

1 follows.

2 **A. Requests for Time Sheets, Time Logs, Payroll Records, and Work Schedules**
3 **(RFP 8, 9, 19).**

4 Plaintiff moves the Court to compel the production of the time logs, time sheets, payroll
5 records, and work schedules of employees/contractors of Defendants. The specific discovery
6 requests at issue are as follows:

- 7 • RFP 8: “[A]ll time sheets or time logs reflecting any work performed by any of
8 your employees or contractors that was billed as the provision of anesthesia
9 services at Kaweah Delta Medical Center.”
- 10 • RFP 9: “[A]ll payroll records reflecting any work performed by any of your
11 employees or contractors at Kaweah Delta Medical Center that was billed to the
12 United States or the State of California as the provision of anesthesia services.”
- 13 • RFP 19: “[A]ll work schedules reflecting the names, titles and positions of all of
14 your employees or contractors who have provided anesthesia services at Kaweah
15 Delta Medical Center where those services were then billed to the United States or
16 the State of California in accordance with 42 CFR § 415.110.”

17 For the reasons stated on the record, the Motion to Compel is GRANTED in part as to
18 these requests. The Court orders Defendants to produce responsive documents for the timeframe
19 of December 1, 2011, to December 31, 2013, that already exist in electronic form. Defendants are
20 not required to create responsive documents; nor are they required to produce responsive
21 documents that are not already in electronic form.¹

22 **B. Documents Pertaining to Plaintiff/Relator from the Named Individual**
23 **Defendants (RFP 62, 69, 76, 83, and 90).**

24 Plaintiff moves the Court for an order compelling the production of documents authored
25 by the individual Defendants that pertain to Plaintiff. The specific requests for production at issue
26 are as follows:

- 27 • RFP 62: “All documents authored by Dr. Robert Goldstein pertaining to Nicolle
28 O’Neill.”

¹ As stated on the record, Plaintiff may renew her Motion to Compel if the electronic records are insufficient and she believes further production is warranted notwithstanding additional burden involved.

- 1 • RFP 69: “All documents authored by Dr. Roy Winston pertaining to Nicolle O’Neill.”
- 2 • RFP 76: “All documents authored by Dr. Bryon Mendenhall pertaining to Nicolle
- 3 O’Neill.”
- 4 • RFP 83: “All documents authored by Dr. Quinn Gee pertaining to Nicolle O’Neill.”
- 5 • RFP 90: “All documents authored by Dr. Margaret Vassilev pertaining to Nicolle
- 6 O’Neill.”

7 For the reasons stated on the record, Plaintiff/Relator’s Motion to Compel is GRANTED
8 in part as to these requests. Defendants are ordered to complete a new search for ESI related to
9 Plaintiff in the email accounts of (1) Dr. Robert Goldstein, (2) Dr. Roy Winston, (3) Dr. Byron
10 Mendenhall, (4) Dr. Quinn Gee, and (5) Dr. Margaret Vassilev. The search should use the term
11 “O’Neill.” Defendant shall produce responsive documents uncovered using that term that have
12 not already been produced, unless the term uncovers so many documents that production would
13 be overly burdensome, in which case the parties are directed to meet and confer to discuss ways
14 to narrow the production. If the parties cannot agree, they should contact the Court to resolve any
15 remaining issues.
16

17 **C. Documents Pertaining to Dr. Adam Dorin (RFP 59, 60, 61, 63, 70, 77, 84, 91).²**

18 Plaintiff’s Motion to Compel next seeks documents concerning Dr. Adam Dorin—another
19 alleged whistleblower. The specific requests are as follows:
20

- 21 • RFP 59: “All documents pertaining to any claim by Adam Dorin, M.D. regarding staffing
- 22 of anesthesiologists at Kaweah Hospital.”
- 23 • RFP 60: “All documents pertaining to any claim by Adam Dorin M.D. regarding staffing
- 24 of CRNAs at Kaweah Hospital.”
- 25 • RFP 61: “ALL documents pertaining to any communication pertaining to Adam Dorin,
- 26 M.D.”

