

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2021-015089-CA-01

SECTION: CA43

JUDGE: Michael Hanzman

**In Re: Champlain Towers South Collapse Litigation**

Plaintiff(s)

vs.

N/A

Defendant(s)

**AGREED HIPAA QUALIFIED PROTECTIVE ORDER**

**AGREED HIPAA QUALIFIED PROTECTIVE ORDER**

THIS CAUSE having come on before the Court on Non-party witness, Rosendo Prieto's Motion for HIPAA Qualified Protective Order and the Court having been advised of the agreement of counsel, and being otherwise duly advised in the premises, it is hereby:

**ORDERED AND ADJUDGED** as follows:

1. Said Motion be and the same is **GRANTED**.
2. In accordance with the requirements of the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 ("HIPPA"), specifically 45 C.F.R. Sections 164.512(e)(l)(ii)(B) & (v), the Court hereby institutes a **HIPAA QUALIFIED PROTECTIVE ORDER**, as that term is defined in the foregoing regulations, and requires that all parties to this lawsuit comply with following:
  - (a.) prohibited from using or disclosing protected health information (PHI) for any purpose other than the litigation of the above-styled lawsuit; and
  - (b.) required to return to the disclosing entity or destroy the PHI (including all

copies made) at the conclusion of the litigation of the above-styled lawsuit, which shall include the time for all appellate proceedings or the expiration of the time to commence such appellate proceedings, whichever last occurs.

3. In addition to the foregoing, pursuant to 45 C.F.R. Section 164.512 (e)(l)(i) and for purposes of compliance with HIPAA, without waiver of any right to prepayment of costs or other appropriate objection of privilege that may be timely asserted, the attorneys, employees, agents, and designees of each party or each party's legal counsel in this case, are expressly and specifically **AUTHORIZED** and **ORDERED** to: respond to valid Requests for Production, Non-Party Requests for Production or Interrogatories served pursuant to the Florida Rules of Civil Procedure in the above-styled litigation or claim seeking protected health information; respond to valid and timely Requests for Copies served pursuant to Rule 1.351, Florida Rules of Civil Procedure in the above-styled claim or litigation for production of documents and things without deposition concerning protected health information; and respond to each one of a party's own expert(s) who requests, either orally or in writing, protected health information for purposes of reviewing the above-styled claim or litigation in whole or in part, whether the expert is a consulting or trial expert, and whether the expert is considered retained for compensation or non-retained, by disclosing and providing such requested protected health information.
4. The authorization and order set forth in this paragraph, in compliance with both HIPAA regulations and any applicable state law not pre-empted by HIPAA, expressly includes protected health information concerning psychological and mental health records, disability status and records, substance abuse and treatment history, and HIV status, as well as records concerning other sexually transmitted diseases, if so requested. The command of the Court in this paragraph is a separate authorization for use or disclosure of protected information that is in addition to, and potentially inclusive of, the use and disclosures under the HIPAA Qualified Protective Order set forth in paragraph number 2 above. Violation of this Order may subject the non-compliant party or party's counsel to sanctions, including but not limited to the costs of such non-compliance, the striking of evidence or testimony, or the striking of the party's claims or defenses.
5. In addition to the foregoing, pursuant to 45 C.F.R. Section 164.512 (e)(l)(i) and for purposes of compliance with HIPAA, without waiver of any right to prepayment of costs or other appropriate objection or privilege that may be timely asserted, each

deponent duly noticed for deposition in the above-styled litigation, including but not limited to a party, a fact witness, a records custodian, and expert, a treating physician, and a health care provider of any type, is expressly and specifically **AUTHORIZED** and **ORDERED** to use or to disclose to the attorneys, employees, agents, and designees of each party or each party's legal counsel in this case the protected health information of a party that is responsive to deposition questions or a valid duces tecum at such duly noticed deposition. The authorization and order set forth in this paragraph, in compliance with both HIPAA regulations and any applicable state law not pre-empted by HIPAA, expressly includes protected health information concerning psychological and mental health records, disability status and records, substance abuse and treatment history, and HIV status, as well as records concerning other sexually transmitted diseases. The command of this Court in this paragraph is a separate authorization for use or disclosure protected health information that is in addition to, and potentially inclusive of, the use and disclosures authorized under the HIPAA Qualified Protective Order set forth in paragraph number 2 above. Violation of this Order may subject the non-complaint deponent, party, or party's counsel to sanctions, including but not limited to the costs of such non-compliance, the striking of the deponent' s testimony of other evidence or the striking of the party's claims or defenses.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 26th day of January, 2022.



2021-015089-CA-01 01-26-2022 11:20 AM

Hon. Michael Hanzman

**CIRCUIT COURT JUDGE**

Electronically Signed

No Further Judicial Action Required on THIS MOTION

CLERK TO RECLOSE CASE IF POST JUDGMENT

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