**IN THE STATE COURT OF GEORIGA COUNTY**

**STATE OF GEORGIA**

JOHN DOE, as Executor )

of the Estate of JACK DOE, )

)

Plaintiff, )

)

v. ) Civil Action File No.: \_\_\_\_\_\_\_\_\_\_\_

)

ASSISTED LIVING FACILITY )

and SENIOR LIVING, )

)

Defendants. )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

# PLAINTIFF’S FIRST REQUESTS FOR PRODUCTION

# OF DOCUMENTS TO DEFENDANTS

You are hereby notified, under the provisions of Section 34 of the Georgia Civil Practice Act, O.C.G.A. § 9-11-34(c), to produce for inspection and copying before Attorney, Blasingame, Burch, Garrard & Ashley, P.C., P.O. Box 832, Athens, Georgia 30603, on or before forty-five (45) days after serviced hereof at 10:00 a.m., where copying facilities are available, the following documents:

1.

All documents and materials that are asked to be "identified" in Plaintiff’s First Interrogatories to Defendants and any and all documents and materials which are identified by Defendants in response to Plaintiff’s First Interrogatories.

2.

Copies of all depositions and/or reports given by any expert you have identified in response to Plaintiff’s First Interrogatories that have been given by him or her in previous cases, including, but not limited to those in which he or she was identified as an expert witness.

3.

A curriculum vitae or summary of education, board certifications, and appointment of each expert witness you may call at trial.

4.

All "documents" available to you that contain any reference to Jack Doe or the "occurrence in question," the cause thereof, or the damages resulting there from but not including any medical records already produced, including prescriptions, long-term resident care plans, treatment records, operational logs, and 24-hour shift reports.

5.

All statements by you, or anyone else, concerning the care and treatment of Jack Doe, and/or the occurrence in question.

6.

To the extent not already requested above, please provide all original documents concerning Jack Doe including but not limited to, all nursing files, medical reports, incident reports required by statute or regulation, complaints, surveys, treatment and care plans, photographic files, resident charts, confidential files, itemized billing statements, and any and all contractual agreements or documents, including the admission agreement to Assisted Living Facility, between Jack Doe and/or Jack Doe’s family or representatives and the Defendants.

## Marketing, Advertising and Representations

7.

All advertising or marketing documents concerning Assisted Living Facility, during 2014 through the present which contain claims about the quality, characteristic, type and standard of care provided to the residents, including but not limited to brochures, yellow page advertisements, newspaper advertisements, states of care philosophy, statements of policies or care objectives, billboard advertisements, magazines advertisements, flyers, documents containing statements, representations and claims about the type of care provided residents of Assisted Living Facility, or any other documents created to promote Assisted Living Facility.

8.

Any document prepared or distributed in 2014-present that addresses the subject of how to increase resident care at Assisted Living Facility. This request includes, but is not limited to any document containing corporate Defendants’ marketing strategy, goals, objectives or tactics for Assisted Living Facility.

9.

Any document which contains any statement, representation, promise, claim made by Defendants to any government agency as to the ability of Defendants to adequately provide for the needs and care for the residents of Assisted Living Facility, or residents in general, the adequacy of care provided to the resident, the compliance by Defendants with all terms of its provider contract with any state or federal agency, or any rules, regulations or laws mandating the quality of care to be provided to any resident of Assisted Living Facility, including Jack Doe.

# Facility Policies and Procedures

10.

All current resident care policies, procedures, manuals, protocols, and/or other documents that were being utilized at Assisted Living Facility during Jack Doe’s care and treatment.

11.

Any and all written documents which set out any rights for residents of Assisted Living Facility and which were being utilized at Assisted Living Facility during Jack Doe’s care and treatment.

12.

Any and all administrative policies or nursing care policies and procedures documents that were being utilized at Assisted Living Facility, during Jack Doe’s care and treatment concerning resident safety, care, accident and/or fall prevention, training, supervision, and inservices including, but not limited to, the safety, medical administration, following physician’s orders, and resident-condition communication with the attending physician.

13.

Any and all documents, which set out the rules, guidelines and policies for the reporting of injuries to residents to supervisory staff, administrative personnel, medical providers, family members, and any governmental agencies, including investigation of such injury incidents, the requirements for the preparation of incident reports and the persons and agencies to whom such incidents should be reported and when during Jack Doe’s care and treatment.

14.

All guidelines, procedures and documents utilized by corporate Defendants or in corporate Defendants’ possession, custody or control, for determining wherein Defendants had sufficient number of nursing personnel which includes, but is not limited to, registered and licensed vocational nurses, nurse Defendants, employers of any and/or all staff, providers of any training, supervision or oversight of assistants, medication assistants, orderlies and other staff to provide 24-hour nursing services, meet the needs of residents and/or meet the total nursing needs of the residents of Assisted Living Facility.

15.

All written guidelines, policies, procedures, and other documents of Defendants regarding the establishment, methodology, and implementation of any quality assurance program, study, and evaluation at Assisted Living Facility.

**Owners, Management and Governing Body**

16.

