

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PENNSYLVANIA

Esther Moody, by and through her Attorney In
Fact, and Individually, Shirley Tilghman

v.

Penn Center for Rehabilitation & Care,
University of Pennsylvania Health System,
d/b/a Penn Center for Rehabilitation & Care,
Penn Presbyterian Medical Center d/b/a Penn
Center for Rehabilitation & Care and
Presbyterian Medical Center of the University
of Pennsylvania d/b/a Penn Center for
Rehabilitation & Care

JANUARY TERM, 2011

NO. 0682

ORDER

AND NOW, this *31st* day of *January*, 2012, upon consideration of the plaintiff's motion to compel discovery, and the response of the defendants, it is hereby ORDERED that the motion is GRANTED in part and DENIED in part as follows, and defendants shall produce documents by January 19, 2011:

1. Defendants shall produce documents regarding its investigation that are responsive to request number 6, subject to any claims of privilege set forth in a privilege log. Objections on the basis of peer review are overruled.
2. Defendants shall produce incident reports for the resident responsive to request number 6.
3. Defendants shall produce the declaration sheet, exclusions, and any reservation of rights related to defendants' primary policy for the nursing home in response to request number 9.

4. Defendants shall produce the following categories of documents responsive to number 10, for nursing staff meeting minutes or notes from January 1, 2008 through September 1, 2009, that relate to falls, and answering call bells and bed or chair alarms. The motion is denied without prejudice as to other documents, which may be required if plaintiff can show good cause for further production.

5. Defendants shall produce the following categories of documents responsive to number 15, for resident council meeting minutes or notes from August 30, 2008 through August 31, 2009, that relate to falls, and answering call bells and bed or chair alarms.

6. The motion is withdrawn as to request number 16 related to complaints about staffing.

7. The defendants shall produce educational and training materials for 2008 and 2009 related to fall risk assessment, fall prevention, fall interventions, bed alarms, fall mats, toileting schedules and call bells in response to request number 1.

8. In response to request number 2, the defendants shall produce the table of contents of policies and procedures in effect at the time of plaintiff's falls, as well as relevant policies and procedures regarding falls and answering call bells and bed and chair alarms.

9. ~~The parties shall promptly informally exchange lists of likely witnesses to~~ facilitate depositions.

10. The defendants shall produce an up to date chart for the plaintiff.

11. The defendants shall produce a privilege log.

[Handwritten signature]

BY THE COURT:

12. In all other respects, the motion is denied.