

IN THE CIRCUIT COURT FOR WARREN COUNTY, TENNESSEE

|                                     |   |          |
|-------------------------------------|---|----------|
| STEPHEN E. THOMAS and               | ) |          |
| FRANCIS THOMAS,                     | ) |          |
|                                     | ) |          |
| Plaintiffs,                         | ) |          |
|                                     | ) | No. ____ |
| vs.                                 | ) |          |
|                                     | ) |          |
| ABC HOSPITAL, INC., and PETER REED, | ) |          |
| M.D.,                               | ) |          |
|                                     | ) |          |
| Defendants.                         | ) |          |
|                                     | ) |          |
|                                     | ) |          |

**PLAINTIFFS', STEPHEN E. THOMAS AND FRANCIS THOMAS'S, FIRST SET  
OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF  
DOCUMENTS  
TO DEFENDANT PETER PHILIP REED, M.D.**

Pursuant to Rules 26, 33, and 34 of the Tennessee Rules of Civil Procedure, Stephen E. Thomas and Francis Thomas, through counsel, request that Defendant Peter Reed, M.D. respond to the following Interrogatories and Requests for Production of Documents within the time period required by law. Please produce all requested documents at the offices of Branham & Day, P.C., Suite 300, 5300 Maryland Way, Brentwood, TN 37027.

**PRELIMINARY MATTERS AND DEFINITIONS**

These Interrogatories and Requests for Production of Documents are continuing in nature, and to the extent that any answers to them may be enlarged, expanded upon, modified, or corrected as a result of any change in circumstances subsequent to the filing of your answers, you are requested to promptly supply counsel for Plaintiff with amended or supplemental answers as required by Rule 26 of the Tennessee Rules of Civil

Procedure.

The term “identity” or “identify” as used herein, with respect to any person, means to provide the name, current residence address, current residence telephone number, current business address, current business telephone number, and the occupation or job title of that person; with respect to an entity, those terms mean to provide the name by which the entity is commonly known, the current address of its principal place of business, and the nature of business currently conducted by that entity; with respect to any document, those terms mean to provide the date of the document, the identity of the author or preparer of the document, the nature of the document, and the title (if any) of the document, and the custodian of the document.

“Communication” means any transmission of information by oral, graphic, written, pictorial or otherwise perceptible means, including but not limited to telephone conversations, letters, e-mails, memoranda, telegrams, meetings and personal conversations.

“Person” means any natural person or any form of public, private, business, governmental or legal entity.

Unless specified otherwise, the term “identity” or “identify” as used herein, with respect to any person, means to provide the name, current residence address, current residence telephone number, current business address, current business telephone number, and the occupation or job title of that person; with respect to any entity, means to provide the name by which the entity is commonly known, the current address of its principal place of business, and the nature of business currently conducted by that entity; with respect to any document, means to provide the date of the document, the identity of

the author or preparer of the document, the nature of the document, and the title (if any) of the document, and the custodian of the document.

Unless specified otherwise, the term “describe” as used herein, with respect to any communication, means to provide the date, time, and location of the communication, the identity of the author or deliverer of the communication, the identity of the recipient of the communication, the contents and substance of the communication, and the medium of the communication.

The term “document” as used herein, means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin or location, of any book, pamphlet, periodical, letter, memorandum (including memoranda, note or report of a meeting or conversation), email, computer file or computer generated and/or stored document, other electronically recorded information, medical record, x-ray, photograph, videotape, audio tape, or any other written, typed, reported, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody or control or which was, but is no longer, in your possession, custody, or control. If the information requested is stored on a computer drive, disk, or tape, produce either (a) a printout of the information or (b) produce the information on a 3.5” disk in an ASCII format.

For the purposes of framing your responses to this discovery, wherever possible, the singular should be read to include the plural and vice versa.

If any of this discovery is not answered on the basis of privilege, *including any assertion of the peer review privilege at Tenn. Code Ann. § 63-6-219*, please include in

your response to each such Interrogatory or Request for Production a written statement evidencing:

- (a) The nature of the communication or thing;
- (b) The date of the communication or thing;
- (c) The identity of the persons present at such communication; and,
- (d) A brief description of the communication or thing sufficient to allow the Court to rule on a motion to compel.

The term “ABC Hospital” as used herein refers to the entity doing business as ABC Hospital where Stephen Thomas was treated in December 2002.

The term “You” and “Your” as used herein refers to Peter Reed, M.D.

#### INTERROGATORIES

1. State your full name, date and place of birth, residential and professional addresses, professional telephone number, and the legal name and address of your employer(s) in December 2002 through the present.

RESPONSE:

2. List each undergraduate, medical school, and post-graduate institution where you received your education and training and give the addresses, inclusive dates of attendance, date(s) of graduation, degree(s) obtained, and nature of the training received at each institution.

RESPONSE:

3. What are the names and addresses of the medical institutions in which you received your medical internship and residency training, the inclusive dates you served each internship and residency, the specialty or branch of medicine of your residency, and the period of time spent in each department or specialty of your residency?

RESPONSE:

4. In what states or countries are you now, or have you ever been, licensed to practice medicine, and in what year did you receive your license to practice in each such state or country?

RESPONSE:

5. Have you ever had a medical license suspended, revoked, or terminated in any state or country and, if so, for each such suspension, revocation or termination, indicate the state or authority which took the action, whether it was suspended, revoked, or terminated or otherwise restricted; the date it was suspended, revoked, or terminated;

the reason it was suspended, revoked, or terminated; and whether it was ever reinstated or renewed and, if so, the date it was reinstated or renewed.

RESPONSE:

6. If, in your medical career, you have ever specialized or limited your practice to a particular branch or field of medicine or surgery, list in what field or branch of medicine or surgery you specialized, the dates of each, and the places and addresses where these practices were conducted.

RESPONSE:

7. If you are or have ever been a member, fellow, or diplomat of any specialty board, list for each such specialty board, the inclusive dates of your membership and if no longer a member the reason for the termination of your membership.

RESPONSE:

8. If you have or have ever had staff privileges at any hospital, and/or health care facility or clinic, list the name and address of each and the inclusive dates you held the privileges.

RESPONSE:

9. If you have ever had any hospital staff privilege suspended, revoked or curtailed in any way at any hospital or clinic, describe each occurrence including the name and address of the hospital or clinic, the date and reason for the revocation, suspension, or curtailment, and the name of the disciplinary body that made the determination.

RESPONSE:

10. If you have ever been connected in a teaching capacity with any medical or educational institution, for each institution state its name and address; a description or designation of each position you held and the inclusive dates thereof; and the name of each subject taught by you.

RESPONSE:

11. If you have ever published, written, or contributed to a medical book, paper or article, list the title and subject matter of each, whether you were author or co-author, the journal or book in which it appeared, the date and place of each publication and the name and address of the publishers of each of the textbooks or publications.

RESPONSE:

12. If you have ever had a claim presented against you by any patient for any matter arising out of your medical practice, state the date and place each such claim was made, the name and addresses of the person who made it, the resolution or outcome of the claim, and if a lawsuit was filed, the court of jurisdiction and case docket number of each such lawsuit.

RESPONSE:

13. Identify each person whom you expect to call as an expert witness on your behalf and for each person provide the information set forth in Tennessee Rule of Civil Procedure 26.02(4).

RESPONSE:

14. If any treating physicians of Stephen Thomas intend to offer any opinions in this case, provide the treating physician's name, substance of their opinion(s), and the facts and grounds for the opinion(s).

RESPONSE:

15. Identify each person who has knowledge or claims to have knowledge or information concerning the medical treatment of Stephen Thomas referenced in the Complaint.

RESPONSE:

16. If you contend that any entity or person, who by reason of an act or omission or otherwise, caused or contributed to the injuries and medical condition of Stephen Thomas, identify each such entity or person and explain the basis for this contention, including the identity of all documents and/or witnesses that support your claim.

RESPONSE:

17. Describe any admissions or statements against interest made by Stephen Thomas, and/or Francis Thomas about the matters in this action including the date, time and location of each, as well as the identity of all witnesses to each.

RESPONSE:

18. Identify any documents that you have received or obtained from ABC Hospital concerning Stephen Thomas, including the date you received or obtained the documents and the identity of the person from whom you received or obtained the documents.

RESPONSE:

19. If you have ever testified or consulted in a case that alleged medical malpractice, list the name of the case, the party for whom you offered opinions, where and when the incident in question occurred, a brief summary regarding facts of the case, and describe the extent of your involvement in the case.

