From: Jared Duggan
To: Amy Bowne
Subject: Objection to the Proposal to amend SCT 218
Date: Friday, May 03, 2019 11:37:02 AM
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Dear Ms. Bowne,

I am an attorney in Chicago and writing you to express my strong objection to the Proposed Amendment to Supreme Court Rule 218. The proposed amendment puts private interests of Insurance Companies over the privacy interests of Illinois residents. Looking at the procedural history of this proposed amendment should made it clear why insurance companies are spending millions of dollars to amass databases filled with private health information of Illinois residents.
This proposed change not only are contrary to a person's right to privacy, but contract to well established case law, please see highlights of said decisions:

1. The confidentiality of personal medical information is, without question, at the core of what society regards as a fundamental component of individual privacy. Physicians are privy to the most intimate details of their patients' lives, touching on diverse subjects like mental health, sexual health and reproductive choice. Moreover, some medical conditions are poorly understood by the public, and their disclosure may cause those afflicted to be unfairly stigmatized. Respect for the privacy of medical information is a central feature of the physician-patient relationship. Under the Hippocratic Oath, and modern principles of medical ethics derived from it, physicians are ethically bound to maintain patient confidences. *See Petrillo v. Syntex Laboratories, Inc.*, 148 Ill.App.3d 581, 589, 102 Ill.Dec. 172, 499 N.E.2d 952 (1986).
2. It has been uniformly held that before an order can be entered for the production of books or writings by one of the parties there must be good and sufficient cause shown that the evidence sought to be obtained is pertinent to the issues in the case. * * * Such an order cannot be used to procure a general investigation of a transaction not material to the issue." Firebaugh, 353 Ill. at 84–85, 186 N.E. 526.
3. While Firebaugh involved the prohibition against unreasonable searches and seizures, the same analysis applies where the privacy interest in medical information is involved. It is reasonable to require full disclosure of medical information that is relevant to the issues in the lawsuit. But as previously noted, section 2–1003(a) requires a blanket consent to disclosure of all medical information without regard to the issues being litigated. The scope of the required disclosure is unreasonable and unconstitutional. Kunkel v. Walton, 179 Ill. 2d 519, 537–39, 689 N.E.2d 1047, 1055–56 (1997)

I cannot stress enough the concern of allow a change directed from special interests over the privacy interest of people in the State of Illinois.

Sincerely,

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