

IN THE STATE COURT OF FULTON COUNTY  
STATE OF GEORGIA

JANICE PATTERSON, Administrator of )  
The Estate of Jolela McClain, and JANICE )  
PATTERSON, Individually, )

Plaintiffs, )

v. )

FACILITY INVESTMENTS, LP, d/b/a )  
WESTMINSTER COMMONS, ELKINS )  
ROAD ASSOCIATES, LLC, d/b/a )  
WESTMINSTER COMMONS, and )  
WELLINGTON HEALTHCARE )  
SERVICES, LP, d/b/a WESTMINSTER )  
COMMONS, )

Defendants. )

CIVIL ACTION  
FILE NO. 2010EV009550C

QUALIFIED PROTECTIVE ORDER

IT IS HEREBY ORDERED that counsel for Defendants Facility Investments, LP d/b/a

Westminster Commons, Elkins Road Associates, LLC d/b/a Westminster Commons, and Wellington Healthcare Services, LP d/b/a Westminster Commons (collectively "Defendants") may conduct informal interviews with decedent's health care providers without counsel for Plaintiffs being present as set forth herein.

Pursuant to federal and state law, counsel for Defendants is hereby authorized to speak informally with decedent's treating physicians and other health care providers without counsel

for Plaintiffs being present or participating therein. Specifically, the treating physicians who may be interviewed include: Nison Shleifer, M.D.; D. Blake, M.D.; John Houser, M.D.; Mary

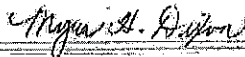
Taylor, M.D.; Ovie Ughwanogho, M.D.; William Augustus Brown, Jr., M.D.; Gail Peters, M.D.; Ahmad Jingo, M.D.; William Crossland, M.D.; and S.K. Hwang, M.D. These health care providers may provide records and discuss with counsel for Defendants, the medical care and/or

treatment rendered to decedent, which is limited to matters relevant to the care, treatment and medical conditions at issue in this proceeding, namely decedent's decubitus ulcers, which developed on or after January 1, 2008. Decedent's health information, which includes any oral communication that is/was created or received by a health care provider that is relevant to the care and treatment and medical conditions at issue in this proceeding, may be disclosed to defense counsel, their legal associates, paralegals, investigators, and office staff.

These interviews are conducted at the request of the Defendants, not the patient-Plaintiff, and are for the purpose of assisting defense counsel in this litigation. The decision to engage in such communications lies with the treating health care providers, and they are not compelled by this Order to do so, may choose not to be interviewed, and are not required to engage in *ex parte* communication with defense counsel. Their participation in such meetings is considered voluntary. The use or disclosure of any protected health information obtained by defense counsel during *ex parte* interviews is limited to uses and disclosures for purposes of this litigation. At the conclusion of this litigation, defense counsel must either return to the treating health care providers or destroy the protected health information of decedent, including all copies made thereof.

A copy of this Order will be given to each treating healthcare provider.

SO ORDERED this 1<sup>st</sup> day of December, 2010.



THE HONORABLE MYRA DIXON  
JUDGE, STATE COURT OF FULTON COUNTY