**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VONDELL WILBOURN, individually and for others similarly situated,	)))	
Plaintiff,	)))	Case No. 23-cv-1782
-*vs*-	)))	Honorable Manish S. Shah
SHERIFF OF COOK COUNTY and COOK COUNTY, ILLINOIS,	)))	Magistrate Judge Young B. Kim
Defendants.	))	

AGREED HIPAA QUALIFIED PROTECTIVE ORDER

Pursuant to Federal Rule of Civil Procedure 26(c), the Health Insurance Portability and Accountability Act of 1996 codified primarily at 18, 26 & 42 U.S.C., and 45 C.F.R. §§ 160.103 & 164.501, the Court orders:

A.   The following words and terms are defined for purposes of this agreed, qualified protective order:

1.   "Parties" shall mean plaintiff, defendants, and any additional party that this court may subsequently recognize as subject to this qualified protective order, and their attorneys.

2.   "HIPAA" shall mean the Health Insurance Portability and Accountability Act of 1996, codified primarily at 18, 26 & 42 U.S.C.

3.   "Privacy Standards" shall mean the Standards for Privacy of Individually Identifiable Health Information. *See* 45 C.F.R. §§ 160 & 164.

4.   "PHI" shall mean protected health information, as that term is used in HIPAA and the Privacy Standards. PHI includes, but is not limited to, health information, including demographic information, relating to either (a) the past, present, or future physical or

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mental condition of the plaintiff, (b) the provision of care to the plaintiff, or (c) the payment for care provided to the plaintiff, which identifies the plaintiff or which reasonably could be expected to identify the plaintiff.

B.   The Parties are familiar with HIPAA and the Privacy Standards.

C.   The Court orders the following terms and conditions:

1.   Subject to the conditions outlined herein, the Parties are hereby authorized to receive, subpoena, and transmit PHI pertaining to the plaintiff, Vondell Wilbourn.

2.   All "covered entities" (as defined by 45 C.F.R. § 160.103) are hereby authorized to disclose to the Parties PHI pertaining to the plaintiff, Vondell Wilbourn.

3.   Defendant agrees not to use or disclose the PHI released in this proceeding for any other purpose or in any other proceeding. The PHI shall be used or disclosed only for purposes of prosecuting or defending this action including any appeals of this case. This includes, but is not necessarily limited to, disclosure to experts, consultants, court personnel, court reporters, copy services, trial consultants, and other entities or persons involved in the litigation process.

4.   Before disclosing the PHI to persons involved in this litigation, counsel for Defendant shall inform each such person that the PHI 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 PHI do not use or disclose such information for any purpose other than this litigation. All such information and copies thereof shall be marked as "confidential."

5.   Defendant agrees to store all PHI while it is in its possession according to the Privacy Standards.

6.   Defendant agrees at the termination of this proceeding to return all PHI obtained during the course of this proceeding to Plaintiff's counsel or to destroy any and all copies

of the PHI within 45 days of the termination, except counsel are not required to secure the return or destruction of PHI submitted to the Court.

       7.   This Order does not control or limit the use of PHI that comes into the possession of Defendant from a source other than a "covered entity," as that term is defined in 45 C.F.R. § 160.103.

       8.   This Order does not authorize either party 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 PHI under seal.

Dated: September 6, 2024

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Honorable Manish S. Shah
United States District Court Judge

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