

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

JANE DOE INDIVIDUALLY)
and on BEHALF OF)
THE CLASS OF PERSONS)
DESIGNATED BY §537.080,)
)
Plaintiff,)
)
vs.)
)
DEFENDANT COMPANY,)
)
Defendant)

Case Number *****

**PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS
TO DEFENDANT**

COME NOW Plaintiffs, by and through their attorneys of record, O’Reilly, Jensen & Preston, LLC, and hereby propounds these *First Request for Production of Documents and Things to Defendant*, to be answered in full and in accordance with the Rules of Civil Procedure and Supreme Court Rule.

DEFINITIONS

- (a) These Requests are continuing in character so as to require you to file supplemental answers if you obtain further or different information before trial.
- (b) Where the name and identity of a person is requested please state the full name, home address, and business address if known.
- (c) Unless otherwise indicated, these Requests refer to the time, place and circumstances of the occurrence mentioned or complained of in the pleadings.
- (d) Where knowledge or information in possession of a party is requested, said request includes knowledge of party's agents, representatives, and unless privileged, his attorneys.

- (e) The pronoun "you" refers to the party whom these Requests are addressed.
- (f) "Identify" when used in reference to a person means to state the full name, home address, home phone number, employer, job title, work address and work phone number of that person. If the person identified is not a natural person (e.g., a corporation), give its full name, address, nature of organization, principal place of business activity, principal business activity and state under which it was organized.
- (g) "Identify" when used in reference to a document or report means to state as to each document or report the date, the general subject matter, the type of document (e.g., letter, memorandum, receipt, invoice, schedule, contract, bill of sale, etc.) the name and address of the author, the name and address of the addressee, the name and location of the files where the original and each copy is normally or presently kept, and the name and address of the present custodian thereof. As an alternative, you may produce the document or a true and correct copy thereof as long as you indicate with respect to each such document the Request to which it relates.
- (h) As used herein the term "document" shall mean the original and each non-identical copy (whether different from the original because of marginal notes, or other material inserted therein, or attached thereto or otherwise) of any written or graphic matter, however produced or reproduced and including, but not limited to: papers, books, letters, correspondence, telegrams, cables, telex messages, memoranda, typed or handwritten notes, notations, work papers, transcripts, minutes, audio, visual or audio-visual recordings, reports and records of telephone or other conversations, or of interviews, conferences or other meetings, maps, charts, plans, specifications, diagrams, photographs, affidavits, statements, statistical records, lists, tabulations,

summaries, sound recordings, computer print-outs, data processing input and output, microfilms, microfiche, all other records kept by computer, or on computer programs, electronic, photographic, or mechanical means, and items similar to the foregoing and/or items from which information can be obtained, translated if necessary, through the use of detection devices into reasonably usable form. If any tape, disc, card, wire, or other electronic or mechanical recording or transcript or any computer program is produced, you shall also produce such documents as are necessary for decoding, playing back, printing out and/or interpretation thereof, and any other documents which are necessary to convert such information into a usable and useful format.

REQUESTS

If you assert a privilege with regard to any interrogatory or request for production of documents, please submit a privilege log to identify any documents alleged to be privileged, and a description of the document and privilege relied upon.

1. Please produce any document which in any way refers to the choking incident suffered by Plaintiff on March 5, 2009.

RESPONSE:

2. Please produce any document which lists the name of any employee of Defendant who was on duty on March 5, 2009.

RESPONSE:

3. Please produce any document which shows the name of the medical technician, Certified Nurse's Assistant, Registered Nurse, Licensed Practical Nurse, or other employee of Defendant, who Plaintiff asked for assistance or supervision with eating on or before March 5, 2009.

RESPONSE:

4. Please produce any reports showing an investigation done into the choking incident suffered by Plaintiff on March 5, 2009.

RESPONSE:

5. Please produce any document showing any medical examination, physical examination, diagnostic study, or conversation between any employee of Defendant, and Plaintiff concerning the choking incident on March 5, 2009.

RESPONSE:

6. Please produce financial records, tax returns, profit and loss statements, or any other financial documentation which shows the net worth of Defendant from the years 2001 through and including the present.

RESPONSE:

7. Please produce any document which shows the wages earned by any and all employees of Defendant who were on duty on the dates of March 4, 2009, and March 5, 2009.

RESPONSE:

8. Please produce any documents which show that Plaintiff was to be supervised or otherwise monitored while eating on March 5, 2009.

RESPONSE:

9. Please produce any documents which show that Plaintiff was on a doctor ordered mechanical soft food diet on March 5, 2009.

RESPONSE:

10. Please produce any documents which show Plaintiff was supposed to have assistance, monitoring, or supervision while eating.

RESPONSE:

11. Please produce any documents which show Plaintiff was at risk for choking, or had previously choked, while residing at Defendant's residence.

RESPONSE:

12. Please produce any documents which show Plaintiff had a diminished eating, chewing, or swallowing capacity.

RESPONSE:

13. Please produce any documents which show Plaintiff was afraid or fearful of choking prior to March 5, 2009.

RESPONSE:

14. Please produce any documents which show Plaintiff suffered a choking incident on March 5, 2009.

RESPONSE:

15. Please produce any documents which show Plaintiff suffered a choking incident on January 13, 2009, or any other date prior to the incident on March 5, 2009.

RESPONSE:

16. Please produce any documents in Defendant's possession or control which show Plaintiff died as a result of the choking incident on March 5, 2009.

RESPONSE:

17. Please produce any documents which show that of Defendant and its employees had knowledge that Plaintiff requested assistance or supervision with respect to eating prior to March 5, 2009.

RESPONSE:

18. Please produce any photograph, video, still photograph, digital photograph, audio recording, or electronically stored recording of any of the above, or any other image which shows the Plaintiff, the choking incident on March 5, 2009, or her condition afterwards.

RESPONSE:

19. Please produce any x-ray, MRI, CT scan, or other diagnostic study or report, which shows the Plaintiff's condition after the choking incident on March 5, 2009.

RESPONSE:

20. Please produce any document that shows the name of the company that owns, operates, controls, or has an interest in the Defendant's company.

RESPONSE:

21 Please produce any document that shows the name of any company which owns, operates, controls, or has an interest in the company identified in the previous Request.

RESPONSE:

22. Please produce any document that shows that "Defendant" is the proper legal corporate name for any entity which owns, operates, controls, or has any interest in the Defendant company.

RESPONSE:

23. Please provide any document which states the name, address, job title, or license number of any employee of Defendant who was responsible for creating, implementing, administering, supervising, or otherwise had a say in Plaintiff's dietary needs on March 5, 2009.

RESPONSE:

24. Please provide any document which states the name, address, job title, or license number of any employee of Defendant who was responsible for creating, implementing, administering, supervising, or otherwise had a say in Plaintiff's treatment or care needs on March 5, 2009.

RESPONSE:

25. Please provide any document which states the name, address, job title, or license number of any employee of Defendant who was responsible for creating, implementing, administering, supervising, or otherwise had a say in Plaintiff's emergency care after she was found choking on March 5, 2009.

RESPONSE:

26. Please provide any document which states the name, address, job title, or license number of any employee of Defendant who had direct patient contact with Plaintiff on March 5, 2009 before the choking incident.

RESPONSE:

27. Please provide any document which states the name, address, job title, or license number of any employee of Defendant who had direct patient contact with Plaintiff on March 5, 2009 during the choking incident.

RESPONSE:

28. Please provide any document which states the name, address, job title, or license number of any employee of Defendant who had direct patient contact with Plaintiff on March 5, 2009 after the choking incident but before she was transported to the hospital.

RESPONSE:

29. Please provide any document which states the name, address, job title, or license number of any employee of Defendant who was responsible for the preparation of the food given to Plaintiff when she choked on March 5, 2009.

RESPONSE:

30. Please produce any document that shows that any corporate name, not previously mentioned in these Requests, is the proper party to be sued for acts of negligence committed by Defendant.

RESPONSE:

31. Please produce any document that states the name and address of the Registered Agent for any company identified in the previous Requests as a proper party to be sued for negligence committed by Defendant.

RESPONSE:

32. Please produce any document that states the name of any company which carries an insurance policy which would serve to insure any actions or omission of Defendant.

RESPONSE:

33. Please produce any document that states the name and address of any agent who services an insurance policy which would serve to insure any actions or omission of Defendant.

RESPONSE:

34. Please produce any document that shows the policy number of any insurance policy responsive to any of the above Requests, as well as a copy of the policy's declarations page.

RESPONSE:

35. Please produce any document, memorabilia, note, or other recording which contains information responsive to any of the Plaintiff's First Interrogatories to this Defendant.

RESPONSE:

36. Please produce a copy of the full staffing schedule for the "neighborhood" in which Plaintiff was a resident on the date of the choking incident on March 5, 2009.

RESPONSE:

37. Please provide a copy of Defendant or this Defendant's "MDS" reports, to the extent that they refer to Plaintiff, the choking incident that Plaintiff suffered on March 5, 2009, or any employee or staff of the Defendant who was on duty at the time of the choking incident.

