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IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

FILED IN OFFICE  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.

10 JUL -7 PM 2:40

TOM LAWLER, CLERK

CATHERINE MACDONALD, )  
)  
Plaintiff, )  
v. )  
)  
GWINNETT GYNECOLOGY ASSOCIATES, P.C.)  
VONDA WARE, M.D., PETER C. MANN, M.D., )  
STUART R. HART, M.D., and )  
ANN JAWOROWICZ, )  
)  
Defendants. )

CIVIL ACTION FILE NUMBER  
08A08235-10

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**QUALIFIED PROTECTIVE ORDER**

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WHEREAS this matter comes before the Court on Defendants' Motion for a Qualified Protective Order;

WHEREAS this Court has considered Defendants' Motion, all responsive pleadings, all matters of record, and the governing law, including the Georgia Supreme Court's recent decision in *Baker v. Wellstar*;<sup>1</sup>

IT IS HEREBY ORDERED that counsel for Defendants in the above-styled matter may conduct ex parte informal interviews with Plaintiff Catherine MacDonald's health care providers, without Plaintiff or her counsel being present, under the following conditions:

- I. The health care providers are not required to engage in such meetings; their decision to participate is on a voluntary basis. Defendants' counsel shall so advise any health care provider and give them a copy of this Order prior to any interview. Plaintiff's counsel is prohibited from attempting to prevent or

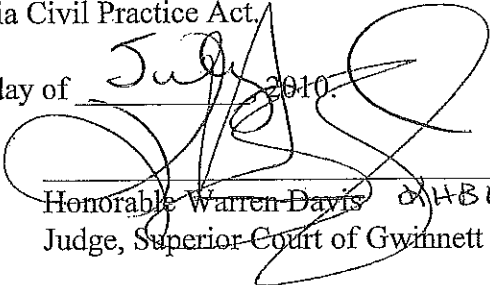
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<sup>1</sup>Baker v. Wellstar, Case No. S10A0994 (Ga. June 1, 2010).

thwart such interviews.

- II. The health care providers may provide records and information related to the condition, treatment, diagnosis, prognosis, and medical causation of **Plaintiff Catherine MacDonald** only with respect to the issues in this case. These providers and defense counsel may discuss Plaintiff's medical condition and the past care and treatment rendered by other healthcare professionals to Plaintiff Catherine MacDonald to the extent such information is relevant to the allegations in Plaintiff's Complaint.
- III. The disclosed health information may not be used for any non-litigation purpose and may be disclosed only to counsel and their employees and agents for litigation purposes. Further, the disclosed health information must be returned to the health care providers or destroyed (including all copies made) at the conclusion of the litigation.
- IV. Defense counsel are not required to produce any notes associated with their meetings with health care providers, as such notes constitute privileged attorney work product. However, should any health care provider produce any documentation not previously provided to both Plaintiff and Defendants, copies of this documentation shall be produced to Plaintiff.
- V. Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Georgia Civil Practice Act.

SO ORDERED this 7 day of July, 2010.

  
Honorable Warren Davis *DHBLUM*  
Judge, Superior Court of Gwinnett *By Desy.*

cc: Roger E. Harris, Esq.  
Gretchen Holt Wagner, Esq.  
Sandra Lekan, Esq.