

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

2010 SEP 23 PM 2: 28

KATHY ODOM, ADMINISTRATOR OF
THE ESTATE OF JACK MICHAEL
SPANGLER AND AS POWER OF
ATTORNEY FOR JILL L. SPANGLER
SURVIVING SPOUSE AND NEXT OF KIN
OF JACK MICHAEL SPANGLER

Plaintiffs,

v.

GWINNETT HOSPITAL SYSTEM, INC.;
STEVEN RICHARD LEE, M.D.; DEBRA
FAITH HARRISON NICHOLS, A.P.R.N.; and
MARIA CONNIE JORGENSEN, A.P.R.N.,

Defendants.

TOM LAWLER, CLERK

CIVIL ACTION FILE NO.
10-A-00821-1

QUALIFIED PROTECTIVE ORDER

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

WHEREAS Plaintiff objected to Defendants' motion;

WHEREAS this Court has considered Defendants' motion, all responsive pleadings, and all matters of record;

IT IS HEREBY ORDERED that Defendants and/or Defendants' counsel are hereby permitted to engage in *ex parte* communications with Jack Michael Spangler's healthcare providers. **This Court notes, however, that Mr. Spangler's treating healthcare providers are not required to engage in *ex parte* communications with Defendants and/or Defendants' counsel, but they may do so at their own choosing.** Mr. Spangler's treating healthcare providers may discuss Mr. Spangler's protected health information (PHI) (including psychiatric and/or psychological information), limited to any care and treatment with Defendants and Defendants' counsel that is relevant to

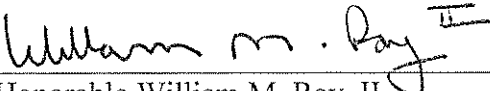
Plaintiff's medical condition(s) which is at issue in this proceeding.¹ Defendants and Defendants' counsel may only interview Mr. Spangler's treating medical providers identified by name or reference in Mr. Spangler's medical records, and only after Defendants have obtained those medical records either via a request for records pursuant to O.C.G.A. §9-11-34(c) or from Plaintiff's counsel. Plaintiff and Plaintiff's counsel are prohibited from attempting to thwart or otherwise discourage Mr. Spangler's medical providers from participating in such meetings with Defendants' counsel.

IT IS FURTHER ORDERED that Defendants' counsel shall provide a copy of this Qualified Protective Order to the treating medical provider(s) to be interviewed prior to discussing Mr. Spangler's protected health information with the medical provider(s).

IT IS FURTHER ORDERED that Defendants and Defendants' counsel are forbidden from using or disclosing Jack Michael Spangler's protected health information for any purpose other than this litigation.

IT IS FURTHER ORDERED that Defendants and Defendants' counsel shall return any protected health information to the physicians and other healthcare providers or destroy the protected health information, including all copies made, at the end of this litigation.

SO ORDERED this 22nd day of Sept., 2010.



Honorable William M. Ray, II
Judge, Superior Court of Gwinnett County

¹ The medical conditions and issues in this lawsuit are as follows: 1) The medical conditions resulting in Jack Spangler's December 29, 2007 Gwinnett Medical Center hospitalization, including abnormal laboratory values and fever; 2) Mr. Spangler's bipolar disorder; 3) Plaintiff claiming the various defendants treated Jack Michael Spangler negligently by failing to properly treat his bipolar condition, failing to properly secure him once a 1013 order had been entered, and failing to prevent him from leaving his hospital room, which Plaintiffs claim ultimately led to Mr. Spangler jumping or falling to his death from approximately the seventh floor external fire escape attached to the hospital; and 4) Any history Mr. Spangler may have of fleeing, running away, or other unusual reaction to people or circumstances.

DISTRIBUTION:

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