

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE NO. 2, CASE NO.: 08-CV-80119-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE NO. 3, CASE NO.: 08-CV-80232-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE NO. 4, CASE NO.: 08-CV-80380-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE NO. 5, CASE NO.: 08-CV-80381-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE NO. 6, CASE NO.: 08-CV-80994-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE NO. 7, CASE NO.: 08- CV-80993-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

██████,

CASE NO.: 08- CV-80811 -MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE, CASE NO.: 08- CV-80893-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN, et al.,

Defendant.

_____ /

DOE II, CASE NO.: 08-CV- 80469-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN et al.,

Defendant.

_____ /

JANE DOE NO. 101,

CASE NO.: 08- CV-80591-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

JANE DOE NO. 102,

CASE NO.: 08- CV-80656-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

STIPULATED HIPAA QUALIFIED PROTECTIVE ORDER

THIS CAUSE having come before the Court on Joint Motion of the parties, Jane Doe No. 2, Jane Doe No. 3, Jane Doe No. 4, Jane Doe No. 5, Jane Doe No. 6, Jane Doe No. 7 and Jane Doe No. 8 (collectively, "Plaintiffs"), and Defendant Jeffrey Epstein, for a HIPAA Qualified Protective Order, and the Court having being duly advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

1. *General.* In accordance with the requirements of the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), specifically 45 C.F.R. §164.512 (e) (1) (ii) (B) & (v), the Court issues a HIPAA Qualified Protective Order, as the term is defined in the foregoing regulations, and for health information of the Plaintiffs obtained in discovery requires that all parties be:

- a. prohibited from using or disclosing protected health information (“PHI”) for any purpose other than the litigation of the following cases: Jane Doe No. 2 v. Jeffrey Epstein, case no. 08-CV-80119, Jane Doe No. 3 v. Jeffrey Epstein, case no. 08-CV-80232, Jane Doe No. 4 v. Jeffrey Epstein, case no. 08-CV-80380, Jane Doe No. 5 v. Jeffrey Epstein, case no. 08-CV-80381, Jane Doe No. 6 v. Jeffrey Epstein, case no. 08-CV-80994, Jane Doe No. 7 v. Jeffrey Epstein, case no. 08- CV-80993, and Jane Doe No. 8 v. Jeffrey Epstein, case no. 09-CV-80802, and any other state or federal lawsuits against Jeffrey Epstein alleging similar sexual misconduct (hereafter, the “Lawsuits”); 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 Lawsuits.

Based upon this HIPAA Qualified Protective Order all persons, including but not limited to physicians and other medical providers, shall comply with, and are hereby authorized to use or disclose PHI in response to, any and all subpoenas for records. This HIPAA Qualified Protective Order applies to PHI received pursuant to subpoena or discovery in the Lawsuits. It further applies to all notes, opinions and other documents of psychological experts retained by any of the parties for purposes of the Lawsuits.

2. *Depositions.* In addition to the foregoing, pursuant to 45 C.F.R. §164.512 (e) (1) (I) and for purposes of compliance with HIPAA, without waiver of any right to prepayment of costs, fees and expenses associated with copying costs, or any other appropriate objection or privilege that may be timely asserted, each deponent duly noticed for deposition in the above-style litigation, including but not limited to a party, a fact witness, a records custodian, an expert, a treater, or a health care provider of any type, is expressly and specially authorized 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 with both HIPAA regulations and any applicable state law not pre-empted by HIPAA, the authorization and order set forth in this paragraph expressly includes protected health information concerning psychological and mental records.

3. *Experts, Litigation Consultants, and Attorneys.* This Protective Order does not prevent disclosure of PHI to the parties’ litigation experts, Plaintiffs’ and Defendant’s lawyers, and consultants hired for purposes of the Lawsuits, subject to the prohibitions and requirements of paragraph 1 above.

4. *Judicial Proceedings.* In addition to the foregoing, pursuant to 45 C.F.R. §164.512 (e) (1) (i) and for purposes of compliance with HIPAA, without waiver of any right to prepayment of costs, fees, and expenses associated with copying costs, or any other appropriate objection or privilege that may be timely asserted, all witnesses duly appearing at, or subpoenaed for, any judicial proceeding related to this litigation, including but not limited to trial, are specifically and expressly authorized to use and disclose the PHI of a party at such judicial proceeding. In compliance with both HIPAA regulations and any applicable state law not pre-

empted by HIPAA, the authorization set forth in this paragraph expressly includes protected health information concerning psychological and mental health records.

5. *Court Reporter, Photocopying & Other Service Providers.* In addition to the foregoing, pursuant to 45 C.F.R. §164.512 (e) (1) (I) and for purposes of compliance with HIPAA, without waiver of any right to prepayment of costs, fees and expenses associated with copying costs, or other appropriate objection or privilege that may be timely asserted, any person or entity authorized or ordered above to use or disclose PHI is expressly and specifically authorized to do so with, to, or before any court reporter service, videography service, translation service, photocopy service, document management service, records management service, graphics service or other such litigation service, designated by a party or a party's legal counsel in this case. The protections and requirements of paragraph No. 1 above specifically apply to any such service so designated. Each party or the party's legal counsel is charged with giving notice of the obligations imposed by this Order to any such service the party or counsel so designates, and is further charged with obtaining advance consent of such service to comply fully with this paragraph. Upon such consent, the service will be deemed to have voluntarily submitted to the Court's jurisdiction during the pendency of this litigation for purposes of enforcement of this paragraph, including but not limited to the imposition of such sanctions, monetary or otherwise, as may be appropriate for any non-compliance.

6. *Expiration.* Unless a motion for enforcement of this Order has been filed in this case and remains pending at the time, this Order shall expire upon the conclusion of the Lawsuits by any final resolution including dismissal or by final judgment, through and including all appellate proceedings, unless the time for commencing such proceedings has expired without an appeal.

This Order is effective *nunc pro tunc* as of the date of commencement of each of the Lawsuits. It is self-executing without need of further order of the Court. A copy of this Order shall be valid as an original.

DONE AND ORDERED this ____ day of July, 2009.

DISTRICT COURT JUDGE

Copies furnished to:
All counsel of record.