**IN THE SUPERIOR COURT OF \_\_\_\_\_\_\_\_\_ COUNTY**

**STATE OF GEORGIA**

JOHN DOE, Individually as )

Surviving Son of Jane Doe, )

And JOHN2 DOE as )

Administrator of the Estate of )

JANE DOE, )

 )

 Plaintiffs, )

 )

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

 )

NURSING HOME; )

AGENT 1; and AGENT 2 )

 )

 Defendants. )

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

# PLAINTIFFS’ 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 Plaintiffs’ Attorneys at 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:

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1.

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

2.

Copies of all depositions and/or reports given by any expert you have identified in response to Plaintiffs’ 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 Jane 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 Jane Doe, and/or the occurrence in question.

6.

To the extent not already requested above, please provide all original documents concerning Jane 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 NURSING HOME, between Jane Doe and/or her family or representatives and the Defendants.

## Marketing, Advertising and Representations

7.

All advertising or marketing documents concerning NURSING HOME, during 2017 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 NURSING HOME, or any other documents created to promote NURSING HOME.

8.

Any document prepared or distributed in 2017-present that addresses the subject of how to increase resident care at NURSING HOME. This request includes but is not limited to any document containing corporate Defendants’ marketing strategy, goals, objectives or tactics for NURSING HOME.

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 NURSING HOME, 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 NURSING HOME, including Jane Doe.

# Facility Policies and Procedures

10.

All current resident care policies, procedures, manuals, protocols, and/or other documents that were being utilized at NURSING HOME during Jane Doe’s care and treatment.

11.

Any and all written documents which set out any rights for residents of NURSING HOME and which were being utilized at NURSING HOME during Jane Doe’s care and treatment.

12.

Any and all administrative policies or nursing care policies and procedures documents that were being utilized at NURSING HOME, during Jane Doe’s care and treatment concerning resident safety, care, accident and/or fall prevention, training, supervision, and in-services 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 Jane 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 NURSING HOME.

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 NURSING HOME.

**Owners, Management and Governing Body**

16.

Any and all contracts, agreements or any other type of document relating to ownership and management of NURSING HOME, management agreements, sales agreements, leases, contracts, relating to parties, owners of NURSING HOME, real estate, building or NURSING HOME assisted living center license, managers of any type of staff of NURSING HOME, providers of physical therapy, occupational therapy, dietary consultation, pharmacy and drug services, including, any time during Jane 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 NURSING HOME, that have been provided to the State Department of Human Resources, Medicare or Medicaid in 2017 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 NURSING HOME during 2017 through the present.

19.

The annual budget, annual expense reports, and monthly expense reports of the corporate Defendants pertaining to NURSING HOME, for 2017 through the present.

20.

 Documents showing all salaries and bonuses paid to the medical director and the Director(s) of Nursing of NURSING HOME, during 2017 through the present.

21.

 All documents concerning the names and addresses of any and all persons who served on the governing board of NURSING HOME, in 2017 through the present.

22.

Any policies, procedures or by-laws relating to the duties and obligations of the Governing Board or body NURSING HOME, during 2017 through the present.

23.

Any policies or procedures concerning the annual or monthly budget or expense reports of NURSING HOME, during 2017 through the present.

24.

Any policies or procedures concerning the job description or duties of the medical director and the Director(s) of NURSING HOME, during 2017 through the present.

25.

Any employment contracts between NURSING HOME.

26.

The personnel files of any employee who provided care, treatment and/or services to Jane Doe during her treatment at NURSING HOME.

27.

The Medicaid cost reports pertaining to NURSING HOME, for 2017 through the present and all documentation relied upon in the preparation of the 2017 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, NURSING HOME, its Medical Director(s) or Director(s) of Nursing or employees which occurred in 2017 through the present, and any and all responses or defenses of any Defendants, NURSING HOME its Administrator(s) or Director(s) of Nursing or employees.

29.

 Any and all documents which set forth complaints made against Defendants or NURSING HOME, its Medical Director(s) or Director(s) of Nursing or employees, made by any person or entity to any local, state, or federal agency during 2017 through the present, along with any responsive documents prepared or submitted by Defendants or NURSING HOME, its Medical Director(s) or Director(s) of Nursing 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 NURSING HOME, to evaluate the adequacy of care rendered residents of during 2017 through the present.

31.

