

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

RICHARD G. WEAVER and )  
GLEND A. K. WEAVER, )  
 )  
 PLAINIFFS, )  
 )  
 VS. )  
 )  
 NICK A. GERARD, )  
 LARRY J. GERARD, )  
 DERRICK W. CHAMPLIN and )  
 DELORES A. GERARD, )  
 )  
 DEFENDANTS. )  
 )

Case No. 2:09-CV-02223-JAR-JPO

AGREED ORDER AUTHORIZING INSPECTION AND REPRODUCTION OF  
RECORDS, INCLUDING PROTECTED HEALTH INFORMATION  
PURSUANT TO STATE AND FEDERAL LAW (HIPAA), AND  
NOTIFICATION OF WAIVER OF PHYSICIAN-PATIENT PRIVILEGE

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

NOW on this 2nd day of October, 2009, this matter comes before the Court on the  
application of the parties for an order authorizing those referenced above to produce for  
inspection and reproduction any and all records, documents, or other information within their  
custody and/or control pertaining to Richard G. Weaver. Plaintiff Richard G. Weaver  
appears by and through his attorney, Norman R. Kelly of Norton, Wasserman, Jones &  
Kelly, 213 S. Santa Fe, Salina, Kansas. Defendants Nick A. Gerard, Larry J. Gerard, Derek

W. Champlin, and Delores A. Gerard, appear by and through their attorney, Dustin J. Denning of Clark, Mize & Linville, Chartered, 129 S. 8th Street, Salina, Kansas.

WHEREUPON, being adequately advised, the Court hereby finds and orders:

You are hereby authorized 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 inspection and reproduction by the parties and their counsel denominated in this lawsuit any and all records, documents, and other information of any type or nature whatsoever, including any and all protected health information, within your care, custody, or control, concerning Richard G. Weaver, whose social security number (last four digits) is 5462.

It is noted specifically that this Order is intended to authorize the disclosure of all information regarding diagnosis and treatment of mental and emotional conditions, and that the plaintiff has made a full and knowing waiver of all statutory privileges provided with regard to the disclosure of such information.

This Court finds the disclosure of the records, documents, and other information subject to this Order is necessary to this proceeding because the condition of the plaintiff is an element or factor of the plaintiff's claim. Unless specifically excluded by this Order, ALL records, documents, or other information, including protected health information, in your possession regarding the person noted above may be produced for inspection and reproduction. Such production may be requested by any attorney of record herein as set

forth below, and clerical fees and expenses as permitted by statute shall be paid by the attorney requesting the same.

You are further notified that pursuant to state law, counsel for the parties are each hereby authorized to speak with the plaintiff's treating physicians or other health care providers without counsel for other parties or the plaintiff being present or participating, provided the health care provider consents to the interview. This is based on the Court's finding that the plaintiff has made a claim for personal injuries, and in filing this lawsuit has, pursuant to Kansas law, waived any physician-patient privilege. **Although this Order authorizes and permits all health care providers to grant informal interviews, the Order does not require a health care provider to meet or speak with any attorney in this proceeding.**

It is noted that the plaintiff was given a fair and timely opportunity to object to the entry of this Order, has waived such objection, and is aware that this Order has been entered.

This Order complies with HIPAA federal standards for privacy of individually identifiable health information, 45 C.F.R. Parts 160 and 164, and with Kansas law regarding the disclosure of health care information.

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

IT IS SO ORDERED.

s/ James P. O'Hara  
JAMES P. O'HARA  
U.S. MAGISTRATE JUDGE

APPROVED BY:

/s/ Dustin J. Denning  
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