

# COPY

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

SHANNON SHIRLEY, Individually, )  
and as Mother and Next Friend of )  
TERRANCE SHIRLEY, a Minor, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SOUTHERN REGIONAL HEALTH )  
SYSTEM, INC. d/b/a SOUTHERN )  
REGIONAL MEDICAL CENTER; )  
JENNIFER SCARBOROUGH, R.N.; )  
and )  
MARGERY CARR, C.N.M., )  
 )  
Defendants. )

Civil Action File No.:  
2010CV4384B

Chief Judge  
Harold G. Benefield

**AMENDED QUALIFIED PROTECTIVE ORDER**

WHEREAS this matter comes before this Court on a Motion for a Qualified Protective Order; and

WHEREAS this Court has considered the Motion, all responsive pleadings, all matters of record, and the decision of the Georgia Supreme Court in Baker v. Wellstar Health Systems, Inc., No. S10A0994, 2010 WL 4272843 (Ga. Nov. 1, 2010);

IT IS HEREBY ORDERED that the Defendants and their counsel are permitted to engage in *ex parte* communications with certain treating physicians and other healthcare providers of Shannon Shirley and Terrance Shirley enumerated in Exhibit A attached hereto.

This Court notes, however, that the *ex parte* communications are at the request of the Defendants, not the patients/Plaintiffs, for the purpose of assisting defense counsel in the litigation, and thus, the treating physicians and other healthcare providers are not required to

engage in *ex parte* communications with the Defendants or their counsel, but they may do so at their own choosing.

This Court also notes and recognizes that discovery in this matter is ongoing, and therefore it is likely that Plaintiffs will provide to Defendants additional medical providers for Terrance Shirley as he continues to develop and seek medical care. It is hereby ordered that Defendants provide Plaintiffs' counsel with fourteen (14) days advance notice prior to engaging in *ex parte* communications with any additional providers not specified in Exhibit A.

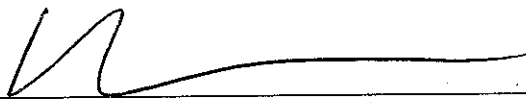
The Defendants and their counsel may inquire of the treating physicians and other healthcare providers, and the treating physicians and other healthcare providers may discuss with the Defendants and their counsel, only matters relevant to the medical conditions of Shannon Shirley and Terrance Shirley which are at issue in this proceeding. The permissible scope of these discussions includes all topics relevant to these issues, including risk factors for shoulder dystocia; Terrance Shirley's alleged injuries sustained during labor and delivery on October 2, 2008; management of pregnant patients; management of all stages of labor; history of problems during Shannon Shirley's pregnancy (or lack thereof); history of Shannon Shirley's compliance with medical instructions and/or recommendations during Ms. Shirley's pregnancy (or lack thereof); the propriety of the care and treatment rendered to Shannon Shirley and Terrance Shirley during Ms. Shirley's pregnancy and labor, and during the delivery of Terrance Shirley; all possible causes of Terrance Shirley's alleged brachial plexus injury; factors that may have exacerbated or contributed to the alleged injury; steps that may have been taken to avoid the alleged injuries; whether the conduct that Plaintiffs claim caused or contributed to the alleged injury was or was not proper; whether the conduct that Plaintiffs claim caused or contributed to the alleged injury did so or not; the nature and extent of each Plaintiffs' alleged injuries; the

treatment that Terrance Shirley has received or may in the future receive for his injuries; and Terrance Shirley's prognosis.

It is hereby further ordered that Defendants and their counsel are forbidden from using or disclosing any protected health information obtained during the meetings authorized by this Order for any purpose other than this litigation.

It is further ordered that Defendants and their 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.

SO ORDERED this 24 day of Nov, 2010.

  
\_\_\_\_\_  
The Honorable Harold G. Benefield  
State Court of Clayton County

Prepared and consented to by:

HUFF, POWELL & BAILEY, LLC

\_\_\_\_\_  
ANNA BURDESHAW FRETWELL  
Georgia Bar No. 266972  
ELIZABETH A. YARBROUGH  
Georgia Bar No. 385211

*Attorneys for Defendants Margery Carr, C.N.M.  
and Women's Community Care*

The Peachtree, Suite 2000  
1355 Peachtree Street,  
Atlanta, Georgia 30309  
(404) 892-4022  
Fax: (404) 893-4033

Also consented to by:

GREENBERG TRAURIG LLP

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THOMAS J. MAZZIOTTI (by E. Yarbrough w/ express permission)  
Georgia Bar No. 479893

*Attorney for Defendant Southern Regional Health System, Inc.,  
d/b/a Southern Regional Medical Center*

The Forum, Suite 400  
3290 Northside Parkway  
Atlanta, GA 30327  
(678) 553-2100  
Fax: (678) 553-2212

**EXHIBIT A**

In discovery exchanged and taken to date, we have not been able to obtain from Plaintiff specific providers' names, but are informed that these unknown providers are with the following organization, and thus, may also endeavor to speak with representatives of Babies Can't Wait, Atlanta, Georgia; and Early Steps Therapy, New Orleans, Louisiana.

