

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

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|----------------------|---|--|
| FORBA HOLDINGS, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 4:08-cv-00137-JHM-ERG |
| |) | |
| DEBBIE HAGAN, |) | |
| |) | |
| Defendant. |) | |

PLAINTIFF’S SECOND SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS TO DEFENDANT

Plaintiff, now known as Church Street Health Management, LLC (FORBA Holdings, LLC changed its name to Church Street Health Management, LLC effective December 31, 2010; hereinafter “Plaintiff”), pursuant to Fed. R. Civ. P. 26, 33 and 34, by counsel, hereby propounds the following Second Set of Interrogatories and Requests for Production of Documents and Things to Defendant, Debbie Hagan, to be answered in writing and served on counsel for Plaintiff within the time period provided by Fed. R. Civ. P. 33(b)(2) and 6(d), namely within thirty-three (33) days of the date shown below of the mailing of this document. Requested documents shall be produced at the offices of Bradley Arant Boult Cummings LLP, 1600 Division Street, Suite 700, Nashville, Tennessee 37203, within the time provided by Fed. R. Civ. P. 34(b)(2) and 6(d), namely within thirty-three (33) days of the date shown below of the mailing of this document.

I. PRELIMINARY MATTERS AND DEFINITIONS

These interrogatories and requests for production are continuing in nature, and to the extent that any answers or responses thereto may be enlarged, expanded upon, modified, or corrected as a result of any change in circumstances subsequent to the filing of Hagan’s answers

or responses hereto, Hagan is requested promptly to supply counsel for Plaintiff with amended or supplemental answers or responses as required by Fed. R. Civ. P. 26.

The terms “identity” and “identify” as used herein, with respect to any person, mean 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 other entity, those terms mean to provide the name by which said 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.

The term “document” as used herein, has the full extent of its meaning as provided under Fed. R. Civ. P. 34, and 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, paper, photograph, video, audio or computer recording, memorandum (including memoranda, notes or reports of a meeting or conversation and electronic mail), e-mail, or any other written, typed, reported, transcribed, punched, taped, filmed, or graphic matter, however produced, reproduced or recorded, which is in your possession, custody or control or which was, but is no longer, in your possession, custody or control.

The terms “you”, “your”, and “Hagan,” as used herein mean Debbie Hagan and her agents, employees or representatives who may have acted on behalf of, or in a manner affecting Hagan in connection with the subject matter of this action.

For the purposes of framing your responses to these interrogatories and requests for production, wherever possible, the singular should be read to include the plural and vice versa.

With respect to each of the following interrogatories, in addition to supplying the information requested, please identify any and all documents that support, refer to, or evidence the subject matter of each interrogatory in your answers thereto. If any or all of the documents identified herein are no longer in your possession, custody or control because of destruction, loss, or any other reason, then you are requested to identify each such document fully, including the nature of the document, its date, the identity of the person who prepared the document, and the identity of the person or entity for whom it was prepared, and to the extent possible, you are requested to summarize the contents of the document and state the manner and date of the disposition thereof.

II. INTERROGATORIES

Consistent with the preceding preliminary matters and definitions, answer under oath the following specific interrogatories:

1. Identify (by time, date, and all participating parties) all communications you have had with any and all current or former employee, agent or representative of Plaintiff and/or any dental practice(s) managed by Plaintiff (including, without limitation, Small Smiles) and for each such communication, state the substance of the communication in detail. (In lieu of providing such substance in answer to this interrogatory, you may produce documents and things evidencing such communications.)

ANSWER:

2. Identify all persons with whom you have communicated who are current or former employees, agents or representatives of Plaintiff and/or any dental practice(s) managed by Plaintiff (including, without limitation, Small Smiles).

ANSWER:

3. For each of Plaintiff's interrogatories, identify the documents, other than documents identified in answer to the preceding interrogatories, used to prepare your answers.

ANSWER:

4. If any of the documents or things requested in Plaintiff's Second Request for Production of Documents and Things have been destroyed or transferred out of your possession, custody or control at any time, for each such document or thing state the identity of the person(s) who destroyed or transferred the document or thing, the date the document or thing was destroyed or transferred, the reason the document or thing was destroyed or transferred, and the identity of any persons you believed have possession, custody or control of the original or any copy of the document or thing.

ANSWER:

VERIFICATION – DEBBIE HAGAN

STATE OF KENTUCKY)
COUNTY OF DAVIESS)

I, Debbie Hagan, after first being duly sworn, state as follows:

My answers to the foregoing Interrogatories are true and correct.

_____ (signature)
Debbie Hagan

Sworn to and subscribed before me on this the _____ day of November, 2011.

Notary Public

My Commission Expires: _____

III. REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

Consistent with the preceding preliminary matters and definitions, produce the documents and things requested below:

1. Produce all documents and things referenced and/or identified in your answers to the preceding interrogatories.

RESPONSE:

2. Produce all documents and things (including, but not limited to, e-mail correspondence or other forms of electronic messaging or communication) evidencing communications you have sent to or received from any current or former current or former employee, agent or representative of Plaintiff and/or any dental practice(s) managed by Plaintiff (including, without limitation, Small Smiles).

RESPONSE:

Respectfully submitted,

/s/ Thor Y. Urness

Thor Y. Urness (admitted *pro hac vice*)
Jonathan D. Rose (Ky. Bar No. 88547)
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division Street, Suite 700
P.O. Box 340025
Nashville, Tennessee 37203
(615) 244-2582

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Second Set of Interrogatories and Requests for Production of Documents to Defendant is being served via first class U.S. Mail, postage prepaid, on this the 27th day of October, 2011, to the following:

Debbie Hagan
4453 Strickland Drive
Owensboro, KY 42301-6519

/s/ Thor Y. Urness

Thor Y. Urness