

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

QUENTIN KELLY,	)	
	)	
Plaintiff,	)	Case No. 15-CV-1303-EFM
	)	
vs.	)	
	)	
CREEKSTONE FARMS PREMIUM	)	
BEEF LLC,	)	
	)	
Defendant.	)	
	)	

**AGREED ORDER FOR INSPECTION AND REPRODUCTION OF  
MEDICAL RECORDS AND PROTECTED HEALTH INFORMATION  
PURSUANT TO STATE AND FEDERAL LAW (HIPAA)**

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

COMES NOW before the Court on the application of the parties for an order permitting all health care providers who have provided care, treatment and/or services to plaintiff Quentin Kelly to produce any and all health care information within their custody and/or control pertaining to said person. Plaintiff Quentin Kelly, appears by and through his attorneys, John W. Johnson and Christopher T. Borniger, 300 N. Mead, Suite 200, Wichita, Kansas; and defendant, Creekstone Farms Premium Beef, LLC, appears by and through its attorney, Patrick J. Murphy of Woodard, Hernandez, Roth & Day, LLC, 245 N. Waco, Suite 260, Wichita, Kansas.

WHEREUPON, the court, after reviewing the files and records, hearing statements of counsel and being fully and duly advised in the premises finds:

You are hereby authorized, but not required, pursuant to the laws of Kansas and applicable federal law, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA), to make available for examination and reproduction by the parties and counsel

denominated in this lawsuit any and all medical records of any type or nature whatsoever and/or any protected health information within your care, custody, or control concerning Quentin Kelly, whose identifying information will be provided in the cover letter which accompanies this order.

Medical documents and protected health information subject to this order include but are not limited to:

- **Every page of the entire medical chart cover to cover** (including but not limited to all records pertaining to the examination, diagnosis, care and treatment of the patient, patient intake and registration forms; patient insurance and identification information; office narratives; progress notes; prescription orders; lab results; nurse and physician assistant notes; consultation reports; order sheets; handwritten notes; and, radiological and laboratory reports, itemized billing statements listing all charges, diagnostic films, photographs and videotapes.
- This order also includes all "**Secondary Records**" regardless of whether generated by you. Secondary Records include patient questionnaires; phone message slips; correspondence with patient and other physicians; and all documents contained in the patient's office chart from other health care providers, insurance representatives, attorneys or governmental agencies, including but not limited to: medical records as defined above and all correspondence and hospitalization records.
- Any and all records related to the diagnosis and treatment of mental illness, emotional condition, chemical dependency or substance abuse, including any psychotherapy notes that are part of the medical record; the plaintiff/patient has made a full and knowing waiver of the statutory privilege provided these records under K.S.A. 65-5602.
- This order further allows the disclosure of all information regarding diagnosis and treatment of mental and emotional condition pursuant to Kansas Statutes 65-5601 to 65-5603 (*treatment facility privilege*) and 74-5323 and 75-5372 (*psychologist-patient privilege*).

The above-requested information is necessary to this proceeding because the plaintiff relies on the information of his condition as an element of a claim or defense. Unless specifically excluded by this Order, **ALL** medical records and protected health information in your possession regarding the person noted above may be produced or made available for inspection. Said inspection and reproduction may be requested by any attorney of record herein as set forth below, and clerical fees and expenses as permitted under K.S.A. 65-4971 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 and Kansas Statute, K.S.A. 60-427, Physician-Patient Privilege.

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

Dated May 3, 2016, at Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge

APPROVED:

John W. Johnson, #07684  
Christopher T. Borniger, #24692  
Morris, Laing, Evans, Brock  
& Kennedy, Chartered  
300 N. Mead, Suite 200  
Wichita, KS 67202  
Phone: (316) 262-2671  
Fax: (316) 262-5991  
[Jjohnson@morrislaing.com](mailto:Jjohnson@morrislaing.com)  
[cborniger@morrislaing.com](mailto:cborniger@morrislaing.com)

By /s/ John W. Johnson  
John W. Johnson, #07684  
Christopher T. Borniger, #24692  
*Attorney for Plaintiff, Quentin Kelly*

WOODARD, HERNANDEZ, ROTH & DAY, LLC  
245 North Waco, Suite 260  
Wichita, Kansas 67202  
Office: (316) 263-4958  
Fax: (316) 263-0125

[pmurphy@woodard-law.com](mailto:pmurphy@woodard-law.com)

By /s/ Patrick J. Murphy  
Patrick J. Murphy, #16045  
*Attorney for Defendant*