

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

RICHARD LEECH and,
VICKI LEECH

Plaintiffs,

v.

GIFFORD WILLIAM LORENZ, M.D.,
STACEY ANN BAKER, FNP, COASTAL
RESPIRATORY ASSOCIATES, JUDITH
PIROS, M.D., OPHTHALMOLOGY
ASSOCIATES, P.A., ANA MARIA
CONCEPCION, M.D., AND ANA MARIA
CONCEPCION, M.D., LLC.,

Defendants.

Civil Action File No.
STCV1003163

Filed in Court this 13 day of
March 2013
Marilyn Stearns
Dep. Clerk, The State Court of Chatham County

QUALIFIED PROTECTIVE ORDER

WHEREAS this matter comes before this Court on Defendants Motions for a Qualified Protective Order;

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

WHEREAS defense counsel for the parties having each consented to the entry of said Qualified Protective Order; and

WHEREAS plaintiffs' counsel having no objection to the entry of said Qualified Protective Order;

IT IS HEREBY ORDERED that Defendant and/or Defendant's counsel are hereby permitted to engage in ex parte communications with Richard Leech's healthcare providers. With regard to the protected health information of Richard Leech, his healthcare providers are

ONLY permitted to discuss “information [that] is relevant to the medical condition[s] the litigant has placed in issue in the legal proceeding.”¹

Plaintiffs claim that on October 2, 2008, Plaintiff Richard Leech presented to Defendant Baker, Defendant Lorenz, and Coastal Respiratory Associates, P.C., with complaints of a dry cough, continued fever of unknown origin in association with complaints of bilateral eye pain and photosensitivity, and a documented differential diagnosis of Temporal Arteritis. Following this visit, Mr. Leech suffered permanent loss of vision in both of his eyes. Plaintiffs claim that Defendants Baker and Dr. Lorenz violated the applicable standard of care during the October 2, 2008 visit by failing to immediately start Mr. Leech on steroid therapy and that this failure caused Mr. Leech’s blindness in his left and right eyes.

Additionally, Plaintiffs claim that on October 3, 2008, Mr. Leech presented to Defendant Piros with a history of fever of unknown origin and complaints of eye pain and visual difficulties. Plaintiffs allege that Defendant Piros violated the standard of care by failing to perform a thorough eye exam, failing to consider Temporal Arteritis in her differential diagnosis, and failing to immediately start Mr. Leech on steroid therapy. Plaintiffs further allege that Defendant Piros violated the standard of care when she failed to respond immediately on October 8, 2008, when she was consulted to see Mr. Leech for loss of vision after he was hospitalized on October 7, 2008 and given a differential diagnosis of Temporal Arteritis. Plaintiffs claim that these actions caused Mr. Leech’s blindness in his left and right eyes.

Finally, Plaintiffs allege that Defendant Concepcion violated the standard of care by failing to immediately start Mr. Leech on steroid therapy when she admitted him to the hospital with continued fever of unknown origin, weakness, and leg pain in association with additional

¹ See Baker v. Wellstar Health Systems, Inc., S10A0994 (Decided November 1, 2010).

complaints of visual changes, temporal headache pain, jaw pain, and a differential diagnosis of Temporal Arteritis.

The recitation of the above facts is premised upon the Complaint. The above factual recitation is not intended by any of the parties as a complete recitation of all relevant facts involved in this matter.

As to protected health information of Richard Leech, "relevant" information is strictly limited to the following:

- Plaintiff, Richard Leech's, personal medical or family medical history of glaucoma as reported by Mr. Leech to his medical providers.
- Plaintiff, Richard Leech's, use of steroid medications, including but not limited to corticosteroids.
- Plaintiff, Richard Leech's, eye examinations and the results thereof.
- Plaintiff, Richard Leech's vision testing and the results thereof.
- Plaintiff Richard Leech's hospitalization at Memorial/Candler/St. Joseph's in August-September 2008 and any follow-up care/treatment.
- Plaintiff Richard Leech's hospitalization at St. Joseph's in October 2008.

IT IS HEREBY ORDERED, pursuant to HIPAA² and Baker, supra, that:

- Defendant and Defendant's counsel are forbidden from using or disclosing Richard Leech's protected health information for any purpose other than this litigation.
- Defendant and Defendant's 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 end of this litigation.

² The Health Insurance Portability and Accountability Act of 1996 is commonly referred to as HIPAA.

