

FILED IN OFFICE
FEB 16 2012
CLERK SUPERIOR COURT
FULTON COUNTY, GA

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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

ELIZABETH DENISE CALDON,

Plaintiff,

vs.

BOARD OF REGENTS OF THE
UNIVERSITY SYSTEM OF GEORGIA,

Defendant.

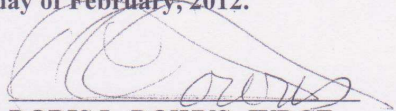
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CIVIL ACTION
FILE NO. 2009CV165267

**ORDER DENYING PLAINTIFF'S
SECOND MOTION TO LIFT PROTECTIVE ORDER**

This matter comes before the Court on Plaintiff's Second Motion to Lift Protective Order. Having reviewed the record and considered the arguments and submissions of the parties, it is hereby ordered and adjudged that the present motion be DENIED.

SO ORDERED this 16 day of February, 2012.


DORIS L. DOWNS, JUDGE
FULTON SUPERIOR COURT
ATLANTA JUDICIAL CIRCUIT

Elizabeth Denise Caldon
1055 Ashford Chase Court
Macon, Georgia 31210

Kathleen T. Gosden, Esq.
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House of Representatives

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STANDING
COMMITTEES:
TRANSPORTATION
HIGHER EDUCATION
NATURAL RESOURCES & ENVIRONMENT

February 6, 2012

EXHIBIT I

From the desk of State Representative Ralph Long:

RE: Georgia Whistleblower Protection Act Case 2009-CV-165267

I am State Rep. Ralph A. Long, representing the 61st District and the current author of House Bill 206 that has been classified as the "Whistleblower Bill". In connecting with Ms. Denise Caldon, I have learned of the holding of documents from the Fulton County Superior Court. As a result of the statement made in the Board of Regents of the University System of Georgia's response dated February 2, 2012 in Opposition to E. Denise Caldon's "Second Motion to Lift Protective Order," dated 30 January 2012, which states, pg. 3:

"Plaintiff indicates that the records would assist the Southern Association of Colleges and Schools in an investigation and would assist in testimony before the General Assembly. Neither of those bodies has requested the records from the Court."

I am requesting that Doris L. Downs, Chief Judge of Fulton County Superior Court, approve the motion filed by E. Denise Caldon on January 30, 2012, requesting the lifting of the Protective Order in Georgia Whistleblower case 2009-CV-165267. If you have any direct questions, concerns, or comments in reference to this matter, you may contact me directly at 770-616-2130 or you may reach my Chief of Staff, DeAndre S. Pickett at 404-987-1655. Thank you for your immediate attention to this matter.

Yours in service,

Ralph A. Long

State Rep. Ralph A. Long, III (D-61)
State House of Representatives

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

ELIZABETH DENISE CALDON,)
)
 Plaintiff,)
) CIVIL ACTION FILE NO.
 v.) 2009-CV-165267
)
 BOARD OF REGENTS OF THE)
 UNIVERSITY SYSTEM OF GEORGIA,)
)
 Defendant.)
 _____)

DEFENDANT'S RESPONSE IN OPPOSITION TO
PLAINTIFF'S "SECOND MOTION TO LIFT PROTECTIVE ORDER"

COMES NOW Defendant Board of Regents of the University System of Georgia, by and through its counsel of record the Attorney General of the State of Georgia, and submits this its response in opposition to Plaintiff's "Second Motion to Lift Protective Order." Defendant Board of Regents respectfully requests that the Court deny Plaintiff Caldon's latest motion to dissolve the protective order to which she twice consented.

In order to facilitate the discovery of evidence in this lawsuit without needlessly disseminating personal information about people who are not parties to the lawsuit, the parties submitted their **consent** motion for protective order on September 17, 2009, and the Court approved the protective order on September 22, 2009. Then,

on June 21, 2010, the parties again submitted a **consent** motion to file deposition transcripts and excerpts under seal in conjunction with the Board of Regents' motion for summary judgment, and the Court granted that motion on June 24, 2010. A primary purpose of these motions was to protect from disclosure evidence regarding the health, medical appointments, and treatment of the former president of Macon State College, Dr. David Bell. The Court separately ruled in this case that such evidence is protected from disclosure by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320 *et seq.*; 45 C.F.R. 160.102 *et seq.*, in an order dated March 16, 2010.

Plaintiff previously filed a motion to lift the protective order on August 2, 2011, and the Court denied her motion on August 18, 2011. Plaintiff's new motion to lift the protective order should be denied because the Court has already resolved this issue in its previous order.

In her new motion, Plaintiff still does not provide good cause for the Court to reverse its previous ruling and lift the protective order. Plaintiff's arguments generally focus on her contention that the depositions contain evidence of whistleblower retaliation that she wants to

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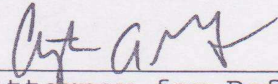
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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2012, I caused to be served the foregoing **DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S "SECOND MOTION TO LIFT PROTECTIVE ORDER"**, by placing a copy thereof in the U.S. Mail addressed to the following *pro se* party:

Elizabeth Denise Caldon
1055 Ashford Chase Court
Macon, Georgia 31210



Attorney for Defendant