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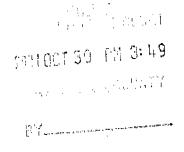
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Attorneys for Defendant



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## IN THE FIFTH DISTRICT COURT WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,

Plaintiff,

VS.

WARREN STEED JEFFS.

Defendant.

ORDER ALLOWING CONFIDENTIAL AND PRIVILEGED PHYSICIAN CONTACT WITH PATIENT [Filed Under Seal]

Case No. 061500526

Judge James L. Shumate 🕆

On February 8, 2007, the Defendant's Motion for Confidential and Privileged Physician Contact With Patient came before this Court for oral argument. The State was represented by its counsel, Mr. Belnap and Ms. Mitchell. Additionally, various members from the Purgatory Correctional Facility, including Chief Mary Reap, were present in the Judge's chambers.

Mr. Jeffs' counsel, Walter F. Bugden, Jr., and Richard A. Wright, participated by telephone conference.

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Both the Defendant and the State submitted memoranda of law in support of their respective positions. Both parties presented oral argument on their respective positions.

Being fully advised in the premises, and having considered what will best further the ends of justice under the circumstances, the Court now enters the following Order:

- Dr. Lloyd Barlow, Dr. Thomas E. Bittker, and Dr. Claude Warner, will be 1. given unfettered, unsupervised, unmonitored and non-eavesdropped physical contact with Mr. Jeffs at the Purgatory Correctional Facility. In furtherance of HIPPA approved communication with the patient, Warren Jeffs, no jall staff will be present when either Dr. Barlow, Dr. Bittker, or Dr. Warner meets with their patient, Warren Jeffs.
- The physical contact and conversations with Mr. Jeffs will be limited to two 2. visits for each of the three physicians. The physicians may elect to meet with Mr. Jeffs together, or they meet with Mr. Jeffs separately.
- Each physicians consultation with Mr. Jeffs shall be limited to one hour 3. and each physician may have no more than two hours with the patient.
- The Purgatory Correctional Facility may screen Dr. Barlow, Dr. Bittker, 4. and Dr. Warner, for security purposes.
- Each physician shall be granted access to the patient at the physician's 5. request, but at a time that is not disruptive or inconvenient for the Purgatory Correctional Facility.
- Each physician shall be entitled to consult with the entire hospital / medical staff at the Purgatory Correctional Facility from a nurse up to physicians including Dr. Stephen Seager, and each physician shall have access to all of the

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patient's medical records, nursing notes maintained by the Purgatory Correctional Facility. The consultation between physicians Barlow, Bittker, and Warner, shall only be climited by their medical ethics.

- 7. The State's motion to stay this Order pending any appeal, is hereby denied.
- 8. This Order is entered under seal and all parties are instructed to take extraordinary measures to maintain the confidentiality and privacy of this Court's Order.

DATED this \_\_\_\_ day of February, 2007.

BY THE COURT:

HON, JAMES L. SHUMATE

Approved as to form:

Brock Belnap Washington County Attorney 02/08/2007 10:34

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## CLERK'S CERTIFICATE OF SERVICE

I hereby certify that, on the day of February, 2007, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:		
Brock R. Beinap Washington County Attorney 178 North 200 East St. George, UT 84770		HAND DELIVERY U.S. MAIL OVERNIGHT MAIL FACSIMILE:
Walter F. Bugden, Jr. Tara L. Isaacson Bugden & Isaacson, LLC 445 East 200 South, Suite 150 Salt Lake City, UT 84111		HAND DELIVERY U.S. MAIL OVERNIGHT MAIL FACSIMILE:
Richard A. Wright Wright Judd & Winckler Bank of America Plaza 300 South Fourth Street, Suite 701 Las Vegas, NV 89101		HAND DELIVERY U.S. MAIL OVERNIGHT MAIL FACSIMILE: