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12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
14

15 LUCY ATAYDE, Individually and as Successor in)
Interest of Decedent RICHARD MICHAEL RAMIREZ,) No: 1:16-cv-00398-DAD-SAB
16)
Plaintiff,) ORDER RE: STIPULATED
17 vs.) "FIRST LOOK" AGREEMENT
RE: DEFENDANTS' FEDERAL
18 NAPA STATE HOSPITAL, STATE OF CALIFORNIA) RULE OF CIVIL PROCEDURE
DEPARTMENT OF STATE HOSPITALS, a public) 45 SUBPOENAS SEEKING
19 entity, DOLLY MATTEUCCI, Individually, DANA) PLAINTIFF'S DECEDENT'S
WHITE, R.N., Individually, CALIFORNIA FORENSIC) MEDICAL, AND MEDICAL
20 MEDICAL GROUP, INC., TAYLOR FITHIAN, M.D.,) BILLING RECORDS
HEATHER GOODE, M.D., SEAN RYAN, R.N.,)
21 DEBORAH MANDUJANO, R.N.,CORINA DENNING,) (ECF No. 104)
R.N., COUNTY OF MERCED, a municipal corporation,)
22 former Sheriff TOM CAVALLERO, in his Individual)
and Official Capacities, Undersheriff JASON GOINS,)
23 and DOES 1 THROUGH 10, Jointly and Severally,)
24)
25 Defendants.)

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1 The parties, by and through their respective attorneys of record, hereby stipulate to the
2 following order being issued in this matter:

- 3 1. On July 20, 2017, Plaintiff’s counsel Haddad & Sherwin LLP received copies of seven
4 Federal Rule of Civil Procedure 45 subpoenas for the Production of Documents which
5 Defendants’ counsel served on July 18–19, 2017 on the following entities, seeking the
6 following documents pertaining to Plaintiff’s deceased son, Richard Michael Ramirez:

- 7 a. Harper Medical Group, Inc., 9300 Tech Center Drive, Suite 210, Sacramento, CA
8 95826 (Work Order No. 464279-01) seeking:

9 THE RECORDS REQUESTED ARE regardless of date FOR THE FOLLOWING
10 TYPES OF RECORDS: ANY AND ALL MEDICAL RECORDS, DOCUMENTS,
11 MEDICAL REPORTS, INCLUDING DOCTORS' ENTRIES, NURSES' CHARTS,
12 PROGRESS REPORTS, PHYSICAL THERAPY RECORDS, PATHOLOGY
13 REPORTS, X-RAY REPORTS, LAB REPORTS, CASE HISTORY, EMERGENCY
14 ROOM RECORDS, ADMITTING SHEETS, SPECIAL TESTS, INPATIENT AND
15 OUTPATIENT RECORDS, AND ANY SIGN-IN SHEETS PERTAINING TO THE
16 CARE AND TREATMENT, DIAGNOSIS, PROGNOSIS, CONDITION,
17 DISCHARGE, INSURANCE RECORDS, ALL BILLINGS, STATEMENT OF
18 CHARGES, STATEMENTS OF ACCOUNTS, WRITINGS, AND DOCUMENTS
19 REFLECTING THE FOLLOWING: ANY AND ALL PAYMENTS MADE OR
20 RECEIVED IN REFERENCE TO RICHARD MICHAEL RAMIREZ, DOB:
21 10/27/1987/POSSIBLE DOB: 10/24/1987, SS#: , ANY AND ALL CREDITS,
22 ADJUSTMENTS, WRITE-OFFS, RECONCILIATIONS, CONTRACT PRICE
23 PAYMENTS OR REDUCTION, PAYMENTS BY ANY HEALTH INSURANCE
24 ENTITY, PERSONAL PAYMENTS BY OR TO SAID PATIENT FROM ANY
25 SOURCE, HMO, PPO, MEDI-CAL, MEDICARE OR CONTRACT PAYMENTS
26 BY ANY ENTITY CONCERNING SAID PATIENT, BILLING LEDGERS,
27 REPORTS AND/OR STATEMENTS OF CHARGES RENDERED AND ANY
28 INSURANCE RECORDS, INCLUDING BUT NOT LIMITED TO ANY
RECORDS/DOCUMENTS THAT MAY BE STORED DIGITALLY AND/OR
ELECTRONICALLY THIS REQUEST FOR RECORDS INCLUDES ANY AND
ALL EVIDENCE OF ANY PAYMENTS FROM ANY SOURCE REGARDING
THE ACCOUNT OF THIS PATIENT TO OR FROM ANY PERSON AND/OR
ENTITY, INCLUDING BUT NOT LIMITED TO ANY RECORDS/DOCUMENTS
THAT MAY BE STORED DIGITALLY AND/OR ELECTRONICALLY
INCLUDING ALL PATIENT ORDERS AND PATIENT RESULTS AND
SPECIFICALLY FOR ANY DISCHARGE ORDERS, ALL DETAILED SCREEN
SHOTS WITHIN ANY COMPUTER SYSTEM AFFECTING OR RELATING TO
RICHARD MICHAEL RAMIREZ, DOB: 10/27/1987/POSSIBLE DOB:
10/24/1987, SS#: . TO INCLUDE RECORDS FROM RHONDA LOVE, LCSW,
FSICPP.

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b. Riggs Ambulance Service, 1743 Ashby Road, Merced, CA 95341 (Work Order No. 464279-02), seeking:

THE RECORDS REQUESTED ARE regardless of date FOR THE FOLLOWING TYPES OF RECORDS: ALL DISPATCH AND RESPONSE LOGS, TREATMENT, MEDICAL AND BILLING RECORDS, AND ANY OTHER RECORDS OR LOGS, INCLUDING BUT NOT LIMITED TO ANY RECORDS/DOCUMENTS THAT MAY BE STORED DIGITALLY AND/OR ELECTRONICALLY RELATING TO RICHARD MICHAEL RAMIREZ, DOB: 10/27/1987/POSSIBLE DOB: 10/24/1987, SS#: .

c. Mercy Medical Center Merced, 2740 M Street, 1st Floor, Merced, CA 95340 (Work Order No. 464279-03), seeking:

THE RECORDS REQUESTED ARE regardless of date FOR THE FOLLOWING TYPES OF RECORDS: ANY AND ALL MEDICAL RECORDS, DOCUMENTS, MEDICAL REPORTS, INCLUDING DOCTORS' ENTRIES, NURSES' CHARTS, PROGRESS REPORTS, PHYSICAL THERAPY RECORDS, PATHOLOGY REPORTS, X-RAY REPORTS, LAB REPORTS, CASE HISTORY, EMERGENCY ROOM RECORDS, ADMITTING SHEETS, SPECIAL TESTS, INPATIENT AND OUTPATIENT RECORDS, AND ANY SIGN-IN SHEETS, INCLUDING BUT NOT LIMITED TO ANY RECORDS/DOCUMENTS THAT MAY BE STORED DIGITALLY AND/OR ELECTRONICALLY PERTAINING TO THE CARE AND TREATMENT, DIAGNOSIS, PROGNOSIS, CONDITION, DISCHARGE, AFFECTING OR RELATING TO RICHARD MICHAEL RAMIREZ, DOB: 10/27/1987/POSSIBLE DOB: 10/24/1987, SS#: .

d. Mercy Medical Center Merced-Billing, 2740 M. Street, 2nd Floor, Merced, CA 95340 (Work Order No. 464279-04), seeking:

