

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

OCT 25 2013

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JAMES J. ... Clerk
By: *[Signature]*
Deputy Clerk

**CHILDREN'S HEALTHCARE)
OF ATLANTA, INC.)**

Plaintiff,)

v.)

SHARON MCCRAY,)

Defendant.)

Civil Action No. _____

1:13-CV-3531

COMPLAINT

Children's Healthcare of Atlanta, Inc. ("Children's Healthcare" or "Plaintiff"), by and through its undersigned counsel, hereby makes and files this Complaint and request for temporary restraining order, and preliminary and permanent injunctive relief, and monetary damages against defendant Sharon McCray ("Defendant"), and in support thereof respectfully shows the Court as follows:

NATURE OF THE ACTION

1.

This is an action for violation of the federal Stored Communications Act (the “SCA”), 18 U.S.C. §§ 2701 et seq.; the federal Computer Fraud and Abuse Act (the “CFAA”), 18 U.S.C. § 1030; misappropriation of the Plaintiff’s trade secrets under the Georgia Trade Secrets Act (the “TSA”), O.C.G.A. §§ 10-1-760, et seq. and common law; computer theft and computer invasion of privacy under the Georgia Computer Systems Protection Act (the “CSPA”), O.C.G.A § 16-9-93; breach of fiduciary duty and duty of loyalty; tortious interference with business relations; trover/conversion; and breach of contract. The Plaintiff seeks equitable relief, including a temporary restraining order, preliminary and permanent injunction, and damages.

2.

This action arises out of the misappropriation, conversion and use of privileged, highly sensitive, and highly confidential proprietary and trade secret information belonging to the Plaintiff, including the patient health information of children, numbers assigned to health care providers by the U.S. Drug Enforcement Administration (“DEA Numbers”) allowing the providers to write prescriptions for controlled substances, the state license numbers for over 500 health care providers,

and attorney-client privileged information. The misappropriated information is kept confidential by the Plaintiff and access to said information is restricted. Upon information and belief, Defendant wrongfully obtained and converted said information via, inter alia, unauthorized access to the Plaintiff's protected computer systems and network, all in violation of the SCA, the CFAA, the TSA, the CSPA, and Georgia common law.

THE PARTIES

3.

Children's Healthcare is a corporation organized and existing under the laws of the State of Georgia, having its principal place of business at 1600 Tullie Circle NE, Atlanta, GA 30329.

4.

Upon information and belief, Defendant resides at 4815 Highland Lake Drive, Atlanta, Georgia 30349. Defendant can be served by serving her residence at 4815 Highland Lake Drive, Atlanta, Georgia 30349.

JURISDICTION AND VENUE

5.

The Court has jurisdiction over the subject matter of Counts One and Two of this action pursuant to 28 U.S.C. § 1331 because this case arises under the SCA

and the CFAA. Defendant is subject to the jurisdiction of this Court because this action arises out of tortious and injurious activity that Defendant has committed in and throughout this Judicial District; tortious and injurious activity that Defendant has directed and purposefully committed against the Plaintiff, which has caused injury to the Plaintiff, in and throughout this Judicial District; and other activities that have occurred and are occurring, in and throughout this Judicial District.

6.

Venue is proper in this Court under 28 U.S.C. § 1391(a) because it is the district in which a substantial part of the events giving rise to the claim occurred and in which the property that is the subject of the action is located.

FACTS GIVING RISE TO THIS ACTION

The Plaintiff's Confidential, Proprietary And Trade Secret Information

7.

Children's Healthcare is a pediatric health care provider providing world-class care to patients in more than 30 pediatric specialties.

8.

Children's Healthcare derives significant economic value from its confidential, proprietary and trade secret information, and has invested significant time and resources in establishing, implementing, and ensuring compliance with

procedures for maintaining the confidentiality of its proprietary and trade secret information. Such procedures include a series of policies, standards, procedures and guidelines covering expectations of Children's Healthcare's users (including employees) in how they interact with Children's Healthcare's information resources, including workstations, laptops and data.

9.

Specific policies employed by Children's Healthcare to preserve the confidentiality of data and patient information include a Confidentiality of Information Policy, a Code of Ethics, and Standards of Conduct. Individuals employed in Children's Healthcare's audit department are also subject to an Internal Audit Role and Responsibilities policy, which provides for additional safeguards.