All documents and reports from the medical director of NURSING HOME, or any medical Defendant pertaining to NURSING HOME, during the period of 2017 through the present, which analyzes, complains about, assesses, reaches conclusions or findings, or makes recommendations about the quality and quantity of nursing services, fall prevention, wound care, or any other aspect of resident care at NURSING HOME.

32.

All studies, internal audits, reviews or other documents examining whether NURSING HOME had a sufficient number of nursing personnel to provide nursing services, meet the needs of residents, and meet the nursing needs of residents during 2017 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 NURSING HOME, found in any survey, licensure report, deficiency statement, violation, penalty, complaint, incident report of investigation of NURSING HOME, or any correspondence or document from any state or federal government agency notifying Defendants or NURSING HOME, 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. injuries of unknown origin;

c. falls;

d. unexplained injuries and/or accidents;

e. wound care

f. the adequacy of nursing care or medical care;

g. the quality or quantity of nursing personnel;

h. the quality or quantity of non-nursing personnel; and

i.       the quality or quantity of supervision of nurses, nurse assistant, or other nursing personnel.

35.

 Any and all resident incident or various reports submitted regarding Jane Doe and/or any deaths and/or injuries of any other resident resulting from failure to comply with nursing care and/or medical treatment. 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 NURSING HOME, had a sufficient number of personnel during 2017 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 services, meet the needs of residents, and/or meet the total nursing needs of the residents of NURSING HOME. This includes, and is not limited to:

1.     Medicare 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 2019;

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 Defendant NURSING HOME and all staffing files and documents for 2017 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 NURSING HOME during Jane 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 NURSING HOME had any contact with Jane 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 NURSING HOME during Jane Doe’s care and treatment.

# In-Service

41.

Any and all documents, for 2017 through the present including but not limited to, any film, video, recording, book, or periodical that was provided to any personnel of NURSING HOME 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 wound care*.*

42.

Any and all attendance sheets, rosters of personnel present, or documentation that identifies personnel of NURSING HOME who attended any in-service or training program conducted at NURSING HOME in 2017 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 Plaintiffs’ attorney and the results of such claims or lawsuits against Defendants in 2017 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 at NURSING HOME during Jane 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 Jane Doe or her 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 Jane Doe and any and all videotapes of NURSING HOME which contain video of the rooms(s) which Jane Doe occupied during her care and treatment, and residency.

47.

Any and all certified color copy reproduction of medical records and/or reports, prescriptions, operational logs, resident care logs, treatment records, kardexes, 24-hour reports, and other medical information concerning the health of Jane Doe in the possession or control of the Defendant whether obtained through subpoena or otherwise.

48.

Any and all fall and/or wound (pressure sores and skin tears) incident reports and/or logs in Defendants’ possession concerning Jane Doe created by NURSING HOME 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 Jane Doe’s resident chart that is not part of her resident record involving but not limited to and Activities of Daily Living (ADLs) not reflected in this chart.

50.

 A copy of NURSING HOME’s license to operate as an assisted living community for 2017.

51.

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

52.

 Licensed residential care profiles, 2017-present.

53.

Any and all documents describing the NURSING HOME Fall Prevention and Wound Care Prevention Programs.

54.

Please produce a copy of all bills, accounting records, billing records, itemized statements, accounts receivables history report, copies of CMS UB-04 and/or UB-92 forms, or other documents showing charges in connection with any care provided to Jane Doe while a resident of NURSING HOME.

55.

 Please produce a copy of the following:

1. Floor plans or diagrams of NURSING HOME as is existed during Jane Doe’s residency;
2. Photographs and videos of NURSING HOME which depict the facility at or near the times of Jane Doe’s residency; and
3. Promotional materials provided to, or available to, the resident or her family regarding NURSING HOME.

56.

If NURSING HOME utilized a temporary agency for its staffing needs, please provide the agency invoices for the temporary staff and the time tickets or time sheets utilized by temporary staff.

57.

Copies of each insurance policy which affords, or may afford, coverage to you or your agents, employees or officers for any conduct alleged in Plaintiffs’ Complaint, including captive insurance, documentation of in-house reserves and letters of credit/guarantees issued to guarantee any insurance policy, reserve fund, or self-insured retention.

58.