THE RECORDS REQUESTED ARE regardless of date FOR THE FOLLOWING TYPES OF RECORDS: ANY AND ALL BILLINGS, STATEMENT OF CHARGES, STATEMENTS OF ACCOUNTS, WRITINGS, AND DOCUMENTS REFLECTING THE FOLLOWING: ANY AND ALL PAYMENTS MADE OR RECEIVED IN REFERENCE TO RICHARD MICHAEL RAMIREZ, DOB: 10/27/1987/POSSIBLE DOB: 10/24/1987, SS#: , ANY AND ALL CREDITS, ADJUSTMENTS, WRITE-OFFS, RECONCILIATIONS, CONTRACT PRICE PAYMENTS OR REDUCTION, PAYMENTS BY ANY HEALTH INSURANCE ENTITY, PERSONAL PAYMENTS BY OR TO SAID PATIENT FROM ANY SOURCE, HMO, PPO, MEDI-CAL, MEDICARE OR CONTRACT PAYMENTS BY ANY ENTITY CONCERNING SAID PATIENT, BILLING LEDGERS, REPORTS AND/OR STATEMENTS OF CHARGES RENDERED AND ANY INSURANCE RECORDS, INCLUDING BUT NOT LIMITED TO ANY RECORDS/DOCUMENTS THAT MAY BE STORED DIGITALLY AND/OR ELECTRONICALLY THIS REQUEST FOR RECORDS INCLUDES ANY AND ALL EVIDENCE OF ANY PAYMENTS FROM ANY SOURCE REGARDING

1 THE ACCOUNT OF THIS PATIENT TO OR FROM ANY PERSON AND/OR
2 ENTITY.

- 3 e. Mercy Medical Center Merced-X Rays, 333 Mercy Avenue, Merced, CA 95340
4 (Work Order No. 464279-05), seeking:

5 THE RECORDS REQUESTED ARE regardless of date FOR THE FOLLOWING
6 TYPES OF RECORDS: ANY AND ALL FILMS, ORIGINAL X-RAY FILMS, CT
7 SCANS AND MRI FILMS, INCLUDING ANY FILMS/IMAGES THAT MAY BE
8 STORED DIGITALLY/ELECTRONICALLY, RELATING TO RICHARD
9 MICHAEL RAMIREZ, DOB: 10/27/1987/POSSIBLE DOB: 10/24/1987, SS#:

- 10 f. Central Valley Toxicology, Inc., 1580 Tollhouse Road, Clovis, CA 93611 (Work
11 Order No. 464279-06), seeking:

12 THE RECORDS REQUESTED ARE regardless of date FOR THE FOLLOWING
13 TYPES OF RECORDS: ANY AND ALL MEDICAL RECORDS, DOCUMENTS,
14 MEDICAL REPORTS, INCLUDING DOCTOR'S ENTRIES, NURSES' CHARTS,
15 PROGRESS REPORTS, PHYSICAL THERAPY RECORDS, PATHOLOGY
16 REPORTS, PATHOLOGY SLIDES, (RE-CUTS), WET TISSUE SAMPLES,
17 AND TISSUE BLOCKS, ALL FILMS, ORIGINAL X-RAY FILMS, MRI'S, CT
18 SCANS, INCLUDING ANY FILMS/IMAGES THAT MAY BE STORED
19 DIGITALLY/ELECTRONICALLY, X-RAY REPORTS, LAB REPORTS, CASE
20 HISTORY, EMERGENCY ROOM RECORDS, ADMITTING SHEETS, SPECIAL
21 TESTS, INPATIENT AND OUTPATIENT RECORDS, AND ANY SIGN-IN
22 SHEETS PERTAINING TO THE CARE AND TREATMENT, DIAGNOSIS,
23 PROGNOSIS, CONDITION, DISCHARGE, INSURANCE RECORDS, ALL
24 BILLINGS, STATEMENT OF CHARGES, STATEMENTS OF ACCOUNTS,
25 WRITINGS, AND DOCUMENTS REFLECTING THE FOLLOWING:
26 ANY AND ALL PAYMENTS MADE OR RECEIVED IN REFERENCE TO SAID
27 PATIENT, ANY AND ALL CREDITS, ADJUSTMENTS, WRITE-OFFS,
28 RECONCILIATIONS, CONTRACT PRICE PAYMENTS OR REDUCTION,
PAYMENTS BY ANY HEALTH INSURANCE ENTITY, PERSONAL
PAYMENTS BY OR TO SAID PATIENT FROM ANY SOURCE, HMO, PPO,
MEDI-CAL, MEDICARE OR CONTRACT PAYMENTS BY ANY ENTITY
CONCERNING SAID PATIENT, BILLING LEDGERS, REPORTS AND/OR
STATEMENTS OF CHARGES RENDERED AND ANY INSURANCE
RECORDS, INCLUDING BUT NOT LIMITED TO ANY
RECORDS/DOCUMENTS THAT MAY BE STORED DIGITALLY AND/OR
ELECTRONICALLY THIS REQUEST FOR RECORDS INCLUDES ANY AND
ALL EVIDENCE OF ANY PAYMENTS FROM ANY SOURCE REGARDING
THE ACCOUNT OF THIS PATIENT TO OR FROM ANY PERSON AND/OR
ENTITY, INCLUDING BUT NOT LIMITED TO ANY RECORDS/DOCUMENTS
THAT MAY BE STORED DIGITALLY AND/OR ELECTRONICALLY
INCLUDING ALL PATIENT ORDERS AND PATIENT RESULTS AND
SPECIFICALLY FOR ANY DISCHARGE ORDERS, ALL DETAILED SCREEN

