

IN THE STATE COURT OF HOUSTON COUNTY  
STATE OF GEORGIA



LASWANDA HICKEY, Individually, and as  
Conservator of NATHAN HICKEY, an  
Incapacitated adult,

Plaintiffs,

Vs.

CIVIL ACTION FILE NO.  
2011 V 43813

MOHAMMAD ASIM ASLAM, M.D.,  
JOSEPH CAVAN WOODS, M.D., ROBINS  
ANESTHESIA SERVICES, LLC.,  
MICHELLE KENNEDY BIGLER, and  
HOUSTON HEALTHCARE SYSTEME, INC.  
d/b/a HOUSTON MEDICAL CENTER,

Defendants.

QUALIFIED PROTECTIVE ORDER

COMES NOW the defendant Aslam seeking a qualified protective order allowing defense counsel to conduct ex parte interviews with the physicians and other healthcare providers who have participated in the medical care and treatment of Nathan Hickey. After a review of the appropriate caselaw and after a hearing where both plaintiff and defendant presented argument, it appears to the Court that such interviews are proper given that certain procedural safeguards are followed as set forth in the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") 42 U.S.C. § 1320 et. seq. and Baker v. Wellstar Health Systems, Inc., 288 Ga. 336, 703 S.E.2d 601 (2010),

IT IS HEREBY ORDERED that counsel for the defendants may conduct informal interviews with healthcare providers involved in the care and treatment of Nathan Hickey for the injuries alleged in plaintiff's complaint, under the following conditions:

FILED IN OFFICE, STATE COURT OF  
HOUSTON COUNTY

MAY 04 2011

*Greg B. Valasek, Clerk*

1.

The medical issues to be discussed with the healthcare providers relate only to Nathan Hickey's prior medical condition concerning his kidney disease, the treatment provided Mr. Hickey during the June 8, 2008 admission to Houston Medical Center at issue, and Mr. Hickey's subsequent medical treatment for his kidney disease and for the injuries allegedly sustained as a result of his cardiopulmonary arrest on June 9, 2008.

2.

Defense counsel may seek to interview the following healthcare providers and their staff:

1. Dr. Samuel Palmer;
2. Dr. Andres Palacio;
3. Dr. Thomas Pearson;
4. Dr. Antonio Guasch;
5. Dr. Paul Tso;
6. Dr. Dinakara Shetty;
7. Dr. T. Kent McBride;
8. Dr. Khalid Al-Sharif;
9. Dr. Abdul Qadir;
10. Dr. Mobolaji Ogunsakin;
11. Dr. Mufid Othman;
12. Dr. M. Sohail Akbar;
13. Dr. Marcus Simmons;
14. Employess of Pavilion Rehabilitation;
15. Dr. Rahil Kazi;
16. Dr. Ammer Sabbir; and
17. Dr. Rodrigo Morales.

3.

The healthcare providers are not required to consent to such meetings; their decision to participate is on a voluntary basis. The interview is at the request of the defendants and not the patient, and for the purpose of assisting defense counsel in the litigation. Defendants' counsel shall advise any healthcare providers that they have a right to counsel, can choose to only conduct such interviews in the presence of the patient, and could be potentially liable should they disclose information that exceeds the breadth of this order or in violation of

HIPAA and give them a copy of this Order prior to any interview. Plaintiff's counsel is prohibited from attempting to prevent or thwart such interviews.

4.

The healthcare providers may provide records, information and opinions related to the condition, treatment, diagnosis and prognosis of Nathan Hickey only with respect to the issues referred to in paragraph 1 above.

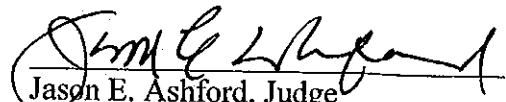
5.

Any disclosed protected health information obtained during any ex parte interviews may not be used or disclosed for any purpose other than for use in the above-captioned civil action.

6.

Defense counsel shall return any protected health information obtained during the course of any ex parte interviews to the physicians or other healthcare providers from whom the information was obtained or destroy the protected health information, including all copies made, at the end of this litigation.

SO ORDERD this 4 day of May, 2011.

  
Jason E. Ashford, Judge  
Houston County State Court