

U. S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS

DEC 05 2011

CHRIS R. JOHNSON, CLERK

John Edward Miller,

Plaintiff,

v.

Kevin R. Dugan, Jerrod Wayne Scott and City of  
Barling,

Defendants.

BY

DEPUTY CLERK

CASE NO. 2:11-cv-2129

**STIPULATED ORDER FOR PRODUCTION  
OF PROTECTED HEALTH INFORMATION**

The parties have informed the Court that certain medical records, medical bills, and other protected health information of Plaintiff, Mr. John Edward Miller, which materials are in the possession of others governed by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), should be produced as Confidential Information (subject to the Stipulated Protective Order), and that this Stipulated Order will facilitate the expedited discovery of such materials. It has been agreed and stipulated by the parties that to expedite the flow of discovery material and to preserve the confidentiality of certain documents and information, an order should be entered by the Court to allow the parties unfettered access to these records. The Court has reviewed the terms and conditions of this Stipulated Order for Production of Protected Health Information and, based on the parties' stipulation, hereby ORDERS:

1. Protected Health Information, including, without limitation, all related patient files, treatment and billing information, for Plaintiff John Edward Miller shall be produced simultaneously to counsel for the parties to this litigation so long as it meets any of the following criteria:

a. It pertains to treatment for mental, emotional, or behavioral conditions (including, but not limited to, post traumatic stress, traumatic brain injury, and anxiety);

b. It pertains to treatment of any condition related to Plaintiff's knee (including, but not limited to, surgery);

c. It pertains to any treatment for any condition related in any way to the physical altercation between Plaintiff and police on or about April 16, 2010.

2. Production to counsel shall be by simultaneous delivery to the following:

<p>Stephen J. Capron 406 S. Boulder Avenue, Ste 400 Tulsa, OK 74103 (918) 398-7600 (Telephone) (918) 398-7602 (Facsimile) <a href="mailto:sjc@capronedwards.com">sjc@capronedwards.com</a></p> <p><i>Attorneys for Plaintiffs</i></p>	<p>C. Burt Newell P.O. Box 1620 Hot Springs, AR 71902-1620 (501) 321-2222 (Telephone) (501) 624-0533 (Facsimile) <a href="mailto:aperma@hotspringslaw.net">aperma@hotspringslaw.net</a></p> <p><i>Attorneys for Defendants</i></p>
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3. This Stipulated Order constitutes notice to Plaintiff John Edward Miller that such records as are described above are subject to disclosure without further notice or authorization from him.

4. The parties shall maintain all records obtained by means of this Stipulated Order for Production of Protected Health Information as Confidential Information subject to the Stipulated Protective Order issued by this Court.

IT IS SO ORDERED this 5<sup>th</sup> day of December, 2011.



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P. K. Holmes, III  
United States District Judge