

WALTER F. BUGDEN, JR. (480)
TARA L. ISAACSON (7555)
BUGDEN & ISAACSON, L.L.C.
445 East 200 South, Suite 150
Salt Lake City, UT 84111
Telephone: (801) 467-1700
Facsimile: (801) 746-8600

Attorneys for Defendant:

30 OCT 50 PM 3:49

BY _____

*Rec'd 8 Feb 07
Ordered Filed
30 Oct 07*



**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.

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:

1. Dr. Lloyd Barlow, Dr. Thomas E. Bittker, and Dr. Claude Warner, will be given unfettered, unsupervised, unmonitored and non-eavesdropped physical contact with Mr. Jeffs at the Purgatory Correctional Facility. In furtherance of HIPPA ^{Regulated} ~~approved~~ communication with the patient, Warren Jeffs, no jail staff will be present when either Dr. Barlow, Dr. Bittker, or Dr. Warner meets with their patient, Warren Jeffs.
2. The physical contact and conversations with Mr. Jeffs will be limited to two visits for each of the three physicians. The physicians may elect to meet with Mr. Jeffs together, or they meet with Mr. Jeffs separately.
3. Each physicians consultation with Mr. Jeffs shall be limited to one hour and each physician may have no more than two hours with the patient.
4. The Purgatory Correctional Facility may screen Dr. Barlow, Dr. Bittker, and Dr. Warner, for security purposes.
5. Each physician shall be granted access to the patient at the physician's request, but at a time that is not disruptive or inconvenient for the Purgatory Correctional Facility.
6. 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

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

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: