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10 COUNTY OF SOLANO

11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 NATHAN HANSFORD,) Case No.: 2:08-CV-02232 MCE KJN
14)
15 Plaintiff,) **STIPULATION AND PROTECTIVE**
16) **ORDER RE: MEDICAL RECORDS**
17 vs.)
18)
19 SOLANO COUNTY DEPARTMENT OF)
20 HEALTH AND HUMAN SERVICES, and)
21 DOES 1-50, inclusive,)
22)
23 Defendants.)
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Whereas, plaintiff's counsel has previously produced some of plaintiff's medical records and medical information to counsel for the Defendant.

Whereas, and this Court has ordered that Kaiser produce to counsel for the Defendant certain of plaintiff's medical records.

Whereas, plaintiff is desirous that his medical privacy be maintained and that his medical records and medical information not be publicly disseminated.

Whereas, this Court has ordered that the parties enter into a protective order governing the handling of plaintiff's medical records and medical information.

Therefore, the parties hereto, by and through their counsel of record, hereby stipulate and

1 agree as follows:

2 1. This stipulation shall apply to “Plaintiff’s Medical Records” which is defined as
3 follows:

4 a. The medical records previously produced by Plaintiff which were Bates
5 numbered P0197 through P02047.

6 b. Whatever medical records are produced by Kaiser in response to the Court
7 Order dated July 29, 2011.

8 c. Any other medical records of Plaintiff which are produced by Plaintiff or
9 by Kaiser after the date of execution of this Stipulation and Order.

10 2. In order to preserve any privacy rights attaching to Plaintiff’s Medical Records,
11 Defendant agrees not to produce Plaintiff’s Medical Records or medical information to any
12 person, with the exception of Defendant’s legal counsel (including employees of Defendant’s
13 legal counsel) and medical or psychological experts, absent the written agreement of plaintiff’s
14 counsel.

15 3. Should Defendant retain the services of a medical or psychological expert, that
16 expert shall be provided with a copy of this Stipulation and Order and must agree to abide by the
17 non-disclosure terms set forth herein. Absent such agreement, the expert, whether the expert is
18 retained solely for consulting purposes, or for trial, will not be allowed access to any of
19 Plaintiff’s medical records or information.

20 4. Should either party desire to file Plaintiff’s Medical Records with the Court in a
21 pre-trial Court filing, said records must be filed under seal or in redacted form provided
22 Plaintiff’s counsel agrees in advance of the filing to the filing of the redacted document without a
23 sealing order.

24 5. To the extent that Defendant desires to introduce Plaintiff’s Medical Records as
25 exhibits at trial, the parties will meet and confer in good faith about the appropriate mechanisms
26 to address privacy concerns, including, but not limited to redactions. Any disputes over the
27 privacy mechanism to apply shall be resolved by the Court.

28 6. At the conclusion of this lawsuit, counsel for Defendant will destroy all copies of

1 Plaintiff's Medical Records, or any abstracts or compilations containing Plaintiff's medical
2 information, as well as any reports or briefing containing Plaintiff's medical information or
3 Medical Records which Defendant possesses.

4 7. By this stipulation, Plaintiff does not waive any privacy rights which may attach
5 to his Medical Records and medical information. Plaintiff reserves the right to assert privacy
6 objections relating to his Medical Records or medical information as appropriate.

7 8. Defendant will agree to the execution of a separate stipulation and order calling
8 for the sealing or removal of Exhibit L from the July 21, 2011 Declaration of Peter Halloran [Dkt
9 No 72-3] from the Court record.

10
11 IT IS SO STIPULATED AND AGREED:

12
13 Dated: August 5, 2011

ANGELO, KILDAY & KILDUFF, LLP

14 */s/ Peter D. Halloran*

15 By: _____

16 CAROLEE G. KILDUFF
17 PETER D. HALLORAN
18 Attorneys for Defendant
19 COUNTY OF SOLANO

20
21 Dated: August 5, 2011

STEWART & MUSELL

22 */s/ Elisa J. Stewart*

23 By: _____

24 WENDY E. MUSELL
25 ELISA J. STEWART
26 Attorneys for Plaintiff
27 NATHAN HANSFORD
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ORDER

The Stipulation and Protective Order Re: Medical Records is hereby APPROVED, except that, as to paragraph 4, any party that wishes to file any protected document with the court under seal shall comply with all of the court's Local Rules regarding the sealing of documents, including Local Rules 140 and 141.

IT IS SO ORDERED.

DATED: August 5, 2011

/s/ Kendall J. Newman

UNITED STATES MAGISTRATE JUDGE