

**IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA**

JAMES PHELPS, Individually and as Next )  
Friend and Natural guardian of his minor )  
daughter, HEATHER PHELPS )

Plaintiffs, )

vs. )

SIX FLAGS OVER GEORGIA, II, L.P. d/b/a )  
SIX FLAGS WHITE WATER, SFOG )  
ACQUISITION COMPANY, LLC, AND JOHN )  
DOE(S) 1-4 )

Defendants. )

Civil Action  
File No.: 10C-03060-2

**ORDER**

WHEREAS, this matter comes before this Court on the Defendants' Motion for a Qualified Protective Order and;

WHEREAS, this Court has considered the Motion, and the law in Georgia as set forth in the recent case of Baker v. WellStar Health Systems, Inc., S10A0994 (June 1, 2010 and November 1, 2010) and;

IT IS HEREBY ORDERED that Defendants are permitted to engage in *ex parte* communications with the following physicians and healthcare/dental providers of Heather Phelps: Michael Schaffner, MD, Andrew Shebata, DMD, Ami Desai Majmundar, DDS, Brenda Hall, DDS, James Gray, DMD, and Vincent Perciaccante, DDS. Defendants are required to comply with the following conditions:

(1) Defendant shall give the health care provider a copy of this Order prior to any interview and shall notify the health care provider that the meeting/interview has not been requested by Plaintiff but rather has been requested by the Defendants for purposes of assisting defense counsel in the current litigation;

(2) The health care providers are not required to consent to the meeting and their decision to participate is on a voluntary basis;

(3) The health care providers may condition such interview upon the presence of a personal attorney or Plaintiff's attorney;

(4) Plaintiff's counsel is prohibited from attempting to prevent or thwart the interviews;

(5) The health care provider may discuss, provide records, provide information, and render opinions, if any, related to the condition, treatment, diagnosis, prognosis, and medical causation, so long as such discussions are limited to the matters relevant to the medical conditions of Heather Phelps that are at issue in this case. In this matter, Plaintiff contends that his daughter Heather Phelps sustained a lip laceration at White Water which required suturing and is further contending that Heather Phelps requires certain jaw surgery in the future as a result of the injury she sustained at White Water when she collided with another child on a water slide. Defendants are entitled to question Ms. Phelps' treating medical providers and dental providers regarding the following topics which are related to the physical injury being claimed by Plaintiffs: Heather Phelps' lip laceration, prior dental diagnoses which may relate to the oral surgical procedures being claimed as related to the subject incident, oral surgical care/recommendations being made

since the subject incident at White Water, and issues surrounding the causal relationship between the contended jaw injuries/recommended future surgical interventions and the subject incident at White Water.

(6) The health care information that has been disclosed may not be used for any purpose outside the context of this lawsuit and litigation;

(7) The health care information that has been disclosed may be disclosed only to Defendant's counsel and their employees and agents for litigation purposes only;

(8) Any health care information that has been disclosed in a tangible format must be returned to the health care provider that generated it or destroyed (including all copies made) at the conclusion of the litigation;

(9) Defendants' counsel is not required to produce any notes they generate from the interviews, as those notes are considered work product; and

(10) If any health care provider provides medical records to Defendants that has not been previously provided to all parties, Defendants shall provide Plaintiff with copies of the records received.

(11) Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Georgia Civil Practice Act.

SO ORDERED this 15 day of NOV, 2010.

  
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Honorable Randolph G. Rich  
Gwinnett State Court

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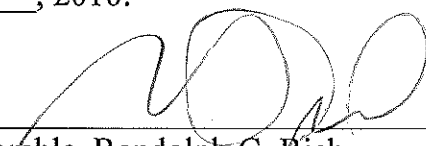
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Discovery will be extended for a period of 3 months and will close on April 15, 2010. Plaintiff shall make Heather Phelps available for her deposition during the December 2010/January 2011 Fulton County School holiday. Mediation shall be completed before May 15, 2011. No Motions will be filed after June 15, 2011.

The case is hereby specially set for trial on June 25, 2011.

SO ORDERED this 15 day of Nov., 2010.

  
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Honorable Randolph G. Rich  
Gwinnett State Court