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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MAR 17 2003

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

LINDA LAUBE, et al.,  
Plaintiffs  
v.  
MICHAEL HALEY, et al.,  
Defendants.

Civil Action No. 02-T-957-N

CONSENT PROTECTIVE ORDER

The Court and the Plaintiffs, Correctional Defendants (including Governor Riley, Commissioner Campbell, Warden Deese and Warden Carter), NaphCare, Inc. Defendants (including NaphCare and Dr. Francis Henderson), and MHM Correctional Services, parties to the above-captioned litigation, recognize that the disclosure of certain medical documents, contracts, and information relevant to this lawsuit affects substantial privacy interests and other interests under the Constitutions and laws of the United States and the State of Alabama. The Court and the above-named parties recognize the legitimate interests of all parties and non-parties to limit access to documents and information that will be exchanged during discovery and to prevent unnecessary disclosure of such data. The Court directs the parties to produce records relating to the named Plaintiffs, all inmates for which signed releases have been obtained, and any other inmate covered by a subsequent Court Order as the Court finds that the release of such information is necessary and proper.

Therefore, the Plaintiffs, Correctional Defendants, NaphCare Inc. Defendants, and MHM Correctional Services consent to a protective order requiring them to abide by the following terms

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and conditions to protect the documents and other forms of information that are produced and discovered in the above-captioned case, even if such were produced prior to the entry of this order:

1. All documents which disclose the name of an individual receiving medical or mental health treatment, diagnosis, or counseling, shall, without the necessity of further designation, be treated as confidential during the pendency of this action. Confidential documents shall be used by the parties solely for the purpose of this litigation and not for any other purpose; however, nothing in this Order shall limit such use as may be permitted by a release executed by an inmate.

2. All documents concerning any contract for the provision of healthcare services and any pricing information associated with the provision of healthcare services shall be, without the necessity of future designation, treated as confidential in perpetuity. Confidential documents shall be used by the parties solely for the purpose of this litigation and not for any other purpose.

3. Additional documents may be designated as confidential during the course of production in this matter. Such designation will be made either by stamping the documents as confidential or by including a cover letter with the documents that indicates which specific documents are to be treated as confidential. To the extent that either party disputes a confidential designation, that party must notify the designating party of the dispute within ten (10) days. If the parties are unable to resolve the designation dispute, then the matter will be taken to the Court for resolution.

4. No party shall disclose confidential documents or information derived from such documents to any person except as provided in this order. Confidential documents and information derived from those documents may be inspected and disclosed only to the following persons and only for the purpose of conducting this litigation:

- (a) counsel representing any party in this litigation;
- (b) any person retained by counsel to assist in the preparation and trial of this litigation including experts and paralegal; and
- (c) the Court and court monitor

5. Each person to whom confidential information is disclosed shall be shown a copy of this order and shall execute an acknowledgment in writing that he or she has received a copy of this order, is familiar with the provisions, and agrees to be bound by the terms of the order.

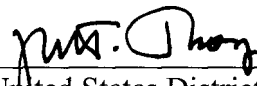
6. Any time individual inmates or former inmates are referenced in any public document, they shall be referred to by their initials only. In the event that a party wishes to file with the clerk any confidential documents containing the full name of the individual inmate or former inmate, the party seeking submission of such documents shall apply for a protective order from the Court requesting that the documents be placed under seal.

7. In the event disclosure is desired during the trial or other proceedings in open court, the party seeking disclosure shall, before disclosure, make reference to the confidential nature of the matter to be disclosed, whereupon the parties may request that the Court afford confidential treatment with respect to such matter.


8. At the conclusion of this litigation, all documents which have been designated as confidential either by operation of this order or by marking, as detailed above, shall be returned to the party which produced the documents or the party to whom the documents were given shall certify that the destruction of said documents has been completed.

9. Documents that are public record will not be encompassed by the operation of this Order.

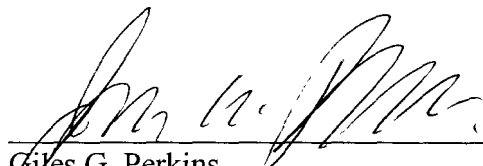
SO ORDERED this 17<sup>th</sup> day of March, 2003.

  
United States District Court  
Middle District of Alabama

Submitted, attested to, and certified by

  
Lisa Kung, Esq.  
Tamara Sewer, Esq.  
Stephen Bright, Esq.  
Southern Center for Human Rights  
83 Poplar Street, NW  
Atlanta, Georgia 30303-2122

Attorneys for Plaintiffs

  
Giles G. Perkins  
James A. Patton, Jr.  
James E. Murrill, Jr.  
Miller, Hamilton, Snider & Odom, LLC  
2501 20<sup>TH</sup> Place South  
Suite 450  
Birmingham, Alabama 35223

Attorneys for NaphCare, Inc. Defendants

Lee Calligaro, Esq.  
Epstein, Becker & Green  
1227 25<sup>th</sup> Street, NW, Suite 700  
Washington, D.C. 20037

Attorney for MHM Correctional Services



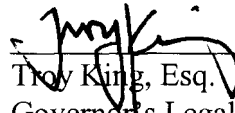
Ellen Leonard, Esq.  
Office of the Attorney General  
11 South Union Street  
Montgomery, Alabama 36130

Attorney for State Defendants



William F. Addison, Esq.  
Alabama Department of Corrections  
101 South Union Street  
Montgomery, Alabama 36130

Attorney for Correctional Defendants



Troy King, Esq.  
Governor's Legal Office  
State Capitol  
Montgomery, Alabama 36130

Attorney for Governor Bob Riley