1 SHOTS WITHIN ANY COMPUTER SYSTEM AFFECTING OR RELATING TO
2 RICHARD MICHAEL RAMIREZ, DOB: 10/27/1987/POSSIBLE
3 DOB: 10/24/1987, SS#: . TO INCLUDE RECORDS FROM BILL POSEY.

- 4 g. Forensic Medical Group, Inc., 1261 Travis Blvd., #120, Fairfield, CA 94533 (Work
5 Order No. 464279-07), seeking:

6 THE RECORDS REQUESTED ARE regardless of date FOR THE FOLLOWING
7 TYPES OF RECORDS: ANY AND ALL MEDICAL RECORDS, DOCUMENTS,
8 MEDICAL REPORTS, INCLUDING DOCTOR'S ENTRIES, NURSES' CHARTS,
9 PROGRESS REPORTS, PHYSICAL THERAPY RECORDS, PATHOLOGY
10 REPORTS, PATHOLOGY SLIDES, (RE-CUTS), WET TISSUE SAMPLES, AND
11 TISSUE BLOCKS, ALL FILMS, ORIGINAL X-RAY FILMS, MR.I'S, CT SCANS,
12 INCLUDING ANY FILMS/IMAGES THAT MAY BE STORED
13 DIGITALLY/ELECTRONICALLY, X-RAY REPORTS, LAB REPORTS, CASE
14 HISTORY, EMERGENCY ROOM RECORDS, ADMITTING SHEETS, SPECIAL
15 TESTS, INPATIENT AND OUTPATIENT RECORDS, AND ANY SIGN-IN
16 SHEETS PERTAINING TO THE CARE AND TREATMENT, DIAGNOSIS,
17 PROGNOSIS, CONDITION, DISCHARGE, INSURANCE RECORDS, ALL
18 BILLINGS, STATEMENT OF CHARGES, STATEMENTS OF ACCOUNTS,
19 WRITINGS, AND DOCUMENTS REFLECTING THE FOLLOWING: ANY AND
20 ALL PAYMENTS MADE OR RECEIVED IN REFERENCE TO SAID PATIENT,
21 ANY AND ALL CREDITS, ADJUSTMENTS, WRITE-OFFS,
22 RECONCILIATIONS, CONTRACT PRICE PAYMENTS OR REDUCTION,
23 PAYMENTS BY ANY HEALTH INSURANCE ENTITY, PERSONAL
24 PAYMENTS BY OR TO SAID PATIENT FROM ANY SOURCE, HMO, PPO,
25 MEDI-CAL, MEDICARE OR CONTRACT PAYMENTS BY ANY ENTITY
26 CONCERNING SAID PATIENT, BILLING LEDGERS, REPORTS AND/OR
27 STATEMENTS OF CHARGES RENDERED AND ANY INSURANCE
28 RECORDS, INCLUDING BUT NOT LIMITED TO ANY
RECORDS/DOCUMENTS THAT MAY BE STORED DIGITALLY AND/OR
ELECTRONICALLY THIS REQUEST FOR RECORDS INCLUDES ANY AND
ALL EVIDENCE OF ANY PAYMENTS FROM ANY SOURCE REGARDING
THE ACCOUNT OF THIS PATIENT TO OR FROM ANY PERSON AND/OR
ENTITY, INCLUDING BUT NOT LIMITED TO ANY RECORDS/DOCUMENTS
THAT MAY BE STORED DIGITALLY AND/OR ELECTRONICALLY
INCLUDING ALL PATIENT ORDERS AND PATIENT RESULTS AND
SPECIFICALLY FOR ANY DISCHARGE ORDERS, ALL DETAILED SCREEN
SHOTS WITHIN ANY COMPUTER SYSTEM AFFECTING OR RELATING TO
RICHARD MICHAEL RAMIREZ, DOB: 10/27/1987/POSSIBLE DOB:
10/24/1987, SS#: . TO INCLUDE RECORDS OF MARK SUPER, M.D.

