

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

DOCKETED
COMPLEX LIT CENTER

MAY 12 2010

J. STEWART

ROBERT DUBOSE, Administrator :
for the Estate of ELISE DUBOSE, :
Deceased, :

Plaintiff, :

v. :

WILLOWCREST NURSING HOME; :
ALBERT EINSTEIN HEALTHCARE :
NETWORK, :

Defendants. :

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

AUGUST TERM, 2009
No. 1603

Dubose Vs Willowcrest Nursing Home Etal-ORDER



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ORDER

AND NOW, this ^{10th} day of *May*, 2010, upon consideration of plaintiff's motion to determine objections and gain more specific answers to defendants' Willowcrest Nursing Home ("Willowcrest") and Albert Einstein Healthcare Network ("Albert Einstein") answers to plaintiff's interrogatories and request for production of documents, it is hereby ORDERED that the motion is granted in part and denied in part as follows as to Albert Einstein:

1. Plaintiff's motion to compel a response to interrogatory number 1 is denied as moot. All parties are cautioned that they must confer with one another and attempt in good faith to resolve discovery disputes before filing discovery motions.

2. Plaintiff's motion to compel a response to interrogatory number 10 is denied as to Albert Einstein because it is ~~not relevant~~

overbroad as worded, and based on defendant's representation that this information as to CNAs is in the possession and control of Willowcrest.

3. Plaintiff's motion to compel as to interrogatory number 11 held for further consideration of the documents listed on the Combined Privilege and Irrelevancy Log. By May 14, 2010, Albert Einstein shall group the documents by privilege asserted and basis for objection, and identify sample documents to submit for an in camera inspection. By May 14, 2010 Albert Einstein shall share this revised listing by type of objection or privilege and document with plaintiff's counsel, and the parties shall attempt in good faith to reach agreement on the privilege issues and relevancy issues to be presented to the Discovery Master for in camera review and recommendation to the Court.

4. Plaintiff's motion as to interrogatory number 20 is denied as written as ~~unduly~~ vague. Plaintiff may narrow the request, or attempt to define in specific ways the term "disgruntled employee."

5. Plaintiff's motion to compel production of documents by Albert Einstein is granted in part and denied in part as follows:

a. By May 7, 2010, Albert Einstein shall produce the following documents requested by numbers 1 through 3: Declaration sheet, definitions, covered entities, and exclusions. Plaintiff shall maintain the confidentiality of these documents, and shall not disclose the information contained in the documents or the documents, except for

the purposes of this litigation and other related litigation in which plaintiff is a party.

b. Request number 4 is denied based on Albert Einstein's representation that it has no such records. ~~However, a responsible party must time an affidavit~~ If Albert Einstein discovers that it has such records, they must be produced within ten (10) days of the discovery. *within 10 days to verify*

c. Plaintiff's motion to compel as to request number 10 is held for further consideration of the documents listed on the Combined Privilege and Irrelevancy Log. *Inspection said documents do not exist* By May 14, 2010, Albert Einstein shall group the documents by privilege asserted and basis for objection, and identify sample documents to submit for an in camera inspection. By May 14, 2010 defendants shall share this revised listing by type of objection or privilege and document with plaintiff's counsel and the parties shall attempt in good faith to reach agreement on the privilege issues and irrelevancy issues to be presented to the Discovery Master for in camera review and recommendation to the Court. *in their possession*

d. As to requests number 33 and 36, by May 14, 2010, the plaintiff shall propose three and six specific months of records for consideration by the Court. Upon good cause shown, the plaintiff may obtain additional records.

e. Request number 35 is withdrawn.

f. The motion is granted as to number 38, and Albert Einstein shall produce the requested documents by May 21, 2010.

g. As to requests 42, 43, and 46, by May 7, plaintiff shall identify specific policies relevant to this case for production, and Albert Einstein shall produce the policies by May 14.

h. By May 21, 2010, Albert Einstein shall produce the documents requested by number 53, limited to lawsuits involving Willowcrest and causes of action arising from August 8, 2005 until October 18, 2007.

i. The motion as to requests 54 and 55 is denied as duplicative.

j. By May 14, 2010, the parties shall confer ^{to} as to whether Albert Einstein has documents responsive to requests 56-59, limited to documents related to Willowcrest.

k. By May 21, 2010, Albert Einstein shall identify cases and their disposition in response to request number 60, and shall determine whether any settlements are confidential.

l. The motion as to request number 61 is denied based on Albert Einstein's representation that it does not have documents responsive to the request and that any such documents are in the possession of Willowcrest.

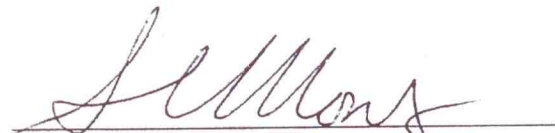
execute an affidavit within 10 days attesting to same
m. The motion as to requests 63, 64, and 67 are denied without prejudice.

n. Albert Einstein shall produce documents responsive to number 68 as to Medicare or Medicaid contracts that include the decedent's care.

o. The Court reserves decision on requests number 17, 20, 33, 36, 51, 52, and 56-59 pending efforts by the parties to share information and sample forms and to resolve these issues.

6. The Court reserves decision on this motion as to Willowcrest, pending efforts by the parties to meet and resolve the issues.

BY THE COURT:


Sandra Mazer Moss, J.

Coordinating Judge
Complex Litigation Center