

IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

MONICA ANN KRACHMAN,)
)
 Plaintiff,)
)
 v.)
)
 RIDGEVIEW INSTITUTE, INC.,)
)
 Defendant.)

CIVIL ACTION
FILE NO. 2008A10035-7

10 JUL -1 PM 2:55
STATE COURT OF COBB COUNTY
CLERK OF COURT

QUALIFIED PROTECTIVE ORDER

IT IS HEREBY ORDERED that counsel for Defendant Ridgeview Institute, Inc. (Defendant RVI) may conduct informal interviews with Plaintiff's health care providers without counsel for Plaintiff being present as set forth herein.

Controlling federal and state law clearly allows defense counsel to conduct *ex parte* interviews with a plaintiff's treating health care providers. See Health Insurance Portability and Accountability Act of 1996, 42 U.S.C.S. § 1320 *et seq.* (2008); 45 C.F.R. §103 *et seq.* (2008); 45 C.F.R. § 164.500 *et seq.* (2008); O.C.G.A. § 24-9-40 (2008); Moreland v. Austin, 284 Ga. 730 (2008); Orr v. Sievert, 162 Ga. App. 677 (1982); Baker v. Wellstar Health Systems, Inc., 2010 WL 2159372 (Ga. June 1, 2010).

Pursuant to federal and state law, counsel for Defendant RVI is hereby authorized to speak informally with Plaintiff's treating physicians and other health care providers without counsel for Plaintiff being present or participating therein. These health care providers may provide records and discuss with counsel for Defendant RVI, the medical care and/or treatment rendered to Plaintiff, which is limited to matters relevant to the care and treatment and medical conditions at issue in this proceeding. Plaintiff'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.

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. Defense counsel, however, is not required to produce any notes or memorandum associated with these interviews, which constitute attorney work product. 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 Plaintiff, including all copies made thereof.

Plaintiff's counsel hereby is prohibited from communicating with Plaintiff's treating health care providers, orally or in writing, in an effort to prevent or thwart the requested *ex parte* interviews. Plaintiff's counsel shall not act in a manner which would tend to intimidate the health care providers or cause them any fear of repercussions should they agree to defense counsel's request for the interviews permitted herewith.

Counsel for Defendant shall provide a copy of this Order to any health care provider with whom she chooses to contact for an *ex parte* interview.

SO ORDERED this 29 day of June, 2010.



THE HONORABLE BEVERLY COLLINS
JUDGE, STATE COURT OF COBB COUNTY

Prepared By:

BRYNDA RODRIGUEZ INSLEY
Georgia Bar No. 611435
A YNSLEY MEREDITH HARROW
Georgia Bar No. 134340
Attorneys for Defendant
Ridgeview Institute, Inc.

INSLEY & RACE, LLC
The Mayfair Royal
181 14th Street, NE, Suite 200
Atlanta, Georgia 30309
(404) 876-9818
(404) 876-9817 (fax)

CERTIFICATE OF SERVICE

I hereby certify that I have this day mailed (through the Cobb County Mail System) a copy of the foregoing Order to the following:

Brynda R. Insley
Ansley Harrow
Insley & Race, LLC
The Mayfair Royal
181 14th Street, NE Suite 200
Atlanta, GA 30309

Gary Bunch
401 Tanner Street
Carrollton, GA 30117

This 1st day of July, 2010.



Tahra T. Porterfield
Staff Attorney to Judge Collins