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Brian A. Hart

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

KISHIA J. SMITH,

Plaintiff,

v.

HOUSING AUTHORITY OF
SAVANNAH,

Defendant.

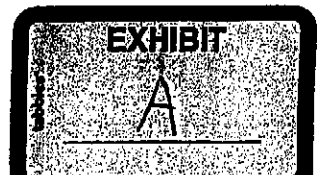
CASE NO. STCV0904098

QUALIFIED PROTECTIVE ORDER

Plaintiff filed the above-captioned lawsuit against the Housing Authority of Savannah ("HAS") on October 6, 2009. A brief explanation of the parties' contentions is in order.

Plaintiff contends that on or about April 14, 2009, while within her residence at Kayton Homes, a property managed by HAS, she was bitten on her left leg by a poisonous spider. Plaintiff now seeks to recover damages against HAS under a theory of negligence in that she contends HAS knew her residence was infested with spiders, but failed to take the appropriate action to remedy or repair this hazardous condition. Plaintiff also asserts a negligence per se theory based upon her belief that HAS breached the Georgia Housing Authority Law, O.C.G.A. §8-3-1 et. seq., and the City of Savannah's Property Maintenance Code. HAS vehemently denies Plaintiff's allegations.

Presently, before the Court is HAS' request for a qualified protective order allowing it to conduct *ex parte* interviews with some of Plaintiff's numerous health care providers, namely, Mark E. Murphy, M.D.; Jason Stillwagon, M.D.; Sam Featherson,



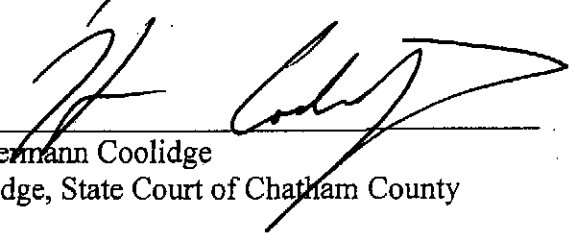
M.D.; Stephen L. Morris, M.D.; Frank Davis, M.D.; Deborah Conway, M.D.; Miller Hamrick, M.D.; M. Gage Ochsner, Jr., M.D.; Joshua McKenzie, M.D.; Daniel Most, M.D.; Rebecca Sentman, M.D.; Speros Livieratos, M.D.; Robert M. Pallay, M.D.; Jonathan Williams, D.O.; and Reginald Robinson, M.D. The Court hereby issues the following qualified protective order.

IT IS HEREBY ORDERED that Defense counsel may conduct *ex parte* interviews with Mark E. Murphy, M.D.; Jason Stillwagon, M.D.; Sam Featherston, M.D.; Stephen L. Morris, M.D.; Frank Davis, M.D.; Deborah Conway, M.D.; Miller Hamrick, M.D.; M. Gage Ochsner, Jr., M.D.; Joshua McKenzie, M.D.; Daniel Most, M.D.; Rebecca Sentman, M.D.; Speros Livieratos, M.D.; Robert M. Pallay, M.D.; Jonathan Williams, D.O.; and Reginald Robinson, M.D. subject to the conditions stated herein.

The following conditions shall apply to any such interviews conducted pursuant to this Order: (1) Defense counsel may only discuss with these individuals issues relevant to Plaintiff's medical condition and treatment since April 13, 2009; the cause of Plaintiff's medical condition for which she sought treatment for on April 13, 2009; the cause of Plaintiff's medical conditions for which she has been treated subsequent to April 13, 2009; and Plaintiff's condition prior to April 13, 2009 to the extent related to Plaintiff's claims of diabetes, kidney failure/disease, necrotizing fasciitis, sepsis, morbid obesity and spider bite; (2) Defendant is prohibited from using or disclosing the protected health information for any purpose other than this litigation; (3) Defendant must either return to the medical provider or destroy the protected information at the end of the litigation; (4) Defense counsel must inform the interviewee that the purpose of the disclosure is not at the request of the patient, however, the patient has been put on notice

of the order; (5) Defense counsel must inform the interviewee of their right to decline any request for an *ex parte* communication; (6) Within seven days after conducting the *ex parte* communication, Defense counsel shall inform Plaintiff's counsel in writing of the person(s) with whom counsel spoke, the location of the meeting, and the date of the conference; and (7) Defense counsel shall produce to Plaintiff's counsel or make available for inspection, documentation or tangible evidence obtained pursuant to the *ex parte* communication that has not already been exchanged between the parties.

SO ORDERED this 12th day of July, 2010.


Hermann Coolidge
Judge, State Court of Chatham County

Order prepared by:

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