

IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY, PENNSYLVANIA

WILLIAM A. SUERMANN, Executor of the  
Estate of CLARA T. SUERMANN, deceased  
310 Hellerman Street  
Philadelphia, PA 19111

Plaintiff,

v.

PHILADELPHIA PROTESTANT HOME, d/b/a  
PHILADELPHIA PROTESTANT HOME  
6500 Tabor Road  
Philadelphia, PA 19111

Defendant.

JANUARY TERM, 2011

NO. 0520

CH11-12020872

**ORDER**

AND NOW, this 29<sup>th</sup> day of March, 2012, upon consideration of plaintiff's motion to compel discovery and defendant's response thereto, it is hereby ORDERED that the motion is GRANTED in part and DENIED in part as follows and defendant shall provide the information within twenty (20) days of the date of this order.

A. With respect to plaintiff's interrogatories:

1. In response to interrogatory numbers 2, 3 and 4, defendant shall identify each person employed at the facility who was assigned to plaintiff's room during the residency, and for each such person, shall provide his or her name and title and information about disciplinary actions for falls, nutrition and hygiene from 2008 through the residency. For former employees, defendant shall provide last known address and telephone number and the reason for the

termination of the individual's employment. In all other respects, the motion is denied as to these interrogatories. The denial is without prejudice as to disciplinary actions that could relate to understaffing, subject to a showing of good cause by plaintiff to obtain this information. Defendant shall redact information in accordance with statutory requirements and the plaintiff shall not disclose or disseminate the documents or information produced except for the purposes of this and related litigation.

2. The motion as to interrogatory numbers 7, 11 and 12 is withdrawn.
3. With regard to interrogatory number 15, defendant shall verify the identity of the "governing body."
4. Defendant shall supplement its response to interrogatory number 18.
5. With respect to interrogatory number 24, regarding care plan participants, defendant shall provide the missing second page of Interdisciplinary Resident and Family Education Records, and shall provide the last known address and telephone number of former employees. Defendant shall redact information in accordance with statutory requirements and the plaintiff shall not disclose or disseminate the documents or information produced except for the purposes of this and related litigation.
6. The motion is granted as the interrogatories 28, 29 and 30. Last known addresses shall be provided for former employees, subject to the confidentiality provisions in paragraph 5 above.
7. The motion is withdrawn as to interrogatory number 31.

8. The motion is denied as to interrogatory 32 as irrelevant, interrogatory number 33 as duplicative, and number 35 as already provided.
  9. The motion is granted as to interrogatory number 44, but limited to individuals who provided care to plaintiff, incidents from January 1, 2008 through the residency, and limited topically to complaints or discipline for falls, nutrition and hygiene issues. Defendant shall redact information in accordance with statutory requirements and the plaintiff shall not disclose or disseminate the documents or information produced except for the purposes of this and related litigation.
  10. Defendant shall answer interrogatory number 73 for lawsuits alleging personal injury due to care of residents based on incidents from January 1, 2007 through March 1, 2009, involving caregivers of plaintiff and complaints about falls, nutrition and hygiene.
- B. With respect to plaintiff's request for production of documents:
1. As to request number 31, defendant shall comply with self-executing discovery request number 31, as to each person assigned to plaintiff's room during the residency.
  2. As to requests 34-37, 39-42, and 53-55, defendant shall produce the following information for primary caregivers, deponents, Administrator, Director of Nursing and Assistant Director of Nursing:
    - a. Applications for employment
    - b. Criminal background checks
    - c. Licensing and certification documents

- d. Disciplinary actions
- e. Performance evaluations
- f. Exit interviews and forms
- g. Resignation letters
- h. Termination letters
- i. All documents from the personnel files of deponents that defendant has used or anticipates using in depositions or at trial.

Defendant shall provide a description of information redacted in accordance with statutory requirements and the plaintiff shall not disclose or disseminate the documents produced except for the purposes of this and related litigation.

- 3. The motion as to request number 43 (staffing documents) is denied without prejudice, and the motion may be renewed upon a preliminary showing of understaffing.
- 4. The motion is denied as to request number 46, (payroll journals) and number 47 (budgeting documents).
- 5. Defendant shall identify or produce again documents responsive to request number 48.
- 6. The motion is denied as irrelevant as to request numbers 57 and 58.

BY THE COURT:

 J.