

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.,)	
)	
Defendants.)	Albert Berry, Magistrate Judge

**HIPAA AND MENTAL HEALTH CONFIDENTIALITY PROTECTIVE ORDER FOR
RECORDS FROM AND INCLUDING MARCH 31, 2025, THROUGH AUGUST 21, 2017**

This matter coming to be heard on Defendant City's Motion for the Entry of a HIPAA and Mental Health Protective Order, due notice hereof having been given, and the Court being fully advised in the premises, the Motion for HIPAA and Mental Health Order is GRANTED.

The Court finds good cause exists for the entry of a HIPAA and Mental Health Protective Order for Plaintiff **MICHAEL JONES'S** medical, mental health information, and drug and alcohol treatment/ rehabilitation information to prevent the unauthorized disclosures, control the receipt of, and direct the use of protected health information ("PHI") during the course of this litigation from March 31, 2015 through and including August 21, 2017.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matters are hereby authorized to receive, subpoena and transmit "protected health information" (also referred to herein as "PHI") pertaining to **MICHAEL JONES**, for records that exist from March 31, 2015 through and including August 21, 2017 as protected by HIPAA ("Health Insurance Portability and Accountability Act of 1996" codified primarily at 18, 26 and 42 USC (2002)), the Illinois Mental Health and Developmental Disabilities and Confidentiality Act (740 ILCS 110/1 et seq.), and the drug and alcohol treatment/ rehabilitation confidentiality statutes (20 ILCS 301/30-5; 42 USC 290dd-2; and 42 CFR Part 2), to the extent and subject to the conditions outlined herein.

2. For the purposes of this Qualified Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 C.F.R. § 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, mental health information, and drug and alcohol treatment/rehabilitation information, including demographic information, relating to either (a) the past, present, or future physical condition of an individual, (b) the provision of care to an individual, or (c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

3. Mental health information shall have the same scope and definition as set forth in 740 ILCS 110/2. Without limiting the generality of the foregoing, Mental health information includes, but is not limited to, information obtained from “mental health services”, including “confidential communications,” “personal notes” and “records”, relating to either, (a) the past, present or future mental health condition of an individual, (b) the provision of care and treatment to an individual, or (c) the payment for care provided to an individual, which identifies the mental health services or which reasonably could be expected to identify the mental health services.

4. Drug and alcohol treatment/rehabilitation information shall have the same scope and definition as set forth in 20 ILCS 301/1-1 et seq.; 42 USC §§ 290aa- 290ll; and 42 CFR §§ 2.1-2.67.

5. All “covered entities” (as defined by 45 C.F.R. § 160.103) and “record custodians” (as defined by 740 ILCS 110/2) are hereby authorized to disclose PHI pertaining to **MICHAEL JONES**, to all attorneys now of record in these matters or may become of record in the future of the litigation.

6. The Parties agree 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 to 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, insurers, court personnel, court reporters, copy services, trial consultants, and other entities or persons involved in the litigation process.

7. Any documents that contain PHI obtained pursuant to this order shall be designated confidential subject to this Protective Order and labeled “CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER.” Documents labeled and disclosed pursuant to this order shall be kept confidential (except as allowed by this order), stored to maintain their confidentiality, and not be disclosed in or attached to any publicly filed documents unless:

- a. The PHI have been redacted;
- b. The Plaintiff has agreed to the filing of such document; or
- c. The Court has ordered that the document can be publicly filed.

8. Within 60 days of the conclusion of the litigation as to any Defendant (which shall be defined as the point at which final Orders disposing of the entire case as to any Defendant have been entered or the time at which all trial and appellate proceedings have been exhausted as to any Defendant) that Defendant and any person or entity no longer involved in the litigation in possession of PHI pertaining to **MICHAEL JONES** (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI in their possession. This Order exempts from destruction such records that Cook County and its departments and separately elected officials are required to retain pursuant to the Illinois Local Records Act 50 ILCS 205 and other applicable laws and Cook County Ordinances.

9. This Order shall not control or limit the use of protected health information, mental health information, drug and alcohol treatment/rehabilitation information pertaining to **MICHAEL JONES** that comes into the possession of any party or any party’s attorney from a source other than a “covered entity” (as that term is defined in 45 CFR 160.103), or from a “therapist” (as that term is defined in 740 ILCS 110/2).

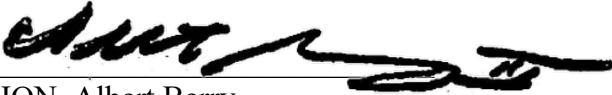
10. Nothing in this Order authorizes counsel to obtain medical records or mental health information through means other than formal discovery requests, subpoenas, depositions, pursuant to a patient authorization, or through attorney-client communications.

11. Nothing in this protective order shall be deemed a waiver of the right of any party to object to a request for discovery based on relevance, materiality, privilege, overbreadth or any other valid objection to discovery.

12. This Order does not authorize either party to seal court filings or court proceedings. The Court will make a good cause determination for the filing under seal if a party seeks to file Plaintiff's protected health information under seal.

So Ordered.

DATE: 6/9/2025

ENTERED: 

HON. Albert Berry
United States Magistrate Judge