

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

A.E. and E.W.,

Plaintiffs,

vs.

Civil Action No. 3:17-cv-01885

JOSHUA NIELD, CITY OF HUNTINGTON,
WEST VIRGINIA, and, JOHN DOES 1-7,
INDIVIDUALS,

Defendants.

AMENDED ORDER

Pending before the Court is the **Plaintiffs' Motion to Compel the West Virginia Division of Justice and Community Services to Respond to Plaintiffs' Subpoena Duces Tecum** and as an Interested Party, the **West Virginia Division of Justice and Community Services' Response** thereto. (ECF Nos. 160 and 163) Pursuant to this Court's **Order** of January 4, 2019 (ECF No. 169), the undersigned received a jump-drive from Counsel for the West Virginia Division of Justice and Community Services/West Virginia Law Enforcement Professional Standards Subcommittee. Furthermore, the Court has reviewed the **Privilege Log** filed on January 9, 2019 (ECF No. 179) in compliance with this Court's January 4, 2019 Order.

Upon review of the documents and the proposed redactions, this Court **FINDS** and **ORDERS** that all the documents produced by the West Virginia Division of Justice and Community Services/West Virginia Law Enforcement Professional Standards Subcommittee for *in camera* review (Bates Stamped Nos. 00001 through 001469, excluding Bates Stamped Nos. 000244-000280 regarding D. Carter) shall be promptly disclosed to the parties in this action. Furthermore, it is hereby **ORDERED** that the redactions, as proposed in the **Privilege Log**, shall

be completed by counsel for the West Virginia Division of Justice and Community Services/West Virginia Law Enforcement Professional Standards Subcommittee prior to submitting the same to the parties.

This Order permits the disclosure of protected information as described in the **Health Insurance Portability and Accountability Act of 1996**, Pub. L. No. 104-191, 110 Stat. 1936 (1996) ("HIPAA"), **W.Va. Code § 5A-8-22**, the **Driver's Privacy Protection Act of 1994**, **Title XXX of the Violent Crime Control and Law Enforcement Act**, the **Gramm-Leach-Bliley Act (GLBA) aka the Financial Services Modernization Act of 1999** (Pub. L. 106-102, 13 Stat. 1338, and the **Children's Online Privacy Protection Act of 1998** (COPPA) 15 U.S.C. §§ 6501-6506 (Pub. L. 105-227, 112 Stat. 2681-728. This order is intended to authorize such disclosures under the privacy regulations issued pursuant to HIPAA. 45 C.F.R. § 164.512(e)(1)(i). The parties are **EXPRESSLY PROHIBITED** from using or disclosing the protected information obtained pursuant to this order for any purpose other than this action. Further, the parties are **ORDERED** to either return to the covered entity from whom or which such protected information was obtained, or to destroy the protected information (including all copies made), immediately upon conclusion of this action.

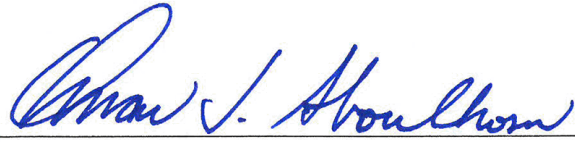
In sum, the Court **GRANTS** Plaintiffs' **Motion to Compel** (ECF No. 160) and further **GRANTS** the redactions proposed by the West Virginia Division of Justice and Community Services/West Virginia Law Enforcement Professional Standards Subcommittee as referenced in the **Privilege Log** (ECF No. 179).

Subsequent to the earlier filing of this Order, Counsel for the West Virginia Division of Justice and Community Services/West Virginia Law Enforcement Professional Standards Subcommittee provided the Court, via email, with a link to a "sharefile" that contained additional photographs, audio files and video files. It is hereby **ORDERED** that the link shall also be provided by Counsel for the West Virginia Division of Justice and Community Services/West

Virginia Law Enforcement Professional Standards Subcommittee to the counsel for the parties in this matter.

The Clerk is **DIRECTED** to forward a copy of this Order to all Counsel.

ENTERED this 10th day of January, 2019.



Omar J. Aboulhosn
United States Magistrate Judge