

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Civil Action No.: 5:13-cv-102

DISABILITY RIGHTS NORTH  
CAROLINA,

Plaintiff,

v.

FRYE REGIONAL MEDICAL CENTER,  
INC.

Defendant.

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

All parties to this action, by and through counsel, hereby stipulate to the following:

1. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, all claims and counter-claims arising from the above-captioned action shall be and are dismissed with prejudice, with each party bearing its own costs, expenses, and attorneys' fees.
2. Defendant Frye Regional Medical Center, Inc. ("Frye Regional") will produce to Plaintiff the internal investigation records, including any root cause analyses and other peer review materials protected under state law, requested by Plaintiff, consistent with the Court's November 7, 2014 Order.
3. Plaintiff shall protect the confidentiality of such materials as required by applicable law and regulations, including but not limited to 42 U.S.C. § 10806 and 42 C.F.R. § 51.45. Specifically:
  - a. Plaintiff shall safeguard and not further disclose any protected health information contained in the peer review materials provided by Frye Regional, consistent with the requirements of the Health Information Portability and Accountability Act and its implementing regulations.
  - b. Plaintiff shall safeguard and not further disclose any information contained in the peer review materials provided by Frye Regional that is subject to the confidentiality provisions of 42 C.F.R. Part 2 or other applicable federal or state laws governing the confidentiality of such information.
  - c. Plaintiff shall safeguard and not further disclose any peer review protected information or permit access to such information by unauthorized individuals or third parties.

4. Frye Regional's disclosure of peer review protected materials to Plaintiff is for the sole purpose of Plaintiff's authorized activities under the PAIMI Act, 42 U.S.C. §§ 10801-51. Plaintiff will not use or disclose these peer review materials to any person or in any manner not authorized by law.
5. By producing peer review protected materials to Plaintiff, Frye Regional does not waive the peer review privilege as to any other person or entity.

WE AGREE AND STIPULATE AS SET FORTH ABOVE:

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