

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
 FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 CIVIL TRIAL DIVISION

\_\_\_\_\_  
 FRED T. BERNARD, III, :  
 Administrator of the Estate of :  
 FRED BERNARD, JR., deceased, :  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 BALA NURSING & RETIREMENT :  
 CENTER, BALA NURSING & :  
 RETIREMENT CENTER, LIMITED :  
 PARTNERSHIP, FORD ROAD :  
 CORPORATION, and MDC ASSET :  
 MANAGEMENT CORPORATION :  
 :  
 Defendants. :  
 \_\_\_\_\_

*Jan.*  
 FEBRUARY TERM, 2008

No. 147

DOCKETED  
 COMPLEX LIT. CENTER

SEP 2 - 2009  
 L. RYANT-DAVIS

COPIES SENT  
 PURSUANT TO Pa.R.C.P. 236(b)

SEP 2 - 2009

FIRST JUDICIAL DISTRICT OF PA  
 USER I.D.:

ORDER

AND NOW, this *3/2<sup>nd</sup>* day of *Aug.*, 2009, upon consideration of plaintiff's motion to compel discovery, defendants' response thereto and the recommendation of the Discovery Master, it is hereby ORDERED that the motion is GRANTED in part and DENIED in part. Within twenty (20) days of the date of this order, defendants shall:

1. Provide the dates of employment and titles of the twenty-four individuals on the list provided by plaintiff's counsel as requested in Request for Production of Documents number 27.
2. Produce resident council minutes for meetings during the residency of Bernard. Defendants shall redact names contained in the resident council meeting minutes.

Bernard Vs Bala Nursing&Retirement Center Et-ORDER



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3. Upon good cause shown, produce documents responsive to plaintiff's request for production of documents numbers 34-37 and 39-42 for the following individuals:

- a. Carolyn Barnett
- b. Mitzie Clark
- c. Joanne Dasher
- d. Starr Dollison
- e. Charlene Granville
- f. Monica Harris
- g. Monique Lewis
- h. Angela Owens
- i. J. Smith
- j. Alicia Watson
- k. Lisa Wilkins

Defendants 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.

4. Produce documents responsive to request number 38, limited to the floor where Bernard was a resident, and the time of his residency, related to the following issues:

- a. Pressure ulcers to legs, buttocks, sacrum, and heels
- b. Falls

- c. Lack of staff and/or supplies
- d. Lack of catheter care
- e. Availability, or lack of availability or provision of, food and fluids
- f. Changing bandages
- g. Staff turnover
- h. Charting, or being unable to complete charting
- i. Complaints to management that reference any of the eight (8) aforementioned subject areas

5. Upon good cause shown, for requests number 53 through 55, the following documents:

- 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

Defendants 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.

In all other respects this motion is DENIED.

BY THE COURT:

  
Sandra Mazer Moss, J.