

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

MARGARET SMALLWOOD, as Administrator and
Personal Representative of the Estate of **William T. Woodard**,

Plaintiff

v.

Health Care Institute, et al

Defendants

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) 2007 CA 007517 M
) Judge Jennifer M. Anderson
) Next Event – Discovery
) Closed: 12/19/08
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ORDER GRANTING IN PART PLAINTIFF’S MOTION TO COMPEL

Upon consideration of Plaintiff’s Motion to Compel, Defendant’s Opposition, Plaintiff’s Reply, and the arguments made at the September 26, 2008 hearing, it is this 14th day of October 2008, hereby

ORDERED that Plaintiff’s Motion to Compel is **GRANTED IN PART**; it is further

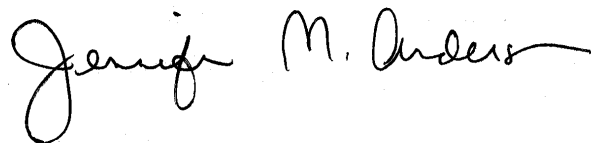
ORDERED that Plaintiff’s Motion to Compel is granted with respect to document requests numbers 9, (personnel files), 23 (similar complaints), and 32 (budgets and financial statements) subject to certain limitations. Defendant shall not be required to produce the personnel files for Board of Directors of Nexus or other personnel files for employees of Nexus, but shall produce personnel files of the Administrator, Director of Nurses and all staff who provided direct care to Mr. Woodard. The personnel files are hereby subject to a protective order and such documents shall not be disseminated outside the confines of this litigation, except that both parties may show such documents to their experts or agents, and may use such documents as exhibits in depositions or at trial. Defendants may also remove the following portions of the staff’s personnel files: tax information, payroll information, social security numbers, mental

health information, benefit enrollment forms, employee savings forms, and wage assignments in the case of untimely death. At the conclusion of the case the personnel files shall be destroyed by Plaintiff's counsel or returned to the Defendant.

As to Defendant's production of similar complaints of other residents, Defendant shall produce any such complaints, deficiencies or other documents that fall in the same general category of those care deficiencies areas outlined in Plaintiff's document request number 23, but limited to the areas of staffing, hygiene, hydration, nutrition, charting, pressure sore prevention and physician notification, for the period 12/1/04 through 7/31/06. While Defendant shall exercise due diligence in producing all ombudsman, patient, family, Department of Health and internal staff complaints or documents that relate to the individual topic areas, it shall not be required to review individual patient charts for such documents. Defendant may also redact the name of other patients (except Plaintiff) to protect their privacy.

As to Defendant's Budgets and financial statements, the production of these documents will be limited to years 2005 and 2006. If Defendants' budgets were subject to a fiscal year, Defendants shall produce only the budgets and financial statements covering the periods of December 2005 through June 2006.

Defendant shall produce such documents within 30 days of the signing of this Order, or sooner should they become available.

A handwritten signature in black ink, reading "Jennifer M. Anderson". The signature is fluid and cursive, with the first name "Jennifer" being more prominent and the last name "Anderson" following in a similar style.

Judge Jennifer M. Anderson

cc:

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