

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY
STATE OF GEORGIA

FILED IN OFFICE

2011 MAR 22 AM 9:28

M. LINDA PIERCE
MUSCOGEE COUNTY
SUPERIOR COURT

JENNIFER C. WRIGHT, Individually)
and as natural guardian for PHOENIX)
J. PHILLIPS, a minor,)

Plaintiffs,)

v.)

THE MEDICAL, INC.)
KUMI DEANNA SWART, M.D.)
ROBERT A. STAUFFER, M.D.,)
RICHARD L. ALLEN, M.D. and)
JESSE RICHMON WARREN, M.D.,)

Defendants.)

CIVIL ACTION

FILE NO. SU07CV1171-3

**ORDER GRANTING DEFENDANTS' MOTION FOR A QUALIFIED
PROTECTIVE ORDER ON SPECIFIED TERMS**

TO: NAMES AND ADDRESS OF EACH MEDICAL PROVIDER (Listed prior
to submission of order to Court)

This matter has come before the Court on Defendants' Motion for a Qualified Protective Order. The Defendants request that this Court authorized their counsel to interview the physicians of Phoenix Phillips outside of the presence of the attorneys for Phoenix and her mother, Jennifer Wright. This Court, will allow but not require any of Phoenix Phillips physicians to agree to or partake in such interviews and only permit the interviews on the following limited terms and conditions:

1. To ensure that the physician or medical provider is aware of the purpose of the interview, that it is not being conducted with the consent of their patient or her mother and that the purpose of the interview is to assist the Defendants' counsel in the defense of their

patient's pending lawsuit, Counsel for the Defendants are to provide the physician or medical provider with a copy of this Order at the time the interview is requested.

2. No one shall be present during the interview except the physician or medical provider and counsel of record.
3. The interview is limited to a discussion regarding the following medical conditions of Phoenix Phillips and the physician or medical provider's care and treatment, past, present and future of the Plaintiff's medical condition: _____.
4. The physician or medical provider shall not divulge any mental impressions not documented in the medical record that the care provider has never actually communicated to the Patient-Plaintiff;
5. The interview shall not be recorded or transcribed. The physician or medical provider shall not be asked to provide any documents or information in writing or to attest in writing to the accuracy of any summary, statement or notes.
6. Any notes made by counsel or any interview participant which supposedly reflect the substance of the interview, shall not be provided to a third party. All notes shall be destroyed immediately upon the conclusion of this litigation.
7. The use or disclosure of any protected health information obtained by Defendants counsel is limited to uses and disclosures for purposes of

this litigation only. The Defendants' counsel is forbidden from using or disclosing Phoenix Phillips' protected health information for any purpose other than this litigation.

8. This order shall not apply to psychiatrists or to hospitals in which the patient is being or has been treated solely for mental illness.
9. Plaintiffs shall take no steps to prevent physician or health care provider from meeting or discussing Plaintiff's condition under the parameters of this Order.

Each physician or medical provider who agrees to be interviewed shall verify by executing a copy of the attached Exhibit A that he or she voluntarily agreed to be interviewed by Counsel for the Defendants without his or her patient's counsel being present and that such an interview was not ordered by the Court or required. The physician or medical provider shall also confirm by executing the attached acknowledgment that he or she has abided by the terms and conditions set forth in this Order.

Within five (5) days of any interview, Counsel for the Defendants shall file with the Court, under seal, an Exhibit A acknowledgement executed by the interviewed physician or health care provider.

This 26th day of March, 2011.



The Honorable Bemon G. McBride, III
Judge, Superior Court of Muscogee County