

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
2 **FOR MULTNOMAH COUNTY**
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4 No. 19CR53042 (Gibson)
5 No. 19CR50007 (Kramer)
6 No. 19CR54815 (Kramer)
7 No. 19CR53040 (Lewis)
8 No. 19CR53035 (Schultz)

9 STATE OF OREGON

10 Plaintiff,

STATE'S MOTION FOR QUALIFIED PROTECTIVE
ORDER

11 v.

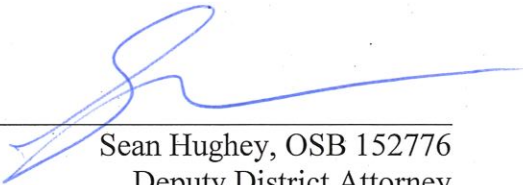
12 JOSEPH GIBSON;
13 IAN KRAMER;
14 MACKENZIE LEWIS; and
15 RUSSELL SCHULZ;

16 Defendants.

17 The State of Oregon, through Sean Hughey, Deputy District Attorney, hereby moves this
18 court for an order entering the attached proposed Qualified Protective Orders in the above-
19 captioned cases to protect the confidential individually identifiable health information of the
20 victim that has been produced in discovery.

21 Submitted this 1st day of March, 2020.

22 ROD UNDERHILL
23 District Attorney
24 Multnomah County, Oregon

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28 Sean Hughey, OSB 152776
Deputy District Attorney

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4 **EXHIBIT A – Proposed Qualified Protective Orders**
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FOR MULTNOMAH COUNTY

No. 19-CR-53042

QUALIFIED PROTECTIVE ORDER

Defendant.

QUALIFIED PROTECTIVE ORDER

Portions of the discovery produced to the defendants in this case constitute individually identifiable health information as that term is defined in ORCP 55H(1)(a). The parties or their designated agents may not use or disclose any individually identifiable health information for any purpose other than in connection with the above-captioned criminal litigation.

Additionally, the parties may not release individually identifiable health information to any other persons who are not directly involved in the case, but may release the information to an expert witness retained in this case, an investigator retained in the case, or the designated agent. A copy of this Qualified Protective Order shall be included with any copies of individually identifiable health information provided to any party or any other person involved with the above-captioned matter.

Any individually identifiable health information shall not be viewed or otherwise used except in connection with representation of a party in the above-captioned proceeding. Any other use or viewing of individually identifiable health information is not authorized and shall be deemed a violation of this Qualified Protective Order. It shall be the responsibility of counsel obtaining the records covered by this Order to exercise due diligence to ensure that no unauthorized use or viewing occurs. No party may permit any person to view or possess any of the records covered by this Qualified Protective Order without properly notifying that person of the existence and requirements of this Order and providing them with a copy thereof.

At the end of this pending criminal matter, any and all individually identifiable health information must be destroyed or returned to the original custodian.

Nothing in this Order shall be construed as inconsistent with any other applicable local, state or federal law or rule regulating the information contained herein.

DONE AND ORDERED IN MULTNOMAH COUNTY CIRCUIT COURT, PORTLAND, OREGON, this
day of _____, 2020.

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FOR MULTNOMAH COUNTY

No. 19-CR-50007

Plaintiff,

QUALIFIED PROTECTIVE ORDER

Defendant.

QUALIFIED PROTECTIVE ORDER

Portions of the discovery produced to the defendants in this case constitute individually identifiable health information as that term is defined in ORCP 55H(1)(a). The parties or their designated agents may not use or disclose any individually identifiable health information for any purpose other than in connection with the above-captioned criminal litigation.

Additionally, the parties may not release individually identifiable health information to any other persons who are not directly involved in the case, but may release the information to an expert witness retained in this case, an investigator retained in the case, or the designated agent. A copy of this Qualified Protective Order shall be included with any copies of individually identifiable health information provided to any party or any other person involved with the above-captioned matter.

Any individually identifiable health information shall not be viewed or otherwise used except in connection with representation of a party in the above-captioned proceeding. Any other use or viewing of individually identifiable health information is not authorized and shall be deemed a violation of this Qualified Protective Order. It shall be the responsibility of counsel obtaining the records covered by this Order to exercise due diligence to ensure that no unauthorized use or viewing occurs. No party may permit any person to view or possess any of the records covered by this Qualified Protective Order without properly notifying that person of the existence and requirements of this Order and providing them with a copy thereof.

At the end of this pending criminal matter, any and all individually identifiable health information must be destroyed or returned to the original custodian.

Nothing in this Order shall be construed as inconsistent with any other applicable local, state or federal law or rule regulating the information contained herein.

DONE AND ORDERED IN MULTNOMAH COUNTY CIRCUIT COURT, PORTLAND, OREGON, this

day of _____, 2020.

