

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Travis Cook,)
vs. Plaintiff,) Case No. 24-CV-02401
Sheriff of Cook County and Cook) Honorable Martha M. Pacold
County, Illinois, Defendants.) Magistrate Jeannice W. Appenteng

**AGREED MOTION FOR ENTRY OF QUALIFIED
PROTECTIVE ORDER PURSUANT TO HIPAA**

Defendant Sheriff Dart, by his attorney KIMBERLY M. FOXX, State's Attorney of Cook County, through her Assistant State's Attorney, Robin Clayton, and pursuant to the Health Information Portability and Accountability Act (“HIPAA”), 42 U.S.C. 1320(d) and 45 CFR Parts 160 and 164, respectfully request that this Court enter a qualified protective order in the form supplied via email. In support of this Motion, the Defendant state as follows:

1. Plaintiff alleges that on March 25, 2022, to the resent, he was denied a shower chair and bathroom handrails to accommodate his disability.
2. Plaintiff asserts claims seeking damages for injuries allegedly suffered by him and allegedly caused and/or exacerbated by Defendant.
3. Plaintiff's medical records will aid in determining if injuries were sustained in relation to the alleged failure to protect, and Plaintiff's medical records will further help reveal the extent of damages.

4. The Defendant anticipate that in the course of litigating Plaintiff's claim they will be required to seek Plaintiff's protected health information ("PHI") in the form of medical and mental health records.

5. Further, the litigation of Plaintiff's claim will require the parties, their attorneys, their attorneys' agents, consultants, and various witnesses and other personnel to receive and review copies of PHI related to the insured.

6. The Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. 1320(d) and 45 CFR Parts 160 and 164, prohibits the disclosure of PHI, as defined in 45 CFR 164.501, in judicial proceedings other than by authorization or qualified protective order. *See* 45 CFR 164.512(e).

7. In order to obtain and exchange that information, the Defendant respectfully request that this Court enter the proposed Qualified Protective Order attached hereto as Exhibit A.

WHEREFORE, Defendant respectfully request that this Court enter the Order permitting the disclosure and use of PHI related to Plaintiff in connection with the litigation of this action.

Respectfully submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

By: /s/ Robin Clayton
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CERTIFICATE OF SERVICE

I, Robin Clayton, hereby certify that in accordance with Fed. R. Civ P. 5, LR, 5.5 and the General Order on Electronic Case Filing (ECF), **Defendant's Motion for Qualified Protective Order** was served pursuant to the District Court's ECF system on August 16, 2024.

/s/ Robin Clayton