Any and all contracts, agreements or any other type of document relating to ownership and management of Assisted Living Facility, management agreements, sales agreements, leases, contracts, relating to parties, owners of Assisted Living Facility, real estate, building or Assisted Living Facility assisted living center license, managers of any type of staff of Assisted Living Facility, providers of physical therapy, occupational therapy, dietary consultation, pharmacy and drug services, including, any time during Jack Doe’s care and treatment.

17.

Any and all financial statements or information of corporate Defendants or any other person or entity that has an ownership or management interest Assisted Living Facility, that have been provided to the State Department of Human Resources, Medicare or Medicaid in 2016 through present.

18.

Any and all documents concerning entities, persons, staffing agencies or independent contractors who provided staff, nurses, aides or other healthcare services to Assisted Living Facility during 2014 through the present.

19.

The annual budget, annual expense reports, and monthly expense reports of the corporate Defendants pertaining to Assisted Living Facility, for 2014 through the present.

20.

Documents showing all salaries and bonuses paid to the medical director and the Director(s) of Nursing of Assisted Living Facility, during 2014 through the present.

21.

All documents concerning the names and addresses of any and all persons who served on the governing board of Assisted Living Facility, in 2014 through the present.

22.

Any policies, procedures or by-laws relating to the duties and obligations of the Governing Board or body Assisted Living Facility, during 2014 through the present.

23.

Any policies or procedures concerning the annual or monthly budget or expense reports of Assisted Living Facility, during 2014 through the present.

24.

Any policies or procedures concerning the job description or duties of all employees of Assisted Living Facility during 2014 through the present.

25.

Any employment contracts between Assisted Living Facility and all persons who cared for and treated Jack Doe.

26.

The personnel files of any employee who provided care, treatment and/or services to Jack Doe during his treatment at Assisted Living Facility.

27.

The Medicaid cost reports pertaining to Assisted Living Facility, for 2014 through the present and all documentation relied upon in the preparation of the 2014 through the present Medicaid cost reports.

# Surveys, Complaints, Incidents, Investigations

28.

Any and all documentation from the Georgia State Department of Human Resources, or any other local, state or federal governmental agency which sets forth findings, conclusions, violations, deficiencies, penalties, actions and recommended sanctions regarding any Defendants, Assisted Living Facility, its Medical Director(s) or Director(s) of Nursing or employees which occurred in 2014 through the present, and any and all responses or defenses of any Defendants, Assisted Living Facility, its Administrator(s) or Director(s) of Nursing, Resident Care Coordinator or employees.

29.

Any and all documents which set forth complaints made against Defendants or Assisted Living Facility, its Administrator/Resident Care Coordinator(s) or Director(s) of Nursing, nurses, CNAs, med techs or employees, made by any person or entity to any local, state, or federal agency during 2014 through the present, along with any responsive documents prepared or submitted by Defendants or Assisted Living Facility, its Administrator/Resident Care Coordinator(s) or Director(s) of Nursing, nurses, CNAs, med techs, or employees, and any agency documents made as a result of such complaint.

30.

Any and all documents and/or reports from any consultant or management person or entity hired by Defendant or Assisted Living Facility, to evaluate the adequacy of care rendered residents of during 2014 through the present.

31.

All documents and reports from the resident director of Assisted Living Facility, or any Defendant pertaining to Assisted Living Facility, during the period of 2014 through the present, which analyzes, complains about, assesses, reaches conclusions or findings, or makes recommendations about the quality and quantity of nursing services, quality of nursing assistants, or any other aspect of resident care at Assisted Living Facility.

32.

All studies, internal audits, reviews or other documents examining whether Assisted Living Facility had a sufficient number of nursing personnel to provide nursing services, meet the needs of residents, and meet the nursing needs of residents during 2014 through the present.

33.

Any and all documentation which was created as a part of or relates to any internal investigation conducted by Defendants or at Defendants’ request into allegations or conclusions about Assisted Living Facility, found in any survey, licensure report, deficiency statement, violation, penalty, complaint, incident report of investigation of Assisted Living Facility, or any correspondence or document from any state or federal government agency notifying Defendants or Assisted Living Facility, of any adverse finding, conclusion, violation, deficiency, penalty, disciplinary action or recommended sanction.

34.

Any and all documentation created by, received by or in the control of Defendants concerning complaints by any person about any of the following:

a.      the adequacy of resident care;

b.     choking prevention;

c. dietary needs of residents;

d. the adequacy of care;

e. the quality or quantity of nursing personnel;

f. the quality or quantity of non-nursing personnel;

g.     the quality or quantity of supervision of nurses, nurse assistant, or other personnel; and

h. supervising residents.

35.

Any and all resident incident or various reports submitted regarding Jack Doe and/or any deaths and/or injuries of any other resident resulting from falls/drops, mishandling resulting in unexplained fractures, and/or injuries. See Apple Investment Properties v. Watts, 220 Ga. App. 226, 469, S.E. 2d. 356 (496); Peacock v. HCP III Eastman, Inc., 230 Ga. App. 726, 497 S.E. 2d. 253 (1968). (Please note that resident names may be redacted from these reports).