FOR MULTNOMAH COUNTY

No. 19-CR-53040

QUALIFIED PROTECTIVE ORDER

Defendant.

QUALIFIED PROTECTIVE ORDER

Portions of the discovery produced to the defendants in this case constitute individually identifiable health information as that term is defined in ORCP 55H(1)(a). The parties or their designated agents may not use or disclose any individually identifiable health information for any purpose other than in connection with the above-captioned criminal litigation.

Additionally, the parties may not release individually identifiable health information to any other persons who are not directly involved in the case, but may release the information to an expert witness retained in this case, an investigator retained in the case, or the designated agent. A copy of this Qualified Protective Order shall be included with any copies of individually identifiable health information provided to any party or any other person involved with the above-captioned matter.

Any individually identifiable health information shall not be viewed or otherwise used except in connection with representation of a party in the above-captioned proceeding. Any other use or viewing of individually identifiable health information is not authorized and shall be deemed a violation of this Qualified Protective Order. It shall be the responsibility of counsel obtaining the records covered by this Order to exercise due diligence to ensure that no unauthorized use or viewing occurs. No party may permit any person to view or possess any of the records covered by this Qualified Protective Order without properly notifying that person of the existence and requirements of this Order and providing them with a copy thereof.

At the end of this pending criminal matter, any and all individually identifiable health information must be destroyed or returned to the original custodian.

Nothing in this Order shall be construed as inconsistent with any other applicable local, state or federal law or rule regulating the information contained herein.

DONE AND ORDERED IN MULTNOMAH COUNTY CIRCUIT COURT, PORTLAND, OREGON, this

day of _____, 2020.

FOR MULTNOMAH COUNTY

No. 19-CR-53035

QUALIFIED PROTECTIVE ORDER

Defendant.

QUALIFIED PROTECTIVE ORDER

Portions of the discovery produced to the defendants in this case constitute individually identifiable health information as that term is defined in ORCP 55H(1)(a). The parties or their designated agents may not use or disclose any individually identifiable health information for any purpose other than in connection with the above-captioned criminal litigation.

Additionally, the parties may not release individually identifiable health information to any other persons who are not directly involved in the case, but may release the information to an expert witness retained in this case, an investigator retained in the case, or the designated agent. A copy of this Qualified Protective Order shall be included with any copies of individually identifiable health information provided to any party or any other person involved with the above-captioned matter.

Any individually identifiable health information shall not be viewed or otherwise used except in connection with representation of a party in the above-captioned proceeding. Any other use or viewing of individually identifiable health information is not authorized and shall be deemed a violation of this Qualified Protective Order. It shall be the responsibility of counsel obtaining the records covered by this Order to exercise due diligence to ensure that no unauthorized use or viewing occurs. No party may permit any person to view or possess any of the records covered by this Qualified Protective Order without properly notifying that person of the existence and requirements of this Order and providing them with a copy thereof.

At the end of this pending criminal matter, any and all individually identifiable health information must be destroyed or returned to the original custodian.

Nothing in this Order shall be construed as inconsistent with any other applicable local, state or federal law or rule regulating the information contained herein.

DONE AND ORDERED IN MULTNOMAH COUNTY CIRCUIT COURT, PORTLAND, OREGON, this

day of _____, 2020.

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2 I certify I served a true copy of this STATE'S MOTION FOR QUALIFIED
3 PROTECTIVE ORDERS on counsel for Defendants by e-mailing a true copy thereof to
4 opposing counsel.
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8 **James Buchal, attorney for Defendant Joseph Gibson**
9 jbuchal@mbllp.com

10 **Angus Lee, attorney for Defendant Joseph Gibson**
11 angus@angusleelaw.com

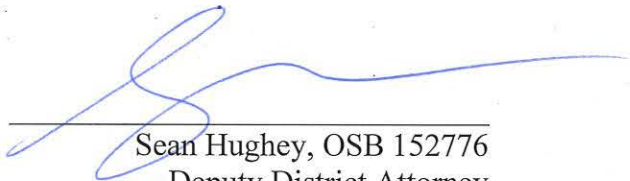
12 **Jason Steen, attorney for Ian Kramer**
13 jason@dickisonsteen.com

14 **Aubrey Hoffman, attorney for Russell Schultz**
15 aubrey@aubreyhoffmanlaw.com

16 **Mackenzie Lewis – pro se**
17 Mack.lewis16@yahoo.com

18 **Kelly Doyle, advisory counsel for Mackenzie Lewis**
19 kdoyleatty@aol.com

20 Submitted this 1st day of March, 2020.
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Sean Hughey, OSB 152776
Deputy District Attorney
Multnomah County DA's Office