2. All seven subpoenas have a production date and time of August 14, 2017 at 9:00 a.m.
3. Plaintiff's counsel contend that the subpoenaed documents may contain privileged information, and that the subpoenas as drafted are overbroad insofar as most of them seek

1 discovery of Mr. Ramirez’s entire medical history at any time, and so seek information
2 protected by his privacy rights, by his physician-patient privilege, and also seek information
3 which is neither proportional to the needs of this case nor relevant to the claims and defenses
4 in this matter. Defendants dispute plaintiff’s contentions but nevertheless seek to resolve the
5 discovery of the subpoenaed information as discussed below.

6 4. Plaintiff’s counsel and CFMG Defendants’ counsel met and conferred by phone on July 21,
7 2017. The parties agree to the following “First-Look” Procedure:

- 8 a. Defendants’ counsel shall instruct Ronsin Litigation Support Services (“Ronsin”) to
9 obtain the subpoenaed documents on the production date of August 14, 2017 at 9:00
10 a.m.; however, instead of producing the documents to Defendants’ counsel,
11 Defendants’ counsels shall instruct Ronsin to produce the documents in electronic
12 form (as .pdf files where possible) directly to Plaintiff’s counsel.
- 13 b. Upon receipt of the subpoenaed documents from Ronsin, Plaintiff’s counsel will then
14 have seven (7) business days to review the documents to see if they contain any
15 privileged information, or information otherwise outside the scope of discovery. If
16 the documents do contain such privileged information, or information otherwise
17 outside the scope of discovery, Plaintiff’s counsel shall redact, using Adobe Acrobat,
18 such information and/or withhold the pages containing that information. Plaintiff’s
19 counsel shall create a privilege log complying with Federal Rules of Civil Procedure
20 45(e)(2)(A)(i)–(ii) and 26(b)(5)(A)(i)–(ii).
- 21 c. On or before the seventh (7th) business day after receiving the records from Ronsin,
22 Plaintiff’s counsel shall serve the subpoenaed documents, as .pdf files, either by
23 electronic means (by email or dropbox) or by Federal Express Priority Overnight, on
24 Defendants’ counsel. If Plaintiff’s counsel has redacted and/or withheld any
25 information, Plaintiff’s counsel shall also concurrently serve the privilege log
26 described in ¶ 4(b), above.

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5. Defendants' counsel shall pay for Ronsin's services in obtaining the documents and producing them to Plaintiff's counsel, and, in the case that voluminous records are not able to be served electronically (via email, dropbox or other means) Plaintiff's counsel shall pay to serve them by Federal Express Priority Overnight to Defendants' counsel.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: July 21, 2017

HADDAD & SHERWIN LLP
LAW OFFICE OF SANJAY S. SCHMIDT

/s/ T. Kennedy Helm

T. KENNEDY HELM
Attorneys for Plaintiff
LUCY ATAYDE

Dated: July 21, 2017

BERTLING & CLAUSEN LLC

/s/ Jemma Parker Saunders

JEMMA PARKER SAUNDERS
Attorney for Defendants
CALIFORNIA FORENSIC MEDICAL GROUP, INC.;
TAYLOR FITHIAN, M.D.; HEATHER GOODE, M.D.;
SEAN RYAN, R.N.; DEBORAH MANDUJANO, R.N., and
CORINA DENNING, R.N.

ORDER

Pursuant to the stipulation of the parties, IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: July 21, 2017



UNITED STATES MAGISTRATE JUDGE