# Staffing

36.

All guidelines, procedures and documents utilized by Defendants or in Defendants’ possession, custody or control, for determining whether Assisted Living Facility, had a sufficient number of personnel during 2014 through the present, which includes, but is not limited to, registered and licensed vocational nurses, nurse assistants, medication assistants, orderlies and other staff to provide 24 hour nursing and/or care services, meet the needs of residents, and/or meet the total nursing needs of the residents of Assisted Living Facility. This includes, and is not limited to:

1.     Staffing Sign-In Sheets;

2.     Corporate Staffing Guidelines;

3.     Facility Staffing Policy and Procedure;

4.     On-Call Staffing Sheets;

5.     Specific Unit Staffing Guidelines;

6.     Monthly Staffing Sheets for 2012;

7. Policy and Procedure for Handling Call-Ins;

8. Sign In and Out Sheets;

9. Call-In Replacement Staffing Sheets; and/or,

10.     Time Card Punch Sheets;

11. Staff to resident ratio information; and

12. Special memory care units.

37.

All staffing plans for Assisted Living Facility and all staffing files and documents for 2010 through the present used to document staffing plans and adequate staffing for the Georgia State Department of Human Resources.

# Employee And Agent Schedules, Records

# And Personnel Files

38.

The employee work schedules, nursing work schedules, time sheets and/or time cards, payroll records, unit specific sign in or assigned sheets, 24-hour unit report sheets, or other documents showing the identity, number (quantity) and classification of any personnel for all shifts of all employees or agents of Defendants who worked in Assisted Living Facility during Jack Doe’s care and treatment.

39.

Any and all documentation maintained or included in the personnel files of all employees of the corporate Defendants who worked at Assisted Living Facility had any contact with Jack Doe.

40.

Any and all documents, payroll records and staffing records which set out the names, addresses, telephone numbers, job title, social security numbers, Georgia nurse professional number, certified nurse aide professional number, and employment status of any and all employees of the corporate Defendants who worked at Assisted Living Facility during Jack Doe’s care and treatment.

**In-Service**

41.

Any and all documents, for 2014 through the present including but not limited to, any film, video, recording, book, or periodical that was provided to any personnel of Assisted Living Facility for purposes of demonstrating, describing or instructing personnel on the proper care and treatment of residents and in particular, but not limited to, fall prevention and injury prevention*.*

42.

Any and all attendance sheets, rosters of personnel present, or documentation that identifies personnel of Assisted Living Facility who attended any in-service or training program conducted at Assisted Living Facility in 2014 through the present, relating to the subjects set out in number 1, above.

# Claims and Lawsuits

43.

Any and all documents concerning any and all claims or lawsuits for injuries or poor care of a resident of any type, the Plaintiff’s attorney and the results of such claims or lawsuits against Defendants in 2014 through the present, including but not limited to any confidential settlements.

**General**

44.

Any and all documents containing information as to the daily resident census and condition of the residents Assisted Living Facility during Jack Doe’s care and treatment, including but not limited to, any documents showing the daily rate of occupancy and condition of the residents, the number of beds filled on a daily basis in both skilled nursing and/or palliative care, or the number of empty beds on a daily basis, including but not limited to, any census and condition report provided to federal or state authorities.

45.

Any statements, memoranda of statements, or other evidence of any kind relating to any statement, written or oral, given by Jack Doe or Jack Doe’s family to anyone, which may be in the possession or available to the Defendants and any statements, diagrams, or other materials relating to this incident and/or the allegations in this lawsuit which are not otherwise privileged.

46.

Any and all videotapes of Jack Doe and any and all videotapes of Assisted Living Facility which contain video of the rooms(s) which Jack Doe occupied during his care and treatment, and residency.

47.

Any and all certified color copy reproduction of medical and/or billing records and/or reports, prescriptions, operational logs, resident care logs, treatment records, kardexes, and other medical information concerning the health of Jack Doe in the possession or control of the Defendant whether obtained through subpoena or otherwise.

48.

Any and all incident report in Defendants’ possession concerning Jack Doe created by Assisted Living Facility or any other entity or individual. See DHR Rule 290-9-43-.06, and Apple Investment Properties v. Watts, supra.

49.

A color copy of any and all Jack Doe’s resident chart that is not part of his resident record involving but not limited to and Activities of Daily Living (ADLs) not reflected in this chart.

50.

A copy of Assisted Living Facility’s license to operate as an assisted living community for 2016.

51.

All background checks and five-year employee histories for any and all employees who cared for Jack Doe.

52.

Licensed residential care profiles, 2014-present.

53.

Admission procedures, including screening criteria for the specialized memory care unit. DCH 111-8-62.20(10).

54.

A list of all employees and/or former employees who cared for and treated Jack Doe during his residency. (For further response, please provide last known addresses, telephone numbers, and/or other identifying information).

55.

A complete copy of each liability insurance policy, primary or excess (from all Defendants) which is applicable to this case and Plaintiffs’ claims.

56.

Provide contracts and/or operating or management agreements that existed between the Defendants from 2014 to the present.

This \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2021.