

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
IRIS JIMENEZ,Docket: 1:21-cv-9664
(LGS)(SLC)

Plaintiff,

CONFIDENTIALITY
STIPULATION AND
QUALIFIED
PROTECTIVE ORDER

-against-

BOGOTO REALTY INC., THE UPS STORE, INC.
AND FARVIEW INC.,

Defendants.

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Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and 45 C.F.R. § 164.512(e)(1), the Court finds good cause for the issuance of a confidentiality and qualified protective order and ORDERS as follows:

1. The parties and their attorneys are hereby authorized to receive and transmit “Protected Health Information” pertaining to Plaintiff to the extent and subject to the conditions outlined herein.

2. “Protected Health Information means medical or mental health information, including information provided pursuant to a HIPAA release or the derivates thereof, such as excerpts, summaries, or compilations of this information or testimony, and documentation of questioning, statements, or conversations that might reveal the information contained within the underlying medical or mental health information.

3. The parties agree to maintain all information and documents concerning plaintiff's Protected Health Information as Confidential.

4. Access to and dissemination of Protected Health Information pertaining to Plaintiff is limited to the parties, parties' attorneys, or to any medical expert of the parties. Before disclosing Plaintiff's Protected Health Information to any medical expert involved in this litigation, counsel shall inform each such person that Plaintiff's Protected Health Information may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure

that persons receiving Plaintiff's Protected Health Information do not use or disclose such information for any purpose other than this litigation.

5. The parties are prohibited from using or disclosing Protected Health Information pertaining to Plaintiff for any purpose other than this litigation or for a purpose other than that for which it was requested for in this litigation to the fullest extent required by 45 C.F.R. § 164.512(e)(v)(A).

6. Any information, including the Protected Health Information pertaining to Plaintiff, must be returned to the covered entity (as defined by 45 C.F.R. § 160.13) or must be destructed (including all copies made) within forty-five (45) days after the conclusion of the litigation including appeals to the fullest extent required by 45 C.F.R. § 164.512(e)(v)(B).

7. Any filing with the Court that contains Plaintiff's Protected Health Information shall be filed under seal in the manner provided by Judge Schofield's Individual Rules and Practices for Civil Cases as well as the Court's Electronic Case Filing Rules and Instructions.

8. Nothing in this Order authorizes counsel for Defendants to obtain medical records or information through means other than a duly signed and executed HIPAA release.

9. This Confidentiality Stipulation and Qualified Protective Order shall be, and is hereby, adopted by the undersigned attorneys, with or without Court signature, as an Order of this Court, as though it were submitted to the Court for signature, which shall be effective as of the date hereof.

The parties are advised that the Court retains discretion as to whether to afford confidential treatment to redacted information in Orders and Opinions. The parties are further directed to follow the Court's Individual Rule I.D.3 regarding motions for approval of sealed or redacted filings. So Ordered.

Dated: May 9, 2022
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dated: May 5, 2022

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