

United States District Court  
Southern District of Texas

**ENTERED**

January 11, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

CAROL CARTER ON BEHALF OF THE §  
ESTATE OF JOHN DAVID CARTER, §  
Plaintiff, §

vs. §

CIVIL ACTION NO. 3:16-cv-0063

ATHENE ANNUITY AND LIFE §  
COMPANY, §  
Defendant. §

**AGREED QUALIFIED PROTECTIVE ORDER FOR DISCLOSURE OF  
PROTECTED HEALTH INFORMATION COVERED BY THE HEALTH INSURANCE  
PORTABILITY AND ACCOUNTABILITY ACT ("HIPAA")**

It is ORDERED that the following medical providers shall, within fourteen (14) days of this Order, produce to ATHENE ANNUITY AND LIFE COMPANY, as directed by attorney Alicia M. Matsushima, true and correct copies of all records related to the medical evaluation and/or treatment of JOHN DAVID CARTER (Social Security No. xxx-xx-2050, DOB ) as specified in the attached **Exhibit A**:

- a. Dr. Pamela Daphnis, Bay Area Total Health, 333 N. Texas Ave., Ste. 4100, Webster, Texas 77598
- b. University of Texas M.D. Anderson Cancer Center, 7007 Burtner Ave., Unit 1632, Houston, Texas 77030 and 1515 Holcombe Blvd., Houston, Texas 77030.

It is further ORDERED under 45 C.F.R. § 164.512(e)(1)(v) of the Health Insurance Portability and Accountability Act ("HIPAA") that:

- a. The parties are prohibited from using or disclosing the protected health information for any purpose other than the litigation of this lawsuit; and
- b. The parties are required to return the protected health information to the providers listed above or to destroy the protected health information (including copies made) at the end of the litigation of this lawsuit.

This Protective Order is a Qualified Protective Order pursuant to 45 C.F.R. § 164.512(e)(1)(v).

SIGNED on this 11<sup>th</sup> day of January, 2017.

UNITED STATES DISTRICT JUDGE

**EXHIBIT A**

The entire medical record of JOHN DAVID CARTER (Social Security No. xxx-xx-2050 and DOB ) (excluding HIV and chemical dependency), including physician orders, physician progress notes, physician dictated reports, clinical tests, medication sheets, admission form and registration summary, operative documentation, and EKG, imaging, lab, and radiology records.