

CAUSE NO. DC-21-17253

BRANDON RAY, INDIVIDUALLY, AND  
AS REPRESENTATIVE OF THE ESTATE  
OF KIMBERLY RAY, DECEASED AND  
AS NEXT FRIEND OF B.R., A MINOR;  
MICHAEL WOODWORTH,  
INDIVIDUALLY, AND DELORES COOK,  
INDIVIDUALLY,

Plaintiffs,

V.

JOSEPH SCOTT HOUGHTON, APRN-  
CRNA; MANSFIELD PAIN SERVICES,  
LLC; TEXAS PARTNERS HEALTHCARE  
GROUP, PA; INTEGRITY WELLNESS  
CENTER, LLC; VENKATESWARA RAO  
MANDAVA, M.D.; MAURO ALBERTO  
MOLINA, APRN-CRNA; SLEEPYTIME  
ANESTHESIA, PLLC; BABER YOUNAS,  
M.D.; NORTHEAST ANESTHESIA  
ASSOCIATES, PLLC; AND NORTHWEST  
ANESTHESIA ASSOCIATES, PLLC;

DEFENDANTS.

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

191<sup>ST</sup> JUDICIAL DISTRICT

---

**PLAINTIFFS' MOTION TO COMPEL DISCOVERY  
FROM DEFENDANTS TEXAS PARTNERS HEALTHCARE GROUP, P.A., BABER  
YOUNAS, M.D., NORTHEAST ANESTHESIA ASSOCIATES, PLLC, AND  
NORTHWEST ANESTHESIA ASSOCIATES, PLLC**

---

COME NOW, Plaintiffs in this matter, and file this *Motion to Compel Discovery from Defendants Texas Partners Healthcare Group, P.A., Baber Younas, M.D., Northeast Anesthesia Associates, PLLC, and Northwest Anesthesia Associates, PLLC*. Plaintiffs will respectfully show the Court as follows:

---

**PLAINTIFFS' MOTION TO COMPEL DISCOVERY  
FROM DEFENDANTS TEXAS PARTNERS HEALTHCARE  
GROUP, P.A., BABER YOUNAS, M.D.,  
NORTHEAST ANESTHESIA ASSOCIATES, PLLC,  
AND NORTHWEST ANESTHESIA ASSOCIATES, PLLC**

## **REQUESTED ACTION**

1. Plaintiffs ask the Court to order Defendants Texas Partners Healthcare Group, P.A., Baber Younas, M.D., Northeast Anesthesia Associates, PLLC, and Northwest Anesthesia Associates, PLLC to produce their financial statements as requested in Plaintiff's Request for Production attached hereto as Exhibits "A", "B", "C", and "D."

2. Plaintiff served Baber Younas, M.D. with First Request for Production and Defendant answered as follows:

REQUEST FOR PRODUCTION NO. 29: A copy of Defendant's financial statements from 2018-present.

ANSWER: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad. Defendant objects to the request in that it constitutes unnecessary and unwarranted invasion into Defendant's financial affairs and is unduly burdensome and harassing. This request violates Defendant's privacy and property rights. The information is privileged, private information and is not relevant otherwise subject to discovery in this suit. Plaintiffs have not pled facts that would entitle them to this information. *See* Tex. Civ. Prac. & Rem. Code § 41.0115.

RESPONSE: See the foregoing objection.

3. Defendant's objections are non-responsive and Plaintiff is entitled to the requested documents.

4. Plaintiff served Texas Partners Healthcare Group, P.A. with First Request for Production and Defendant answered as follows:

REQUEST FOR PRODUCTION NO. 26: A copy of Defendant's financial statements from 2017-present.

ANSWER: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad. Defendant objects to the request in that it constitutes unnecessary and unwarranted invasion into Defendant's financial affairs and is unduly burdensome and harassing. This request violates Defendant's privacy and property rights. The information is privileged, private information and is not relevant otherwise subject to discovery in this suit. Plaintiffs have not pled facts that would entitle them to this information. *See* Tex. Civ. Prac. & Rem. Code § 41.0115.

RESPONSE: See the foregoing objection.

5. Defendant's objections are non-responsive and Plaintiff is entitled to the requested documents.

6. Plaintiff served Northwest Anesthesia Associates, PLLC. with First Request for Production and Defendant answered as follows:

REQUEST FOR PRODUCTION NO. 26: A copy of Defendant's financial statements from 2017-present.

ANSWER: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad. Defendant objects to the request in that it constitutes unnecessary and unwarranted invasion into Defendant's financial affairs and is unduly burdensome and harassing. This request violates Defendant's privacy and property rights. The information is privileged, private information and is not relevant otherwise subject to discovery in this suit. Plaintiffs have not pled facts that would entitle them to this information. *See* Tex. Civ. Prac. & Rem. Code § 41.0115.

RESPONSE: See the foregoing objection.

7. Defendant's objections are non-responsive and Plaintiff is entitled to the requested documents.

8. Plaintiff served Northeast Anesthesia Associates, PLLC. with First Request for Production and Defendant answered as follows:

REQUEST FOR PRODUCTION NO. 26: A copy of Defendant's financial statements from 2017-present.

ANSWER: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad. Defendant objects to the request in that it constitutes unnecessary and unwarranted invasion into Defendant's financial affairs and is unduly burdensome and harassing. This request violates Defendant's privacy and property rights. The information is privileged, private information and is not relevant otherwise subject to discovery in this suit. Plaintiffs have not pled facts that would entitle them to this information. *See* Tex. Civ. Prac. & Rem. Code § 41.0115.

RESPONSE: See the foregoing objection.

9. Defendant's objections are non-responsive and Plaintiff is entitled to the requested documents.

### **ARGUMENT & AUTHORITIES**

10. This case includes a claim for punitive damages against the Defendants subject to this motion. The evidence shows Dr. Younas knowingly employed health care providers with documented substance abuse histories, sexual assault charges, active substance abuse problems and failed to take any steps to protect patients from them. Dr. Younas and his business entities created a system where profit was made paramount over patient safety. The evidence shows:

11. Michael Gallagher – Younas' Chief of Anesthesiology. He testified that he was diagnosed for a psychiatric anxiety disorder years before he started working for Dr. Younas. He testified he required medication to treat his condition and that it caused him to once flee a clinic when a patient suffered an emergency condition. The evidence showed Dr. Younas received

reports that Dr. Gallagher had been caught with alcohol before starting a shift and failed to report it to the Texas Board of Medical Examiners. Dr. Gallagher was later fired after additional substance abuse issues with his termination letter noting “After careful consideration, the governing board of Texas Partners Center has decided that we are unable to utilize your services and must terminate your privileges at our facility. As patient safety is our utmost priority, this decision was made following your admitted incidences of substance abuse, in which you have failed to obtain adequate rehabilitation for.”

12. Dr. Rao Mandava – Dr. Younas hired Dr. Mandava to provide anesthesia services. Dr. Mandava has a documented history of a hospital peer review investigations that led to his privileges to practice medicine being suspended. The hospital investigation concluded Dr. Mandava’s care was deficient in more than 8 patients reviewed. Shortly before Dr. Younas hired him, Dr. Mandava sued another prior employer after he was terminated over concerns about his competence to practice medicine. Records in that suit show Dr. Mandava was fired from the Longview Medical Center. An email about the firing stated:

“As requested I am sending you this email in regards to your cancelled assignment at Longview Medical Center. We have final word that **the facility does not feel safe having you work with them** as a locums. As previously discussed there was **a patient that sat up a couple times in one cases** and there were **several other patients who were twitching and had movement during surgeries**. **Several surgeons have requested not to have you in their OR and the facility let us know that they had to send in another Anesthesiologist to rescue you from a couple of cases because your skill set did not match up with the cases they were performing**. With this being case we do fall within our agreement outlined in the ADL and provider agreement.”

13. Mauro Molina – Dr. Younas hired Mr. Molina and assigned him to work as a CRNA. He has a documented history of being found disoriented and confused while working with

patients in at least two different area hospitals. At one, fellow nurses reported finding Mr. Molina wandering the hospital halls disoriented and confused. They referred him to a state substance abuse program for help. A short time later, Mr. Molina passed out during a surgery where he was providing anesthesia. He later refused to submit to a drug test and lost his privileges to practice at the second hospital. Mr. Molina was charged by the Texas Board of Nursing over these concerns but continues to work for Dr. Younas.

14. Dr. Megan Way – Dr. Younas employs Dr. Way as another anesthesiologist. She has a history of several actions by the Texas Board of Medical Examiners over substance abuse. In one case, she was found to have performed duties during a surgery while under the influence of drugs. For some reason, Dr. Younas assigned her to monitor Dr. Gallagher's own substance abuse issues.

15. Robert Michael Howington – Dr. Younas hired this CRNA and allowed him to perform services in his clinics. This, despite knowing that Mr. Howington had an active alcohol abuse problem. He was found non-responsive in the clinic's parking lot and paramedics were called to treat him. Dr. Younas continued to let Mr. Howington practice but required him to self-administer a breath alcohol test before seeing patients. Mr. Howington said that he would take the test by himself and send a photograph to Dr. Younas or his practice administrator Andre Henderson. Mr. Howington continued to work at the clinic under these conditions for several months until his drinking caused an outburst where he accosted clinic employees. There is no evidence that Dr. Younas reported Mr. Howington's drinking problem to any state agency.

16. Josph Houghton – Dr. Younas employed Mr. Houghton as a CRNA after Mr. Houghton’s private practice failed. His employees created numerous documents in which Mr. Houghton was represented to be a doctor or a surgeon, when he held no such credential. He was allowed to work with patients under Dr. Younas’ authority even though Dr. Younas had never seen, evaluated or treated them, including Mrs. Ray.

17. Mahreen Ahmad – Dr. Younas hired his sister-in-law to serve as the Director of Nursing for his surgical clinic even though she had absolutely no prior experience working in the field. Ms. Ahmad was ostensibly in charge of ensuring policies and procedures were followed by the staff. However, with no familiarity with the workings of a surgical department, she was unqualified for the position. This led to basic policies and procedures not being followed. For example, in this case the important data contained on the anesthesia machine used for Mrs. Ray was destroyed. This evidence would have shown exactly when Mrs. Ray first stopped breathing and when her vital signs first showed signs of trouble. Mrs. Ahmad testified that she knew it was the clinic’s policy to maintain the data but that it was not done.

18. Andre Henderson – Dr. Younas hired Mr. Henderson to work as his practice administrator in charge of ensuring day to day quality of care. He did so knowing Mr. Henderson had a history of sexually assaulting a fellow nurse at an D/FW area hospital. A Board of Nursing action against Mr. Henderson documented prior instances of medications missing from his control and required him to undergo counseling. Dr. Younas later terminated Mr. Henderson after he sexually accosted another member of his clinic.



19. A defendant's net worth is relevant in a suit involving exemplary damages. *Lunsford v. Morris*, [746 S.W.2d 471, 473 \(Tex.1988\)](#) (orig. proceeding), *overruled on other grounds*, *Walker*, [827 S.W.2d at 842](#); *Miller v. O'Neill*, [775 S.W.2d 56, 58 \(Tex.App.-Houston \[1st Dist.\] 1989, orig. proceeding\)](#). In cases where punitive or exemplary damages may be awarded, parties may discover and offer evidence of a defendant's net worth. *Lunsford*, [746 S.W.2d at 473](#); see also *In re Brewer Leasing, Inc.*, [255 S.W.3d 708, 712 \(Tex.App.-Houston \[1st Dist.\] 2008, orig. proceeding \[mand. denied\]](#)); *In re Patel*, [218 S.W.3d 911, 916 \(Tex.App.-Corpus Christi 2007, orig. proceeding\)](#).

20. Under Texas law, a party seeking discovery of net worth information need not satisfy any evidentiary prerequisite, such as making a prima facie showing of entitlement to punitive damages, before discovery of net worth is permitted. *In re House of Yahweh*, [266 S.W.3d 668, 673 \(Tex.App.-Eastland 2008, orig. proceeding\)](#); *In re Garth*, [214 S.W.3d 190, 192 \(Tex.App.-Beaumont 2007, orig. proceeding \[mand. dismiss'd\]](#)); *In re W. Star Trucks US, Inc.*, [112 S.W.3d 756, 763 \(Tex.App.-Eastland 2003, orig. proceeding\)](#); *Al Parker Buick Co. v. Touchy*, [788 S.W.2d 129, 131 \(Tex.App.-Houston \[1st Dist.\] 1990, orig. proceeding\)](#).

21. Here, the Plaintiffs have pled sufficient evidence to prove punitive damages. The Defendants' objections should be overruled and the requested discovery compelled.

### **CONCLUSION**

22. Plaintiffs request the Court order Defendants to produce their financial statements as requested in discovery to Defendants.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray the Court to grants their Motion to Compel Discovery and order the requested discovery. Plaintiffs further pray for all relief, general and special, at law and in equity, to which they may show themselves justly entitled.

Respectfully submitted,

**SAWICKI LAW**

*/s/ Michael G. Sawicki*

---

**MICHAEL G. SAWICKI**

State Bar No. 17692500

[msawicki@sawickilawfirm.com](mailto:msawicki@sawickilawfirm.com)

**ANDREW A. JONES**

State Bar No. 24077910

[ajones@sawickilawfirm.com](mailto:ajones@sawickilawfirm.com)

6116 N. Central Expressway, Ste. 1400

Dallas, Texas 75206

(214) 468-8844

(214) 468-8845 (Fax)

**ATTORNEYS FOR PLAINTIFFS**

### **CERTIFICATE OF CONFERENCE**

This is to certify that Counsel for the Plaintiffs and Counsel for Defendants have conferred on the merits of this Motion, and no agreement could be reached. Therefore, this Motion is submitted for the Court's determination.

*/s/ Michael G. Sawicki*

---

**MICHAEL G. SAWICKI**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing has been delivered via electronic service through EFM, U.S. Postal Service, certified mail/ return receipt requested, hand delivery and/or facsimile to all counsel on this 29<sup>th</sup> day of January, 2024.

*/s/ Michael G. Sawicki*

\_\_\_\_\_  
**MICHAEL G. SAWICKI**

# **EXHIBIT “A”**

BRANDON RAY, Individually, as	§	IN THE DISTRICT COURT
Representative of the Estate of KIMBERLY	§	
RAY, Deceased, and as Next Friend of B.R.,	§	
a Minor; MICHAEL WOODWORTH,	§	
Individually; and DELORES COOK,	§	
Individually	§	
	§	
VS.	§	
	§	
JOSEPH SCOTT HOUGHTON, APRN-	§	DALLAS COUNTY, TEXAS
CRNA; MANSFIELD PAIN SERVICES,	§	
LLC; TEXAS PARTNERS HEALTHCARE	§	
GROUP, PA; INTEGRITY WELLNESS	§	
CENTER, LLC; VENKATESWARA RAO	§	
MANDAVA, M.D.; MAURO ALBERTO	§	
MOLINA, APRN-CRNA; SLEEPYTIME	§	
ANESTHESIA, PLLC; BABER YOUNAS,	§	
M.D.; NORTHEAST ANESTHESIA	§	
ASSOCIATES, PLLC; and NORTHWEST	§	
ANESTHESIA ASSOCIATES, PLLC	§	191 <sup>ST</sup> JUDICIAL DISTRICT

**DEFENDANT BABER YOUNAS, M.D.'S FIRST SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION**

TO: Plaintiff Brandon Ray, by and through his attorney of record, Michael G. Sawicki, Sawicki Law, 6116 North Central, Suite 1400, Dallas, Texas 75206.

Pursuant to the Texas Rules of Civil Procedure, Baber Younas, M.D., one of the Defendants in the above-entitled and numbered cause (hereinafter "Defendant"), serves his First Supplemental Objections and Responses to Plaintiff's First Request for Production.

Respectfully submitted,

KRUEGER LAW GROUP, LLP

By: /s/ Vernon L. Krueger

Vernon L. Krueger

State Bar No. 11740515

Vernon@kruegerlawgroup.com

Landon L. Krueger

State Bar No. 24065576

Landon@kruegerlawgroup.com

8111 LBJ Freeway, Suite 650

Dallas, Texas 75251

Telephone: 214/389-4301

Facsimile: 214/389-4302

CERTIFICATE OF SERVICE

I do hereby certify that on June 10, 2022, a true and correct copy of the above and foregoing document was electronically served on Plaintiffs' counsel of record, Michael G. Sawicki, Sawicki Law, 6116 North Central, Suite 1400, Dallas, Texas 75206, and counsel of record for co-Defendants.

/s/ Vernon L. Krueger

Vernon L. Krueger/Landon L. Krueger

### GENERAL OBJECTIONS

Defendant objects to the time and place of production. Defendant will produce non-privileged documents responsive to the Requests, if any, for inspection and copying (at Plaintiff's expense) at a mutually agreeable time and place, and if no time and place can be agreed upon, then at such time and place as Defendant shall reasonably designate, including the office of Defendant's counsel, Krueger Law Group, LLP, 8111 LBJ Freeway, Suite 650, LB 174, Dallas, Texas 75251 during regular business hours.

Defendant objects to Plaintiff's definitions and/or instructions as follows:

Defendant objects to Plaintiff's definitions and/or instructions to the extent same are overly broad and exceed the permissible scope of discovery pursuant to the Texas Rules of Civil Procedure. Defendant further objects to Plaintiff's attempts to expand the scope of the discovery rules beyond those contemplated by the Texas Rules of Civil Procedure and will be guided solely by the Texas Rules of Civil Procedure and cases construing those rules in responding and objecting to these Requests for Production.

Defendant objects to the Requests to the extent they seek to impose upon Defendant any obligation that is greater than that which is required under the Texas Rules of Civil Procedure.

Defendant objects to Plaintiff's definition of "Defendant" for the reason that same is overly broad, unduly burdensome, and purports to expand the meaning of such terms beyond its actual meaning including expanding the definition to include Defendant's attorney. Such an expansion would therefore attempt to seek information protected from discovery by the consulting expert privilege (Tex. R. Civ. P. 192.3(e)), the work product privilege (Tex. R. Civ. P. 192.5) and/or the attorney-client privilege (Tex. R. Evid. 503(b)).

Defendant objects to the Requests to the extent that they seek the production of documents and things that are protected by the attorney-client privilege and/or the work product doctrine.

Defendant objects to the definitions set out in the Requests, and specifically does not adopt the same.

Defendant reserves the right to supplement or amend its responses to the Requests as additional information becomes available.

## OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION

**REQUEST FOR PRODUCTION NO. 1:** Any and all statements, notes, reports, e-mails, correspondence, messages, charts, memoranda, copies of phone messages or other written documentation concerning the incident and/or investigation of the incident made the basis of this claim.

**Objection:** Defendant objects to the request to the extent it seeks information protected by the attorney work product and attorney-client privilege.

**Response:** Subject to and without waiving the foregoing objection, see Kimberly Ray's medical records from co-Defendant Integrity Wellness Center.

**REQUEST FOR PRODUCTION NO. 2:** Any recorded, videotaped, photographed, or other depictions of any materials involved in the incident made the basis of this claim.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 3:** Any statements given by Plaintiffs, or their family members concerning the incident made the basis of this claim in the Defendant's control, possession, or ability to control.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 4:** Any statements given by Defendant, his representatives, employees and/or agents concerning the incident made the basis of this claim in the Defendant's control, possession, or ability to control.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 5:** All documents, e-mails, computer records, or other recorded media that show the identity of employees working on the date of the incident made the basis of this suit.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 6:** Your personnel records. You do not need to include protective health information or salary information.



Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the request on the grounds it is a generalized question demanding things without any context of relevancy to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 7:** A complete unaltered copy of Plaintiff's entire medical and billing records from the Defendant as kept in the regular course of business.

Response: Defendant never evaluated or treated Kimberly Ray. See co-Defendant Texas Partners Healthcare Group, PA responses to written discovery for a copy of the applicable medical and billing records.

**REQUEST FOR PRODUCTION NO. 8:** All tangible things which Defendant has inspected and/or is preserving for use as physical evidence concerning any claims made the basis of this suit.

Response: No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 9:** Please produce any documents or other tangible things you contend demonstrate that the Plaintiff was comparatively negligent. This request seeks, but is not limited to, any photos, videos, graphs, reports, statements, materials, records or other tangible things you contend demonstrate that the Plaintiff was comparatively negligent.

Response: Defendant is not aware of any such materials or documents, as discovery has just begun. To the extent applicable, see Kimberly Ray's medical records, any and all depositions taken in this matter, and all pleadings and disclosure responses in this case.

**REQUEST FOR PRODUCTION NO. 10:** Please produce any documents or other tangible things you contend demonstrate that any of Plaintiffs' damages were caused by a subsequently occurring injury, ailment, condition or stressor.

Response: Defendant is not aware of any such materials or documents, as discovery has just begun. To the extent applicable, see Kimberly Ray's medical records, any and all depositions taken in this matter, and all pleadings and disclosure responses in this case.

**REQUEST FOR PRODUCTION NO. 11:** Please produce any documents or other tangible things you contend demonstrate that the Plaintiff failed to mitigate any of the damages alleged in this case.

Response: Defendant is not aware of any such materials or documents, as discovery has just begun. To the extent applicable, see Kimberly Ray's medical records, any and all depositions taken in this matter, and all pleadings and disclosure responses in this case.

**REQUEST FOR PRODUCTION NO. 12:** Any and all correspondence sent from or received by Defendant prior to Defendant entering an appearance in this litigation.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit. Defendant objects to the request to the extent it seeks information protected by the attorney-client privilege.

**Response:** Subject to and without waiving the foregoing objections, Defendant received a Notice of Claim letter from Plaintiffs' counsel (Ray 001302-001305).

**REQUEST FOR PRODUCTION NO. 13:** For any consulting expert whose impressions or opinions have been reviewed by testifying expert, a current resume and bibliography, as well as all documents or records that have been provided to, reviewed by or prepared by or for such expert.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 14:** A copy of all documents you intend to use at trial of this case.

**Objection:** Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy. Defendant objects to the request for the reason that it is a prohibited attempt to have Defendant produce trial exhibits.

**Response:** Subject to and without waiving the foregoing objections, Defendant will comply with the applicable procedural rules and applicable scheduling order entered by this Court with respect to the production of trial exhibits.

**REQUEST FOR PRODUCTION NO. 15:** A copy of all records obtained through Deposition by Written Questions in this suit.

**Objection:** Defendant objects to the request for the reason that same seeks documents which are equally available to Plaintiff, and the burden of deriving such documents is substantially the same for Plaintiffs as for Defendant. Defendant requests the Court to impose the limitations of Texas Rule of Civil Procedure 192.4 relating to material which are equally available. As such, Defendant objects to the request on the grounds it places an undue burden on Defendant and/or involves an unnecessary expense.

**Response:** Subject to and without waiving the foregoing objection, see any medical records and radiographic imaging already in possession of Plaintiff's counsel. Plaintiff may also obtain copies of any records requested from the records service, if any, at Plaintiff's expense or counsel for Plaintiff may come to the office of Defendant's counsel, Krueger Law Group, LLP, 8111 LBJ

Freeway, Suite 650, Dallas, Texas 75251, to inspect and copy such records, at Plaintiff's expense, at a mutually convenient date and time during regular business hours.

**REQUEST FOR PRODUCTION NO. 16:** Pursuant to TEX. R. EVID. 609, please advise of your intent to use any evidence of impeachment against any individual named as a party and/or witness in this suit and produce any documents regarding same.

**Objection:** Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

**Response:** Subject to and without waiving the foregoing objection, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 17:** Any and all contracts, agreements, documents, reports, memoranda, records, or written materials of any kind which specify the contractual relationship that existed on the date of the incident made the basis of this lawsuit between you and any other medical practitioner, health care institution, medical corporation, professional corporation, P.A., P.C., or health care practitioner, including the other named Defendant.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 18:** A copy of your current curriculum vitae.

**Response:** See Exhibit "A" attached hereto.

**REQUEST FOR PRODUCTION NO. 19:** A copy of any professional licenses held by you, and any other cards for certifications, affiliations, and professional associations you hold.

**Response:** Previously produced (see Exhibit "A" attached to Defendant Baber Younas, M.D.'s Objections and Responses to Plaintiff Brandon Ray's First Request for Production).

**REQUEST FOR PRODUCTION NO. 20:** A copy of all documents related to your continuing medical education for the past five (5) years prior to the incident in question up through the present.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the request on the grounds it is a generalized question demanding things without any context of relevancy to this lawsuit. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: See the foregoing objections.

**REQUEST FOR PRODUCTION NO. 21:** All documents, notes records, reports, or written materials of any kind pertaining to any investigation or inquiry into your conduct by any hospital committee, State Board of Medical Examiners, County Medical Society, any agency dealing with substance abuse, and/or any government agency.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the request on the grounds it is a generalized question demanding information without any context of relevancy to the lawsuit. Defendant objects to the request to the extent it seeks information protected by the peer review committee privilege and credentialing committee privilege (Tex. Occupations Code § 160.001 et seq.) the hospital committee privilege (Tex. Health & Safety Code §§ 161.031, 161.032), and/or the confidentiality provisions of the Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.). Defendant objects to the request to the extent it seeks information concerning investigations, complaints, adverse reports, investigation files, or investigation reports of the Texas Medical Board (Tex. Occupations Code § 160.001 et seq.).

Response: See the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 22:** All documents, records, transcripts, recordings, and/or memoranda you provided gratuitously to any hospital committee, peer review committee, medical organization committee, or similar group that reviewed the medical records of Plaintiff and any documents, letters, or memoranda between you and any such committee.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the request on the grounds it is a generalized question demanding information without any context of relevancy to the lawsuit. Defendant objects to the request to the extent it seeks information protected by the peer review committee privilege and credentialing committee privilege (Tex. Occupations Code § 160.001 et seq.) the hospital committee privilege (Tex. Health & Safety Code §§ 161.031, 161.032), and/or the confidentiality provisions of the Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.).

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a reasonable search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 23:** Any and all documents, memoranda, records, manuals, booklets or written material of any kind used by, owned by or available to you on or before the date you first treated Plaintiff setting forth or pertaining to the procedures, methods, techniques, or guidelines with regard to the procedure performed on Plaintiff at the time of the incident made the basis of this suit.



Objection: Defendant objects to the request on the grounds it is a generalized question demanding things without any context of relevancy to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request. Defendant never evaluated or treated Plaintiff Kimberly Ray.

**REQUEST FOR PRODUCTION NO. 24:** All materials used to promote or advertise any services Defendant has performed.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the request on the grounds it is a generalized question demanding things without any context of relevancy to this lawsuit. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 25:** Any articles, studies or research written by Defendant as to the actions taken by Defendant concerning Plaintiff's treatment at the time of the incident made the basis of this suit.

Response: No items have been identified—after a diligent search—that are responsive to the request. Defendant never evaluated or treated Plaintiff Kimberly Ray.

**REQUEST FOR PRODUCTION NO. 26:** Any and all published treatises, periodicals, books, or pamphlets (or portions or excerpts therefrom) that you refer to or referred to in 2021, concerning the treatment of Plaintiff at the time of the incident made the basis of this suit.

Response: No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 27:** A copy of Defendant's Bylaws, professional association, partnership agreements, articles of incorporation, and/or assumed name certificates.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the request on the grounds it is a generalized question demanding things without any context of relevancy to this lawsuit. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 28:** All documents, notes, emails, texts, correspondence, memos or other records pertaining to Kimberly Ray in your possession between you and the other Defendants in this case. This request seeks any documents in your possession, custody and control even if they have not been reviewed by you in preparation for your deposition.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 29:** A copy of Defendant's financial statements from 2018 to the present.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad. Defendant objects to the request in that it constitutes an unnecessary and unwarranted invasion into Defendant's financial affairs and is unduly burdensome and harassing. This request violates Defendant's privacy and property rights. The information is privileged, private information and is not relevant otherwise subject to discovery in this suit. Plaintiffs have not pled facts that would entitle them to this information. *See* Tex. Civ. Prac. & Rem. Code § 41.0115.

**Response:** See the foregoing objections.

**REQUEST FOR PRODUCTION NO. 30:** Any references you checked for Mauro Molina.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the request on the grounds it is a generalized question demanding information without any context of relevancy to the lawsuit. Defendant objects to the request to the extent it seeks information protected by the peer review committee privilege and credentialing committee privilege (Tex. Occupations Code § 160.001 et seq.) the hospital committee privilege (Tex. Health & Safety Code §§ 161.031, 161.032), and/or the confidentiality provisions of the Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.).

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 31:** Any references you checked for Scott Houghton.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the request on the grounds it is a generalized question demanding information without any context of relevancy to the lawsuit. Defendant objects to the request to the extent it seeks information protected by the peer review committee privilege and credentialing committee

privilege (Tex. Occupations Code § 160.001 et seq.) the hospital committee privilege (Tex. Health & Safety Code §§ 161.031, 161.032), and/or the confidentiality provisions of the Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.).

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 32:** Any references you checked for Ventkateswara Mandava.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the request on the grounds it is a generalized question demanding information without any context of relevancy to the lawsuit. Defendant objects to the request to the extent it seeks information protected by the peer review committee privilege and credentialing committee privilege (Tex. Occupations Code § 160.001 et seq.) the hospital committee privilege (Tex. Health & Safety Code §§ 161.031, 161.032), and/or the confidentiality provisions of the Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.).

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 33:** Any quality or safety control standards you have authored.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

# **EXHIBIT “B”**



BRANDON RAY, Individually, as  
Representative of the Estate of KIMBERLY  
RAY, Deceased, and as Next Friend of B.R.,  
a Minor; MICHAEL WOODWORTH,  
Individually; and DELORES COOK,  
Individually

VS.

JOSEPH SCOTT HOUGHTON, APRN-  
CRNA; MANSFIELD PAIN SERVICES,  
LLC; TEXAS PARTNERS HEALTHCARE  
GROUP, PA; INTEGRITY WELLNESS  
CENTER, LLC; VENKATESWARA RAO  
MANDAVA, M.D.; MAURO ALBERTO  
MOLINA, APRN-CRNA; SLEEPYTIME  
ANESTHESIA, PLLC; BABER YOUNAS,  
M.D.; NORTHEAST ANESTHESIA  
ASSOCIATES, PLLC; and NORTHWEST  
ANESTHESIA ASSOCIATES, PLLC

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

191<sup>ST</sup> JUDICIAL DISTRICT

**DEFENDANT TEXAS PARTNERS HEALTHCARE GROUP, PA'S  
FIRST SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFF  
BRANDON RAY'S FIRST REQUEST FOR PRODUCTION**

TO: Plaintiff Brandon Ray, by and through his attorney of record, Michael G. Sawicki, Sawicki Law, 6116 North Central, Suite 1400, Dallas, Texas 75206.

Pursuant to the Texas Rules of Civil Procedure, Texas Partners Healthcare Group, PA, one of the Defendants in the above-entitled and numbered cause (hereinafter "Defendant"), serves its First Supplemental Objections and Responses to Plaintiff Brandon Ray's First Request for Production.

Respectfully submitted,

KRUEGER LAW GROUP, LLP

By: /s/ Vernon L. Krueger

Vernon L. Krueger

State Bar No. 11740515

Vernon@kruegerlawgroup.com

Landon L. Krueger

State Bar No. 24065576

Landon@kruegerlawgroup.com

8111 LBJ Freeway, Suite 650

Dallas, Texas 75251

Telephone: 214/389-4301

Facsimile: 214/389-4302

CERTIFICATE OF SERVICE

I do hereby certify that on June 10, 2022, a true and correct copy of the above and foregoing document was electronically served on Plaintiffs' counsel of record, Michael G. Sawicki, Sawicki Law, 6116 North Central, Suite 1400, Dallas, Texas 75206, and counsel of record for co-Defendants.

/s/ Vernon L. Krueger

Vernon L. Krueger/Landon L. Krueger

## GENERAL OBJECTIONS

Defendant objects to the time and place of production. Defendant will produce non-privileged documents responsive to the Requests, if any, for inspection and copying (at Plaintiff's expense) at a mutually agreeable time and place, and if no time and place can be agreed upon, then at such time and place as Defendant shall reasonably designate, including the office of Defendant's counsel, Krueger Law Group, LLP, 8111 LBJ Freeway, Suite 650, LB 174, Dallas, Texas 75251 during regular business hours.

Defendant objects to Plaintiff's definitions and/or instructions as follows:

Defendant objects to Plaintiff's definitions and/or instructions to the extent same are overly broad and exceed the permissible scope of discovery pursuant to the Texas Rules of Civil Procedure. Defendant further objects to Plaintiff's attempts to expand the scope of the discovery rules beyond those contemplated by the Texas Rules of Civil Procedure and will be guided solely by the Texas Rules of Civil Procedure and cases construing those rules in responding and objecting to these Requests for Production.

Defendant objects to the Requests to the extent they seek to impose upon Defendant any obligation that is greater than that which is required under the Texas Rules of Civil Procedure.

Defendant objects to Plaintiff's definition of "Defendant" for the reason that same is overly broad, unduly burdensome, and purports to expand the meaning of such terms beyond its actual meaning including expanding the definition to include Defendant's attorney. Such an expansion would therefore attempt to seek information protected from discovery by the consulting expert privilege (Tex. R. Civ. P. 192.3(e)), the work product privilege (Tex. R. Civ. P. 192.5) and/or the attorney-client privilege (Tex. R. Evid. 503(b)).

Defendant objects to the Requests to the extent that they seek the production of documents and things that are protected by the attorney-client privilege and/or the work product doctrine.

Defendant objects to the definitions set out in the Requests, and specifically does not adopt the same.

Defendant reserves the right to supplement or amend its responses to the Requests as additional information becomes available.

## OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION

**REQUEST FOR PRODUCTION NO. 1:** Any and all statements, notes, reports, e-mails, correspondence, messages, charts, memoranda, copies of phone messages or other written documentation concerning the incident and/or investigation of the incident made the basis of this claim.

**Objection:** Defendant objects to the request to the extent it seeks information protected by the attorney work product and attorney-client privilege.

**Response:** Subject to and without waiving the foregoing objection, see Kimberly Ray's medical records from co-Defendant Integrity Wellness Center.

**REQUEST FOR PRODUCTION NO. 2:** Any recorded, videotaped, photographed, or other depictions of any materials involved in the incident made the basis of this claim.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 3:** Any statements given by Plaintiffs, or their family members concerning the incident made the basis of this claim in the Defendant's control, possession, or ability to control.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 4:** Any statements given by Defendant, its representatives, employees and/or agents concerning the incident made the basis of this claim in the Defendant's control, possession, or ability to control.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 5:** All documents, e-mails, computer records, or other recorded media that show the identity of employees working on the date of the incident made the basis of this suit.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 6:** A complete unaltered copy of Plaintiff's entire medical and billing records from the Defendant as kept in the regular course of business.

Response: Previously produced (see Exhibit "A" attached to Defendant's Objections and Responses to Plaintiff Brandon Ray's First Request for Production).

**REQUEST FOR PRODUCTION NO. 7:** All tangible things which Defendant has inspected and/or is preserving for use as physical evidence concerning any claims made the basis of this suit.

Response: No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 8:** If you are claiming that Plaintiff contributed in any way to her injuries made the basis of this suit, please provide all documents that support this claim.

Response: Defendant is not aware of any such materials or documents, as discovery has just begun. To the extent applicable, see Kimberly Ray's medical records, any and all depositions taken in this matter, and all pleadings and disclosure responses in this case.

**REQUEST FOR PRODUCTION NO. 9:** Any and all correspondence sent from or received by Defendant prior to Defendant entering an appearance in this litigation.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit. Defendant objects to the request to the extent it seeks information protected by the attorney-client privilege.

Response: Subject to and without waiving the foregoing objections, Defendant received a Notice of Claim letter from Plaintiffs' counsel (Ray 001264-001265).

**REQUEST FOR PRODUCTION NO. 10:** For any consulting expert whose impressions or opinions have been reviewed by testifying expert, a current resume and bibliography, as well as all documents or records that have been provided to, reviewed by or prepared by or for such expert.

Response: No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 11:** A copy of all documents you intend to use at trial of this case.

Objection: Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy. Defendant objects to the request for the reason that it is a prohibited attempt to have Defendant produce trial exhibits.

Response: Subject to and without waiving the foregoing objections, Defendant will comply with the applicable procedural rules and applicable scheduling order entered by this Court with respect to the production of trial exhibits.



**REQUEST FOR PRODUCTION NO. 12:** A copy of all records obtained through Deposition by Written Questions in this suit.

**Objection:** Defendant objects to the request for the reason that same seeks documents which are equally available to Plaintiff, and the burden of deriving such documents is substantially the same for Plaintiffs as for Defendant. Defendant requests the Court to impose the limitations of Texas Rule of Civil Procedure 192.4 relating to material which are equally available. As such, Defendant objects to the request on the grounds it places an undue burden on Defendant and/or involves an unnecessary expense.

**Response:** Subject to and without waiving the foregoing objection, see any medical records and radiographic imaging already in possession of Plaintiff's counsel. Plaintiff may also obtain copies of any records requested from the records service, if any, at Plaintiff's expense or counsel for Plaintiff may come to the office of Defendant's counsel, Krueger Law Group, LLP, 8111 LBJ Freeway, Suite 650, Dallas, Texas 75251, to inspect and copy such records, at Plaintiff's expense, at a mutually convenient date and time during regular business hours.

**REQUEST FOR PRODUCTION NO. 13:** Pursuant to TEX. R. EVID. 609, please advise of your intent to use any evidence of impeachment against any individual named as a party and/or witness in this suit and produce any documents regarding same.

**Objection:** Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

**Response:** Subject to and without waiving the foregoing objection, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 14:** A copy of all documents, contracts, and/or agreements between you and any other named Defendant in effect at the time of the subject incident.

**Response:** See Exhibit "A" attached hereto.

**REQUEST FOR PRODUCTION NO. 15:** Personnel records of all employees caring for Plaintiff at the time of the incident. You do not need to include protective health information or salary information.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**Response:** No items have been identified—after a diligent search—that are responsive to the request. Defendant did not have any employees caring for Kimberly Ray at the time of the incident.

**REQUEST FOR PRODUCTION NO. 16:** A copy of Defendant's Bylaws.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 17:** A copy of any and all documents establishing Defendant's professional association and/or assumed name.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objections, previously produced (see Exhibit "B" attached to Defendant's Objections and Responses to Plaintiff Brandon Ray's First Request for Production).

**REQUEST FOR PRODUCTION NO. 18:** A copy of Defendant's Organizational Chart.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 19:** A copy of the front page of Defendant's Employee Manual and the index.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objection, previously produced (see Exhibit "C" attached to Defendant's Objections and Responses to Plaintiff Brandon Ray's First Request for Production).

**REQUEST FOR PRODUCTION NO. 20:** A copy of the front page of Defendant's Policy and Procedure Manual and the index.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 21:** If you identified any policy and/or procedures in response to any Interrogatory, please produce the cited policy and/or procedure.

**Response:** Not applicable.

**REQUEST FOR PRODUCTION NO. 22:** Please produce any documents or other tangible things you contend demonstrate that the Plaintiff was comparatively negligent. This request seeks, but is not limited to, any photos, videos, graphs, reports, statements, materials, records or other tangible things you contend demonstrate that the Plaintiff was comparatively negligent.

**Objection:** Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 23:** Please produce any documents or other tangible things you contend demonstrate that any of Plaintiff's damages were caused by a subsequently occurring injury, ailment, condition or stressor.

**Objection:** Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 24:** Please produce any documents or other tangible things you contend demonstrate that the Plaintiff failed to mitigate any of the damages alleged in this case.

**Objection:** Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.



Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 25:** All materials used to promote or advertise any services Defendant has performed.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 26:** A copy of Defendant's financial statements from 2017 to the present.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad. Defendant objects to the request in that it constitutes an unnecessary and unwarranted invasion into Defendant's financial affairs and is unduly burdensome and harassing. This request violates Defendant's privacy and property rights. The information is privileged, private information and is not relevant otherwise subject to discovery in this suit. Plaintiffs have not pled facts that would entitle them to this information. *See Tex. Civ. Prac. & Rem. Code § 41.0115.*

Response: See the foregoing objections.

**REQUEST FOR PRODUCTION NO. 27:** Any documents which reflect an organizational chart or listing of the people working for Defendant.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

# **EXHIBIT “C”**

BRANDON RAY, Individually, as  
Representative of the Estate of KIMBERLY  
RAY, Deceased, and as Next Friend of B.R.,  
a Minor; MICHAEL WOODWORTH,  
Individually; and DELORES COOK,  
Individually

VS.

JOSEPH SCOTT HOUGHTON, APRN-  
CRNA; MANSFIELD PAIN SERVICES,  
LLC; TEXAS PARTNERS HEALTHCARE  
GROUP, PA; INTEGRITY WELLNESS  
CENTER, LLC; VENKATESWARA RAO  
MANDAVA, M.D.; MAURO ALBERTO  
MOLINA, APRN-CRNA; SLEEPYTIME  
ANESTHESIA, PLLC; BABER YOUNAS,  
M.D.; NORTHEAST ANESTHESIA  
ASSOCIATES, PLLC; and NORTHWEST  
ANESTHESIA ASSOCIATES, PLLC

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

191<sup>ST</sup> JUDICIAL DISTRICT

**DEFENDANT NORTHWEST ANESTHESIA ASSOCIATES, PLLC'S FIRST  
SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFF  
BRANDON RAY'S FIRST REQUEST FOR PRODUCTION**

TO: Plaintiff Brandon Ray, by and through his attorney of record, Michael G. Sawicki, Sawicki Law, 6116 North Central, Suite 1400, Dallas, Texas 75206.

Pursuant to the Texas Rules of Civil Procedure, Northwest Anesthesia Associates, PLLC, one of the Defendants in the above-entitled and numbered cause (hereinafter "Defendant"), serves its First Supplemental Objections and Responses to Plaintiff Brandon Ray's First Request for Production.

Respectfully submitted,

KRUEGER LAW GROUP, LLP

By: /s/ Vernon L. Krueger

Vernon L. Krueger

State Bar No. 11740515

Vernon@kruegerlawgroup.com

Landon L. Krueger

State Bar No. 24065576

Landon@kruegerlawgroup.com

8111 LBJ Freeway, Suite 650

Dallas, Texas 75251

Telephone: 214/389-4301

Facsimile: 214/389-4302

CERTIFICATE OF SERVICE

I do hereby certify that on June 10, 2022, a true and correct copy of the above and foregoing document was electronically served on Plaintiffs' counsel of record, Michael G. Sawicki, Sawicki Law, 6116 North Central, Suite 1400, Dallas, Texas 75206, and counsel of record for co-Defendants.

/s/ Vernon L. Krueger

Vernon L. Krueger/Landon L. Krueger

## GENERAL OBJECTIONS

Defendant objects to the time and place of production. Defendant will produce non-privileged documents responsive to the Requests, if any, for inspection and copying (at Plaintiff's expense) at a mutually agreeable time and place, and if no time and place can be agreed upon, then at such time and place as Defendant shall reasonably designate, including the office of Defendant's counsel, Krueger Law Group, LLP, 8111 LBJ Freeway, Suite 650, LB 174, Dallas, Texas 75251 during regular business hours.

Defendant objects to Plaintiff's definitions and/or instructions as follows:

Defendant objects to Plaintiff's definitions and/or instructions to the extent same are overly broad and exceed the permissible scope of discovery pursuant to the Texas Rules of Civil Procedure. Defendant further objects to Plaintiff's attempts to expand the scope of the discovery rules beyond those contemplated by the Texas Rules of Civil Procedure and will be guided solely by the Texas Rules of Civil Procedure and cases construing those rules in responding and objecting to these Requests for Production.

Defendant objects to the Requests to the extent they seek to impose upon Defendant any obligation that is greater than that which is required under the Texas Rules of Civil Procedure.

Defendant objects to Plaintiff's definition of "Defendant" for the reason that same is overly broad, unduly burdensome, and purports to expand the meaning of such terms beyond its actual meaning including expanding the definition to include Defendant's attorney. Such an expansion would therefore attempt to seek information protected from discovery by the consulting expert privilege (Tex. R. Civ. P. 192.3(e)), the work product privilege (Tex. R. Civ. P. 192.5) and/or the attorney-client privilege (Tex. R. Evid. 503(b)).

Defendant objects to the Requests to the extent that they seek the production of documents and things that are protected by the attorney-client privilege and/or the work product doctrine.

Defendant objects to the definitions set out in the Requests, and specifically does not adopt the same.

Defendant reserves the right to supplement or amend its responses to the Requests as additional information becomes available.

## OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION

**REQUEST FOR PRODUCTION NO. 1:** Any and all statements, notes, reports, e-mails, correspondence, messages, charts, memoranda, copies of phone messages or other written documentation concerning the incident and/or investigation of the incident made the basis of this claim.

**Objection:** Defendant objects to the request to the extent it is overly broad and seeks information protected by the attorney-client privilege and/or attorney work product privilege.

**Response:** Subject to and without waiving the foregoing objection, see Kimberly Ray's medical records and any depositions taken in this matter.

**REQUEST FOR PRODUCTION NO. 2:** Any recorded, videotaped, photographed, or other depictions of any materials involved in the incident made the basis of this claim.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 3:** Any statements given by Plaintiffs, or their family members concerning the incident made the basis of this claim in the Defendant's control, possession, or ability to control.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 4:** Any statements given by Defendant, its representatives, employees and/or agents concerning the incident made the basis of this claim in the Defendant's control, possession, or ability to control.

**Objection:** Defendant objects to the request to the extent it is overly broad and seeks information protected by the attorney-client privilege and/or attorney work product privilege.

**Response:** Subject to and without waiving the foregoing objection, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 5:** All documents, e-mails, computer records, or other recorded media that show the identity of employees working on the date of the incident made the basis of this suit.

**Response:** No items have been identified—after a diligent search—that are responsive to the request. Defendant does not have any employees.



**REQUEST FOR PRODUCTION NO. 6:** A complete unaltered copy of Plaintiff's entire medical and billing records from the Defendant as kept in the regular course of business.

**Response:** No items have been identified—after a diligent search—that are responsive to the request. Defendant does not maintain or keep any medical records. Please see Kimberly Ray's medical records from Integrity Wellness Center. Defendant did not bill for services on the date in question.

**REQUEST FOR PRODUCTION NO. 7:** All tangible things which Defendant has inspected and/or is preserving for use as physical evidence concerning any claims made the basis of this suit.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 8:** If you are claiming that Plaintiff contributed in any way to her injuries made the basis of this suit, please provide all documents that support this claim.

**Response:** Defendant is not aware of any such materials or documents, as discovery has just begun. To the extent applicable, see Kimberly Ray's medical records, any and all depositions taken in this matter, and all pleadings and disclosure responses in this case.

**REQUEST FOR PRODUCTION NO. 9:** Any and all correspondence sent from or received by Defendant prior to Defendant entering an appearance in this litigation.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objections, Defendant received a Notice of Claim letter from Plaintiffs' counsel (Ray 001302-001305).

**REQUEST FOR PRODUCTION NO. 10:** For any consulting expert whose impressions or opinions have been reviewed by testifying expert, a current resume and bibliography, as well as all documents or records that have been provided to, reviewed by or prepared by or for such expert.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 11:** A copy of all documents you intend to use at trial of this case.

**Objection:** Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy. Defendant objects to the request for the reason that it is a prohibited attempt to have Defendant produce trial exhibits.

Response: . Subject to and without waiving the foregoing objections, Defendant will comply with the applicable procedural rules and applicable scheduling order entered by this Court with respect to the production of trial exhibits.

**REQUEST FOR PRODUCTION NO. 12:** A copy of all records obtained through Deposition by Written Questions in this suit.

Objection: Defendant objects to the request for the reason that same seeks documents which are equally available to Plaintiff, and the burden of deriving such documents is substantially the same for Plaintiffs as for Defendant. Defendant requests the Court to impose the limitations of Texas Rule of Civil Procedure 192.4 relating to material which are equally available. As such, Defendant objects to the request on the grounds it places an undue burden on Defendant and/or involves an unnecessary expense.

Response: Subject to and without waiving the foregoing objection, see any medical records and radiographic imaging already in possession of Plaintiff's counsel. Plaintiff may also obtain copies of any records requested from the records service, if any, at Plaintiff's expense or counsel for Plaintiff may come to the office of Defendant's counsel, Krueger Law Group, LLP, 8111 LBJ Freeway, Suite 650, Dallas, Texas 75251, to inspect and copy such records, at Plaintiff's expense, at a mutually convenient date and time during regular business hours.

**REQUEST FOR PRODUCTION NO. 13:** Pursuant to TEX. R. EVID. 609, please advise of your intent to use any evidence of impeachment against any individual named as a party and/or witness in this suit and produce any documents regarding same.

Objection: . Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

Response: Subject to and without waiving the foregoing objection, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 14:** A copy of all documents, contracts, and/or agreements between you and any other named Defendant in effect at the time of the subject incident.

Response: See Exhibit "A" attached hereto.

**REQUEST FOR PRODUCTION NO. 15:** Personnel records of all employees caring for Plaintiff at the time of the incident. You do not need to include protective health information or salary information.

Objection: . Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.



Response: No items have been identified—after a diligent search—that are responsive to the request. Defendant did not have any employees caring for Kimberly Ray at the time of the incident.

**REQUEST FOR PRODUCTION NO. 16:** A copy of Defendant's Bylaws.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 17:** A copy of any and all documents establishing Defendant's professional association and/or assumed name.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, previously produced (see Exhibit "A" attached to Defendant's Objection and Responses to Plaintiff Brandon Ray's First Request for Production).

**REQUEST FOR PRODUCTION NO. 18:** A copy of Defendant's Organizational Chart.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 19:** A copy of the front page of Defendant's Employee Manual and the index.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 20:** A copy of the front page of Defendant's Policy and Procedure Manual and the index.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 21:** If you identified any policy and/or procedures in response to any Interrogatory, please produce the cited policy and/or procedure.

Response: Not applicable.

**REQUEST FOR PRODUCTION NO. 22:** Please produce any documents or other tangible things you contend demonstrate that the Plaintiff was comparatively negligent. This request seeks, but is not limited to, any photos, videos, graphs, reports, statements, materials, records or other tangible things you contend demonstrate that the Plaintiff was comparatively negligent.

Objection: Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 23:** Please produce any documents or other tangible things you contend demonstrate that any of Plaintiff's damages were caused by a subsequently occurring injury, ailment, condition or stressor.

Objection: Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 24:** Please produce any documents or other tangible things you contend demonstrate that the Plaintiff failed to mitigate any of the damages alleged in this case.

Objection: Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 25:** All materials used to promote or advertise any services Defendant has performed.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 26:** A copy of Defendant's financial statements from 2017 to the present.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad. Defendant objects to the request in that it constitutes an unnecessary and unwarranted invasion into Defendant's financial affairs and is unduly burdensome and harassing. This request violates Defendant's privacy and property rights. The information is privileged, private information and is not relevant otherwise subject to discovery in this suit. Plaintiffs have not pled facts that would entitle them to this information. *See Tex. Civ. Prac. & Rem. Code § 41.0115.*

Response: See the foregoing objections.

# **EXHIBIT “D”**

BRANDON RAY, Individually, as	§	IN THE DISTRICT COURT
Representative of the Estate of KIMBERLY	§	
RAY, Deceased, and as Next Friend of B.R.,	§	
a Minor; MICHAEL WOODWORTH,	§	
Individually; and DELORES COOK,	§	
Individually	§	
	§	
VS.	§	
	§	
JOSEPH SCOTT HOUGHTON, APRN-	§	DALLAS COUNTY, TEXAS
CRNA; MANSFIELD PAIN SERVICES,	§	
LLC; TEXAS PARTNERS HEALTHCARE	§	
GROUP, PA; INTEGRITY WELLNESS	§	
CENTER, LLC; VENKATESWARA RAO	§	
MANDAVA, M.D.; MAURO ALBERTO	§	
MOLINA, APRN-CRNA; SLEEPYTIME	§	
ANESTHESIA, PLLC; BABER YOUNAS,	§	
M.D.; NORTHEAST ANESTHESIA	§	
ASSOCIATES, PLLC; and NORTHWEST	§	
ANESTHESIA ASSOCIATES, PLLC	§	191 <sup>ST</sup> JUDICIAL DISTRICT

**DEFENDANT NORTHEAST ANESTHESIA ASSOCIATES, PLLC'S FIRST  
SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFF  
BRANDON RAY'S FIRST REQUEST FOR PRODUCTION**

TO: Plaintiff Brandon Ray, by and through his attorney of record, Michael G. Sawicki, Sawicki Law, 6116 North Central, Suite 1400, Dallas, Texas 75206.

Pursuant to the Texas Rules of Civil Procedure, Northeast Anesthesia Associates, PLLC, one of the Defendants in the above-entitled and numbered cause (hereinafter "Defendant"), serves its First Supplemental Objections and Responses to Plaintiff Brandon Ray's First Request for Production.

Respectfully submitted,

KRUEGER LAW GROUP, LLP

By: /s/ Vernon L. Krueger

Vernon L. Krueger

State Bar No. 11740515

Vernon@kruegerlawgroup.com

Landon L. Krueger

State Bar No. 24065576

Landon@kruegerlawgroup.com

8111 LBJ Freeway, Suite 650

Dallas, Texas 75251

Telephone: 214/389-4301

Facsimile: 214/389-4302

CERTIFICATE OF SERVICE

I do hereby certify that on June 10, 2022, a true and correct copy of the above and foregoing document was electronically served on Plaintiffs' counsel of record, Michael G. Sawicki, Sawicki Law, 6116 North Central, Suite 1400, Dallas, Texas 75206, and counsel of record for co-Defendants.

/s/ Vernon L. Krueger

Vernon L. Krueger/Landon L. Krueger



### GENERAL OBJECTIONS

Defendant objects to the time and place of production. Defendant will produce non-privileged documents responsive to the Requests, if any, for inspection and copying (at Plaintiff's expense) at a mutually agreeable time and place, and if no time and place can be agreed upon, then at such time and place as Defendant shall reasonably designate, including the office of Defendant's counsel, Krueger Law Group, LLP, 8111 LBJ Freeway, Suite 650, LB 174, Dallas, Texas 75251 during regular business hours.

Defendant objects to Plaintiff's definitions and/or instructions as follows:

Defendant objects to Plaintiff's definitions and/or instructions to the extent same are overly broad and exceed the permissible scope of discovery pursuant to the Texas Rules of Civil Procedure. Defendant further objects to Plaintiff's attempts to expand the scope of the discovery rules beyond those contemplated by the Texas Rules of Civil Procedure and will be guided solely by the Texas Rules of Civil Procedure and cases construing those rules in responding and objecting to these Requests for Production.

Defendant objects to the Requests to the extent they seek to impose upon Defendant any obligation that is greater than that which is required under the Texas Rules of Civil Procedure;

Defendant objects to Plaintiff's definition of "Defendant" for the reason that same is overly broad, unduly burdensome, and purports to expand the meaning of such terms beyond its actual meaning including expanding the definition to include Defendant's attorney. Such an expansion would therefore attempt to seek information protected from discovery by the consulting expert privilege (Tex. R. Civ. P. 192.3(e)), the work product privilege (Tex. R. Civ. P. 192.5) and/or the attorney-client privilege (Tex. R. Evid. 503(b)).

Defendant objects to the Requests to the extent that they seek the production of documents and things that are protected by the attorney-client privilege and/or the work product doctrine;

Defendant objects to the definitions set out in the Requests, and specifically does not adopt the same.

Defendant reserves the right to supplement or amend its responses to the Requests as additional information becomes available.

## OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION

**REQUEST FOR PRODUCTION NO. 1:** Any and all statements, notes, reports, e-mails, correspondence, messages, charts, memoranda, copies of phone messages or other written documentation concerning the incident and/or investigation of the incident made the basis of this claim.

**Objection:** Defendant objects to the request to the extent it is overly broad and seeks information protected by the attorney-client privilege and/or attorney work product privilege.

**Response:** Subject to and without waiving the foregoing objection, see Kimberly Ray's medical records and any depositions taken in this matter.

**REQUEST FOR PRODUCTION NO. 2:** Any recorded, videotaped, photographed, or other depictions of any materials involved in the incident made the basis of this claim.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 3:** Any statements given by Plaintiffs, or their family members concerning the incident made the basis of this claim in the Defendant's control, possession, or ability to control.

**Response:** No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 4:** Any statements given by Defendant, its representatives, employees and/or agents concerning the incident made the basis of this claim in the Defendant's control, possession, or ability to control.

**Objection:** Defendant objects to the request to the extent it is overly broad and seeks information protected by the attorney-client privilege and/or attorney work product privilege.

**Response:** Subject to and without waiving the foregoing objection, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 5:** All documents, e-mails, computer records, or other recorded media that show the identity of employees working on the date of the incident made the basis of this suit.



Response: No items have been identified—after a diligent search—that are responsive to the request. Defendant does not have any employees.

**REQUEST FOR PRODUCTION NO. 6:** A complete unaltered copy of Plaintiff's entire medical and billing records from the Defendant as kept in the regular course of business.

Response: No items have been identified—after a diligent search—that are responsive to the request. Defendant does not maintain or keep any medical records. Please see Kimberly Ray's medical records from Integrity Wellness Center. Defendant did not bill for services on the date in question.

**REQUEST FOR PRODUCTION NO. 7:** All tangible things which Defendant has inspected and/or is preserving for use as physical evidence concerning any claims made the basis of this suit.

Response: No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 8:** If you are claiming that Plaintiff contributed in any way to her injuries made the basis of this suit, please provide all documents that support this claim.

Response: Defendant is not aware of any such materials or documents, as discovery has just begun. To the extent applicable, see Kimberly Ray's medical records, any and all depositions taken in this matter, and all pleadings and disclosure responses in this case.

**REQUEST FOR PRODUCTION NO. 9:** Any and all correspondence sent from or received by Defendant prior to Defendant entering an appearance in this litigation.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit. Defendant objects to the request to the extent it seeks information protected by the attorney-client privilege.

Response: Subject to and without waiving the foregoing objections, Defendant received a Notice of Claim letter from Plaintiffs' counsel (Ray 001302-001305).

**REQUEST FOR PRODUCTION NO. 10:** For any consulting expert whose impressions or opinions have been reviewed by testifying expert, a current resume and bibliography, as well as all documents or records that have been provided to, reviewed by or prepared by or for such expert.

Response: No items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 11:** A copy of all documents you intend to use at trial of this case.

Objection: Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy. Defendant objects to the request for the reason that it is a prohibited attempt to have Defendant produce trial exhibits.

Response: Subject to and without waiving the foregoing objections, Defendant will comply with the applicable procedural rules and applicable scheduling order entered by this Court with respect to the production of trial exhibits.

