

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

BRIANNA BOE,)	
<i>et al.</i> ,)	
)	
<i>Plaintiffs</i> ,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	No. 2:22-cv-00184-LCB-CWB
)	Hon. Liles C. Burke
<i>Plaintiff-Intervenor</i> ,)	
)	
v.)	
)	
STEVE MARSHALL, in his official)	
capacity as Attorney General of the)	
State of Alabama, <i>et al.</i> ,)	
)	
<i>Defendants</i> .)	

JOINT MOTION TO AMEND PROTECTIVE AND HIPAA ORDERS

Come now all parties and jointly move this Court to enter an order amending its STIPULATED PROTECTIVE ORDER (doc. 137) and STIPULATED HIPPA QUALIFIED PROTECTIVE ORDER (doc. 138) as set out below. In support of this motion, the parties state as follows:

1. One or more of the parties may wish to seek documents or testimony from a healthcare provider who is not a party to this action and who has treated a pseudonymous Plaintiff.

2. Currently, this Court's protective and HIPAA orders do not permit a party to, for example, present a Plaintiff's medical records to the Plaintiff's non-party healthcare provider in the course of a deposition and inquire about the treatment provided.

3. The parties seek an amendment to the Court's Protective and HIPAA orders (docs. 137 and 138) clarifying that those orders do not prohibit the parties from issuing a subpoena to such a healthcare provider seeking a plaintiff's medical records, questioning such a healthcare provider concerning his or her treatment of a plaintiff, or presenting a plaintiff's medical records to such plaintiff's healthcare provider to facilitate questioning.

4. Any documents or testimony allowed by the amendment sought herein would remain protected by the Court's protective and HIPAA orders.

5. A proposed order is attached.

Respectfully submitted,

Dated: July 18, 2023

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CERTIFICATE OF SERVICE

I certify that I electronically filed this document using the Court's CM/ECF system on July 18, 2023, which will serve all counsel of record.

s/ A. Barrett Bowdre
Counsel for Defendants

**UNITED STATES DISTRICT COURT
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**[JOINT PROPOSED] ORDER AMENDING PROTECTIVE AND HIPAA
ORDERS**

For good cause shown, the Court **AMENDS** the Stipulated Protective Order (doc. 137) and Stipulated HIPAA Qualified Protective Order (doc. 138) as follows:

This Court previously entered the parties’ Stipulated Protective Order and Stipulated HIPAA Qualified Protective Order that, among other things, protected the confidentiality of the Plaintiffs’ medical records and the pseudonymous Plaintiffs’ identities.

On the joint motion of the parties, and for good cause shown, the Court's Stipulated Protective Order (doc. 137) and Stipulated HIPAA Qualified Protective Order (doc. 138) are amended to provide that such orders do not prohibit the parties from issuing a subpoena to a non-party health care provider seeking a plaintiff's medical records, deposing such a health care provider concerning his or her treatment of a plaintiff, or presenting a plaintiff's medical records to such plaintiff's health care provider to facilitate questioning.

Any documents or testimony allowed by this amendment shall remain protected by the Court's protective and HIPAA orders and shall be treated as "Confidential – Attorneys' Eyes Only" under such orders.

DONE and ORDERED.

Dated: _____

LILES C. BURKE
UNITED STATES DISTRICT JUDGE