

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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Ishaka Bah,  
Appellant

v.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES,  
Respondent

Case ID: 2.0146  
Case Type: PA  
Decision No. 40355

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**STIPULATION AND PROTECTIVE ORDER**

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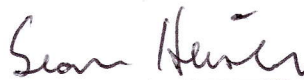
**STIPULATION**

Appellant Ishaka Bah, by his representative, Sean Heiser, and Respondent Wisconsin Department of Health Services (“DHS”), by its counsel, Attorney Nicole Porter, Department of Administration, hereby STIPULATE AND AGREE:

1. The Appellant has requested the production of documents regarding Charting and notes that were made by Brittanie Dixon and Emily Barnes the night of the incident that are related to the involved patient, which contain HIPAA protected health information (the “Requested Documents”). The parties agree that any HIPAA protected information unnecessary to Respondent’s decision regarding its discipline of Mr. Bah will be redacted to ensure compliance with federal and state privacy laws.
2. In order for the Appellant to obtain the Requested Documents and to ensure that they remain protected:
  - a. The Respondent shall provide the Appellant’s representative, Sean Heiser, with a copy of the Requested Documents.

- b. The Requested Documents shall be used by the Appellant and his representative only for the purposes of litigating the instant appeal. The Requested Documents shall not be distributed to other persons by the Appellant or his representative. The Requested Documents may be shown to and discussed with any other person only as necessary for the Appellant and his representative to litigate the instant appeal and at no time after the hearing on the instant appeal is concluded.
  - c. At the conclusion of this matter, all copies – physical and electronic – of the Requested Documents in the possession of the Appellant and his representative will be destroyed and/or permanently deleted from any media, computer or server to which they were downloaded or copied.
3. The Parties jointly request that the Commission enter a protective order pursuant to § ERC 93.03, Wis. Admin. Code, that approves the terms of this Stipulation and which orders the management and protection of the Requested Documents as stated above.

Dated: March 25, 2024.



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Sean Heiser  
Representative for Appellant

Dated: March 25, 2024.



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Nicole Porter  
Department of Administration  
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Counsel for Respondent, DHS

**PROTECTIVE ORDER**

Based upon the Stipulation of the Parties and under the authority of § ERC 93.03, Wis. Admin. Code,

FINDING: The Appellant has requested from Respondent the production of documents that contain HIPAA protected medical information (the “Requested Documents”).

ORDER: The Parties shall comply with the provisions of Section 2 of the Stipulation, above, which shall constitute the order of the Commission related to the management and protection of the Confidential Information.

DATED: April 3rd, 2024.



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Anfin Jaw, Hearing Examiner  
Ishaka Bah v. DHS, WERC Case # 2.0146(PA)