- The identities of the healthcare providers that may be interviewed by any Defendant's counsel are as follows:

- Dr. Blair Christensen. Dr. Christensen is a general practitioner and may have information regarding Mr. Leech's personal medical history or family history of glaucoma and/or his use of steroid medications.
- Dr. Ana Concepcion. Dr. Concepcion is an internist and may have information regarding Mr. Leech's use of steroid medications, vision testing, and/or eye examinations.
- Dr. Joseph DeHaven. Dr. DeHaven is an endocrinologist and may have information regarding Mr. Leech's personal medical history or family history of glaucoma and/or his use of steroid medications.
- Dr. Gifford Lorenz. Dr. Lorenz is a pulmonologist and may have information regarding Mr. Leech's personal medical history or family history of glaucoma and/or eye examination.
- Dr. Charles L. Harris. Dr. Harris is an ophthalmologist and may have information regarding Mr. Leech's personal medical history or family history of glaucoma, his use of steroid medications, his vision testing, and/or his eye examinations.
- Dr. E. Frank LaFranchise. Dr. LaFranchise is a neurologist and may have information regarding Mr. Leech's personal medical history or family history of glaucoma, his vision testing, and/or his eye examinations.
- Dr. Jeremy London. Dr. London is a general vascular, thoracic and cardiovascular surgeon and may have information regarding Mr. Leech's use of steroid medications, his vision testing, and/or his eye examinations.
- Dr. John J. Morley. Dr. Morley is a rheumatologist and may have information regarding Mr. Leech's use of steroid medications, his vision testing, and/or his eye examinations.
- Dr. Judith Piros. Dr. Piros is an ophthalmologist and may have information regarding Mr. Leech's personal medical history or family history of glaucoma, his use of steroid medications, his vision testing, and/or his eye examinations.
- Dr. Robert Remler. Dr. Remler is an internist and may have information regarding Mr. Leech's use of steroid medications, vision testing, and/or eye examinations.
- Dr. James Stoever. Dr. Stoever is an endocrinologist and may have information regarding Mr. Leech's personal medical history or family history of glaucoma and/or his use of steroid medications.
- Dr. Fremont Wirth. Dr. Wirth is a neurosurgeon and may have information regarding Mr. Leech's personal medical history or family history of glaucoma, his vision testing, and/or his eye examinations.
- Dr. Amy Nau. Dr. Nau is an ophthalmologist and may have information regarding Mr. Leech's personal medical history or family history of glaucoma, his use of steroid medications, his vision testing, and/or his eye examinations.
- Dr. Kenneth Hardigan. Dr. Hardigan is a cardiologist and may have information regarding Mr. Leech's personal medical history or family history of glaucoma, his use

of steroid medications, his vision testing, his health condition while hospitalized in August-October 2008 and/or his eye examinations

- Dr. Cynthia Green. Dr. Green is pathologist who may information regarding the biopsy results.
- Dr. Judith Piros. Dr. Piros is an ophthalmologist and may have information regarding Mr. Leech's personal medical history or family history of glaucoma, his use of steroid medications, his vision testing, and/or his eye examinations.
- Dr. Will Garrett. Dr. Garrett is a neurologist and may have information regarding Mr. Leech's personal medical history or family history of glaucoma, his vision testing, and/or his eye examinations.
- Dr. Felicia Carr. Dr. Carr is a health care provider who may have information regarding Mr. Leech's personal medical history or family history of glaucoma and/or his use of steroid medications.
- Dr. Thad Winn. Dr. Winn is a rheumatologist and may have information regarding Mr. Leech's use of steroid medications, his vision testing, and/or his eye examinations.

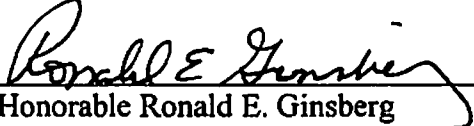
The above providers (including Dr. Blair Christensen, Dr. Ana Concepcion, Dr. Joseph DeHaven, Dr. Gifford Lorenz, Dr. Kenneth Hardigan, Dr. Charles L. Harris, Dr. E. Frank LaFranchise, Dr. Jeremy London, Dr. John J. Morley, Dr. Northup, Dr. Judith Piros, Dr. Robert Remler, Dr. James Stoever, Dr. Winn, Dr. Nau, and Dr. Fremont Wirth) have all been previously identified by Plaintiffs' discovery responses as individual who may have relevant information regarding their allegations.

- The medical condition(s) of Richard Leech at issue in the litigation that the above health care provider(s) may be interviewed are limited to those "relevant" issues described above in this Order.
- By receipt of a copy of this Qualified Protective Order, the medical provider to be interviewed shall be made aware of the fact that the **interview is at the request of the defendant, not the patient-plaintiff, and is for the purpose of assisting defense counsel in the litigation.**

- By receipt of a copy of this Qualified Protective Order, the medical provider to be interviewed shall be made aware of the fact that the health care provider's participation in the interview is voluntary.

IT IS ALSO HEREBY ORDERED that the medical provider to be interviewed shall be provided with a copy of this Qualified Protective Order no later than the time of the proposed interview, and prior to any discussion of Protected Health Information as defined by HIPAA.

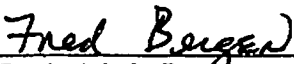
SO ORDERED this 13th day of May, 2011.



Honorable Ronald E. Ginsberg
Judge, State Court of Chatham County

No objection:

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