

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Eugene McCain,

Plaintiff,

v

Case No. 2:16-cv-10112

Hon. Robert H. Cleland

St. Clair County, Lt. Peter Biondo, Captain Bliss, Dep. D. Fleming, Dep. Kacafirek, Dep. Kaminsky, Sgt. Labeau, Dep. Lembas, Dep. Methany, Sgt. Olejnik, Dep. B. Rogers, Dep. Schmidt, Dep. S. Walker, Sgt. Witkowski, Dep. M. Zuehlke, Amanda Bishop, LPN, Kim King, RN, Brandi Schieman, LPN, Reid Stromberg, MD and Officer Chad Smith, Jointly and Severally,

Defendants.

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**STIPULATION FOR PROTECTIVE ORDER REGARDING  
EX PARTE MEETINGS/DISCUSSIONS WITH  
PLAINTIFF, EUGENE MCCAIN'S TREATING PHYSICIANS,  
MEDICAL PROVIDERS AND PHARMACISTS**

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It is stipulated that Defense counsel shall be permitted to hold ex parte meetings/discussions with Plaintiff, Eugene McCain's treating physicians, medical providers and pharmacists.

It is further stipulated that Defense counsel shall be required to give notice to Plaintiff, Eugene McCain's treating physicians/medical providers/pharmacists, both as to the purpose of any such ex parte meetings/discussions and to the fact that the ex parte meetings/discussions are not required.

It is further stipulated that Defense counsel shall advise Plaintiff, Eugene McCain's treating physicians/medical providers/pharmacists that they may have their own counsel present during the meetings/discussions.

It is further stipulated that Defense counsel shall advise Plaintiff, Eugene McCain's treating physicians/medical providers/pharmacists of the purpose of the meetings/discussions, as well as providing the treating physicians/medical providers/pharmacists with the case caption information.

It is further stipulated that Defense counsel need not provide notice to Plaintiff's counsel nor obtain Plaintiff's counsel's consent before Defense counsel holds meetings/discussions with Plaintiff, Eugene McCain's treating physicians/medical providers/pharmacists.

It is further stipulated that Plaintiff's counsel is not entitled to participate in Defense counsel's ex parte meetings/discussions. However, this Order shall not be

construed as limiting Plaintiff's counsel's ability to conduct ex parte meetings/discussions with Plaintiff, Eugene McCain's treating physicians/medical providers/pharmacists.

It is further stipulated that Defense counsel shall advise Plaintiff's counsel and all Co-Defense counsel, in writing, within 7 days after any such ex parte meetings/discussions take place.

It is further stipulated that Plaintiff's counsel shall advise all Defense counsel, in writing, within 7 days after Plaintiff's counsel holds any such ex parte meetings/discussions.

Fieger, Fieger, Kenney & Harrington, PC

Giarmarco, Mullins & Horton, P.C.

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Attorney for Reid Stromberg, MD

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**PROTECTIVE ORDER REGARDING  
EX PARTE MEETINGS/DISCUSSIONS WITH  
PLAINTIFF, EUGENE MCCAIN'S TREATING PHYSICIANS,  
MEDICAL PROVIDERS AND PHARMACISTS**

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Pursuant to the above Stipulation,

It is ordered that Defense counsel shall be permitted to hold ex parte meetings/discussions with Plaintiff, Eugene McCain's treating physicians/medical providers/pharmacists.

It is further ordered that Defense counsel shall be required to give notice to Plaintiff, Eugene McCain's treating physicians/medical providers/pharmacists, both as to the purpose of any such ex parte meetings/discussions and to the fact that the ex parte meetings/discussions are not required.

It is further ordered that Defense counsel shall advise Plaintiff, Eugene McCain's treating physicians/medical providers/pharmacists that they may have their own counsel present during the meetings/discussions.

It is further ordered that Defense counsel shall advise Plaintiff, Eugene McCain's treating physicians/medical providers/pharmacists of the purpose of the meetings/discussions, as well as providing the treating physicians/medical providers/pharmacists with the case caption information.

It is further ordered that Defense counsel need not provide notice to Plaintiff's counsel nor obtain Plaintiff's counsel's consent before Defense counsel holds meetings/discussions Plaintiff, Eugene McCain's treating physicians/medical records/pharmacists.

It is further ordered that Plaintiff's counsel is not entitled to participate in Defense counsel's ex parte meetings/discussions. However, this Order shall not be construed as limiting Plaintiff's counsel's ability to conduct ex parte meetings/discussions with Plaintiff, Eugene McCain's treating physicians/medical providers/pharmacists.

It is further ordered that Defense counsel shall advise Plaintiff's counsel and all Co-Defense counsel, in writing, within 7 days after any such ex parte meetings/discussions take place.

It is further ordered that Plaintiff's counsel shall advise all Defense counsel, in writing, within 7 days after Plaintiff's counsel holds any such ex parte meetings/discussions.

s/Robert H. Cleland  
United States District Court Judge

Dated: July 27, 2016