

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

LANCE R. GORDON and RONI A. GORDON,)	CV-15-24-GF-BMM
)	
)	
Plaintiffs,)	STIPULATED PROTECTIVE
)	ORDER
vs.)	
)	
NEW WEST HEALTH SERVICES,)	
)	
Defendant.)	
)	
)	

In light of the protections that the Health Insurance Portability and Accountability Act of 1996, as amended (Pub. L. 104-191, 110 Stat. 1936) (“HIPAA”) affords to information that the parties in this case must disclose in order to provide notice to individuals that have been identified as putative class members in this class action litigation, the parties find it appropriate to enter into this protective order that ensures the privacy and confidentiality of such information, consistent with 45 C.F.R. § 164.512(e) and subject to the terms set forth below.

This Order shall constitute a “qualified protective order” pursuant to 45 C.F.R. § 164.512. The term “PHI” shall mean “Protected Health Information,” as defined by 45 C.F.R. § 160.103. Through this Order, the parties agree that with respect to PHI, the parties are to use, maintain, and disclose such PHI in strict

compliance with HIPAA. This Order shall authorize New West to disclose PHI to Plaintiffs and their counsel to the extent that such disclosure is necessary to provide notice to the putative class members of their rights under the terms of the class settlement agreement reached by the parties and preliminarily approved by the Court. This Order is intended to authorize such disclosure under the privacy regulations issued pursuant to HIPAA, including HIPAA privacy security, breach notification, and enforcement rules of 45 CFR Part 160 and Part 164.

The parties to this Order are expressly prohibited from using or disclosing the PHI for any purpose other than in this litigation. Further, any party who comes into possession of PHI pursuant to this Protective Order is ordered to return or destroy such PHI (including all copies made) immediately upon conclusion of this action pursuant to 45 C.F.R. § 164.512. Any documents filed with the Court that contain PHI shall be filed under seal, in compliance with Local Rule 5.1, and with PHI redacted into de-identified form on the computerized docket.

DATED this 4th day of June, 2018.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style and is positioned above a horizontal line.

Brian Morris
United States District Court Judge