

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania,	:	
By Josh Shapiro, Attorney General;	:	
Pennsylvania Department of Insurance,	:	
By Jessica K. Altman, Insurance	:	
Commissioner and Pennsylvania	:	
Department of Health, By Rachel	:	
Levine, Secretary of Health,	:	
Petitioners	:	
	:	
v.	:	No. 334 M.D. 2014
	:	
UPMC, A Nonprofit Corp.;	:	
UPE, a/k/a Highmark Health,	:	
A Nonprofit Corp. and Highmark, Inc.,	:	
A Nonprofit Corp.,	:	
Respondents	:	

ORDER re Commonwealth’s Application to Quash and for Protective Order

AND NOW, this 26th day of March, 2019, upon consideration of the Commonwealth’s Application to Quash and for Protective Order, UPMC’s Response in Opposition to the Attorney General’s Application, and the Commonwealth’s Reply thereto, and given this Court’s overriding concern for the potential disclosure of privileged or otherwise protected communications by an attorney; and

Pursuant to Pa. R.C.P. No. 4012(a), it is **ORDERED and DECREED** that the Application is **GRANTED in part, without prejudice** to UPMC to apply to the Court after the close of discovery for permission to depose Executive Deputy Attorney General James A. Donahue, III (Lead Counsel), upon proof that the interrogation will not seek privileged or protected communications and that the information sought is not available from other sources;

Accordingly, UPMC's notice and subpoena for the deposition of Lead Counsel is hereby **QUASHED**, and a **LIMITED PROTECTIVE ORDER** is entered provisionally prohibiting the deposition, as provided above.



ROBERT SIMPSON, Judge

Certified from the Record

MAR 27 2018

And Order Exit