

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOEL Q. HACK, an individual, and
WREN BEAULIEU-HACK, an individual,

Plaintiffs,

Case No.: 2:18-cv-13330
Hon. Marianne O. Battani

v.

THE CHARTER TOWNSHIP OF MILFORD,
a Michigan municipal corporation, **TOWNSHIP
OF MILFORD BOARD**, a public body, **DONALD
D. GREEN**, in his personal capacity and in his
official capacity as Supervisor of Milford Township,
and **TIMOTHY C. BRANDT**, in his personal capacity
and in his official capacity as Building and Zoning
Administrator of Milford Township,

Defendants.

STIPULATED QUALIFIED PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and 45 C.F.R. §164.512(e)(1), the Court finds good cause for the issuance of a qualified protective order.

IT IS HEREBY ORDERED THAT:

1. The parties and their attorneys are hereby authorized to receive, subpoena and transmit “protected health information” pertaining to Plaintiffs to the extent and subject to the conditions outlined herein.

2. For the purposes of this qualified protective order, “protected health information” shall have the same scope and definition as set forth in 45 C.F.R. § 160.103 and 164.501. Protected health information includes, but is not limited to, health information, including demographic information, relating to either (a) the past, present, or future physical or mental condition of an individual, (b) the provision of care to an individual, or (c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

3. All “covered entities” (as defined by 45 C.F.R. § 160.13) are hereby authorized to disclose protected health information pertaining to Plaintiffs to attorneys representing Plaintiffs and Defendants in the above-captioned litigation.

4. The parties and their attorneys shall be permitted to use or disclose the protected health information of Plaintiffs exclusively for purposes of prosecuting or defending this action, including any appeals of this case. This is limited to disclosure to attorneys, experts, consultants, court personnel, court reporters, mediators, and copy services.

5. Prior to disclosing Plaintiffs’ protected health information to persons involved in this litigation, counsel shall inform each such person that Plaintiffs’ protected health information may not be used or disclosed for any purpose other than this litigation. Counsel shall take all other reasonable steps to ensure that

persons receiving Plaintiffs' protected health information do not use or disclose such information for any purpose other than this litigation.

6. Within 45 days after the conclusion of the litigation including appeals, Defendants, their attorneys, and their agents in possession of protected health information received in connection with this matter shall destroy any and all copies of protected health information pertaining to Plaintiffs, except that counsel are not required to secure the return or destruction of protected health information submitted to the court.

7. Nothing in this Order authorizes attorneys for Defendants to obtain medical records or information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or other lawful process.

8. Protected health information received in connection with this matter shall not be filed with the Court until further order of the Court. This Order does not authorize the parties to seal court filings or court proceedings. The Court will make a good cause determination for filing under seal if and when the parties seek to file Plaintiffs' protected health information under seal.

Date: July 11, 2019

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

STIPULATED AS TO FORM AND CONTENT:

**MADDIN, HAUSER, ROTH &
HELLER, P.C.**

**O'CONNOR, DE GRAZIA, TAMM &
O'CONNOR, P.C.**

/s/ R.J. Cronkhite
R.J. Cronkhite (P78374)
Attorneys for Plaintiffs

/s/ Richard V. Stokan, Jr. (w/ consent)
Richard V. Stokan, Jr. (P61997)
Attorneys for Defendants