10.

In addition to the policies listed above, it is standard procedure to avoid storing sensitive information, including but not limited to PHI and financial data, on mobile media such as laptops and USB sticks, or by using Internet file sharing services or personal email accounts to transmit or store such data.

11.

The Plaintiff's confidentiality and information protection policies require employees to take affirmative steps to protect confidential information, including, without limitation, restricting employees' access to proprietary information based on that employee's position and login credentials with the Plaintiff.

**The Plaintiff's Computer Networks
And Electronic Communications Systems**

12.

Children's Healthcare maintains a proprietary computer network, which incorporates a proprietary electronic communications system, that Children's Healthcare and its employees use to communicate, share information and store information. Children's Healthcare's computer network and electronic communications system is secure and protected against unauthorized use, including, without limitation, by requiring the use of company-provided login IDs and secure passwords to access the system, by limiting employees' access to information based on their login credentials and job responsibilities, by setting permissions to prevent unauthorized employees from gaining access to sensitive data, and by protecting against viruses and other unauthorized infiltration and access.

In order to access PHI, for example, individuals must not only possess the username and password required to access Children's Healthcare's computer network, but they must also have additional credentials required to access any PHI stored by the Company. Individuals who log into Children's Healthcare's computer network to access PHI are logged and tracked by the Company.

The Protected Information

13.

The Plaintiff's confidential, proprietary and/or trade secret information includes certain information compiled by the Plaintiff exclusively for the Plaintiff's use (the "Protected Information").

14.

Said Protected Information includes, without limitation, patient health information, DEA numbers, the state license numbers for health care providers, confidential and privileged communications, financial information, and internal and external audits that Defendant misappropriated. The patient health information and DEA Numbers, in particular, are among the most sensitive and confidential information currently possessed by the Plaintiff.

15.

The Plaintiff's patient health information, for example, is Protected Health Information ("PHI") subject to strict federal privacy protections under the Health Insurance Portability and Accountability Act. Such PHI identifies the individual and contains additional individually identifiable health information relating to the individual's past, present or future physical or mental health or condition; the provision of health care to the individual; or the past, present, or future payment for the provision of health care to the individual.

16.

Because Plaintiff's patients are children, the Children's Online Privacy Protection Act ("COPPA") also applies to protect the privacy of the patient health information collected by Plaintiff.

17.

Federal law further requires Plaintiff to mitigate, to the extent practicable and without unreasonable delay, any unauthorized use or disclosure of PHI in violation of Plaintiff's policies and procedures or applicable federal law. 45 C.F.R. §§ 164.404(b), 164.530(f).

18.

If Plaintiff discovers a breach of any unsecured PHI, it is further required to notify each individual whose unsecured PHI has been, or is reasonably believed by Plaintiff to have been, accessed, acquired, used, or disclosed as a result of such breach. 45 C.F.R. § 164.404(a)(1).

19.

The DEA Numbers are also highly confidential and sensitive, because they serve as federal licenses for health providers to prescribe controlled substances that are addictive and potentially harmful. The DEA does not make DEA Numbers publicly available and only issues them to health providers who have successfully completed all of the requirements imposed by the state in which the practitioner conducts business and obtains a state license.

20.

For certain controlled substances, it is possible to prescribe medications orally using a DEA Number. Because of the potential harms caused by stolen DEA Numbers, there are stringent security requirements for healthcare providers in possession of DEA Numbers.

21.

The release of the PHI and DEA numbers would be injurious to both Children's Healthcare and the public.

22.

All or a portion of the Protected Information is used by authorized employees at Children's Healthcare, including individuals employed in Children's Healthcare's audit department.

23.

Those authorized employees who use the Protected Information are required to maintain the Protected Information in limited-access, password-protected databases on the Plaintiff's protected computer network.

24.

After the Protected Information is created and sent to authorized employees, access to such Protected Information is restricted only to those employees authorized by the Plaintiff to access the information.

25.

The Protected Information is confidential and proprietary, and would be of enormous economic value to the Plaintiff's competitors and others. Additionally, much of the Protected Information is PHI that is highly confidential.

26.

To the Company's knowledge, the Protected Information has never been made public or otherwise authorized for public disclosed by the Plaintiff.

Defendant's Unauthorized Disclosure Of The Plaintiff's Confidential, Proprietary And Trade Secret Information

27.

