


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY  D.C.
04 APR -2 PM 5:16

CARRIE STELLA

PLAINTIFF ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

VERSUS

CAUSE NO.: 03cv2757-D/V
JURY TRIAL DEMANDED

MEMPHIS OBSTETRICS & GYNECOLOGICAL
ASSOCIATION, P.C. AND FAZAL MANEJWALA, M.D. Defendants

CONSENT PROTECTIVE ORDER

Plaintiff has served a Subpoena Duces Tecum on Methodist Health-Care Memphis Hospitals (Methodist) seeking pathology tissues and slides relating to Plaintiff's November 27 - December 7, 2002 admission to Methodist Hospital-Germantown, as referenced in the attached report. Methodist, a non-party, has objected to producing the slides and tissue specimens absent a protective order. The parties and Methodist have consented to this order.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED THAT:

1. Plaintiff has requested all pathology tissues slides and tissues in the possession of Methodist Healthcare - Memphis Hospitals arising out of the treatment of Carrie Stella on or about November 26, 2002 as referenced in the attached pathology report.

~~specimens~~ ²Methodist Healthcare-Memphis Hospitals will produce these slides and ~~within ten~~ (10) days after the entry of this Order pursuant to the terms of this ~~specimens~~ Order.

3. These tissue slides and specimens shall be packaged and transported by means to be arranged by Methodist Healthcare-Memphis

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 4-5-04



Hospitals and at the expense of Plaintiff directly from Methodist Healthcare-Memphis Hospitals to counsel for Plaintiff.

4. All of these tissue slides shall be returned by Plaintiff to Methodist Healthcare – Memphis Hospitals, transported by means designated by Methodist Healthcare – Memphis Hospitals and at the expense of Plaintiff, by no later than thirty (30) days after the final conclusion of this litigation in the same condition in which they were received by Plaintiff.

5. From and after the delivery of the tissue slides to Plaintiff and Plaintiff's counsel will assume sole responsibility for the appropriate packaging, maintenance, safe transport, and safe return of the tissue slides and their return in the same condition in which received.

6. Plaintiff may make the slides available to Defendant and Defendant's counsel and experts, subject to the terms of this Order. No other use or transport of the tissue slides other than that specified in this Order shall occur or be permitted to occur during the period the tissue slides are released pursuant to this Order and, likewise, no destructive testing or alteration of the tissue slides of any nature whatsoever shall be performed or permitted to be performed by anyone during the period the tissue slides are released pursuant to this Order.

Deane K. Uccello
JUDGE U.S. Magistrate Judge
DATE: *April 2, 2004*

CONSENTED TO AND APPROVED BY:



Attorney for Plaintiff(s)

Sherry D. Fernandez

Attorney for the Defendant(s)

Kourtla Xinton

Attorney for Methodist



Notice of Distribution

This notice confirms a copy of the document docketed as number 17 in case 2:03-CV-02757 was distributed by fax, mail, or direct printing on April 5, 2004 to the parties listed.

William B. Raiford
MERKEL & COCKE
P.O. Box 1388
Clarksdale, MS 38614

Harold W. McLeary
McLEARY DOMICO & KYLE, PLLC
100 Peabody Place
Ste. 1250
Memphis, TN 38103

William D. Domico
McLEARY DOMICO & KYLE, PLLC
100 Peabody Place
Ste. 1250
Memphis, TN 38103

Diane Vescovo
OFFICE OF MAGISTRATE JUDGE DIANE K. VESCOVO
167 N. Main St., Room 341
Memphis, TN 38103

Honorable Bernice Donald
US DISTRICT COURT