

CERTIFICATION OF RECORDS

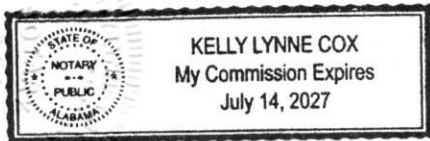
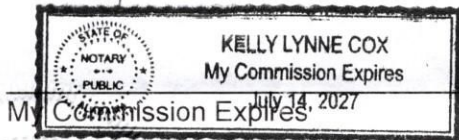
I, Miranda Bicknell hereby certify and affirm in writing that the attached is a true and complete copy of the records regarding: **VIVIAN JAMES; DOB: 10/11/1957; SS#: 424-88-1683**, which are kept in the office of Norhank Health Services, located at: Auburn University Montgomery, in my custody and control. I further certify that I am the legal custodian and keeper of the records. The attached records were made in the regular course of business and it was in the regular course of business for such records to be made at the time of the events, transactions, or occurrences to which they refer, or within a reasonable time thereafter.

All of which I hereby certify and affirm this 23 day of October, 2025.

Miranda L. Bicknell
NAME

Sworn to and subscribed before me
this the 23 day of October, 2025.

Kelly L Cox
Notary Public





ELECTRONICALLY FILED
10/7/2025 11:19 AM
27-CV-2025-900250.00
CIRCUIT COURT OF
DALLAS COUNTY, ALABAMA
LYNNETHIA R. BENNETT, CLERK

IN THE CIRCUIT COURT OF DALLAS COUNTY, ALABAMA

JAMES VIVIAN,
Plaintiff,

V.

WAL-MART, INC.,
Defendant.

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Case No.: CV-2025-900250.00

HIPAA Protective Order

Upon compliance with Rule 45 of the Alabama Rules of Civil Procedure, the attorneys for the parties and pro se parties to this lawsuit are permitted to inspect and copy all health information relating to any individual who is a party to this case, or of any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee, and to inspect and copy all information relative to payment for the provision of medical care to any such individual. Subject to the provisions of Rule 26 of the Alabama Rules of Civil Procedure pertaining to the scope and limits of discovery, the attorneys for the parties to this lawsuit may request an interview with any health care providers, health plan administrators, or other individuals in connection with the aforementioned health information and payments therefore (such information collectively referred to hereafter as "Protected Health Information"). Such health care provider, health plan administrator, or other individual may grant or deny a request for an interview.

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. This Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in

this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family, nor does this Order permit disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than an agent or employee of the attorney or party.

At the conclusion of this action and at the written request of an Individual whose Protected Health Information has been disclosed, or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order.

DONE this the 7th day of October, 2025.

/s/ HON. MARVIN W. WIGGINS
CIRCUIT JUDGE



WEBSTER HENRY

Brooke Hseu, Paralegal
brooke@websterhenry.com
Sender's Direct Dial: (205) 518-8965
Sender's Fax: (205) 380-3485

2 Perimeter Park South
Suite 445 East
Birmingham, AL 35243

October 9, 2025

Custodian of Medical Records

Auburn University at Montgomery Student Health Services
7461 East Drive
Montgomery, AL 36117

**Re: Vivian James v. Wal-Mart Associates, Inc., et. al.
The Circuit Court of Dallas County, Alabama; CV-2025-900250
Our File #: 92-1631**

Dear Records Custodian:

This firm represents Wal-Mart Associates, Inc. in the above-referenced worker's compensation claim. As you are not a party to this case, and as this person has been seen at your office, it is necessary that we review your entire medical file regarding **VIVIAN JAMES; DOB: 10/11/1957; SS#: 424-88-1683**, in order to fully evaluate this claim.

I am enclosing a copy of a civil subpoena for the production of records which will soon be filed in the above case and then be served upon your office.

You may respond to this subpoena prior to service by mailing a **CERTIFIED COPY** of your medical file to my attention at the above address. I have enclosed a certification for your convenience.

We will be happy to reimburse you for any charges incurred in responding to this request. Please contact me for pre-approval if the cost of producing the records exceeds \$100.00. If you have any questions or there is any problem with this request, please do not hesitate to contact me.

Sincerely,

Brooke Hseu

Brooke Hseu
Paralegal to P. Vaughan Russell, Jr.

/bh
Enclosures

Webster, Henry, Bradwell, Cohan, Speagle & DeShazo, P.C.

MONTGOMERY BIRMINGHAM AUBURN MOBILE



ELECTRONICALLY FILED
10/9/2025 4:09 PM
27-CV-2025-900250.00
CIRCUIT COURT OF
DALLAS COUNTY, ALABAMA
LYNNETHIA R. BENNETT, CLERK

IN THE CIRCUIT COURT OF DALLAS COUNTY, ALABAMA

VIVIAN JAMES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV-2025-900250
	)	
WAL-MART ASSOCIATES, INC., et. al.,	)	
	)	
Defendants.	)	

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: **Custodian of Medical Records**
Auburn University at Montgomery Student Health Services
7461 East Drive
Montgomery, AL 36117

To produce and permit said party to inspect and to copy each of the following documents:

A CERTIFIED COPY OF the complete medical file, including all records of doctors' and nurses', x-ray reports, lab reports, history and physicals, admission and discharge summaries, physical therapy notes/reports, consultation and operative reports, admission sheets, blood alcohol test results, histories and profiles, drug screening test results, prescription records, any records pertaining to any treatment for recurrent and ongoing treatment, intake sheets, new patient questionnaires, computer data or compilations or reports, itemized bills, and all other forms of documents, pertaining to each and every admission, emergency room, treatment, surgery, and clinic visit, any and all correspondence from any treating physicians, itemized bills, and any other written material contained in your file pertaining to: **VIVIAN JAMES; DOB: xx/xx/1957; SS#: xxx-xx-1683.** **** THIS SUBPOENA IS ONGOING FOR A PERIOD THROUGH THE END AND COMPLETION OF THIS LITIGATION. ****

You may comply with this subpoena by mailing copies of the requested records to:

Brooke Hseu, Paralegal
WEBSTER HENRY
Two Perimeter Park South
Suite 445 East
Birmingham, Alabama 35243

HIPAA COMPLIANCE LANGUAGE

In compliance with 145 CFR 164.512(e)(1)(ii), (iii), the undersigned states as follows:

1. The Defendant has given or attempted to give the individual whose records we are seeking notice of this subpoena. The notice of intent of this subpoena was issued at least fifteen (15) days prior to the issuance of the subpoena. The attorney for the patient has received this notice.
2. The notice of the intent to issue the subpoena as well as the subpoena, are sufficiently specific about the records sought. This notice provides sufficient information about the litigation to allow the attorney for the patient to raise an objection before the court.

3. That the attorney for the patient has fifteen (15) days from the issuance of the Notice of Intent to issue the subpoena to file or raise any objections to same, and that time has passed with no objections being raised or if any objections have been raised, they have been resolved by the court.

Such production and inspection is to take place where the documents are regularly kept or at some other reasonable place designated by you. **Please inform us if the reasonable copying cost will be over \$100.00.** You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

You have the option to deliver or mail legible copies of documents to the party causing the issuance of this subpoena, but you may condition such activity on your part upon the payment in advance by the party causing the issuance of this subpoena of the reasonable costs of the making of such copies. The said party agrees to pay all reasonable expenses incurred by you at the aforementioned time and place or upon receipt of said documents.

Rule 45 of the Alabama Rules of Civil Procedure, which applies to this request for documents provides in sections (c) and (d) as follows:

(c) Protection of Persons Subject to Subpoenas:

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection of and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein, means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance.

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a non-resident of this state who is not a party or an officer of a party to travel to a place within the state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of Clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

- (iv) subjects a person to undue burden.
- (B) If a subpoena
 - (i) requires a disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
 - (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than one hundred (100) miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued, shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena:

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

You have the right object at any time prior to the date set forth in this subpoena for compliance. Should you choose to object, you should communicate such objection in writing to the party causing the issuance of this subpoena and stating, with respect to any item to which objection is made, your reasons for such objection.

This the ____ day of _____, 2025.

CIRCUIT COURT CLERK

DATE OF ISSUE: _____

RETURN ON SERVICE

Received this subpoena on _____ and served it on the within named on the ____ day of _____, 2025.

PROCESS SERVER

Model Attestation Regarding a Requested Use or Disclosure of Protected Health Information
Potentially Related to Reproductive Health Care

The entire form must be completed for the attestation to be valid.

Name of person(s) or specific identification of the class of persons to receive the requested PHI. <i>e.g., name of investigator and/or agency making the request</i> Attn: Brooke Hseu / Webster Henry - 2 Perimeter Park South, Suite 445 East, Birmingham, AL 35243
Name or other specific identification of the person or class of persons from whom you are requesting the use or disclosure. <i>e.g., name of covered entity or business associate that maintains the PHI and/or name of their workforce member who handles requests for PHI</i> Auburn University at Montgomery Student Health Services
Description of specific PHI requested, including name(s) of individual(s), if practicable, or a description of the class of individuals, whose protected health information you are requesting. <i>e.g., visit summary for [name of individual] on [date]; list of individuals who obtained [name of prescription medication] between [date range]</i> Any and all records for any and all dates of service regarding: VIVIAN JAMES; DOB: 10/11/1957; SS#: 424-88-1683

I attest that the use or disclosure of PHI that I am requesting is not for a purpose prohibited by the HIPAA Privacy Rule at 45 CFR 164.502(a)(5)(iii) because of one of the following (check one box):

- ☒ The purpose of the use or disclosure of protected health information is **not** to investigate or impose liability on any person for the mere act of seeking, obtaining, providing, or facilitating reproductive health care or to identify any person for such purposes.
- ☐ The purpose of the use or disclosure of protected health information **is** to investigate or impose liability on any person for the mere act of seeking, obtaining, providing, or facilitating reproductive health care, or to identify any person for such purposes, but the reproductive health care at issue was **not lawful** under the circumstances in which it was provided.

I understand that I may be subject to criminal penalties pursuant to 42 U.S.C. 1320d-6 if I knowingly and in violation of HIPAA obtain individually identifiable health information relating to an individual or disclose individually identifiable health information to another person.

Signature of the person requesting the PHI



Date 10/09/2025

If you have signed as a representative of the person requesting PHI, provide a description of your authority to act for that person.