Defendants may also endeavor to communicate with the following known providers:

<b>PROVIDER</b>	<b>SPECIALTY</b>	<b>PATIENT</b>
Edgar Adams	Respiratory Care Practitioner	Terrance Shirley
Adegboyega Aderibigbe,	Neonatal/Perinatal Pediatrician	Terrance Shirley
Susan H. Anderson	CHOA	Terrance Shirley
Cheryl E. Ashanti	Physician's Assistant	Terrance Shirley
Jerome Arnold	Respiratory Care Practitioner	Terrance Shirley
Stephen Becher	Orthopedic Surgery Resident	Terrance Shirley
Austin Levi Bell	EMT	Shannon & Terrance Shirley
Patricia Bell	Anesthesiologist	Terrance Shirley
Edwin Bellow	Obstetrician	Shannon Shirley
David E. Blews	Radiologist	Terrance Shirley
Jeffrey A. Blumenthal	Pediatric Gastroenterologist	Terrance Shirley
Russ Bongiovanni	Respiratory Care Practitioner	Terrance Shirley
Benita Bosner	Obstetrician	Shannon Shirley
Erin Bradley	Speech/ Language Pathologist	Terrance Shirley
Rahsaan Brayboy	Respiratory Care Practitioner	Terrance Shirley
Carolyn Bredwell	Respiratory Care Practitioner	Terrance Shirley
Chrissy Brown	Respiratory Therapist	Terrance Shirley
Elizabeth Brown	Occupational Therapist	Terrance Shirley
George Brown	Obstetrician	Shannon Shirley
Marielena Brown	Respiratory Care Practitioner	Terrance Shirley
Raynorda "Sandra" Brown	Pediatric Gastroenterologist	Terrance Shirley
Crystal Brumfield	Respiratory Care Practitioner	Terrance Shirley
Heather Buckley	Physician's Assistant	Terrance Shirley
Madeline Campbell	EEG Technician	Terrance Shirley
Tara Choate	Nurse Practitioner	Terrance Shirley
Stanley A. Cohen	Pediatric Gastroenterologist	Terrance Shirley
Ann Contrucci	ER Physician	Terrance Shirley
Harvey J. Dantis	Pediatrician	Terrance Shirley
Tara C. Davis	Nurse Practitioner	Terrance Shirley
Namrata Dewan	Respiratory Care Practitioner	Terrance Shirley
Cynthia Doan	CHOA	Terrance Shirley
Nance R. Doelling	Pediatrician	Terrance Shirley
Maxine Downing	Respiratory Care Practitioner	Terrance Shirley
Lynette Farmer	Respiratory Care Practitioner	Terrance Shirley

Marianne Fenno	Respiratory Care Practitioner	Terrance Shirley
J. Robert Flamini	Neurophysiology	Terrance Shirley
Gary Freed, DO	Pediatrician	Terrance Shirley
Vanessa Gabriel	Occupational Therapist	Terrance Shirley
Angela Gaines	Respiratory Care Practitioner	Terrance Shirley
Serge Geffrard	Pediatric Cardiologist	Terrance Shirley
Jessica Gibbs	Physical Therapist	Terrance Shirley
Edward Goldstein	Surgeon	Terrance Shirley
Thattil P. Gouri	Pediatrician	Terrance Shirley
J. Damien Grattan- Smith	Radiologist	Terrance Shirley
Lisa Hall	Respiratory Care Practitioner	Terrance Shirley
Mark Hamm	Respiratory Care Practitioner	Terrance Shirley
Sharon H. Hamre	CHOA	Terrance Shirley
Karen Harden	Respiratory Care Practitioner	Terrance Shirley
Harley	CHOA	Terrance Shirley
Brantley Hastings	Respiratory Care Practitioner	Terrance Shirley
Laura L. Hayes	Radiologist	Terrance Shirley
Tracy Herring	Speech/ Language Pathologist	Terrance Shirley
Jerald Hicks	Respiratory Care Practitioner	Terrance Shirley
Donald Hyman	Respiratory Care Practitioner	Terrance Shirley
Monsur A. Ishmail	Respiratory Care Practitioner	Terrance Shirley
Joanna S. Janas	CHOA	Terrance Shirley
Virgil Joseph	Respiratory Care Practitioner	Terrance Shirley
Munir J. Kapasi	Critical Care	Terrance Shirley
Ryan Katz	Pediatric Surgeon	Terrance Shirley
William G. Keyes	Perinatal Medicine	Terrance Shirley
Daniel Kim	Pediatric Surgeon	Terrance Shirley
Richard Knauth	Respiratory Care Practitioner	Terrance Shirley
Mark Kozinn	Neurologist	Terrance Shirley
Elizabeth J. Kravitz	Nurse Practitioner	Terrance Shirley
Mona Kulkarni	ER Physician	Terrance Shirley
Timothy Lowe	Respiratory Care Practitioner	Terrance Shirley
Jeffrey Lewis	Pediatric Gastroenterologist	Terrance Shirley
Larry G. Lewis	MD	Terrance Shirley
Stephen B. Little	Radiologist	Terrance Shirley
Rebecca Marion	Respiratory Care Practitioner	Terrance Shirley
Jessica Martin	Occupational Therapist	Terrance Shirley
Fran Martinez	Pediatric Nurse Practitioner	Terrance Shirley
Carolyn McCloud	Respiratory Care Practitioner	Terrance Shirley
Maritza McKinney	Physical Therapist	Terrance Shirley
Jospeh P. Mihalka	CHOA	Terrance Shirley
Sharon Lynch Miller	Obstetrician	Shannon Shirley
Ariane S. Neish	Radiologist	Terrance Shirley
Dorinda Nelson	Respiratory Care Practitioner	Terrance Shirley

