

IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

COBB COUNTY, GA
CLERK OF SUPERIOR COURT OFFICE

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STANE B. WEBB
STATE COURT CLERK-02

RUSSEL BAKER and
BETH BAKER,

Plaintiffs,

v.

WELLSTAR HEALTH SYSTEM, INC.,
Individually and d/b/a
WELLSTAR KENNESTONE HOSPITAL,

Defendant.

CIVIL ACTION
FILE NO. 09-A5169-6

QUALIFIED PROTECTIVE ORDER

WHEREAS, this matter comes before the Court on Defendants' Motion for a Qualified Protective Order pursuant to the provisions of the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as set forth at 45 CFR § 164.512 (e); and

WHEREAS, this Court has considered the Georgia Supreme Court's decisions in the cases of Moreland v. Austin, 284 Ga. 730, 670 S.E.2d 68, 72 (2008) and Baker v. WellStar Health System, Inc., S10A0994 (November 1, 2010), Motion for Reconsideration denied December 14, 2010; and

WHEREAS, this Court has further considered the briefs, arguments of counsel, and other matters,

IT IS HEREBY ORDERED that the parties, by and through their attorneys of record, are permitted to engage in informal or "ex parte" discovery interviews with the following of Russel Baker's treating medical providers.

William Parris, M.D.,
Arnold Weil, M.D.,
Terrance Hughes, M.D.,
Kele J. Sewell, M.D.,
David Schmidt, M.D.,
Thomas Myers, M.D.,

Tapan Daftari, M.D.,
Sriram Paramesh, M.D.,
Charles Hubbard, M.D.,
E. Franklin Pence, Jr., M.D.,
Yacob Ghebremeskel, M.D.,
Rajesh Patel, M.D.,
Sandy S. McGaffigan, M.D.,
Samuel Szumstien, M.D.,
David Gale, M.D.,
Richard Cohen, M.D.,
Brian Makhli, M.D.,
Sharron L. Thompson, M.D., M.S.,
Barry McCasland, M.D.
Marc Amaya, M.D.,
Sheila D. Best, M.D.,
Daryl Sherrod, M.D.,
Darrell Murray, M.D.,
Akinwolf Awujo, M.D.,
Raymond Harrison, M.D.,
Adesoji E. Oderince, M.D.,
Jesse Mitchell, M.D.,
Brett Wynn, M.D.

The medical conditions at issue in this litigation are those leading to the development of, diagnosis, and treatment of the conditions which caused or contributed to cause urethral, sexual, and emotional problems or conditions complained of by Russel Baker. This would include medical or psychological conditions either before or after his surgeries at Kennestone Hospital in July, 2007 that either caused or contributed to his complaints of scarring, nerve damage, pain, loss of physical capacity to function, sexual dysfunction and constant physical pain as alleged in paragraph 39 of his Complaint. Defendants are further entitled to discover information concerning any conditions which pre-existed July, 2007 from which Russel Baker suffered which caused or contributed to cause his alleged disabilities.

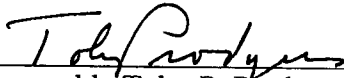
When interviews are requested by defense counsel as opposed to the Plaintiffs' counsel, these interviews are for the purpose of assisting defense counsel in the defense of the litigation brought by Russel and Beth Baker against the WellStar Health System, Inc. and d/b/a WellStar Kennestone Hospital as well as their agents and employees. A healthcare provider's

participation in these interviews is voluntary.

IT IS FURTHER ORDERED that counsel are forbidden from using or disclosing Russel Baker's protected health information for any purpose other than this litigation.

IT IS FURTHER ORDERED that counsel shall return any protected health information to the physicians and other healthcare providers or destroy the protected health information, including all copies made, at the conclusion of this litigation.

IT SO ORDERED this 16th day of February, 2011.



The Honorable Toby P. Producers,
Judge, State Court of Cobb County

CERTIFICATE OF SERVICE

This is to certify that I have this date served copies of the within and foregoing Order by mailing same (through the Cobb County Mail System) to the parties in this case as follows:

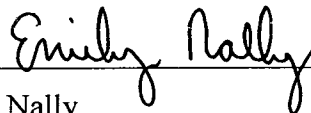
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Cumming, GA 30040

Henry Green, Esq.
Mary Paige Adams, Esq.
Green & Sapp, LLP
1827 Powers Ferry Road
Building 4
Atlanta, GA 30339

This 16 day of February, 2011.



Emily E. Nally
Judicial Clerk to Judge Toby Prodgers
State Court of Cobb County
(770) 528-1782