



GRANTED

IN THE STATE COURT OF FULTON COUNTY
OF GEORGIA

Jay M. Rich

CARTER,

Plaintiff,

and

LIBERTY MUTUAL INSURANCE
COMPANY,

Intervenor-Plaintiff

vs,

TENET HEALTHSYSTEM GB, INC.,
d/b/a ATLANTA MEDICAL CENTER,

Defendant.

CIVIL ACTION FILE
NUMBER: 07EV002689

ORDER

WHEREAS this matter comes before this Court on Defendant Tenet Healthsystem GB, Inc. d/b/a Atlanta Medical Center's Motion For Qualified Protective Order;

WHEREAS this Court has considered Defendant's motion, all responsive pleadings, and all matters of record;

IT IS HEREBY ORDERED AND ADJUDGED that Defendant and Defendant's counsel are hereby permitted to engage in *ex parte* communications with Plaintiff Polly Carter's treating physicians and other healthcare providers who have treated Plaintiff Polly Carter for the medical condition(s) Plaintiff has placed in issue in this civil proceeding. The Plaintiff's Complaint places the following medical conditions at issue in this case:

- (1) Lower back pain;
- (2) Degenerative disc disease;
- (3) Lumbar fusion;
- (4) Postlaminectomy Syndrome;
- (5) Disk herniation;
- (6) Depression;
- (7) Chronic pain syndrome;
- (8) Lumbar disk disease;
- (9) Radiculopathy;

- (10) Bilateral foraminotomies;
- (11) Rotator cuff injuries;
- (12) Lumbar discectomy;
- (13) Lumbar instability;
- (14) Diskogenic back pain;
- (15) Deltoid injuries;
- (16) Posttraumatic facet syndrome;
- (17) Sacroiliac joint injuries;
- (18) Sacroiliac joint dysfunction; and
- (19) Lumbar discogenic pain.

This Order permits Defendant and Defendant's 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 Defendant and Defendant's counsel to engage in *ex parte* communications with the following healthcare providers and facilities:

- 1. Midtown Medical Associates;
- 2. HealthSouth Surgery Center of Gwinnett;
- 3. Cornerstone Medical, Inc.;
- 4. Atlanta Outpatient Surgery Center;
- 5. Concentra Medical Center;
- 6. Medical Review Institute of America;
- 7. Charan S. Shikh, M.D.;
- 8. Primary Care Center;
- 9. Southeastern Pain Specialists;
- 10. Ali M. Mohamed, M.D.;
- 11. Amedisys of Lawrenceville Georgia;
- 12. Georgia Inpatient Medicine Associates;
- 13. Northlake Surgical Center;
- 14. Atlanta Radiology Consultants;
- 15. South Gwinnett Radiology, PC;
- 16. Emory Eastside Medical Center;
- 17. Innovative Orthopedics & Rehab;
- 18. James Sams, M.D.;
- 19. Thomi S. Sutton, P.A.;
- 20. Rehabilitation Physicians of Georgia, P.C.;
- 21. Physician Specialists in Anesthesia;
- 22. Lilith Whyte, M.D.;
- 23. The Complete Women's Group;
- 24. DeKalb Internal Medicine;
- 25. First Choice
- 26. UnumProvident;
- 27. Sheila E. Woodhouse, M.D.;
- 28. Cardiovascular Group, PC;

29. Murray Robinson, M.D.;
30. Atlanta Neurosurgical Associates;
31. One Call Medical, Inc.;
32. Eagle Hospital Physicians;
33. Demir Baykal, M.D.;
34. Gwinnett Consultants in Cardiology;
35. Physiotherapy Associates;
36. Atrium Open MRI of Snellville;
37. Gwinnett Medical Center;
38. Wallace Duncan, M.D.;
39. Family Care of Hillandale;
40. Edward A. Corkran, M.D.;
41. DeKalb Family Practice;
42. DeKalb Anesthesia Associates, PA;
43. DeKalb Surgical Associates;
44. The Rehab Results Group;
45. Joanne H. Piratzky, M.D.;
46. Linda L. Casteel, M.D.;
47. Eldred B. Taylor, M.D.;
48. Edward Stark, M.D.;
49. Georgia Urology, PA;
50. Robert A. Monett, M.D.;
51. Atlanta Center for Athletes;
52. MRI and Imaging of Snellville;
53. Atrium Imaging Group, LLC;
54. Emory Eastside Medical Center;

55. Saint Joseph's Hospital of Atlanta;
56. Keith D. Osborn, M.D.;
57. Resurgens Orthopaedic;
58. Daryl L. Figa, M.D.;
59. Todd E. Ziegler, M.D.;
60. Atlanta Orthopedics;
61. John's Creek Physical Therapy;
62. Arthur David Schiff, M.D.;
63. DeKalb Medical Center;
64. Ernest Lee, Howard II, M.D.;
65. Mark William Feeman, DO;

66. Cayetano Lopez-Cepero, M.D.;
67. Mark Hnilicia, MD;
68. Rick K. St. Pierre, M.D.;
69. Scott F. Corneal, M.D.;

70. Rana Rab, M.D.;

71. Southeastern Lung Care;
72. HealthSouth Surgery Center of Atlanta;
73. North Atlanta Orthopaedic Surgery Center;
74. Atlanta Rehab & Performance Center;
75. Cardiology of Georgia PC;
76. Paul Ives, MD;
77. North Metro Radiology Associates; and

78. Stephen Legum, MD; and.
79. Thomas Richey, MD.

Defendant and Defendant's counsel can engage in *ex parte* communications, Plaintiff must be sent notice that Defendant intends to seek information or documents from these healthcare providers through a non-party request for production of documents and allow Plaintiff time to file objections as required by Georgia law. Plaintiff Polly Carter's treating physicians and other healthcare providers' participation in *ex parte* communications with Defendant and Defendant's counsel is voluntary. Defendant and Defendant's 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 Defendant in their investigation of this litigation.

Plaintiff Polly Carter's treating physicians and other healthcare providers may discuss Plaintiff Polly Carter's past medical conditions that are relevant to the medical condition(s) Plaintiff has put at issue in this matter, with Defendant and Defendant's counsel.

IT IS FURTHER ORDERED that Defendant and Defendant's counsel are forbidden from using Plaintiff Polly Carter's protected health information for any purpose other than this litigation.

IT IS FURTHER ORDERED that Defendant and Defendant's 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.

SO ORDERED this _____ day of _____, 2011.

The Honorable Judge Patsy Porter
State Court of Fulton County
State of Georgia

cc: All Counsel of Record