

BEFORE THE MONTANA DEPARTMENT  
OF LABOR AND INDUSTRY

IN THE MATTER OF HUMAN RIGHTS BUREAU CASE NO. 0131016262:

RONIS BOLLINGER,	)	Case No. 1523-2014
	)	
Charging Party,	)	
	)	
vs.	)	AMENDMENTS TO
	)	SEALING ORDER
BILLINGS CLINIC,	)	
	)	
Respondent.	)	

\* \* \* \* \*

In the course of preparing the file for transfer to HRB, the Hearing Officer has ascertained that a simpler and broader sealing order regarding portions of the file that should be sealed and were not offered at hearing will be necessary to protect the privacy interests of non-parties, both Clinic employees and Clinic patients. THEREFORE, SECTION III OF THE DECEMBER 29, 2015, SEALING ORDER HEREIN IS MODIFIED AS FOLLOWS:

III. Sealed under this order are:

- a. . . . . [UNCHANGED];
- b. . . . . [UNCHANGED];
- c. The **FOLLOWING** portions of the deposition of Ronis Bollinger ~~identified on the top of the next page~~ are sealed pursuant to "Respondent's Designation of Depositions to be Sealed" (Jan. 22, 2015), **AND ACCESS TO THE COPIES OF THE DEPOSITIONS IN THE DEPARTMENT HEARING FILES CANNOT INCLUDE INSPECTION OF THE FOLLOWING PAGES, IN THE CONDENSED COPIES OF THE DEPOSITION ATTACHED TO THE IDENTIFIED DOCUMENT, IN EXPANDING FILE NO. 2 OF 3.**

Pages	Lines	Page	Lines
89	24	156	20, 23, 25
91	10, 12-13	157	2, 15, 25

92	1, 12-13	158	2
93	11	199	13, 19
94	8, 22	200	23
95	12, 15	201	4-5, 8
96	1	202	4-5, 8, 10, 12, 17
98	11	203	8
107	22	204	2-3, 10, 14
108	2, 6	205	2, 6, 9, 17
109	7, 14, 16, 19	243	23
114	4	244	1, 6-8, 21
129	21, 24		

- d. The following portions of the deposition of Amy Hauschild are sealed pursuant to “Respondent’s Designation of Depositions to be Sealed” (Jan. 22, 2015) and “Charging Party’s Submission of Deposition Transcript for Hearings File” (Feb. 10, 2015) AND ACCESS IS LIMITED TO THE REDACTED COPY OF THE HAUSCHILD DEPOSITION ATTACHED TO “Charging Party’s Submission of Deposition Transcript for Hearings File” (Feb. 10, 2015) IN VOLUME 3 OF 4 OF THE BLUE DEPARTMENT HEARING FILES AND CANNOT INCLUDE INSPECTION OF ANY OF THE CONDENSED COPY OF THAT DEPOSITION ATTACHED TO “Respondent’s Designation of Depositions to be Sealed” (Jan. 22, 2015), IN EXPANDING FILE NO. 2 OF 3.

Pages	Lines
33	3-4, 16, 21
34	8, 16, 22, 25

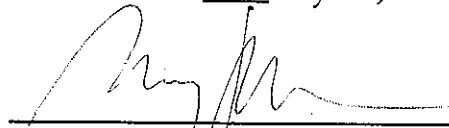
36	10, 12-13, 17
37	1, 12-13
38	11, 23-25
45	11-12
46	7-9
48	8, 10, 22
49	2, 12, 15, 20
50	5

