

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

In re: Guidant Corp. Implantable Defibrillators
Products Liability Litigation

MDL No. 05-1708 (DWF/AJB)

This Document Relates to All Actions

Qualified Protective Order

QUALIFIED PROTECTIVE ORDER

The Lead Counsel Committee (“LCC”) representing plaintiffs in the above captioned matter has retained The Garretson Law Firm (“TGLF”) to provide the Centers for Medicare and Medicaid Services (“CMS”), The Medicare Secondary Payer Department and the Medicaid programs of each state, territory and the District of Columbia (“the Single State Agencies”) with a list (“the list”) of Claimants, as that term is defined in the Master Settlement Agreement, to determine which of these Claimants are beneficiaries in the Medicare and / or Medicaid health care plans. The Single State Agencies as well as CMS have asserted, or will assert, statutory liens or reimbursement claims against the settlement proceeds of those Claimants in the above-captioned matter who are also Medicaid and / or Medicare eligible. The entry of a HIPAA-compliant qualified protective order is necessary in this action in order to permit the Single State Agencies and CMS to transmit protected health information directly to TGLF to assist in the resolution of the agency’s interest. The Court being sufficiently advised, IT IS HEREBY ORDERED as follows:

1. This Qualified Protective Order shall apply to all “protected health information” and “individually identifiable health information”, as defined by 45 CFR § 160.103, or

information that is otherwise protected from disclosure by the Privacy Act, 5 U.S.C. § 551a, the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 42 CFR Section 431 Subpart F, titled “Safeguarding Information on Applicants and Recipients” and other applicable state law, created, received or collected from Medicaid and / or Medicare-eligible Claimants by Single State Agencies and CMS, including, but not limited to: (1) names and addresses, dates of birth, social security numbers, Medicaid or Medicare identification numbers and other demographic information that identifies, or could be used to identify Medicaid and /or Medicare-eligible Claimants; (b) eligibility and entitlement information of Medicaid and / or Medicare-eligible Claimants; (c) claims information relating to the past, present, or future health care of Medicaid and / or Medicare-eligible Claimants; (d) claims information relating to the provision of healthcare to Medicaid and / or Medicare-eligible Claimants; and, (e) claims information relating to the past, present, or future payment for the provision of healthcare to Medicaid and / or Medicare-eligible Claimants.

2. In order to assist in the resolution of Medicaid and Medicare’s interest, each individual Single State Agency and CMS is hereby authorized and directed to transmit to TGLF any information, including Medicaid and Medicare claims information and other protected health information, for those Medicaid and / or Medicare-eligible Claimants in the above-caption matter against whom they have asserted liens or reimbursement claims.

3. TGLF shall not use or disclose any protected health information or individually identifiable health information subject to this Qualified Protective Order for any purpose other than this litigation.

4. TGLF shall maintain any protected health information or individually identifiable health information subject to this Qualified Protective Order in a secure and safe area and shall

exercise the same standard of due and proper care with respect to the storage, custody, use and/or dissemination of such protected health information as is exercised by TGLF with respect to its own confidential proprietary information.

5. At the conclusion of this litigation, TGLF shall certify to the Single State Agency and CMS that the protected health information or individually identifiable health information, including all copies made, has been destroyed.

6. The applicable time period covered by this Qualified Protective Order begins with the date of implant of the Guidant cardiac medical devices by each Medicaid and / or Medicare-eligible Claimant in the above-captioned matter and ends with the effective date of any settlement for any Claimant.

ENTERED this 17th day of December, 2007.

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court