

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP, BI-  
LEVEL PAP, AND MECHANICAL  
VENTILATOR PRODUCTS LIABILITY  
LITIGATION

Master Docket: Misc. No. 21-01230

This Document Relates To:

MDL NO. 3014

*Personal Injury Claimants and Potential  
Claimants*

**ORDER CONCERNING CARE ORCHESTRATOR DATA**

WHEREAS, Plaintiffs' Negotiating Counsel and the Philips Defendants have entered into a Personal Injury Master Settlement Agreement ("MSA") intended to resolve the Personal Injury Claims of all Eligible Claimants;<sup>1</sup>

WHEREAS, to participate in the Settlement, sufficient proof of use of a Recalled Device is required;

WHEREAS, Defendant Philips RS North America, LLC ("Philips RS") is in possession of certain device usage data (e.g., number of days and hours an individual used their Recalled Device) with respect to individual Recalled Devices through proprietary programs and systems, including EncoreAnywhere, Dream Mapper and Care Orchestrator (collectively, the "Care Orchestrator Data").

WHEREAS, the Care Orchestrator Data constitutes protected health information as defined by the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations (collectively, "HIPAA");

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<sup>1</sup> Terms not defined herein have the same meaning as in the MSA. The MSA is available on the website of the Settlement Administrator, MDLCentrality.com/CPAP, and will be publicly available at RespironicsPISettlement.com.

WHEREAS, Plaintiffs' Negotiating Counsel and the Philips Defendants wish to make the Care Orchestrator Data available to the Settlement Administrator (BrownGreer) to facilitate participation in the Settlement by Eligible Claimants;

WHEREAS, because the Care Orchestrator Data contains protected health information, it must be treated as "Confidential" under the Amended Stipulated Protective Order (Doc. No. 765);

WHEREAS, the Settlement Administrator has signed and agreed to be bound by the Amended Stipulated Protective Order;

WHEREAS, to the extent Philips RS is considered a "Business Associate" under HIPAA with respect to the Care Orchestrator Data, it may only produce protected health information in certain limited circumstances, including "as required by law" pursuant to 45 CFR § 164.502(a)(3); and

WHEREAS, "required by law" means "a mandate contained in law that compels an entity to make a use or disclosure of protected health information and that is enforceable in a court of law" and "includes, but is not limited to, court orders" pursuant to 45 CFR § 164.103.

THEREFORE, it is ORDERED that Philips RS produce the Care Orchestrator Data to the Settlement Administrator in accordance with the Amended Stipulated Protective Order, that the Settlement Administrator treat the Care Orchestrator Data as "Confidential" within the meaning of that Order, and that the Settlement Administrator return or destroy the Care Orchestrator Data at the conclusion of the Settlement Program.

**IT IS SO ORDERED.**

DATED: May 9, 2024

/s Joy Flowers Conti  
JOY FLOWERS CONTI  
SENIOR UNITED STATES DISTRICT JUDGE