RESPONSE:

38. Please provide a copy of Defendant's "rap sheets," to the extent that they refer to Plaintiff, the choking incident that Plaintiff suffered on March 5, 2009, or any employee or staff of the Defendants who was on duty at the time of the choking incident.

RESPONSE:

39. Please provide a copy of any state or federal regulation which promulgates a ratio between the number of direct patient care employees to the number of patients at healthcare facility, a long term care facility, nursing home, or treatment facility where the patients live on-site.

RESPONSE:

40. Please provide any document which shows the name, address, or last known address of any patient who was injured, specifically due to choking, at the Defendant facility from January 1, 2001 to the present.

RESPONSE:

41. Please provide any document which shows the name, address, or last known address of any patient who filed a lawsuit or complaint as a result of being injured, specifically after choking, at the Defendant facility from January 1, 2001 to the present.

RESPONSE:

42. Please produce a copy of any written policy or procedure of any kind of Defendant concerning the ratio between patients and staff who are involved in direct patient care.

RESPONSE:

43. Please provide a copy of any written policy or procedure of any kind of Defendant concerning the ratio between patients and nurses who are involved in direct patient care.

RESPONSE:

44. Please provide a copy of any written policy or procedure of any kind of Defendant concerning the ratio between patients and Licensed Practical Nurses who are involved in direct patient care.

RESPONSE:

45. Please provide a copy of any written policy or procedure of any kind of Defendant concerning the ratio between patients and Certified Nurse Assistants who are involved in direct patient care.

RESPONSE:

46. Please provide a copy of any written policy or procedure of any kind of Defendant which was in place at the time of Plaintiff's date of injury concerning the use of aid, assistance, supervision, or other protective measures, which were utilized in an effort to prevent patients from choking.

RESPONSE:

47. Please provide a copy of any written policy or procedure of any kind of Defendant which is now in place concerning the use of aid, assistance, supervision, or other protective measures, which were utilized in an effort to prevent patients from choking.

RESPONSE:

48. Please provide copies of any and all documents showing what disciplinary actions were taken against any employee of Defendant for their actions, omissions, violations of policy

or procedure, or violations of regulations concerning their handling of the Plaintiff's care and/or dietary needs on March 5, 2009.

RESPONSE:

49. Please provide copies of any and all settlement documents, complaints, claims, or lawsuits of any sort filed by any patient or former patient who sued or otherwise brought a claim for the alleged negligence of Defendant for:

- a. Injury as a result of a choking incident at the facility; and/or
- b. Under-staffing at the facility.

RESPONSE:

50. Please provide a copy of the "Key Factor Report" of Defendant for the month of February, 2009.

RESPONSE:

51. Please provide a copy of the "Key Factor Report" of Defendant for the month of March 2009.

RESPONSE:

52. Please provide a copy of the "Key Factor Report" of Defendant for the month of April 2009.

RESPONSE:

53. Please provide a copy of any report of any kind from the administration of the Defendant indicating the number of patients, the number of admissions, the number of staff, and/or any other documents that refer to the number and type of staff, and/or the number and type of patients for the month of February 2009.

RESPONSE:

54. Please provide a copy of any report of any kind from the administration of the Defendant indicating the number of patients, the number of admissions, the number of staff, and/or any other documents that refer to the number and type of staff, and/or the number and type of patients for the month of March 2009.

RESPONSE:

55. Please provide a copy of any report of any kind from the administration of the or Defendant indicating the number of patients, the number of admissions, the number of staff, and/or any other documents that refer to the number and type of staff, and/or the number and type of patients for the month of April 2009.

RESPONSE:

56. Provide a copy of any document that states Plaintiff had choked before the incident on March 5, 2009, including but not limited to any document which shows:

- a. The date of any previous choking incident;
- b. The name, address, job title, and license number of any employee who found Plaintiff choking;

- c. The name, address, job title, and license number of any employee of Defendant who provided care, treatment, or evaluation to Plaintiff after she was found choking;
- d. What measures, if any, were implemented between any previous choking incident and the incident on March 5, 2009, to prevent further incidents of Plaintiff choking;
- e. Whether any measures identified in the previous subpart were not followed on March 5, 2009;
- f. What measures were implemented that were not followed in the choking incident on March 5, 2009; and
- g. The name of any employee who failed to follow any measures implemented to prevent the Plaintiff from choking on March 5, 2009;

RESPONSE:

57. Please attach a copy of any contract between this Defendant concerning ownership, management, or control of facility, its operation or employees, by this Defendant.

RESPONSE:

OREILLY, JENSEN & PRESTON, LLC

By _____
ERIC JENSEN
Missouri Bar No. *****

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