Defendant was employed by Children's Healthcare as the Corporate Audit Advisor.

28.

On October 16, 2013, Defendant announced her resignation effective December 20, 2013.

29.

On October 18, 2013, representatives of Children's Healthcare discovered that Defendant had emailed to her own personal email account Protected Information, including, without limitation, the PHI of children, DEA numbers, health provider license numbers for over 500 health care providers, confidential and attorney-client privileged communications, financial information, internal and external audits, and additional confidential and proprietary information belonging to Children's Healthcare.

30.

Upon information and belief, Defendant began emailing the Protected Information to her personal email account on October 16, 2013, the day she gave notice of her resignation effective December 31, 2013, and continued emailing Protected Information to her personal account through Monday, October 21, 2013.

31.

On the afternoon of October 21, 2013, Children's Healthcare terminated Defendant's access to her corporate email account and placed Defendant on a paid leave of absence. Defendant's supervisors at Children's Healthcare also met with Defendant to discuss Defendant's misappropriation of Children's Healthcare's Protected Information.

32.

During that meeting on October 21, Defendant admitted that she had emailed the Protected Information to her personal email account. Defendant stated that she had emailed the Protected Information to her personal email account so that she could use the Protected Information as backup records for her new employment with an unidentified employer to use as a reference.

33.

At the October 21 meeting, Children's Healthcare also demanded that Defendant return the misappropriated Protected Information and grant Children's Healthcare access to her computer so that they could ensure that Defendant was no longer in possession of the Protected Information. Defendant agreed to return the information by the end of the day on October 22.

34.

On the evening of October 21, Children's Healthcare sent an additional letter (attached as Exhibit A) to Defendant via hand delivery. In that letter, Children's Healthcare emphasized its concerns about patient confidentiality and again requested that Defendant return or destroy the PHI, DEA numbers, license numbers, confidential and privileged communications, financial information, and internal and external audits that Defendant misappropriated.

35.

On October 22, Defendant emailed Children's Healthcare regarding the Protected Information. (See Exhibit B.) Defendant stated that she only sent this information to herself so that she could "complete [her] job functions from home through the end of [her] employment on December 20," that she "erred on the side of being over-inclusive so that [she] could have the necessary information

available to me,” and that it would “take [her] at least until October 31 to complete [her] review” and return the Protected Information to Children’s Healthcare. Defendant further asked Children’s Healthcare to inform her “which particular documents should be returned.”

36.

Upon receipt of Defendant’s October 22 email, Children’s Healthcare responded with a letter (attached as Exhibit C) on the same day. In its October 22 letter, Children’s Healthcare reminded Defendant that the deadline for returning/destroying the Protected Information was that day, and that Defendant has “no right to retain any of the information.” Children’s Healthcare further terminated Defendant’s employment “effective immediately,” and demanded that Defendant “immediately return/destroy all Children’s information and documents in [her] possession and control.”

37.

To date, Defendant still has not returned or destroyed Children’s Healthcare’s Protected Information or permitted Children’s Healthcare to inspect Defendant’s personal computer(s) for the Protected Information.

COUNT I

VIOLATION OF STORED COMMUNICATIONS ACT

38.

Children's Healthcare repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1 through 37 above.

39.

Upon information and belief, Defendant acquired the Protected Information, or other information or property owned by the Plaintiff, by intentionally accessing, without the Plaintiff's authority, a protected computer or protected computer network owned by the Plaintiff, through which the Plaintiff provides electronic communication service to its employees and authorized users throughout the United States, and on which the Plaintiff stored the Protected Information and other electronic communications. Defendant wrongfully obtained some of the Protected Information and other electronic communications while said Protected Information and electronic communications were in electronic storage in said system.

40.

Upon information and belief, Defendant exceeded any authorization to access the Protected Information.

41.

Defendant's actions constitute unlawful access to stored communications and violations of the SCA, 18 U.S.C. § 2701.

42.

Defendant engaged in said unlawful access to the Plaintiff's stored Protected Information and other electronic communications with a knowing and intentional state of mind.

43.

Upon information and belief, the conduct by Defendant proximately has caused and is causing injury to the Plaintiff and its property, and the Plaintiff therefore may pursue civil relief against Defendant pursuant to 18 U.S.C. § 2707.

