

LAW OFFICE OF HENRY W. JONES, III
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February 19, 2018

Ms. Michelle Walsh
Chief Administrative Officer
Hospital Service District
Parish of St. Bernard
St. Bernard Parish Governmental Complex
Chalmette, LA 70043

Re: Public Records Request: Hospital Electronic Health Record (“EHR”) Software Procurement / Licensing: Settlement of 7/27/15-11/10/15 Lawsuit: Hospital Service District St. Bernard Parish, Louisiana v. Healthland

Dear Ms. Walsh:

This is a public records request, for my ongoing research, teaching, writing, and work regarding software licensing, especially in-licensing of software and related services by hospitals and health care providers.

I should stress that I am happy to communicate and brainstorm with the appropriate person there (including by phone) to attempt to ease or streamline your office's response to this request.

In particular, I would welcome and appreciate phased, iterative delivery of responsive materials, particularly if that would be easier for your office.

For your information, by way of personal background, I'm a frequent *pro bono* guest teacher or speaker at university, bar association, trade group, and other events (>200 gigs in 5 countries) and author (>25 published articles) and a 38-year software law practitioner. E.g., I've guest-taught on hospital software procurement for non-profits (e.g., Rice University [Health Informatics course in the MBA program], the global trade association for health information technology [i.e., HIMSS, Houston Chapter], and the Health Sections of the Houston and Austin bar associations) and trade events in San Francisco and New York City.

Please note that I do -not- request any personal or other medical information, network or other data security information, source code, banking account data, or vendor future / unannounced product plans.

Please send me a copy of the following materials, to the extent that they exist:

1. agreement(s) settling the above-referenced lawsuit (possibly entitled “release” and/or otherwise) (i.e., U.S. District Court for the Eastern District of Louisiana (New Orleans) #: 2:15-cv-02990-SM-MBN),

2. any later, replacement, follow-up, and/or new contract(s), Amendment(s), Supplement, Restatement, Purchase Order(s), license(s), or other purchasing (for software or services) agreement(s) entered between or on behalf of the County or the Hospital and Healthland (or any authorized or other reseller or other affiliated third party) (e.g., per the presumed settlement agreement[s]),
3. a copy of the invoices from (assumed) the County's outside legal counsel(s) associated with this dispute, including (if applicable) before the County's original filing the lawsuit in state court and its removal by the defendant vendor into federal court (or, a written summary of, and separating, legal fees and related costs through the entire project),
4. the (assumed) original Request For Proposal (R.F.P.) that presumably preceded any such procurement,
5. any supplement(s), clarification(s), or amendment(s) issued to the original R.F.P., if any, and
6. (assumed) Healthland's response to the assumed R.F.P.
7. if any *earlier* arbitration, litigation, mediation, or dispute resolution process occurred *before* the lawsuit specified above, then any associated pleadings, filings, or correspondence
8. if any *later* arbitration, litigation, mediation, or dispute resolution process occurred *after* the lawsuit specified above, then any associated pleadings, filings, or correspondence

Please note that I would greatly prefer to receive responsive materials in electronic form (not paper) and via email (rather than USPS).

If there is any fee associated with this request and any applicable exemption or waiver for requesters who are involved in teaching and/or research in the public interest, I request that such waiver apply here. I am a self-employed solo researcher without any client or other third party funding this research.

I would very much appreciate hearing from your office soon, including both (i) acknowledgement of this request and (ii) a “guesstimate” regarding response timing if possible. As noted above, I’m happy to discuss this request by phone.

Thanks in advance and I hope to hear from your office soon.

Sincerely,

Henry W. Jones, III