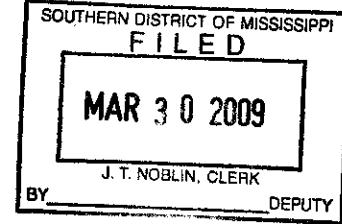


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



RICHARD ROY MINOR

PLAINTIFF

VS.

CIVIL ACTION NO: 5:07-CV-134

**PHILIP MORRIS USA INC.; R.J. REYNOLDS
TOBACCO COMPANY; LORILLARD TOBACCO
CO.; & JOHN DOES TOBACCO ENTITIES**

DEFENDANTS

**ORDER AUTHORIZING DISCLOSURE
OF PROTECTED HEALTH INFORMATION**

The Court orders as follows:

1. This Order shall govern the handling, disclosure and use of all protected health information ("PHI"), as defined by the Privacy Regulation of the Health Insurance Portability and Accountability Act of 1996, 45 C. F. R. § 164.501 ("HIPAA"), relating to the Plaintiff in this action, Richard Roy Minor, whose date of birth is .
2. **In response to a written request by counsel for any party to this action, any covered entity, as defined by HIPAA, shall disclose to the requesting counsel all requested PHI in its possession relating to the Plaintiff in this action. The written request shall be sufficient if it is signed by the requesting counsel, encloses a copy of this Order and identifies the party represented by the requesting counsel, the Plaintiff for which PHI is requested and the requested PHI.**
3. The PHI disclosed pursuant to this Order shall be used solely for purposes of the prosecution and/or defense of this action and shall not be used and/or disclosed to any individuals other than the following:

- (a) The Court and Court personnel;
- (b) Counsel for each party and employees or agents of counsel who assist in the conduct of this litigation, including employees of any company retained to reproduce PHI for use in this action;
- (c) Experts or consultants retained by counsel for the purpose of providing expert opinions and/or testimony in this litigation;
- (d) The parties and their officers, directors or employees that counsel deems necessary to participate in the conduct of this litigation;
- (e) Deponents, and their counsel, during the course of depositions taken in this action; and
- (f) Court reporters and persons preparing transcripts of depositions.

4. Within 30 days of the entry of a final judgment or order and the exhaustion of all rights to appeal, any originals of PHI disclosed pursuant to this Order shall be returned to the covered entity disclosing the information. If the PHI disclosed pursuant to this Order consists of reproductions of the originals, the reproductions shall be destroyed within the same time period.

5. All persons to whom PHI is disclosed, whether or not they have signed this Order, shall be subject to this Order and to the jurisdiction of this Court for purposes of enforcing this Order.

6. This Order shall continue to be binding after the conclusion of this litigation, and this Court reserves jurisdiction over all individuals to whom PHI is disclosed for the purpose of enforcing this Order.

7. This Order may be amended *sua sponte* by the Court or upon motion of a party with good cause shown.

8. This Order complies with the requirements of HIPAA and authorizes the covered entity to release PHI pursuant to 45 C.F.R. 165.512 (e)(1)(i). A covered entity is entitled to rely on the face of this Order for authorization to disclose the requested PHI. This Order has been issued following the Court's review of the need for the disclosure of PHI and provides sufficient protections to ensure that unnecessary and unwarranted disclosures of PHI will not occur.

SO RECOMMENDED, this the 25 day of March, 2009.


Dan O'Bryanette
U.S. DISTRICT COURT JUDGE

AGREED TO AS TO FORM:


COUNSEL FOR PHILIP MORRIS USA INC.
AND ON BEHALF OF ALL DEFENDANTS
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