

STATE OF MARYLAND

v.

NICOLA RILEY

\* IN THE  
\* CIRCUIT COURT FOR  
\* CECIL COUNTY  
\* Case No. 07-K-11-002084

\* \* \* \* \* 00000 \* \* \* \* \*

**MOTION TO FILE UNDER SEAL  
AND FOR A PROTECTIVE ORDER**

2012 JAN 27 P 4:30 PM  
CECIL COUNTY, MD  
PER DERRICK W. LORGE  
CLERK

Defendant, Nicola Riley, by and through her undersigned attorneys, hereby requests leave to file two Motions for Subpoenas for Tangible Evidence under seal and for the issuance of a Protective Order, and states:

1. On December 28, 2011, defendant, a licensed physician, was charged in an indictment by a grand jury in Cecil County with murder of a "viable fetus" according to the indictment.
2. The aforementioned offense was alleged to have been committed on August 13, 2010.
3. Upon information and belief, the medical records that defendant is seeking from Johns Hopkins Hospital and Union Hospital contain ultrasound records and other medical records of "D.B." and a fetus documenting the gestational age of the viable fetus in question on the date of the alleged offense.
4. The medical records defendant is seeking from Johns Hopkins Hospital and Union Hospital contain evidence relevant to this action and the criminal charges against Nicola Riley.

JL - 2/14/12

5. Defendant is filing Motions for Subpoenas for Tangible Evidence requesting this Court issue Subpoenas directing the production of these medical records to defendant and her counsel.

6. The Motions for Subpoenas for Tangible Evidence contain confidential information relating to a non-party in this case.

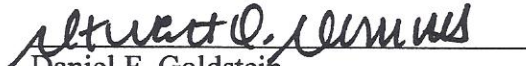
7. The Subpoenas that the Defendant is requesting the Court issue contain confidential information relating to a non-party in this case.

8. The medical records Defendant is seeking contain confidential information relating to a non-party in this case.

WHEREFORE, the Defendant moves this Court for an Order:

1. directing Defendant to file its Motions for Subpoenas for Tangible Evidence under seal;
2. directing the Court Clerk keep the Motions for Subpoenas for Tangible Evidence under seal until further order of this Court;
3. directing the Court Clerk keep any copies of Subpoenas for Tangible Evidence issued for the requested medical records under seal until further order of this Court; and
4. ordering that the parties and their counsel and any recipient of the requested medical records are prohibited from using or disclosing the requested medical records for any purpose other than the litigation in this case and any and all appeals thereof.


Respectfully submitted,

  
Daniel F. Goldstein  
Stuart O. Simms  
Sharon Krevor-Weisbaum  
Brown, Goldstein & Levy, LLP  
120 East Baltimore Street, Suite 1700  
Baltimore, Maryland 21202  
(410) 962-1030

*Attorneys for Nicola Riley*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 27th day of January, 2012 copies of the foregoing Motion to File Under Seal and for a Protective Order, and proposed Order, were mailed, first class mail, postage prepaid, to Ellis Rollins III, State's Attorney for Cecil County, and Kerwin Miller, Deputy State's Attorney for Cecil County, Courthouse 129 E. Main Street, Elkton, Maryland 21921.

  
Stuart O. Simms

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\* \* \* \* \* OOOO \* \* \* \* \*

**ORDER**

Upon consideration of the Defendant's Motion to File Under Seal and for a Protective Order, and any opposition thereto, it is this \_\_\_ day of January, 2012:

ORDERED that the Defendant's Motion to File Under Seal and for a Protective Order is granted, and it is further

ORDERED that Defendant file its Motions for Subpoenas for Tangible Evidence under seal; and it is further

ORDERED that the Court Clerk keep the Motions for Subpoenas for Tangible Evidence under seal until further order of this Court; and it is further

ORDERED that the Court Clerk keep any copies of Subpoenas for Tangible Evidence issued for the requested medical records under seal until further order of this Court; and it is further

ORDERED that the parties and their counsel and any recipient of the requested medical records are prohibited from using or disclosing the requested medical records for any purpose other than the litigation in this case and any and all appeals thereof.

\_\_\_\_\_  
Judge  
Circuit Court for Cecil County