27 ² Plaintiff’s counsel informed the Court that he wished to withdraw Request for Production 32, which sought
28 “any and all documents pertaining to Dr. Adam Frederic Dorin.” Accordingly, the Court does not address that request
herein.

- 1 • RFP 63: “All documents authored by Dr. Robert Goldstein pertaining to Adam Dorin.”
- 2 • RFP 70: “All documents authored by Dr. Roy Winston pertaining to Adam Dorin.”
- 3 • RFP 77: “All documents authored by Dr. Byron Mendenhall pertaining to Adam Dorin.”
- 4 • RFP 84: “All documents authored by Dr. Quinn Gee pertaining to Adam Dorin.”
- 5 • RFP 91: “All documents authored by Dr. Margaret Vassilev pertaining to Adam Dorin.”

6 For the reasons stated on the record, Plaintiff/Relator’s Motion to Compel is GRANTED
7
8 in part as to these requests. Defendants are ordered to make a reasonable search to identify
9 documents related to the termination of Dr. Adam Frederic Dorin, as well as Defendants’
10 response to complaints from Dr. Dorin concerning the allegedly improper billing of the United
11 States Government and the State of California for anesthesia services at Kaweah Medical Center.

12 **D. Documents summarizing Defendants’ total gross revenues from contracts with**
13 **the U.S. government and the State of California. (RFP 16, 17).**

14 Plaintiff’s motion also sought documents showing Defendants’ gross revenue from
15 contracts with the United States Government and the State of California. For the reasons stated on
16 the record, Plaintiff/relator’s Motion to Compel is DENIED AS MOOT as to these requests.
17 Defendants agree to produce total gross revenues from December 2011 to October 2015 showing
18 reimbursements for personally performed and medically directed claims.

19
20 IT IS ORDERED that the Motion to Compel (ECF Doc. No. 124) is GRANTED in part
21 and DENIED in part as follows:

- 22 1. The Motion to Compel is GRANTED in part to the extent it seeks to compel
23 Defendants to respond to RFP 8, 9, and 19. Specifically, Defendants are to produce
24 responsive documents that currently exist in electronic form.
- 25 2. The Motion to Compel is GRANTED in part to the extent it seeks to compel
26 Defendants to respond to RFP 62, 69, 76, 83, and 90. Specifically, Defendants are
27 ordered to complete a new search for ESI related to Plaintiff/Relator in the email
28

1 accounts of (1) Dr. Robert Goldstein, (2) Dr. Roy Winston, (3) Dr. Byron Mendenhall,
2 (4) Dr. Quinn Gee, and (5) Dr. Margaret Vassilev. The search should use the search
3 term "O'Neill." Defendant shall produce responsive documents uncovered using that
4 term that have not already been produced, unless the term uncovers so many
5 documents that production would be overly burdensome, in which case the parties are
6 directed to meet and confer to discuss ways to narrow the production.

- 7
- 8 3. The Motion to Compel is GRANTED in part to the extent it seeks to compel
9 Defendants to respond to RFP 59, 60, 61, 63, 70, 77, 84, and 91. Specifically,
10 Defendants are ordered to make a reasonable search to identify documents related to
11 the termination of Dr. Adam Frederic Dorin, as well as Defendants' response to
12 complaints from Dr. Dorin concerning the alleged improper billing of the United
13 States Government and the State of California for anesthesia services at Kaweah
14 Medical Center.
- 15 4. The Motion to Compel is DENIED AS MOOT to the extent it seeks to compel
16 Defendants to respond to RFP 16 and 17.
- 17
- 18 5. A status conference is hereby set for June 12, 2019, at 3:30 P.M. in Courtroom 10
19 before Magistrate Judge Erica P. Grosjean. To participate telephonically, the parties
20 are directed to use the following dial-in number and passcode: 1-888-251-2909;
21 passcode 1024453.

22
23 IT IS SO ORDERED.

24
25 Dated: April 30, 2019

26 /s/ Erica P. Grosjean
27 UNITED STATES MAGISTRATE JUDGE
28