

IN THE SUPERIOR COURT OF BIBB COUNTY
STATE OF GEORGIA

FILED
CLERK'S OFFICE

2011 MAR -1 PM 3:1

DIANNE BRANNEN, CLERK
SUPERIOR COURT OF
BIBB COUNTY GEORGIA

JEANETTE MYERS and JAMES MYERS

Plaintiffs,

v.

DEREX STEWART, M.D., INPATIENT
CONSULTANTS OF GEORGIA, INC.,
A MEDICAL CORPORATION, and
THE MEDICAL CENTER OF
CENTRAL GEORGIA, INC.

Defendants.

CIVIL ACTION FILE NO.
10 CV 53029

QUALIFIED PROTECTIVE ORDER

Defendants having moved the Court for entry of a qualified protective order allowing defense counsel to conduct *ex parte* interviews with the physicians and other healthcare providers who participated in the medical care and treatment of Jeanette Myers, and the Court having considered the parties' briefs, and it appearing to the Court that such interviews would be proper provided 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., 2010 WL 4272843, Case No. S10A0994 (Ga. November 1, 2010),

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

1.

The medical issues to be discussed with the health care providers relate only to the history of Jeanette Myers' kyphoplasty and stroke in 2008, her prior history of being treated for dementia

and Alzheimer's disease, her being on anticoagulants following insertion of a mechanical mitral valve in her heart, and her subsequent treatment relating to said conditions.

2.

The healthcare providers defendants may seek to interview are as follows:

1. Dr. Alan Justice
2. Dr. John Spiegel
3. Dr. Charles Richardson
4. Dr. Antonio De LaLuz
5. Dr. Namgoong
6. Dr. James Thigpen
7. Dr. Erskine James
8. Dr. Bradley Ebel
9. Dr. Thomas Woodyard
10. Dr. Marcus Simmons
11. Dr. Dipesh Patel
12. Dr. Gregory Whatley
13. Dr. Eugene Walton
14. Dr. Carissa San Juan
15. Dr. Richard Ackermann
16. Dr. Dustin Russell
17. Dr. Hugh McLaurin
18. Dr. Mark William Keenan

3.

The healthcare providers are not required to consent to such meetings; their decision to participate is on a voluntary basis. This interview is at the request of the defendants and not the patient, and is for the purpose of assisting defense counsel in the litigation. Defendants' counsel shall so advise any healthcare providers and give them a copy of this Order prior to any interview. Defendants' counsel may record the interview only with the written consent of the provider. Plaintiffs' 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 Jeanette Myers only with respect to the issues referred to in paragraph 1 above.

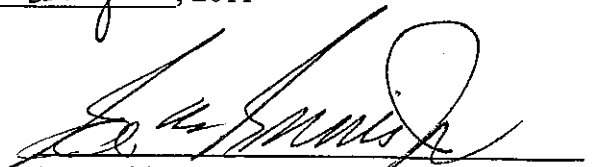
5.

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. Within ten days following the completion of an interview conduct^{ed} pursuant to this ORDER, counsel for Defendants shall make available to Plaintiffs' counsel for inspection and copying any medical information provided by the interviewee. If the interview is recorded, counsel shall produce a copy of the recording. If Defendants' counsel takes notes during the interview or transcribes his interpretation of the content of the interview, he shall produce his notes and the transcription of his interpretations, notwithstanding any objection based upon "attorney work-product."

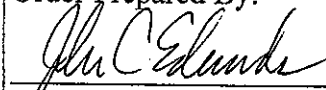
6.

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 ORDERED this 25 day of February, 2011


Honorable Edgar W. Ennis, Jr.
Judge, Superior Court of Bibb County

Order Prepared By:


JOHN C. EDWARDS
State Bar No. 241200
MARTIN SNOW, LLP
240 Third Street
P.O. Box 1606
Macon, GA 31202-1606
(478) 749-1700