UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

SAPRINA R. ALMOSRATI and LINDSEY MOATE,	)	
Plaintiffs,	)	
v.	)	Case No. 11-CV-1301-JWL-JPO
SCOTCH INVESTMENT CORP.,	)	
Defendant.	)	

ORDER AUTHORIZING INSPECTION AND REPRODUCTION OF EMPLOYMENT AND MEDICAL RECORDS AND PROTECTED HEALTH INFORMATION PURSUANT TO STATE AND FEDERAL LAW (HIPAA) AND NOTIFICATION OF WAIVER OF PHYSICIAN-PATIENT PRIVILEGE

TO: **All Employers (Past, Present, and Prospective); All Hospitals, Clinics, Pharmacies, Physicians, Social Workers, Psychiatrists, Psychologists, Therapists, Governmental Agencies (State and Federal); and All Other Medical Institutions, Practitioners, Health Care Providers**

You are hereby authorized (but not ordered) to make available for examination and reproduction by the parties and their counsel denominated in this lawsuit **any and all** employment records of any type or nature whatsoever and/or any protected health information or medical records (as described below in this Order) **from January 5, 2007, to present** within your care, custody, or in any manner concerning Lindsey Moate, DOB xx-xx-1980, Social Security No. xxx-xx-1450.

With respect to employment records, such records include, but are not limited to, all materials contained in the employee's hiring file; personnel file cover to cover; wage, payment, salary and tax information; performance evaluations; job applications, workers compensation records and any other records pertaining to injuries incurred by the employee; any and all work releases or restrictions; and any protected health information in the employer's records.

Medical documents and protected health information subject to this order include but are not limited to the entire medical chart cover to cover (including but not limited to any and all medical records from other health care providers and any and all correspondence); radiological films; monitoring strips of any kind; billing and payment records; prescriptions; test results; any and all records related to the diagnosis and treatment of mental, alcoholic, drug dependency, or emotional condition; psychotherapy notes that are part of the medical record.

The following records are specifically excluded from this Order: any and all records related to HIV testing, HIV status, AIDS or sexually transmitted diseases.

Unless specifically excluded by this Order, all medical records and protected health information in your possession regarding the person noted above may be produced.

You are further notified that, pursuant to federal and state law and the rules of the United States District Court, counsel for the defendants are hereby authorized to talk with plaintiff's treating physicians or other health care providers, without counsel or the parties, including the plaintiff, being present or participating, provided the health care provider consents to the interview. This is based on the Court's finding that by filing this lawsuit, plaintiff placed at issue plaintiff's medical condition and history and therefore has waived any privilege existing between the patient and health care provider.

Said inspection and reproduction may be requested by any attorney of record herein as set forth below, and all clerical fees and expenses shall be paid by the attorney requesting such examination, reproduction or interview.

This Order complies with HIPAA federal standards for privacy of individually identifiable health information, 45 C.F.R. Parts 160 and 164. This Order further allows the

disclosure of information regarding diagnosis and treatment of mental, alcoholic, drug dependency, and emotional condition pursuant to 42 C.F.R. part 2.

This Order shall be effective throughout the pendency of this action.

Dated this 6th day of January, 2012.

/s/ James P. O'Hara
James P. O'Hara
United States Magistrate Judge

Submitted by:

By /s/Randall K. Rathbun

Randall K. Rathbun #09765
Depew Gillen Rathbun & McInteer, LC
8301 E. 21st Street, Suite 450
Wichita, Kansas 67206-2936
Telephone: 316-262-4000
Facsimile: 316-265-3819
Email: randy@depewgillen.com

Attorney for Plaintiffs

By: /s/Sean M. Sturdivan

Sean M. Sturdivan KS#21286
Sanders, Warren & Russell LLP
9401 Indian Creek Parkway, Suite 1250
Overland Park, Kansas 66210
Telephone: 913-234-6100
Facsimile: 913-234-6199
Email: s.sturdivan@swrllp.com

Attorneys for Defendant