

IN THE SUPERIOR COURT OF LAURENS COUNTY
STATE OF GEORGIA

LASHAWNYIA THOMAS and RONALD
THOMAS as surviving parents of
JORDAN D. THOMAS, deceased, and
LASHAWNYIA THOMAS, Administrator
of the Estate of JORDAN D. THOMAS,
Deceased,

Plaintiffs,

v.

MICHAEL T. LANCASTER, R.N., F.N.P.;
JAMES D. PETERS, D.O.; and
DUBLIN ORTHOPAEDICS AND
REHABILITATION, INC.,

Defendants.

CIVIL ACTION FILE NO.
2010-CG-0663

CONSENT 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 Jordan D. Thomas, and the Court having considered the parties' briefs and all other evidence of record, and it appearing to the Court that such interviews are proper given 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. Bellstar Health Systems, Inc., 2010 WL 2159372, Case No. S10A0994 (Ga. June 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 Jordan D. Thomas from August 3, 2008 until his death on August 22, 2008 for the injuries alleged in plaintiffs' complaint, under the following conditions:

Filed in office this

day of

29th

November

2010

Jay Rogers

Deputy Clerk

1.

The medical issues to be discussed with the health care providers relates only to the history of the trauma to the right wrist and arm of Jordan Thomas in August 2008 and his subsequent treatment therefore involving his development of a staff infection which resulted in his death on August 22, 2008.

2.

The medical providers defendants intend on interviewing are as follows:

1. Dr. Monte Shuman and Dr. Thomas Craft of Medical Center, LLP;
2. Steven Moore, P.A.;
3. Dr. J. Michael Seward, Steven Michael Moore, PA-C, Dr. G. Paul Forsyth, Dr. Gyula Soos, Dr. Peter C. Ankrom, Dr. Travis Henderson, Mandy M. Payne, RN;
4. Dr. Frankie E. Crain;
5. Dr. Jana Stockwell;
6. Dr. Patel and Dr. Russel at Children's Healthcare of Atlanta at Egleston;
7. Dr. Thomas Dodson;
8. Dr. Dallin Randolph, Dr. Laurie Burton;
9. Dr. Susan H. Morris;
10. Dr. Mark Rigby;
11. Dr. Trevor Ingram;
12. Dr. Craig Burger;
13. Dr. Lee Leddy;
14. Dr. Robert Bruce;
15. Dr. David Katz;
16. Dr. Curtis Koontz;
17. Dr. Paul Parker;
18. Dr. Richard Ricketts;
19. Dr. Mark Wulkan;
20. Dr. Matthew Clifton;
21. Dr. Kenneth Cardona;
22. Dr. James D. Fortenberry;
23. Dr. Lindsay Andras;
24. Nga Pham;
25. Laurence Greenbaum;
26. Dr. Barry Warshaw;
27. Dr. Jennifer Jackson;
28. Dr. Pradip Kamat;
29. Dr. Atul Vats;
30. Dr. Amina Bhatia;

31. Dr. Amy O'Neill;
32. Dr. David Lawrence.

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. 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 Jordan D. Thomas only with respect to the time period of August 3, 2008 until his death on August 22, 2008 for the injuries alleged in plaintiffs' complaint.

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.

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 24th day of November, 2010.

H. Gibbs Flanders, Jr.

Honorable H. Gibbs Flanders, Jr.
Judge, Superior Court of Laurens County
Dublin Judicial Circuit

Order Prepared By



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