

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

COMPLEX BUSINESS LITIGATION DIVISION

**IN RE: CHAMPLAIN TOWERS SOUTH
COLLAPSE LITIGATION**

CASE NO. 2021-015089-01

**UNOPPOSED NON-PARTY ROSENDO
PRIETO'S MOTION FOR QUALIFIED
PROTECTIVE ORDER**

COMES NOW Non-Party, Rosendo Prieto (hereinafter "Prieto"), by and through the undersigned counsel, pursuant to Florida Rules of Civil Procedure, hereby moves this Court for entry of a Qualified Protective Order pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and 45 C.F.R. §164.512(e)(1)(v), and as grounds therefore, states as follows:

1. This is a class-action suit in which the non-party's protected health information ("**PHI**") is, or is reasonably anticipated to become an issue.
2. The privacy standards promulgated pursuant to the HIPAA prohibit the disclosure or use of any person's PHI in a judicial proceeding unless satisfactory safeguards are in place to limit the use and disclosure of the PHI. *See* 45 C.F.R. §164.512(e).
3. 45 C.F.R. §164.512(e)(1)(v) provides that HIPAA's privacy standards are satisfied by, *inter*

alia, the entry of a protective order that:

- a. prohibits the parties from using or disclosing the **PHI** for any purpose other than the subject litigation; and,
- b. requires that the **PHI** (including all copies made) be returned to the health care provider from whom the **PHI** was obtained, or that the **PHI**

(including all copies made) be destroyed, at the conclusion of the litigation, including appellate proceedings.

4. Non-Party Prieto therefore requests this Court enter a Qualified Protective Order to enable the parties to obtain PHI in accordance with HIPAA' s requirements, as well as to re-disclose the information in the ordinary course of this litigation to experts retained or consulted, all other parties to this litigation, trial and graphic consultants, court reporters, persons duly noticed for deposition in this litigation, copy services, or any other person(s) or entity(s) necessary in the defense or prosecution of this litigation.

5. All such persons or entities to whom the **PHI** is re-disclosed will be subject to the same privacy standards as outlined in the Qualified Protective Order.

6. Further, this Non-Party requests this Court to permit all parties to file pleadings, discovery or other documentation which includes or references PHI in the Court file without need for sealing of the file by this Court.

7. Pursuant to CLP Section 4.3, on January 25, 2022, the undersigned counsel conferred with Plaintiff's counsel, Ben Fernandez at approximately 5:45 p.m. Mr. Fernandez indicated that he has no objection to this motion and that it could be filed as "unopposed".

WHEREFORE Non-Party ROSENDO PRIETO, respectfully requests this Court to enter a HIPAA Qualified Protective Order with respect to his protected health information.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY we Electronically filed a true and correct copy of the foregoing with the Clerk of the Court, who will electronically serve to all counsel on the attached service list this 26th day of January, 2022.

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