

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FILED IN OFFICE
SEP -7 2012
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

ELIZABETH DENISE CALDON,)
)
Plaintiff,)
)
v.)
)
BOARD OF REGENTS OF THE)
UNIVERSITY SYSTEM OF GEORGIA,)
)
Defendant.)
)
_____)

CIVIL ACTION FILE NO.
2009-CV-165267

DEFENDANT'S RESPONSE IN OPPOSITION TO
PLAINTIFF'S "FOURTH 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 response in opposition to Plaintiff's "Fourth 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 this case in which summary judgment was entered for Defendant on August 16, 2010, and affirmed by the Court of Appeals on July 13, 2011. *Caldon v. Board of Regents*, 311 Ga. App. 155 (2011), with no petition of certiorari filed thereafter.

As part of this Response, Defendant respectfully requests that this Court consider its responses to

Plaintiff Caldon's previous three motions to lift the Consent Protective Order as if incorporated herein by this reference.

The record of this case, in which the Court's Final Order was entered August 16, 2010, contains not only the Consent Protective Order (September 22, 2009), but also the Order denying Plaintiff's Motion to Compel (March 16, 2010), and the Order on Consent Consolidated Motion to File Original Depositions and Excerpts Under Seal (June 24, 2010). All of these documents concern either evidence declared confidential, including deposition testimony about the medical records of former Defendant David A. Bell, former President of Ms. Caldon's former employer, Macon State University, or medical records themselves, which are protected under HIPAA. See, e.g., Order on Plaintiff's Motion to Compel. Two of these Orders were by consent of the parties; the Order denying Plaintiff's motion to compel was not appealed.¹

After this Court's Final Order, entered over two years ago, Plaintiff has filed three motions to lift the consent protective order. This Court has entered three Orders denying each of those motions.

¹ Only the Court's Order of August 16, 2010, granting summary judgment to Defendant was appealed. It was affirmed by the Court of Appeals. 311 Ga. App. 155.

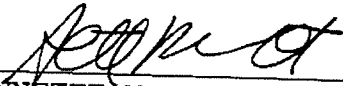
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CERTIFICATE OF SERVICE

I hereby certify that on September *7th* 2012, I caused to be served the foregoing DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S "FOURTH 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



ANNETTE M. COWART
Attorney for Defendant