COUNT II

VIOLATION OF COMPUTER FRAUD AND ABUSE ACT

44.

Children's Healthcare repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1 through 43 above.

45.

Upon information and belief, Defendant acquired some of the Protected Information, or other information or property owned by the Plaintiff, by

intentionally accessing, without the Plaintiff's authority, a protected computer or protected computer network owned by the Plaintiff, through which the Plaintiff provides electronic communication service to its employees and authorized users throughout the United States, and on which the Plaintiff stored the Protected Information and other electronic communications, both temporarily incidental to the electronic transmission thereof and for purposes of archiving and backup protection of such information and communications. Defendant wrongfully obtained some of the Protected Information and other electronic communications while said Protected Information and electronic communications were in electronic storage in said system.

46.

Upon information and belief, by her foregoing actions, Defendant intentionally exceeded any authorized access to the Plaintiff's protected computers, and thereby obtained the Plaintiff's Protected Information and other electronic information stored on the Plaintiff's computers involved in interstate communication.

47.

Upon information and belief, Defendant intentionally exceeded any authorized access to the Plaintiff's protected computers, and by means of such

conduct furthered their intended fraud and obtained the Plaintiff's Protected Information and other electronic information, the value of which exceeds \$5,000 per annum.

48.

Upon information and belief, by her foregoing actions, Defendant intentionally accessed the Plaintiff's protected computers without authorization, and as a result of such conduct, caused and are causing, or recklessly caused and are causing, damage and loss to the Plaintiff that exceeds \$5,000 in value.

49.

The actions of Defendant constitute violations of the FCAA, 18 U.S.C. §§ 1030(a)(2)(C), 1030(a)(4), and 1030(a)(5).

50.

Upon information and belief, the conduct of Defendant proximately has caused and is causing damage, loss and other injury to the Plaintiff and its property exceeding \$5,000 per annum, and the Plaintiff therefore may pursue civil relief against Defendant pursuant to 18 U.S.C. § 1030(g)

COUNT III

MISAPPROPRIATION OF TRADE SECRETS

51.

Children's Healthcare repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1 through 50 above.

52.

The information contained in the Protected Information derives and derived economic value, both actual and potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can and could obtain economic value from its disclosure or use.

53.

The information contained in the Protected Information is and was the subject of efforts that are reasonable under the circumstances to maintain its secrecy, including without limitation the use of company policies and education, and mechanical, electronic and systematic security methods.

54.

The information contained in the Protected Information constitutes trade secrets within the meaning of O.C.G.A. §§ 10-1-760 et seq.

55.

The Defendant acquired the Plaintiff's trade secrets and knew or had reason to know that the trade secrets were acquired by improper means.

56.

The Defendant used improper means to acquire the Plaintiff's trade secrets and then disclosed or used the Plaintiff's trade secrets without consent.

57.

Upon information and belief, the Defendant disclosed or used the Plaintiff's trade secrets without consent and, at the time of disclosure or use, knew or had reason to know that knowledge of the trade secrets was derived from or through a person who had utilized improper means to acquire said knowledge.

58.

Upon information and belief, the Defendant has threatened to or intends to disclose or use the Plaintiff's trade secrets without consent and, at the time of such threat or intent, knew or had reason to know that knowledge of the trade secrets was acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use.

59.

Upon information and belief, the Defendant has threatened to or intends to disclose or use the Plaintiff's trade secrets without consent and, at the time of such threat or intent, knew or had reason to know that knowledge of the trade secrets was derived from or through a person who owed a duty to the Plaintiff to maintain its secrecy or limit its use.

60.

Defendant's actions constitute misappropriation of trade secrets in violation of the Georgia Trade Secrets Act, O.C.G.A., §§ 10-1-760 et seq.

61.

Defendant's willful, wanton, and malicious misappropriation of the Plaintiff's trade secrets proximately caused and continues to cause the Plaintiff immediate and irreparable harm for which there is no adequate remedy at law, and the Plaintiff is entitled to (1) injunctive relief against Defendant to recover misappropriated trade secrets and to prevent further disclosure and harm, including without limitation a temporary restraining order, and preliminary and permanent injunction; and (2) all damages incurred by the Plaintiff, as determined by the finder of fact, plus punitive damages, court costs, and attorneys' fees.

COUNT IV

COMPUTER THEFT AND COMPUTER INVASION OF PRIVACY

UNDER O.C.G.A § 16-9-93

62.