RESPONSE:

20. Identify, including the name, address, telephone number and occupation, all those who provided any medical care, treatment, observations, or opinions regarding Stephen Thomas during the time period of his emergency room visit on December 16, 2002 up through his discharge.

RESPONSE:

21. If you provided care to Stephen Thomas following the date of his discharge from ABC Hospital on December 16, 2002, please list the dates you provided care, the treatment you provided for each date, and your observations and opinions concerning Mr. Thomas's medical status for each date.

RESPONSE:

22. If you are aware of any communication by, to, or between any of the parties to this action or their agents, servants or employees, regarding Stephen Thomas between December 16, 2002 to the present date not reflected in the patient's medical charts, please describe the communication (including the parties to the communication,

the substance of the communication, the purpose of the communication and the date and time of the communication).

RESPONSE:

23. Identify the date in which you learned of Stephen Thomas's lumbar spine fracture, describe how this information was brought to your attention, and identify who provided you with this information.

RESPONSE:

24. Identify the person(s) responsible for notifying Stephen Thomas of Dr. Franklin's interpretation of the December 16, 2002 x-rays of Stephen Thomas.

RESPONSE:

25. Identify all continuing education classes you have attended or taught regarding interpretation of x-rays and/or evaluation and treatment of a trauma patient with a spinal injury.

RESPONSE:



REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce a copy of your most recent curriculum vitae.

RESPONSE:

2. Produce copies of any medical records and radiological films in your possession that concern Stephen Thomas.

RESPONSE:

3. Produce a copy of your complete itemized billing statement that concerns Stephen Thomas, dated December 16, 2002 to current date.

RESPONSE:

4. Produce any correspondence, memoranda, or any other document other than medical records in your possession that in any way concerns Stephen Thomas.

RESPONSE:

5. Produce the curriculum vitae of any experts identified in your answers to interrogatories.

RESPONSE:

6. Produce any photographs, slides, or motion pictures of Stephen Thomas.

RESPONSE:

7. Produce any written policies, procedures, or protocols of Peter Reed, M.D., your employer of December 2002, ABC Hospital, Inc., or in the possessions of those persons or entities concerning:

- (a) assessment and evaluation of a trauma patient presenting to the emergency room with complaints of back pain
- (b) treatment of a patient with a spinal column injury/spinal fracture
- (c) treatment of a patient with a spinal compression fracture
- (d) indications for x-rays of the spine
- (e) spinal precautions for trauma patients in the emergency room
- (f) interpretation of x-ray films
- (g) interpretation of spinal x-ray films
- (h) dictation, transcription and posting of results and interpretations of x-ray films
- (i) notification to the treating physician of a patients x-ray/scan results
- (j) indications for a back brace
- (k) discharge instructions for a patient discharged from the emergency room with a spinal compression fracture; and

(l) notification of test results to a patient, including radiology results

RESPONSE:

8. Produce any continuing medical education materials in the possession of Dr. Reed, or Dr. Reed's employer of December 2002, including videos, regarding each of the topics listed in (a)-(l) in the preceding request to produce.

RESPONSE:

9. Produce any document reflecting your employment status in December 2002 to the present.

RESPONSE:

10. Produce any documents not already produced that reflect or refer to the timing and/or substance of conversations between you and the nurses and/or other physicians treating Stephen Thomas on December 16, 2002.

RESPONSE:

11. Produce all insurance policies, including the entire policy, declarations page, endorsements and all attachments for each, under which any person carrying on an

insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse payments made to satisfy any such judgment.

RESPONSE:

12. Please produce any logs or other records of phone calls or other communications regarding Stephen Thomas.

RESPONSE:

13. Please produce any records which reflect the continuing medical education courses you have attended within the past 10 years.

RESPONSE:

Respectfully submitted,

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John A. Day (BPR #9416)  
Rebecca C. Blair (BPR #17939)  
Brandon E. Bass (BPR #22014)  
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(615) 742-4880

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of this pleading or document was served upon the following counsel by mailing postage prepaid or by delivery to the person or office of such counsel:

*Attorney for Defendant Dr. Peter Reed*

*Attorney for Defendant ABC Hospital, Inc.*

This the \_\_\_\_\_ day of \_\_\_\_\_, 2004.