

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

PEGGY ABNER, LINDA KENDALL, and)	
UNITED STATES OF AMERICA,)	
)	
Plaintiffs,)	
)	
v.)	4:05-cv-106-DFH-WGH
)	
JEWISH HOSPITAL HEALTH CARE)	
SERVICES, INC., and)	
SCOTT MEMORIAL HOSPITAL,)	
)	
Defendants.)	

**ORDER ON MOTION TO DISCARD DEFENDANT'S
PATIENT NUMBER LIST AND AMEND SAMPLE PROTOCOL
AND MOTION FOR PROTECTIVE ORDER**

This matter is before the court on the Motion to Discard Defendant's Patient Number List and Amend Sample Protocol filed by the plaintiff relators on January 22, 2009. (Docket No. 157). Defendant Scott Memorial Hospital filed its Response on January 29 2009, and a Motion for Protective Order on January 30, 2009. (Docket Nos. 160, 163). On February 6, 2009, the plaintiff relators filed a Motion Requesting Clarification on Sample Protocol (Docket No. 166), which this court construes as a reply brief with respect to its motion filed at Docket No. 157. On February 9, 2009, the plaintiff relators filed a Motion to Dispense with Necessity for Ruling on or Response to Relators' Motion for of [sic] Clarification (Docket No. 171) which suggests that the court need not rule on

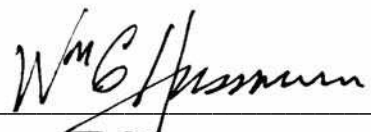
Docket No. 166. The court has granted the motion to dispense with ruling on Docket No. 166 by separate order. (Docket No. 174).

The court, being duly advised, now issues the following **ORDERS**:

With respect to the plaintiff relators' Motion to Discard Defendant's Patient Number List and Amend Sample Protocol (Docket No. 157), that motion is **GRANTED, in part, and DENIED, in part.** New Exhibit 3(A) shall be the basis for the parties' sampling under the protocol described in the court's January 27, 2009 order. (Docket No. 159). To the extent that the motion seeks to add new or additional requirements to the protocol, that motion is denied. To that end, Scott Memorial Hospital's Motion for Protective Order (Docket No. 163) is **GRANTED.** Information disclosed by the hospital must relate to "Government paid" laboratory tests during the appropriate period. No further amendments to the established protocol are approved at this time. No further patient identifiers – other than those previously ordered in the January 27, 2009 order on protocol – shall be disclosed by the defendants in this case.

SO ORDERED.

Dated: March 11, 2009



WILLIAM G. HUSSMANN, JR.
Magistrate Judge

Electronic copies to:

Rebecca Kay Bethard
KIGHTLINGER & GRAY, LLP
rbethard@k-glax.com

Valerie K. Brooker
KIGHTLINGER & GRAY, LLP
vbrooker@k-glaw.com

John L. Caudill
CAUDILL LAW OFFICE
john@johncaudilllaw.com

Erin Reilly Lewis
UNITED STATES ATTORNEY'S OFFICE
shaq.shockley@usdoj.gov

Richard T. Mullineaux
KIGHTLINGER & GRAY, LLP
rmullineaux@k-glaw.com

Janet S. Nolan
FULBRIGHT & JAWORSKI L.L.P.
jnolan@fulbright.com

Frederick Robinson
FULBRIGHT & JAWORSKI L.L.P.
frobinson@fulbright.com

Shelese M. Woods
UNITED STATES ATTORNEY'S OFFICE
shelese.woods@usdoj.gov