- e. Unredacted versions of documents produced to the Hearing Officer in compliance with the Hearing Officer's "Order Granting and Denying Bollinger's First Motion to Compel" (Nov. 20, 2014), rulings on "(3) Bollinger's Request For Production No. 8," pp. 2-3 and "(4) Bollinger's Request For Production No. 9," pp. 3-4 (redacted copies in counsels' respective files are not sealed);
- f. Products of discovery (formal or informal) ~~designated as "Protected Information" in compliance with the Hearing Officer's "Amended Protective Order," June 11, 2014 herein~~ **IN THE DEPARTMENT HEARING FILES WHICH WERE NOT OFFERED AT HEARING.**
- g. Filings designated as "Protected Information" in compliance with the Hearing Officer's "Amended Protective Order," June 11, 2014 herein;
- h. The key(s) identifying employees (by name) who are identified only by consecutive numbers in documents and evidence regarding any investigations of, complaints or grievances by and disciplinary actions against Billings Clinic employees from January 1, 2009, to Dec. 11, 2014 (the date of the order compelling), which involved allegations of improper use and disclosure of confidential patient information or other confidential business information, pursuant to "Order Granting and Denying Bollinger's Second Motion to Compel" (Dec. 11, 2014), pp. 1-2, "1. Response to Interrogatory No. 7;"
- i. Documents regarding any investigations of, complaints or grievances by and disciplinary actions against Billings Clinic employees from January 1, 2009, to Dec. 11, 2014 (the date of the order compelling), which involved allegations of improper use

and disclosure of confidential patient information or other confidential business information, pursuant to "Order Granting and Denying Bollinger's Second Motion to Compel" (Dec. 11, 2014), pp. 1-2, "1. Response to Interrogatory No. 7," which were not offered into evidence during the contested case hearing;

- j. The key(s) identifying patients (by name) who are identified only by a capital letter (although the order originally dictated their identification by numbers) **OR BY NUMBERS** regarding any investigations of, complaints or grievances by and disciplinary actions against Billings Clinic employees from January 1, 2009, to Dec. 11, 2014 (the date of the order compelling), which involved allegations of improper use and disclosure of confidential patient information or other confidential business information, filed pursuant to "Order Granting and Denying Bollinger's Second Motion to Compel" (Dec. 11, 2014), pp. 1-2, "1. Response to Interrogatory No. 7;"
- k. The key(s) identifying employees (by name) who are identified only by consecutive numbers in documents and evidence produced regarding identification of the employees that the Clinic investigated about the alleged breach of Char Kinison's confidential patient information, and identification of the discipline imposed, if any, on these employees for their conduct regarding the alleged breach, pursuant to "Order Granting and Denying Bollinger's Second Motion to Compel" (Dec. 11, 2014), pp. 2-3, "2. Response to Interrogatory No. 9;"
- l. Documents produced regarding identification of the employees the Clinic investigated about the alleged breach of Char Kinison's confidential patient information, and identification of the discipline imposed, if any, on these employees for their conduct regarding the alleged breach, pursuant to "Order Granting and Denying Bollinger's Second Motion to Compel" (Dec. 11, 2014), pp. 2-3, "2. Response to Interrogatory No. 9," which were not offered into evidence during the contested case hearing.

DATED this 5<sup>th</sup> day of January, 2016.



Terry Spear, Hearing Officer  
Office of Administrative Hearings, Centralized Services Division  
Montana Department of Labor and Industry

\* \* \* \* \*

CERTIFICATE OF MAILING

True and correct copies today served by U.S. Mail, postage prepaid, to the following addresses and to the following e-mail addresses by e-mail:

VERONICA A PROCTOR  
PROCTER LAW PLLC  
2718 MONTANA AVENUE STE 230  
PO BOX 782  
BILLINGS MT 59103

[vp@procterlawfirm.com](mailto:vp@procterlawfirm.com)

PHILIP MCGRADY  
MCGRADY LAW FIRM  
PO BOX 40  
PARK CITY MT 59063

[philip@mcgradylawfirm.com](mailto:philip@mcgradylawfirm.com)

EDWARD J BUTLER  
BUTLER LAW LLC  
3230 EAST WOODMEN ROAD STE 110  
COLORADO SPRINGS CO 80920

[ebutler@butlerlaw.com](mailto:ebutler@butlerlaw.com)

Signed this 5<sup>th</sup> day of January, 2016.



Legal Secretary, Office of Administrative Hearings  
Montana Department of Labor and Industry

