

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

MICHAEL JONES,)
)
 Plaintiff,) Case No. 2023-cv-04975
)
 v.) Georgia N. Alexakis, District Court Judge
)
 CITY OF CHICAGO, et al.,)
) Jeffrey Cole, Magistrate Judge
 Defendants.)

**AGREED MOTION FOR ENTRY OF QUALIFIED HIPAA AND
MENTAL HEALTH CONFIDENTIALITY PROTECTIVE ORDER**

Defendant City of Chicago, by and through one of its attorneys, NATHAN & KAMIONSKI LLP, respectfully move this Honorable Court, pursuant to Fed. R. Civ. P. 26(c) and 45 C.F.R. § 164.512(e), for entry of the attached “HIPAA and Mental Health Confidentiality Protective Order” and, in support thereof, the City state as follows:

1. Plaintiff, Michael Jones, has brought this civil lawsuit against the City of Chicago and various Chicago Police Department officers, alleging civil rights violations stemming from Plaintiff’s March 2015 arrest.

2. The parties have been in the process of conducting discovery with respect to Plaintiff’s alleged injuries. For example, on the date that Plaintiff was arrested, he received medical treatment for a hand injury he acquired prior to his arrest. Defendants jointly intend to seek any medical records related to that treatment as well as any other treatment Plaintiff underwent during his time in custody for his March 2015 arrest.

3. The parties disagree on the accessibility of Plaintiff’s health and mental health records, specifically records from outside of his time in custody for the underlying incident. The parties continue to discuss a resolution of that issue but have agreed to stagger the record investigation at this time. Doing so will allow the parties to explore damages issues which will then serve to inform their

ongoing discussions regarding additional record investigations outside of the agreed upon timeframe, and either resolve the issue without court intervention or alternatively narrow the issues before the court. Therefore, the parties have agreed to limit this protective order to records beginning from the date that Plaintiff was arrested, March 31, 2015, through the date that Plaintiff was released from custody, August 21, 2017.

4. Defendants do waive their rights to seek additional records, with an expanded order, pending a resolution of the disagreement between the parties. Plaintiff does not waive his ability to object to any future inquiries.

5. Pursuant to 45 C.F.R. § 164.512 of the Health Insurance Portability Accountability Act, a protective order is necessary to allow the parties to obtain Plaintiff's protected health information. Additionally, pursuant to 740 ILCS 110, the Mental Health and Developmental Disabilities Confidentiality Act Protective Order, a protective order is also necessary to obtain Plaintiff's mental health records from his time in custody.

6. As such, the parties move this Court to enter the proposed order emailed to the Court on June 4, 2025, to protect Plaintiff's protected health information, records, and communications from unauthorized disclosure while also allowing such records to be obtained and utilized during this litigation. The parties' proposed order ensures Plaintiff's medical and mental health records, information, and communications are protected consistent with the principles of federal law.

7. All parties to this litigation have agreed upon the proposed HIPAA and MHDDCA order as well as the Court's entry of the proposed order.

WHEREFORE, the City respectfully request that this Court enter the parties' agreed "HIPAA and Mental Health Confidentiality Protective Order," and for such further relief the Court deems just and proper.

Dated: June 4, 2025

Respectfully submitted,

/s/ Helen O'Shaughnessy

Shneur Z. Nathan, Avi Kamionski, Helen
O'Shaughnessy, and Breana Brill
Special Assistant Corporation Counsel
NATHAN & KAMIONSKI, LLP
33 W. Monroe St., Suite 1830
Chicago, IL 60603
(312) 612-1955
helen@nklawllp.com

Attorneys for Defendant City of Chicago

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that I filed the foregoing document with the Court's CM/ECF system on the date stamped on the above margin, which simultaneously send electronic notice to all counsel of record.

/s/ Helen O'Shaughnessy