Amedisys repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1 through 61 above.

63.

Upon information and belief, Defendant acquired the Plaintiff's confidential, proprietary and trade secret information, or other information or property owned by the Plaintiff, and intended to appropriate said information or property, by use of a computer or computer network owned by the Plaintiff, with knowledge that such use was without the Plaintiff's authority.

64.

Upon information and belief, Defendant acquired the Plaintiff's confidential, proprietary and trade secret information, or other information or property owned by the Plaintiff, by use of a computer or computer network owned by the Plaintiff, with the intention of examining medical, patient, sales, financial or other personal data relating to the Plaintiff and/or its customers, with knowledge that such examination is without authority.

65.

The conduct of Defendant proximately has caused and is causing injury to the Plaintiff and its property, and the Plaintiff therefore may pursue civil relief against Defendant pursuant to O.C.G.A. § 16-9-93(g).

COUNT V

BREACH OF FIDUCIARY DUTY/EMPLOYEE DUTY OF LOYALTY

66.

Children's Healthcare repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1 through 65 above.

67.

As an employee and agent of the Plaintiff, the Defendant owes the Plaintiff common law duties of loyalty, good faith, and trust, which include, but are not limited to, a duty protect and preserve the security of Plaintiff's trade secrets and patient information. Moreover, the Defendant had a duty while employed by Plaintiff to act in the Plaintiff's best interest and refrain from engaging in conduct detrimental to the Plaintiff.

68.

Defendant breached these duties by compromising the security of and misappropriating confidential and proprietary information and trade secrets of the Plaintiff and using such information for her own purposes.

69.

Defendant's breaches of her fiduciary duty and duty of loyalty caused the Plaintiff to suffer damages.

COUNT VI

TROVER/CONVERSION OF CORPORATE PROPERTY AND ASSETS

70.

The Plaintiff repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1 through 69 above.

71.

Upon information and belief, Defendant converted the Plaintiff's property by the unauthorized assumption and exercise of the right of ownership over the Plaintiff's property contrary to the Plaintiff's rights. Defendant has further appropriated Defendant's property without authorization and has converted such property for her own use. Such actions constitute wrongful and illegal conversion or theft under Georgia statutory and common law.

72.

Defendant obtained the Plaintiff's property by deceitful means or artful practice with the intent to deprive the Plaintiff of the value of the property, without the Plaintiff's consent. Such actions constitute wrongful and illegal conversion or theft under Georgia statutory and common law.

73.

The Plaintiff has the legal right to immediate and sole possession of the property.

74.

Conversion of such corporate property and assets of the Plaintiff by Defendant proximately caused and continues to cause the Plaintiff damage in an amount to be determined. The Plaintiff is entitled to (1) injunctive relief against Defendant to recover all property converted and prevent further loss; and (2) all damages incurred by the Plaintiff, as determined by the finder of fact, plus profits, court costs, and attorneys' fees.

75.

The actions by Defendant demonstrates willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences, and demonstrate a specific

intent to cause harm to the Plaintiff. The Plaintiff is therefore entitled to recover punitive damages to punish, penalize, or deter Defendant's actions.

JURY DEMAND

76.

The Plaintiff respectfully demands a trial by jury on all issues triable to a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that this Court grant it the following relief:

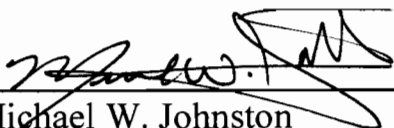
1. Grant a temporary restraining order enjoining Defendant and persons in active concert or participation with her from:
 - (a) using, directly or indirectly through others, trade secret information or other property or patient information taken from or belonging to the Plaintiff;
 - (b) disclosing, disseminating or publishing to third persons, directly or indirectly through others, any trade secret information or other property or patient information taken from or belonging to the Plaintiff; and

