

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA



JOYCE BLACKMON, as Legal Guardian )  
of CECILY BROOKE FUTRAL, a minor )  
and Personal Representative of BARBARA )  
LOUANNE FUTRAL, deceased; and )  
JOYCE BLACKMON, as Administratrix of )  
the Estate of BARBARA LOUANNE )  
FUTRAL, deceased, )

Plaintiff, )

v. )

HENRY MICHAEL WEBB, M.D.; )  
ACS SOUTHEAST.; TEAM HEALTH, )  
INC.; and TENET HEALTHSYSTEM )  
SPALDING, INC. d/b/a SPALDING )  
REGIONAL MEDICAL CENTER, )

Defendants. )

CIVIL ACTION  
FILE NUMBER: 2009CV177053

**QUALIFIED PROTECTIVE ORDER**

IT IS HEREBY ORDERED AND ADJUDGED that Defendants and Defendants' counsel are hereby permitted to engage in *ex parte* communications with Barbara Louanne Futral's treating physicians and other healthcare providers who have treated Barbara Louanne Futral for the medical condition(s) Plaintiff has placed in issue in this civil proceeding. The medical issues in issue and contained in Plaintiff's Complaint are any and all condition(s) causing and/or contributing to Ms. Futral's tachycardia, hypotension or other factors leading to her unstable medical condition when she presented to Spalding Regional Medical Center on April 22, 2003. In addition, as the Complaint seeks to recover damages related to Ms. Futral's death from sequelae of Pheochromocytoma, the Defendants seek to discuss the care and treatment she received at Spalding Regional Medical Center in April 2003, as well as the course of events and cause(s) of her death.

This Order permits Defendants and Defendants' counsel to engage in *ex parte* communications concerning any medical issues that are relevant to any past, present or future medical conditions at issue in this case. This Order further permit Defendants and Defendants' counsel to engage in *ex parte* communications with the following healthcare providers:

- (1) Amy Wallace, RN;
- (2) Mary Polk, RN;
- (3) Brandy Thomson Kneesmith, RN;
- (4) Donna Lynn Pounds-Childs, RN;
- (5) Debbie Bartholomew, RN;
- (6) Cindy Trawick, RN;
- (7) Lynn Childs, RN;
- (8) Linda Moore, RN;
- (9) Dane Trenum-Nalley, PA;
- (10) April Bennet;
- (11) Rath Man, Surgical Tech;
- (12) Dr. Vinod C. Mehta;
- (13) Dr. John Chrysochoos;
- (14) Dr. Gerald T. Gowitt;
- (15) Sonny Foster, Spalding County Coroner;
- (16) Dr. Eric Santos;
- (17) Dr. Ronald Gay;
- (18) Dr. Carl Hartrampf;
- (19) Dr. Philip Beegle;
- (20) Dr. Richard Chewning;
- (21) Rose Simmons, RN;
- (22) Dr. Alan Helrich;
- (23) Dr. Thomas J. Hunt;
- (24) Steve Hatcher, RT;
- (25) Julie Nowitzki, RT;
- (26) John Simmons, RN;
- (27) Chris Berry, Tech; and
- (28) Dr. John Lu;

Prior to the time Defendants and Defendants' counsel can engage in *ex parte* communications, Plaintiffs must be sent notice that Defendants intend to seek information or documents from these healthcare providers through a non-party request for production of documents and allow Plaintiffs time to file objections as required by Georgia law. Barbara Louanne Futral's treating physicians and other healthcare providers' participation in *ex parte*

communications with Defendants and Defendants' counsel is voluntary. Defendants and Defendants' counsel must identify who they represent prior to engaging in *ex parte* communications and state that the interview is for the purpose of assisting the Defendants in their investigation of this litigation.

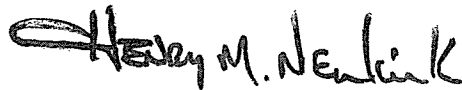
Barbara Louanne Futral's treating physicians and other healthcare providers may discuss her past medical conditions that are relevant to the medical condition(s) Plaintiff has put at issue in this case, with Defendants and Defendants' counsel.

IT IS FURTHER ORDERED that Defendants and Defendants' counsel are forbidden from using Barbara Louanne Futral's protected health information for any purpose other than this litigation.

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

IT IS FURTHER ORDERED that no trial depositions shall be taken of Barbara Louanne Futral's treating physicians or other healthcare providers prior to the Defendants having a reasonable opportunity to request *ex parte* communication with said healthcare provider(s) in accordance with the requirements of this Order.

SO ORDERED this 1<sup>st</sup> day of April, 2011.



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The Honorable Henry Newkirk  
Judge Superior Court of Fulton County

**PREPARED BY:**

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