

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

J.J., by and through his next friend,
Saleena Jackson, for themselves and all
others similarly situated,

Plaintiffs,

v.

Case No.: 17-CV-47

JON E. LITSCHER, in his official capacity
as Secretary of the Wisconsin Department
of Corrections, et al.,

Defendants.

***NUNC PRO TUNC* PROTECTIVE ORDER**

On January 8, 2020, the parties filed a stipulation for entry of a protective order. (ECF No. 112.) The parties relate that certain records of Lincoln Hills School for Boys and Copper Lake School for Girls must be disclosed to the Monitor as part of the Stipulation and Consent Decree and Permanent Injunction, with the exception of records subject to 42 C.F.R. Part 2, (ECF No. 107), and that these records may contain “protected health information,” as defined under the Health Insurance Portability and Accountability Act (“HIPAA”), 42 U.S.C. §§ 1320d, 1320d-6, and its accompanying regulations, *see* 45 C.F.R. § 164.508. The Court will adopt the stipulation pursuant to the parties’ agreement thereon and the pertinent provisions of federal law. Accordingly:

IT IS ORDERED that the State of Wisconsin Department of Corrections may disclose Lincoln Hills School for Boys and Copper Lake School for Girls records containing “protected health information,” except records subject to 42 C.F.R. Part 2, to Plaintiffs’ counsel and the Monitor, as may be required for the Monitor to perform its duties pursuant the Stipulation and Consent Decree and Permanent Injunction, (ECF No. 107); and

IT IS FURTHER ORDERED that all parties and the Monitor must keep such records confidential and may not disclose such “protected health information” contained in Lincoln Hills School for Boys and Copper Lake School for Girls records without further order of this Court; and

IT IS FURTHER ORDERED that all parties and the Monitor must destroy or return such “protected health information” contained in Lincoln Hills School for Boys and Copper Lake School for Girls records at the conclusion of this litigation and the Stipulation and Consent Decree and Permanent Injunction, (ECF No. 107); and

IT IS FURTHER ORDERED that this order shall apply *nunc pro tunc* such that any and all Lincoln Hills School for Boys and Copper Lake School for Girls records containing “protected health information” that were previously produced pursuant the Stipulation and Consent Decree and Permanent Injunction, (ECF No. 107), are hereby subject to this Order.

Dated this 9TH day of JANUARY, 2020.

BY THE COURT:

James D. Peterson

James D. Peterson
United States District Judge