**REQUEST FOR PRODUCTION NO. 12:** A copy of all records obtained through Deposition by Written Questions in this suit.

Objection: Defendant objects to the request for the reason that same seeks documents which are equally available to Plaintiff, and the burden of deriving such documents is substantially the same for Plaintiffs as for Defendant. Defendant requests the Court to impose the limitations of Texas Rule of Civil Procedure 192.4 relating to material which are equally available. As such, Defendant objects to the request on the grounds it places an undue burden on Defendant and/or involves an unnecessary expense.

Response: , Subject to and without waiving the foregoing objection, see any medical records and radiographic imaging already in possession of Plaintiff's counsel. Plaintiff may also obtain copies of any records requested from the records service, if any, at Plaintiff's expense or counsel for Plaintiff may come to the office of Defendant's counsel, Krueger Law Group, LLP, 8111 LBJ Freeway, Suite 650, Dallas, Texas 75251, to inspect and copy such records, at Plaintiff's expense, at a mutually convenient date and time during regular business hours.

**REQUEST FOR PRODUCTION NO. 13:** Pursuant to TEX. R. EVID. 609, please advise of your intent to use any evidence of impeachment against any individual named as a party and/or witness in this suit and produce any documents regarding same.

Objection: Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

Response: Subject to and without waiving the foregoing objection, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 14:** A copy of all documents, contracts, and/or agreements between you and any other named Defendant in effect at the time of the subject incident.

**Response:** See Exhibit "A" attached hereto.

**REQUEST FOR PRODUCTION NO. 15:** Personnel records of all employees caring for Plaintiff at the time of the incident. You do not need to include protective health information or salary information.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**Response:** No items have been identified—after a diligent search—that are responsive to the request. Defendant did not have any employees caring for Kimberly Ray at the time of the incident.

**REQUEST FOR PRODUCTION NO. 16:** A copy of Defendant's Bylaws.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 17:** A copy of any and all documents establishing Defendant's professional association and/or assumed name.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objections, previously produced (see Exhibit "A" attached to Defendant's Objection and Responses to Plaintiff Brandon Ray's First Request for Production).



**REQUEST FOR PRODUCTION NO. 18:** A copy of Defendant's Organizational Chart.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 19:** A copy of the front page of Defendant's Employee Manual and the index.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 20:** A copy of the front page of Defendant's Policy and Procedure Manual and the index.

**Objection:** Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

**Response:** Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 21:** If you identified any policy and/or procedures in response to any Interrogatory, please produce the cited policy and/or procedure.

**Response:** Not applicable.

**REQUEST FOR PRODUCTION NO. 22:** Please produce any documents or other tangible things you contend demonstrate that the Plaintiff was comparatively negligent. This request seeks, but is not limited to, any photos, videos, graphs, reports, statements, materials, records or other tangible things you contend demonstrate that the Plaintiff was comparatively negligent.

Objection: Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 23:** Please produce any documents or other tangible things you contend demonstrate that any of Plaintiff's damages were caused by a subsequently occurring injury, ailment, condition or stressor.

Objection: Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

Response: Subject to and without waiving the foregoing objections, see Kimberly Ray's medical records.

**REQUEST FOR PRODUCTION NO. 24:** Please produce any documents or other tangible things you contend demonstrate that the Plaintiff failed to mitigate any of the damages alleged in this case.

Objection: Defendant objects to the request on the grounds it is premature and improperly invades Defense counsel's mental thought processes and trial strategy.

Response: Subject to and without waiving the foregoing objections, see Kimberly Ray's medical records.

**REQUEST FOR PRODUCTION NO. 25:** All materials used to promote or advertise any services Defendant has performed.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad and not limited sufficiently in time and subject matter relevant to this lawsuit.

Response: Subject to and without waiving the foregoing objections, no items have been identified—after a diligent search—that are responsive to the request.

**REQUEST FOR PRODUCTION NO. 26:** A copy of Defendant's financial statements from 2017 to the present.

Objection: Defendant objects to the request on the grounds it seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the request to the extent it is overly broad. Defendant objects to the request in that it constitutes an unnecessary and unwarranted invasion into Defendant's financial affairs and is unduly burdensome and harassing. This request violates Defendant's privacy and property rights. The information is privileged, private information and is not relevant otherwise subject to discovery in this suit. Plaintiffs have not pled facts that would entitle them to this information. See Tex. Civ. Prac. & Rem. Code § 41.0115.

Response: See the foregoing objections.

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Brandi Concienne on behalf of Michael Sawicki

Bar No. 17692500

bconcienne@sawickilawfirm.com

Envelope ID: 83899737

Filing Code Description: Motion - Compel

Filing Description: DISCOVERY/DEFENDANTS

Status as of 1/30/2024 11:53 AM CST

Associated Case Party: BRANDON RAY

Name	BarNumber	Email	TimestampSubmitted	Status
Michael Sawicki		msawicki@sawickilawfirm.com	1/29/2024 2:05:27 PM	SENT
Andrew Jones		ajones@sawickilawfirm.com	1/29/2024 2:05:27 PM	SENT

Associated Case Party: JOSEPHSCOTTHOUGHTON APRN-CRNA

Name	BarNumber	Email	TimestampSubmitted	Status
William HChamblee		wchamblee@cr.law	1/29/2024 2:05:27 PM	SENT
Reagan E.Boyce		rboyce@cr.law	1/29/2024 2:05:27 PM	SENT
Veronica Davila		vdavila@cr.law	1/29/2024 2:05:27 PM	SENT
Shannon Cunningham		scunningham@cr.law	1/29/2024 2:05:27 PM	SENT

Associated Case Party: MAUROALBERTOMOLINA APRN-CRNA

Name	BarNumber	Email	TimestampSubmitted	Status
Gregg Byrd		gbyrd@trtblaw.com	1/29/2024 2:05:27 PM	SENT
Linda Maokosy		lmaokosy@trtblaw.com	1/29/2024 2:05:27 PM	SENT
Wendy H.Hermes		whermes@trtblaw.com	1/29/2024 2:05:27 PM	SENT
Stan Thiebaud		sthiebaud@trtblaw.com	1/29/2024 2:05:27 PM	SENT
Jessica Williams		jwilliams@trtblaw.com	1/29/2024 2:05:27 PM	SENT
Regan Ewing		rewing@trtblaw.com	1/29/2024 2:05:27 PM	SENT

Associated Case Party: DELORES COOK

Name	BarNumber	Email	TimestampSubmitted	Status
------	-----------	-------	--------------------	--------



### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Brandi Concienne on behalf of Michael Sawicki

Bar No. 17692500

bconcienne@sawickilawfirm.com

Envelope ID: 83899737

Filing Code Description: Motion - Compel

Filing Description: DISCOVERY/DEFENDANTS

Status as of 1/30/2024 11:53 AM CST

Associated Case Party: DELORES COOK

Name	BarNumber	Email	TimestampSubmitted	Status
Andy Jones		ajones@sawickilawfirm.com	1/29/2024 2:05:27 PM	SENT
Michael Sawicki		msawicki@sawickilawfirm.com	1/29/2024 2:05:27 PM	SENT
Brandi Concienne		bconcienne@sawickilawfirm.com	1/29/2024 2:05:27 PM	SENT
John David Criss	796417	dcriss@criss-law.com	1/29/2024 2:05:27 PM	SENT
Krueger Law		eservice@kruegerlawgroup.com	1/29/2024 2:05:27 PM	SENT
Tom Gavigan		Tom@kruegerlawgroup.com	1/29/2024 2:05:27 PM	SENT
Vernon LKrueger		vernon@kruegerlawgroup.com	1/29/2024 2:05:27 PM	SENT
Landon LKrueger		landon@kruegerlawgroup.com	1/29/2024 2:05:27 PM	SENT

Associated Case Party: INTEGRITY WELLNESS CENTER LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Debbie Hull		dhull@equillinlaw.com	1/29/2024 2:05:27 PM	SENT
Edward P.Quillin		equillin@equillinlaw.com	1/29/2024 2:05:27 PM	SENT
Candice Morris		cmorris@equillinlaw.com	1/29/2024 2:05:27 PM	SENT

Associated Case Party: VENKATESWARARAOMANDAVA, MD

Name	BarNumber	Email	TimestampSubmitted	Status
Robin Gream		rgream@criss-law.com	1/29/2024 2:05:27 PM	SENT
Alexandra Sallade		alexandra@criss-law.com	1/29/2024 2:05:27 PM	SENT
Alton James		ajames@criss-law.com	1/29/2024 2:05:27 PM	SENT