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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES CORNELIUS JAMES,
Plaintiff,
v.
DEEPAK MEHTA, ET AL.,
Defendant.

Case No. 2:10-cv-01171-LKK-DAD

**STIPULATION FOR A
PROTECTIVE ORDER**

Magistrate Judge: Hon. Dale A. Drozd

WHEREAS, on December 20, 2013, the Court set a status conference for January 10, 2014, to determine if Dr. Uppal is capable of suit or representation (Doc. # 170);

WHEREAS, on January 5, 2014, Defendant Uppal’s counsel obtained recent medical records pertaining to Dr. Uppal;

WHEREAS, on January 6, 2014, Defendants Uppal’s counsel offered to provide the medical records to Plaintiff’s counsel, but due to privacy and HIPAA concerns, cannot do so in the absence of a protective order;¹

1. The parties designate the medical records from North Bay Health Care, dated January 1, 2014, and St. Helena Hospital, dated January 2, 4, and 5, 2014, (“Dr. Uppal’s Medical Records”) as highly confidential and/or proprietary nature as

¹ The medical records have been submitted to the Court for in camera review.

1 “CONFIDENTIAL—ATTORNEYS’ EYES ONLY” (hereinafter “Attorneys’ Eyes
2 Only Material”). Attorneys’ Eyes Only Material, and the information contained
3 therein, shall be disclosed only to the Court, and to counsel for the parties
4 (including the student attorneys, paralegal, clerical, and secretarial staff employed
5 by counsel), but shall not be disclosed to a party, unless otherwise agreed or
6 ordered. If disclosure of Attorneys’ Eyes Only Material is made, all other
7 provisions in this Order with respect to confidentiality shall also apply.

8 2. Confidential documents shall be so designated by stamping copies of
9 the document produced to a party with the legend “CONFIDENTIAL.” Stamping
10 the legend “CONFIDENTIAL” on the cover of any multipage document shall
11 designate all pages of the document as confidential, unless otherwise indicated by
12 the producing party.

13 3. Material designated as confidential under this Order, the information
14 contained therein, and any summaries, copies, abstracts, or other documents derived
15 in whole or in part from material designated as confidential (hereinafter
16 “Confidential Material”) shall be used only for the purpose of prosecution, defense,
17 or settlement of this action, and for no other purpose.

18 4. The Confidential Material produced pursuant to this Order may be
19 disclosed or made available only to the Court, or to counsel for a party (including
20 the student attorneys, paralegal, clerical, and secretarial staff employed by such
21 counsel).

22 5. If Dr. Uppal’s Medical Records are included in any papers to be filed
23 in Court, such papers shall be labeled “Confidential—Subject to Court Order,” and
24 filed under seal.

25 6. In the event that Dr. Uppal’s Medical Records are used in any court
26 proceeding in this action, they shall not lose their confidential status through such
27 use, and the party using the material shall take all reasonable steps to maintain its
28 confidentiality during such use.

1 7. This Order shall be without prejudice to the right of the parties (i) to
2 bring before the Court at any time a question of whether any particular document or
3 information is confidential or whether its use should be restricted or (ii) to present a
4 motion to the Court under FRCP 26(c) for a separate protective order as to any
5 particular document or information, including restrictions differing from those as
6 specified herein. This Order shall not be deemed to prejudice the parties in any way
7 in any future application for modification of this Order.

8 8. This Order is entered solely for the purpose of facilitating the
9 exchange of documents and information between the parties to this action without
10 involving the Court unnecessarily in the process. Nothing in this Order nor the
11 production of any information or document under the terms of this Order nor any
12 proceedings pursuant to this Order shall be deemed to have the effect of an
13 admission or a waiver by any party or of altering the confidentiality or
14 nonconfidentiality of any such document or information or altering any existing
15 obligation of any party or the absence of obligation.

16 9. This Order shall survive the final termination of this action, to the
17 extent that Dr. Uppal's Medical Records are not or do not become known to the
18 public, and the Court shall retain jurisdiction to resolve any dispute concerning the
19 use of information disclosed under this Order.

20 10. Upon termination of this case, Plaintiff's counsel and co-Defense
21 counsel shall return Dr. Uppal's Medical Records designated as confidential and all
22 copies of same, other than papers on file with the Court, or shall certify the
23 destruction thereof.

24 11. Notwithstanding the foregoing, counsel shall be permitted to retain a
25 copy of each document filed with the Court or served in this proceeding, including
26 correspondence with opposing counsel, which copies shall remain subject to the
27 terms of this Order.

28 SO STIPULATED:

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Dated: January 6, 2014

U.C. Davis Civil Rights Clinic

By: /s/ Carter C. White
Carter C. White
Supervising Attorney

Attorney for Plaintiff
CHARLES C. JAMES

Dated: January 6, 2014

Burke, Williams & Sorensen, LLP

By: /s/ Mitchell A. Wrosch
Susan E. Coleman
Kristina D. Gruenberg
Mitchell A. Wrosch

Attorneys for Defendant
C. CAPITANO AND R.K. UPPAL

Dated: January 6, 2014

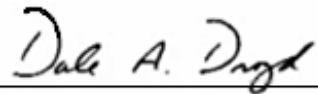
Williams & Associates

By: /s/ Kathleen J. Williams
Kathleen J. Williams

Attorneys for Defendants
AGUILERA, ANDREASEN, BICK,
DHILLON, MEHTA, PAI,
WILLIAMS, M.D. AND WILLIAMS,
N.P.

IT IS SO ORDERED.

Dated: January 7, 2014



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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