Please produce copies of all communications dealing with Staffing and Workload Issues at NURSING HOME for the on-year period immediately preceding Jane Doe’s final discharge from NURSING HOME through the three-month period immediately following such final discharge. This request seeks, but is not limited to, the following:

1. **Internal Communications Regarding Staffing And Workload:** All documents sent or received by any person working at NURSING HOME regarding the subject of staffing, census, or workload in NURSING HOME and Rehabilitation, including, but not limited to: Nursing personnel staffing or staging variances from the budgets; the impact of staffing levels upon resident care or the health and safety of residents; criticisms or concerns about the cost and expense of staffing; census being under budget or increasing census; the impact of workload upon employees, resident care, or the health of residents; and criticisms about the workload or acuity of residents.
2. **External Communications Regarding Staffing And Workload:** All documents from employees, residents, family members or friends of residents at NURSING HOME to any employee working at NURSING HOME or any employee of Defendants or to the corporate or management offices, care line or “1-800 number” referencing: (1) inadequate staffing; (2) failure to provide necessary care; and/or (3) workload concerns.

59.

Any forms, whether handwritten or computer-generated, completed and/or submitted for time clock adjustment slips or time edit slips.

60.

Payroll journals by pay period that contain employee information by pay period, including positions, hours worked by type, and pay rate, for the period January 1, 2017 to December 31, 2019.

61.

Shift staffing posting reports for the period January 1, 2017 to December 31, 2019.

62.

NURSING HOME’s weekly operation report, which includes the daily labor PPD for each of the seven days in the period and a comparison to NURSING HOME’s budget, for the period January 1, 2017 to December 31, 2019.

63.

A personnel turnover report by position type on a monthly or pay period basis for the period January 1, 2017 to December 31, 2019.

64.

Any letter, email, or written communicate provided to/by an employee or ex-employee of Defendants by any person for the period January 1, 2017 to December 31, 2019 complaining that NURSING HOME was understaffed or inadequately staffed.

65.

A copy of any employee satisfaction survey which was provided to any employee or ex-employee, as well as any comments that were submitted in response to same, for the period January 1, 2017 to December 31, 2019.

66.

Any and all correspondence, emails, memorandums, and any other documents between the management company and NURSING HOME which mention, discuss, or otherwise refer to staffing at NURSING HOME from January 1, 2017 to December 31, 2019.

67.

Any comparative wage summary analysis performed by NURSING HOME the “corporate parent,” or a third-party to provide NURSING HOME management information concerning the wage rates offered by their local competitors for the last three years.

68.

A list of employees and/or contract employees at NURSING HOME for the period January 1, 2017 to December 31, 2019, including where applicable, their license/certifications numbers, position(s) held, dates of hire and termination, and reason for termination, and last known address.

69.

Copies of all Training and In-Service Education documents used for training/education conducted from January 1, 2017 to December 31, 2019. Please include a description of each in-service education and training session, all training calendars, in-service sign-in/attendance sheets, syllabus and training handout materials, and training reports of staff taking computer-based training.

70.

The patient care policies developed by the professional staff of NURSING HOME in accordance with Rules of the Department of Community Health, Nursing Homes, 11-8-56.-05, which were in effect from January 1, 2017 to December 31, 2019.

71.

Please produce a copy of any and all complaints filed in any court during the past ten (10) years relating to claims of personal injury allegedly receive by and resident of NURSING HOME allegedly as the result of negligence of any employee or agent of NURSING HOME and/or Defendants.

72.

A copy of all documents which have been produced to any governmental agency in 2017, 2018, and 2019, which show the ownership and/or management of NURSING HOME including, but not limited to, CMS Form 855A.

73.

A copy of any Long Term Care Facility Applicate for Medicare and Medicaid or Resident Census and Conditions of Residents forms which have been prepared and submitted to CMS for the period 2017-2019.

74.

A copy of NURSING HOME’s CASPER report and PEPPER report for 2018 and 2019.

75.

Any and all documents reflecting any incentive and/or bonus plan, program, schedule, etc. for NURSING HOME’s Administrator, Director of Nursing, Department Heads, Admissions Coordinators, Regional Managers was eligible from January 1, 2017 through December 31, 2019.

76.

A copy of any investigation conducted by you or on your behalf in connections with the occurrences in question on June 24, 2019 and August 13, 2019 that was not done in anticipate of litigation. If you claim privilege, please provide a privilege log.

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

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| P.O. Box 832Athens, Georgia 30603(706) 354-4000 | **BLASINGAME, BURCH,****GARRARD & ASHLEY, P.C.***Attorney for Plaintiffs*BY: */s/ Evan W. Jones*Evan W. JonesGeorgia Bar No. 400115 |