

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 94-08273 CA 22

HOWARD ENGLE, M.D.,  
et. al.,

Plaintiffs,

vs.

R.J. REYNOLDS TOBACCO CO.,  
PHILIP MORRIS INCORPORATED,  
etc., et al.,

Defendants,

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**HIPAA QUALIFIED ORDER TO DISCLOSE**  
**PROTECTED HEALTH INFORMATION**

THIS CAUSE, having come before the Court upon Miles A. McGrane, III, The Trustee's Motion for HIPAA Qualified Order to Disclose Protected Health Information, and being fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. Said Motion be and the same is hereby GRANTED.
2. A copy of this Order shall be valid as an original.
3. Based upon this Order, and commencing immediately from the date of this Order, all persons, including but not limited to physicians, hospitals and other healthcare providers, shall comply with, and are hereby authorized, directed and ordered to produce or disclose, Protected Health Information in response to any and all requests for records from individuals, or survivors of deceased smokers, and their attorneys who are making a claim against the Engle Trust Fund.

4. It is expressly ordered that the costs of reproducing medical records is controlled by the Florida Administrative Code 64B8-10.003 which states:

(1) Any person licensed pursuant to Chapter 458, Florida Statutes, required to release copies of patient medical records may condition such release upon payment by the requesting party of the reasonable costs of reproducing the records.

(2) Reasonable costs of reproducing copies of written or typed documents or reports shall not be more than the following:

(a) For the first 25 pages, the cost shall be \$1.00 per page.

(b) For each page in excess of 25 pages, the cost shall be 25 cents.

A violation of this order may subject the non-compliant party to costs and attorney's fees attributable to such non-compliance.

5. It is further **ORDERED AND ADJUDGED** that, pursuant to 45 C.F.R. §164.512(e)(1) (i), and in compliance with HIPAA, without waiver of any right to prepayment of costs or other appropriate objections or privileges that may be timely asserted, any person or entity authorized or ordered above to use or disclose Protected Health Information is expressly and specifically authorized and ordered to do so to any photocopy service, document management service, records management service, or other such litigation service, designated by a claimant or claimant's legal counsel in this matter

6. It is further **ORDERED AND ADJUDGED** that this Order shall expire upon the close of the Engle Trust Fund by Order or Dismissal through and including all appellate proceedings, unless the time for commencing such proceedings has expired without an appeal.

7. This Order is self-executing without need of further Order of the Court, and it is effective upon entry.

**DONE AND ORDERED** in Chambers, in Miami-Dade County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CIRCUIT JUDGE

Copies furnished to:  
Miles A. McGrane, III, Esq. Trustee  
Jennifer Keough, The Garden City Group  
Stanley M. Rosenblatt, Esq.  
Susan Rosenblatt, Esq.

**David C. Miller**  
**Circuit Court Judge**

JUN 04 2008

**Conformed Copy**