A. O'Bryan	Nutritionist	Terrance Shirley
Christopher O'Toole	Respiratory Care Practitioner	Terrance Shirley
Susan Palasis	Radiologist	Terrance Shirley
Bimal Patel	Respiratory Care Practitioner	Terrance Shirley
Bryan Philbrook	Neurologist	Terrance Shirley
Pam Puett	Nurse Midwife	Shannon Shirley
Christine Redovian	Physical Therapist	Terrance Shirley
Laura Elizabeth Richardson	EMT	Shannon & Terrance Shirley
Emily Riggs	Occupational Therapist	Terrance Shirley
Christian Rodriguez	Respiratory Care Practitioner	Terrance Shirley
Lisa Ryba	Physical Therapist	Terrance Shirley
Elisa Sammons	Occupational Therapist	Terrance Shirley
Larry M. Saripkin	Pediatric Gastroenterologist	Terrance Shirley
Zahir U. Sarwar	Radiologist	Terrance Shirley
La Sonja Saulsberry	Respiratory Care Practitioner	Terrance Shirley
Judy Sequeira	Pathologist	Shannon Shirley
Howard S. Schub	Neurology	Terrance Shirley
Jenny Devine Shannin	Speech/ Language Pathologist	Terrance Shirley
Jane Share	Radiologist	Terrance Shirley
James Shelton	Respiratory Care Practitioner	Terrance Shirley
Kimberly A. Singh	CHOA	Terrance Shirley
Gregory A. Singleton	EMT	Shannon & Terrance Shirley
Daisy Snodgrass	Respiratory Care Practitioner	Terrance Shirley
Richard M Sobel	Emergency Medicine	Terrance Shirley
Patrick S. Spafford	Neonatal/Perinatal Pediatrician	Terrance Shirley
Kenyon Staniel	EMT	Shannon & Terrance Shirley
Gregory Sysyn	CHOA	Terrance Shirley
Margaret Talmadge	Physician's Assistant	Terrance Shirley
Amie Thompson	Nutritionist	Terrance Shirley
Robert Thompson	ER Physician	Terrance Shirley
Thai D. Trinh	Radiologist	Terrance Shirley
Karen Uyesugi	Nurse Midwife	Shannon Shirley
Francisco Velez	Neonatal/Perinatal Pediatrician	Terrance Shirley
Russell Warren	Respiratory Care Practitioner	Terrance Shirley
Justin M. Watson	CHOA	Terrance Shirley
Karen Watson	Neonatal/Perinatal Medicine	Terrance Shirley
Erica Western	Respiratory Care Practitioner	Terrance Shirley
Nell Wilkins	Child Passenger Safety Tech	Terrance Shirley
Joseph P. Williams	Radiologist	Terrance Shirley
Rachel Wohlberg	ER Physician	Terrance Shirley
Anicet Yao	Respiratory Therapist	Terrance Shirley

## CERTIFICATE OF SERVICE


A copy of the above and foregoing order was mailed to the below listed parties by depositing same in the United States Mail with sufficient postage affixed thereto to assure delivery, addressed to:

James E. Carter, Esq.  
2 East Bryan Street  
Suite 600  
Savannah, GA 31401

William G. Cromwell, Esq.  
3330 Cumberland Boulevard  
Suite 600  
Atlanta, GA 30339

Thomas J. Mazziotti, Esq.  
3290 Northside Parkway  
The Forum, Suite 400  
Atlanta, GA 30327

This 30 day of November 2010.

  
\_\_\_\_\_  
Jennifer S. Riddle  
Administrative Assistant to  
Chief Judge Harold G. Benefield  
State Court of Clayton County

## CERTIFICATE OF SERVICE

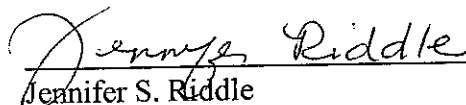
A copy of the above and foregoing order was mailed to the below listed parties by depositing same in the United States Mail with sufficient postage affixed thereto to assure delivery, addressed to:

Daniel Chapman, Esq.  
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Newnan, GA 30265

Anna Burdeshaw Fretwell, Esq.  
Elizabeth A. Yarbrough, Esq.  
999 Peachtree Street  
Suite 950  
Atlanta, GA 30309

This 30 day of November 2010.

  
\_\_\_\_\_  
Jennifer S. Riddle  
Administrative Assistant to  
Chief Judge Harold G. Benefield  
State Court of Clayton County