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IN THE STATE COURT OF COBB COUNTY

STATE OF GEORGIA 11 MAY 23 PM 4:18

KOMIVI M. SODJAGO and ALICE E.)
SODJAGO, as parents and natural)
Guardians of JOANNA M. SODJAGO,)

Plaintiffs,)

v.)

CIVIL ACTION NO. 10A6390-7

PEDIATRIX MEDICAL GROUP OF)
GEORGIA, P.C., NEAL A.)
GUTTENBERG, M.D., MICHAEL)
DAVID DWYER, M.D., HENRY)
MEDICAL CENTER, INC., PATRICIA)
J. MULDER, EAGLES LANDING)
OB-GYN ASSOCIATES, P.C., and)
MARCIA ROBERTS HARMON,)

Defendants.)

BLANE B. WEBB
STATE COURT CLERK-02

QUALIFIED PROTECTIVE ORDER

Defendants having moved for a qualified protective order, the motion is GRANTED to the extent permitted by Baker v. Wellstar Health Systems, Inc., 288 Ga. 336 (703 SE2d 601) (2010). Specifically, and in accordance with the requirements set forth in Baker:

1. Defendants' counsel is hereby permitted to engage in ex parte communications with the following of Joanna M. Sodjago's treating physicians and healthcare providers only: Sushila Mathews, M.D., Barbara Weisman, M.D., Stephen Lipsky, M.D., Jessica Gibbs, P.T., Dana Altman, O.T., Cyrus Samai, M.D., John Smith, M.D., Michael J. McNamara, M.D., Ann Critz, M.D., Denis Atkinson, M.D., Scott Lambert, M.D., Nicholas Krawiecki, M.D., and Larry Olson, M.D. Defendants' counsel is hereby permitted to engage in ex part communications with the following of Alice E. Sodjago's

treating physicians and healthcare providers only: Michael Jones, M.D. and Sheryl Simpson-Jones, M.D.

2. The medical condition at issue in this litigation, regarding which the healthcare providers listed above may be interviewed, is brain injury of Joanna M. Sobjago. "Brain injury" includes the causes of and treatment of Joanna M. Sobjago's perinatal hypoxic/ischemic brain injury, vision impairment, difficulty with coordinated tasks, difficulty with verbal communication and increased sensory aversion. With respect to Alice E. Sobjago, the brain injury of Joanna M. Sobjago remains the medical condition at issue in this litigation, but the healthcare providers of Alice E. Sobjago listed above may be interviewed only as to her OB/GYN history and any medical condition that could have caused or contributed to the brain injury of Joanna M. Sobjago.

3. Any interview which is conducted with any of the above-listed healthcare providers is conducted at the request of the defendants, not the plaintiffs. The purpose of any such interview is for assisting defense counsel in this litigation.

4. Participation in any interview by any of the above-listed healthcare providers is voluntary.

5. This Court has considered whether or not there are any circumstances which warrant requiring defense counsel to provide the plaintiff with prior notice of, and the opportunity to appear at, scheduled interviews. There appear to be no circumstances warranting such measures at this point. However, and alternatively, the Court does require the transcription of the interview by a court reporter should plaintiff make a written request for transcription.

6. Defense counsel is forbidden from using or disclosing Joanna M. Sodjago and Alice E. Sodjago's protected health information for any purpose other than this litigation.

7. Defense counsel shall return any protected health information to the physicians and other healthcare providers or destroy the protected healthcare information, including all copies made, at the end of this litigation.

8. Defendants shall provide each healthcare provider listed above with a copy of this order prior to conducting any ex parte interview pursuant to this qualified protective order.

SO ORDERED, this 23rd day of May, 2011.



Carl W. Bowers
Judge, State Court of Cobb County

CERTIFICATE OF SERVICE

I hereby certify that I have this date mailed a copy of the within and foregoing

Order to the following via regular U.S. Mail:


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This 23rd day of May, 2011.


Becky Conley, Judicial Assistant
Judge Carl W. Bowers
Cobb State Court
(770) 528-8001