

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

BRIAN WHITLEY, INDIVIDUALLY, AND ON
BEHALF OF ALL OTHERS SIMILARLY SITUATED

PLAINTIFF

V.

NO. 4:16-CV-00624-DPM

BAPTIST HEALTH; BAPTIST HEALTH HOSPITALS;
DIAMOND RISK INSURANCE, LLC;
CONTINENTAL CASUALTY COMPANY;
ADMIRAL INSURANCE COMPANY;
ADMIRAL INDEMNITY COMPANY;
IRONSHORE INDEMNITY INC.; AND
IRONSHORE SPECIALTY INSURANCE COMPANY

DEFENDANTS

SECOND AMENDED AGREED PROTECTIVE ORDER

The original Agreed Protective Order (Doc. 55) and the Amended Agreed Protective Order filed March 15, 2019 (Doc. 102) are incorporated herein by reference as if set out word for word.

The purpose of this second amendment is to add language to the Protective Order to insure it is a qualified HIPAA Order pursuant to 45 C.F.R. §164.512(e), a regulation interpreting HIPAA. In response to written class discovery served by Mr. Whitley, as limited by and subject to the orders of this Court, Baptist Health is directed and ordered to produce the protected health information of class members for the period of 30 July 2011 to 22 January 2020.

With regard to any protected health information disclosed and produced by Baptist Health in this case, the parties are prohibited from using or disclosing the protected health information for any purpose other than this litigation for which such information was requested and provided, and, additionally, any protected health information disclosed shall be returned to Baptist Health or destroyed (including all copies made) at the end of the litigation.

The Court retains jurisdiction to enforce this Order for one year after this case ends, including any appeal. Thereafter, this Order will be solely a matter of contract between the parties and signatories.

IT IS SO ORDERED.

D.P. Marshall, Jr.
HONORABLE D. P. MARSHALL, JR.
United States District Judge

DATED: 22 January 2020

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