- (c) discarding or concealing any documents, property, patient information or trade secret information belonging to the Plaintiff during the course of this litigation.
- 2. Affirmatively order Defendant to return and turn over to the Plaintiff all originals and copies of any PHI, health provider DEA and license numbers, attorney-client privileged information, trade secret information and any other corporate documents, property, assets or things of any nature taken from or belonging to the Plaintiff or obtained by Defendant or her agents or representatives;
- 3. Affirmatively order Defendant to certify that all copies of Protected Information belonging to the Plaintiff has been:
 - (a) returned or destroyed by Defendant; and
 - (b) removed from all computer systems belonging to all Defendant.
- 4. Grant the Plaintiff such further interlocutory or permanent injunctive relief as may be appropriate;
- 5. Issue a Protective Order limiting the disclosure of patient or trade secret information during the course of discovery and trial of this case and thereafter;

6. Enter in favor of the Plaintiff and against Defendant a judgment (1) granting temporary injunctive relief and (2) damages in an amount proven by the Plaintiff to have been suffered, including an appropriate award of punitive damages;
7. Award the Plaintiff its attorneys fees, costs and expenses; and
8. Grant the Plaintiff such other relief as may be necessary and appropriate.

Respectfully submitted, this 25th day of October, 2013.

KING & SPALDING LLP



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Richard L. Shackelford
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COUNSEL FOR PLAINTIFF
CHILDREN'S HEALTHCARE OF
GEORGIA, INC.



Children's
Healthcare of Atlanta
Dedicated to All Better

October 21, 2013

Sharon McCray
4815 Highland Lake Drive
Atlanta, Georgia 30349

Dear Sharon,

Thank you for meeting with me this afternoon. As discussed, we discovered that shortly after you notified us that you would be resigning from your employment with Children's, you sent a significant amount of Children's confidential information to a personal email account that is not connected to the Children's systems. Specifically, over a several day period you forwarded emails containing more than 150 documents, which included but was not limited to confidential and privileged communications, financial information, internal and external audits, and patient information. All of these materials belong to Children's and are not yours to take; however, we are most concerned about the large amount of patient protected health information (PHI) and the materials that include provider DEA numbers. Removing, disclosing or otherwise compromising this type of information constitutes a serious violation of Children's policies and may have significant legal and safety implications. The purpose of our meeting was to make sure that you understand the significance and the potential risk to Children's and to you personally. You did not deny having emailed the material to your personal email address and said that you had done so to have access to your old records for your new employer.

We understand that you plan to engage counsel and speak with your family about this matter. I would be more than happy to speak to your attorney at any time and request that you provide him or her with my contact information. In the meantime, however, please confirm that you will immediately return all of Children's property in your possession and that you will be deleting all of Children's information from your personal computer and email account. Please contact me by the end of the day tomorrow, October 22, to discuss how to confirm that these actions have been taken. In order for us to meet our obligations under privacy laws, we will also need assurances from you that no PHI has been shared with or disclosed to any other person or entity and that you have destroyed the same.

We regret this turn of events, but cannot take any chances as it relates to protecting private patient, provider and company information.

Sincerely,

Leslie Jones
General Counsel and Corporate Secretary



From: Sharon McCray [mailto:smccray6@bellsouth.net]
Sent: Tuesday, October 22, 2013 4:31 PM
To: Jones, Leslie (Legal)
Cc: Matzigkeit, Linda; Light, Ellen
Subject: Emailed Documents

Leslie,

I take seriously the direction contained in your letter to me from yesterday. Specifically, I understand your concerns about patient confidentiality and I want to be clear that I have only sent this information to myself so that I can complete my job functions from home through the end of my employment on December 20. I erred on the side of being over-inclusive so that I could have the necessary information available to me. I am reviewing my email and personal devices to determine which documents fit within "confidential and privileged communications, financial information, internal and external audits, and patient information." However, it will take me at least until October 31 to complete my review. I want to be compliant with your request. Please inform me which particular documents should be returned. Having such a list will help me move more quickly in my review.

Sincerely,
Sharon McCray





Children's
Healthcare of Atlanta
Dedicated to All Better

VIA ELECTRONIC AND OVERNIGHT MAIL

October 22, 2013

Sharon McCray
4815 Highland Lake Drive
Atlanta, Georgia 30349

Dear Sharon,

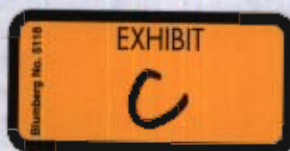
Based on your agreement yesterday to return all of the information, we are surprised and disappointed in your response. You have no right to retain any of the information. The deadline for return/destruction of the information and appropriate confirmation that it has not been copied or disclosed is today.

