

From: [Brad Lakin](#)
To: [Amy Bowne](#)
Subject: Proposed Amended Rule 218
Date: Tuesday, April 23, 2019 5:35:17 PM

Committee Secretary:

I am writing you in opposition to 18-01 (P.R. 0252) which seeks to amend Illinois Supreme Court Rule 218. The rule's broad language violates federal, state and constitutional rights of plaintiffs involved in litigation. The proposed rule forces individuals to waive their constitutional rights to privacy, by forcing them to consent to the disclosure of information that is not related to the subject litigation and by placing no restrictions on the insurance industry's use of the information for purposes other than the subject litigation. The Illinois Supreme Court long ago prohibited "fishing expeditions" by restricting the production of medical records that tend to prove the issues in the litigation. *Firebaugh v. Traff*, 353 Ill. 82, 85 (1933). This proposed rule invites such conduct.

Moreover, the proposed amendment violates HIPAA in several ways. By way of example, the proposed rule does not require the court to make a determination as to whether the information sought is relevant, it does expressly state that the information be used solely for litigation purposes or require the destruction of the records at the conclusion of the litigation process. This is a terrible rule that will step all over the privacy rights of individuals.

I urge the committee to not adopt the proposed amended Rule 218 language. My Illinois Bar # is [REDACTED]. Thank you for your consideration.

Bradley M. Lakin | Founding Partner

SL CHAPMAN LLC

One Court Street, Suite 300

Alton, IL 62002

618.254.1127

618.254.0193 (fax)

www.SLChapman.com

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, then please contact the sender and delete the copies.