

1 statements of Carmela Pamatz, Angelica Vasquez, Tiffany Reiser-Rivers, Amanda Wells, Melissa
2 Seitz, Jordan Rager, Gabriela Alvarez, Karina Munoz, Kim Vang, Julia Tinoco-Corona, Maricela
3 Ramos, and Thalia Rico as exhibits to be introduced into evidence at trial.

4 3. On July 2, 2010, Defendants Leonard Marks, M.D., Cherry Ann Wy, M.D., and
5 Arun Kumar, M.D., and counter-complainant Fremont-Rideout Health Group submitted their joint
6 pretrial statement identifying as exhibits to be introduced at trial the medical records from Fremont-
7 Rideout Health Group pertaining to the labor and delivery of newborn babies by those patients listed
8 in Plaintiff's pretrial statement, including Asma Ali, Gabriela Alvarez, Amanda Atkinson, Rosalva
9 Chavez, Julia Tinoco-Corona, Joanna Dunning, Maria Iniguez, Reyna Jimenez, Pa Zoua Lee, Mayra
10 Lopez, Sonya Martinez, Karina Munoz, Veronica Ornelas, Maria Ornelas, Carmela Pamatz, Rossi
11 Perez, Ramona Pompa, Jordan Rager, Maricela Ramos, Ariana Raygoza, Tiffany Reiser, Thalia
12 Rico, Socorro Rocha, Melissa Seitz, Laycie Stinnett, Kim Vang, Maria Vasquez, Angelica Vasquez,
13 Amanda Wells, and Mai Yang.

14 4. The pertinent medical records described in paragraph 3 are in the possession of
15 Fremont-Rideout Health Group.

16 5. The pertinent medical records described in paragraph 3 contain protected health
17 information as defined in 45 C.F.R. § 160.103 and thus trigger the protections of the Health Insurance
18 Portability and Accountability Act ("HIPAA").

19 6. Defendants Dr. Marks, Dr. Wy, and Dr. Kumar have requested that this Court issue
20 a qualified protective order pursuant to 45 C.F.R. § 164.512 with regard to the pertinent medical
21 records described in paragraph 3 so that they may obtain, disclose and use the records at the trial in this
22 proceeding on September 14, 2010.

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26 **ORDER**

27 Following consideration of Defendants' motion for protective order, and in light of paragraphs
28 1 through 6 above, this Court hereby orders:

1 7. The Fremont-Rideout Health Group shall produce to Defendants Dr. Marks, Dr. Wy,
2 and Dr. Kumar the pertinent medical records described in paragraph 3 of this order by no later than
3 July 30, 2010.


4 8. The pertinent medical records so produced shall be labeled “Confidential Protected
5 Health Information” and shall not be used for any purpose other than this proceeding.

6 9. By no later than August 6, 2010, Defendants Dr. Marks, Dr. Wy, and Dr. Kumar
7 shall produce to Plaintiff organized exhibits of the medical records produced pursuant to paragraphs 7-8
8 in the form they will be offered at trial.

9 10. At the conclusion of this proceeding, whether by trial, appeal, collateral review or final
10 disposition, any and all copies of medical records produced pursuant to paragraphs 7-8, whether in the
11 possession of Plaintiff or Defendants, shall be returned to Fremont-Rideout Health Group or destroyed.

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13 IT IS SO ORDERED.

14 DATED: July 12, 2010

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17 WILLIAM B. SHUBB
18 UNITED STATES DISTRICT JUDGE
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