

**ORIGINAL**

FILED  
COURT OF CLAIMS  
OF OHIO

2015 JUL 13 PM 3: 5

**IN THE OHIO COURT OF CLAIMS**

**NATHAN C. HALL, MD, PHD,**

PLAINTIFF,

v.

**THE OHIO STATE UNIVERSITY  
WEXNER MEDICAL CENTER,**

DEFENDANT.

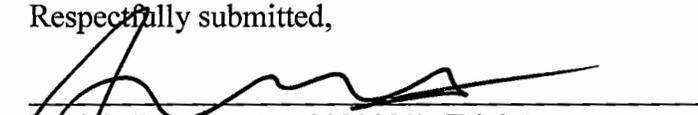
CASE NO. 2015-00038

JUDGE PATRICK M. MCGRATH

**JOINT MOTION FOR A STIPULATED PROTECTIVE ORDER**

Pursuant to Ohio Rule of Civil Procedure 26(C), Defendant and Plaintiff jointly move the Court for a protective order permitting discovery to be exchanged on a confidential and attorneys'-eyes-only basis. The parties have set forth the grounds for this Motion in the attached Memorandum in Support. Consistent with those grounds, the parties respectfully request that the Court grant this Motion and enter the attached Stipulated Protective Order.

Respectfully submitted,



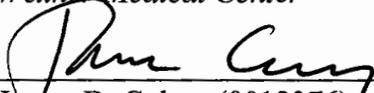
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## MEMORANDUM IN SUPPORT

A trial court has broad discretion to control discovery, including imposing restraints on the scope and extent of discovery. *See Alpha Benefits Agency v. King Ins. Agency*, 134 Ohio App. 3d 673, 680, 731 N.E.2d 1209 (8th Dist. 1999). This discretion extends to the issuance of protective orders pursuant to Civ.R. 26(C). *See Van-Am. Ins. Co. v. Schiappa*, 132 Ohio App. 3d 325, 330, 724 N.E.2d 1232 (7th Dist. 1999). Rule 26(C) provides, in pertinent part:

Upon motion by any party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make any order that justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: . . . (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; . . . (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way[.]

Civ.R. 26(C).

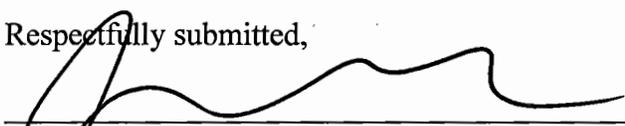
Defendant The Ohio State University Wexner Medical Center (the "University") is a state entity that has obligations to maintain confidentiality of certain information and documents. For example, as an institution of higher education that received funding under a program administered by the U.S. Department of Education, the University has obligations under the Family Educational Rights and Privacy Act (FERPA) to maintain confidentiality of certain student records. As another example, the University is also a covered entity under the Health Insurance Portability and Accountability Act (HIPAA). Under the HIPAA Privacy Rule, the University has certain obligations to maintain the confidentiality of protected health information. Furthermore, the University is a state entity that competes in the marketplace of healthcare providers and, as a result, maintains confidential proprietary information, including trade secrets, concerning its various business activities. Given the allegations in the First Amended

Complaint, and the documents requested thus far by Plaintiff, the parties believe it is certain that information or documents subject to FERPA or HIPAA, or qualifying as the University's proprietary information or trade secrets, will be exchanged in discovery.

With respect to Plaintiff, he is a former physician and professor at the University's medical center. Plaintiff filed this employment lawsuit alleging various wrongful termination claims and other related employment claims. As is typical in employment cases, Plaintiff's medical records will be at issue during this lawsuit because he has requested emotional distress and other non-economic damages. Additionally, Plaintiff's financial information, including tax returns whose confidentiality is protected by statute, will be at issue for purposes of assessing damages, if any, including mitigation of damages. Again, the parties believe it is certain that this type of information and documents will be requested from Plaintiff and, since it is clearly relevant, it must be produced.

In light of the above, the parties believe it is necessary for the Court to enter the attached Stipulated Protective Order to allow the parties to produce the above-described information and documents on a confidential or attorneys'-eyes-only basis. Accordingly, the parties respectfully request that the Court adopt and enter the Stipulated Protective Order attached to this Motion.

Respectfully submitted,



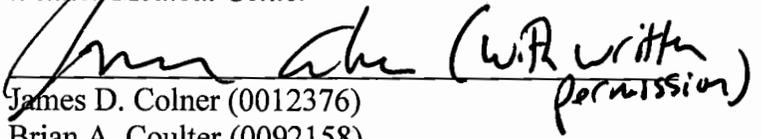
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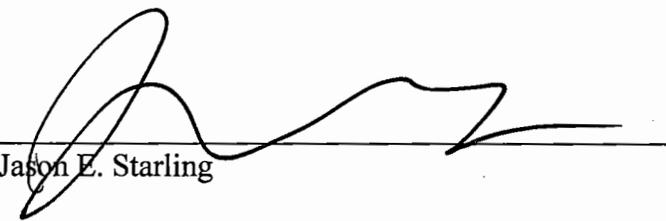
*Attorneys for Plaintiff Dr. Nathan C. Hall*

**CERTIFICATE OF SERVICE**

I certify that on July 13, 2015, I filed a copy of the foregoing with the Clerk of Courts and that I served a copy of the foregoing on the following via electronic mail:

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