Your failure to comply has left us no choice other than to terminate your employment effective immediately. Children's demands that you immediately return/destroy all Children's Information and documents in your possession and control. If you have plans to comply, please contact me immediately at (404) 785-7522 to make appropriate arrangements.

I do hope that you understand the seriousness of this situation. You are unlawfully in possession of protected health information of Children's patients, the license numbers of at least seventy (70) of our providers, many with DEA numbers included, and a large amount of Children's confidential information. Children's will take all appropriate legal action necessary to protect Children's, our providers and our patients.

Sincerely,

Leslie Jones
General Counsel and Corporate Secretary



3531

JS44 (Rev. 1/13 NDGA)

CIVIL COVER SHEET

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S) *Defendants*
 SHARON MCCRAY
 4815 HIGHLAND LAKE DRIVE
 ATLANTA, GEORGIA 30349

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF FULTON
 (EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANT(S) *Plaintiffs*
 CHILDREN'S HEALTHCARE OF ATLANTA
 1711 TULLIE CIRCLE NE
 ATLANTA, GEORGIA 30329

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT FULTON
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

ATTORNEYS (IF KNOWN)
 Michael W. Johnston
 King & Spalding LLP
 1180 Peachtree Street
 Atlanta, Georgia 30309
 404-572-4600
 mjohnston@kslaw.com

II. BASIS OF JURISDICTION
 (PLACE AN "X" IN ONE BOX ONLY)

1 U.S. GOVERNMENT PLAINTIFF
 2 U.S. GOVERNMENT DEFENDANT
 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

III. CITIZENSHIP OF PRINCIPAL PARTIES
 (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
 (FOR DIVERSITY CASES ONLY)

PLF	DEF		PLF	DEF
<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	CITIZEN OF THIS STATE	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/> 6	<input type="checkbox"/> 6
				INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
				INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
				FOREIGN NATION

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 ORIGINAL PROCEEDING
 2 REMOVED FROM STATE COURT
 3 REMANDED FROM APPELLATE COURT
 4 REINSTATED OR REOPENED
 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District)
 6 MULTIDISTRICT LITIGATION
 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Theft of confidential information and Protected Health Information

(IF COMPLEX, CHECK REASON BELOW)

<input type="checkbox"/> 1. Unusually large number of parties.	<input type="checkbox"/> 6. Problems locating or preserving evidence
<input type="checkbox"/> 2. Unusually large number of claims or defenses.	<input type="checkbox"/> 7. Pending parallel investigations or actions by government.
<input type="checkbox"/> 3. Factual issues are exceptionally complex	<input type="checkbox"/> 8. Multiple use of experts.
<input type="checkbox"/> 4. Greater than normal volume of evidence.	<input type="checkbox"/> 9. Need for discovery outside United States boundaries.
<input type="checkbox"/> 5. Extended discovery period is needed.	<input type="checkbox"/> 10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

FOR OFFICE USE ONLY

RECEIPT # _____	AMOUNT \$ _____	APPLYING IFP _____	MAG. JUDGE (IFP) _____
JUDGE _____	MAG. JUDGE _____ (Referral)	NATURE OF SUIT _____	CAUSE OF ACTION _____

370
18:1030

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 367 PERSONAL INJURY - HEALTH CARE/ PHARMACEUTICAL PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ ACCOMMODATIONS
- 444 WELFARE
- 440 OTHER CIVIL RIGHTS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other
- 448 EDUCATION

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 463 HABEAS CORPUS- Alien Detainee
- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se
- 560 CIVIL DETAINEE: CONDITIONS OF CONFINEMENT

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 740 RAILWAY LABOR ACT
- 751 FAMILY and MEDICAL LEAVE ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 820 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395f)
- 862 BLACK LUNG (923)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 375 FALSE CLAIMS ACT
- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 891 AGRICULTURAL ACTS
- 893 ENVIRONMENTAL MATTERS
- 895 FREEDOM OF INFORMATION ACT
- 950 CONSTITUTIONALITY OF STATE STATUTES
- 890 OTHER STATUTORY ACTIONS
- 899 ADMINISTRATIVE PROCEDURES ACT / REVIEW OR APPEAL OF AGENCY DECISION

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- 896 ARBITRATION (Confirm / Vacate / Order / Modify)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____

JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE _____ DOCKET NO. _____

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

- 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD

10/25/13
DATE