' Motion for a Qualified Protective Order. After evaluating the merits of Defendants Motion, the court hereby makes the following determination and ruling:

In most litigation, witnesses belong to no one and are free to discuss the facts of a case with either side of a controversy. Equal access to all witnesses and all information relevant and material to ongoing litigation almost demands full cooperation and full disclosure in order for all parties in contested cases to achieve the ultimate goal which is the discovery of the truth. However, litigation involving parties and patient's rights involve exceptional challenges for consideration. The strict non-disclosure legal parameters distinguished under HIPPA create a unique and totally different situation when such sensitive personal information is requested. In addition, "ex parte" communications or interviews between attorney(s) representing a Defendant in a medical malpractice case with the treating physicians or private health care providers of a party plaintiff can easily create an untenable situation for a physician who owes a legal duty to his patient and yet may feel an allegiance or loyalty to his or her defendant hospital which grants or denies his privileges to practice medicine in said hospital. Such unrecorded private meetings or "interviews" by their very nature raise questions of reliability, credibility, and accuracy of what was actually said during said "ex parte" encounters.

Therefore, it has been the consistent position of this Court that Defendants' attorneys may not unilaterally contact or meet with treating physicians or other primary caregivers of party plaintiffs outside the presence of legal counsel representing said Plaintiff, unless agreed upon in writing between the parties.

If an interview or meeting is requested and denied and if said attorneys for Plaintiffs and Defendants cannot agree on a date and time to meet with said treating physician and/or health care provider, then either side may petition the Court for a hearing.

SO ORDERED This 18<sup>n</sup> day of May, 2011

A handwritten signature in black ink that reads "Bobby Peters". The signature is written in a cursive style with a large, prominent "B" and "P".

Bobby Peters  
Judge Superior Court  
Chattahoochee Judicial Circuit

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VALENTINE, M.D. AND RICHARD A.	)	
VALENTINE, M.D., L.L.C.	)	
	)	
Defendants.	)	
	)	

**CERTIFICATE OF SERVICE**

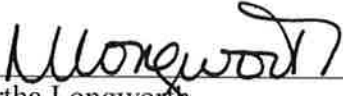
I hereby certify that I have this day served a copy of the within and foregoing pleading upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows:

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Martha Longworth  
Legal Assistant  
Judge Bobby Peters  
Chattahoochee Judicial Circuit