

[REDACTED]
SALISBURY, MD 21804
PLAINTIFF

v.

[REDACTED]
1

AND

[REDACTED]
(N)
WAY
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* IN THE
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* CIRCUIT COURT
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*
* FOR
*
* TALBOT COUNTY
*
*
* CASE NO.: [REDACTED]

ANSWER OF DEFENDANT THOMAS B. [REDACTED] M.D. TO INTERROGATORIES

1. Set forth in detail your full name, address, all information reflecting medical training and experience, including all licensures, board certifications, hospital, medical and or nursing school and group affiliations and medical and specialty college memberships.

ANSWER: See attached CV of Dr. [REDACTED]

2. Name all experts you propose to call as witnesses and for each describe the nature of their specialties, their experience, training and medical affiliations, all opinions which they have reached/rendered and intend to give at in the case at bar and the factual basis for each such opinion. Attach to your answers copies of all written reports made by each expert and the expert's CV or resume.

ANSWER: Objection. This interrogatory is vague, overly broad and unduly burdensome. Without waiving the objection, to the extent the requested information falls within the scope of discovery, it will be provided. At this time, answering defendant identifies D [REDACTED] and [REDACTED]. CV's are attached. Affidavits have been filed and served. Dr. Volatile will testify as an expert on his own behalf.

3. State the name, address, and telephone number of each person having knowledge of facts material to this case and indicate the content of their knowledge and what you expect them to testify to at trial.

ANSWER: Objection. This interrogatory is vague, overly broad and unduly burdensome. Without waiving the objection, none known to answering defendant other than those individuals identified in the medical records.

4. Please state the factual basis for each and every defense that you raised in your Answer to the Plaintiff's Complaint.

ANSWER: Objection. Plaintiff has the burden of proving the allegations of the Complaint. In the context of all the facts pertaining to plaintiff's condition and defendants' care, the defendants conformed to the standard of care in the community and, therefore, were not negligent. This answer will be updated as discovery progresses.

5. If you have obtained any written or recorded statements concerning the occurrence referenced in Plaintiff's Complaint set forth the name and address of the person who gave the statement and wrote it, the date and content of the statement, and the present custodian of the statement.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and seeks information protected by the attorney-client privilege and/or work product doctrine. Without waiving the objection, no statements have been given or obtained.

6. If you contend the Plaintiff acted in such a manner as to cause or contribute to the occurrence alleged in the Plaintiff's Complaint set forth in a concise statement the facts upon which you rely to support your contention and provide the name, address, and telephone number of each person who has personal knowledge of the facts upon which you so rely.

ANSWER: To be answered after a reasonable amount of discovery is completed.

7. If you contend that a party or person not a party to this action acted in such manner as to cause or contribute to the occurrence referenced in the Plaintiff's Complaint, then give a concise statement of facts upon which you rely and prove the name, address and telephone number of any persons with personal knowledge of facts upon which you so rely.

ANSWER: To be answered after a reasonable amount of discovery is completed.

8. If you contend that the Plaintiff's injuries and disabilities complained of in the Statement of Claim/Complaint were the result of prior or subsequent injuries, give a concise statement of the facts upon which you rely.

ANSWER: To be answered after a reasonable amount of discovery is completed.

9. If you know the existence of any picture, movies, audiotapes, videotapes, diagrams, x-rays, documents, reports, or other objects (real evidence) relative to the occurrence

or the issue of damages, state the nature, subject matter, dated produced or obtained, and the name and address of the present custodian of each.

ANSWER: Objection. This interrogatory is vague, overly broad and unduly burdensome. Without waiving the objection, none to answering defendant's knowledge other than those which may be contained in and a part of answering defendant's medical records and medical providers who have cared for plaintiff over her lifetime.

10. State whether you have ever been placed on notice of a medical malpractice claim or were named as a party in any administrative, civil, or criminal proceeding arising out of or resulting from the rendering or failure to render health care to anyone. If yes, state the case name, case number, name of the complaining party, state, county and tribunal before whom the proceeding took place and the date you were first notified of the possibility of a claim and your insurance carrier at the time.

ANSWER: Objection. This interrogatory seeks information that is not reasonably calculated to lead to the discovery of relevant or admissible information. In addition, it is overly burdensome and harassing in subject and scope.

11. Set forth in detail the following information pertaining to all policies or agreements of liability insurance covering or pertaining to acts or omissions committed by or on your behalf as a result of the providing of health care services at the time of the occurrence referenced in the Plaintiff's Complaint, designating which, if any, are primary coverage and which are excess coverage: name and address of the insurance carrier, all limits of liability coverage, name and address of the named insured and policy number, full descriptions of acts or

omissions to which coverage extends, full description of any and all exclusions, the dates of coverage, and the present custodian of the policy.

ANSWER: [REDACTED] is insured with NCRIC, Inc., 1115 30th Street, NW, Washington, D.C. 20007; Policy # 507975; policy limits of \$1 million/\$3 million with policy dates effective 11/01/05 - 11/01/06. [REDACTED] is also insured with NCRIC, Inc.; Policy #700847; policy limits of \$1 million/\$3 million with policy dates effective 11/01/05 - 11/01/06.

12. State whether you were a member of any partnership, professional association, or professional corporation providing health care at any time during your treatment and examination of the Plaintiff. If yes, indicate the name of such partnership, professional association, or professional corporation and provide the name and address of each partner or shareholder, indicate the nature and degree of interest in such partnership, professional association or professional corporation. If said partnership, professional association or professional corporation is no longer in existence, then indicate the state and manner of dissolution.

ANSWER: **Objection.** This interrogatory seeks information that is not reasonably calculated to lead to the discovery of relevant or admissible information. Without waiving the objection, [REDACTED] was a member of [REDACTED] at the time of the alleged incident.

13. Identify and give the substance of each statement, action or omission, or declaration against interest, whether oral or written, by conduct, silence or otherwise, which you

contend was made by or on behalf of the Plaintiff and provide the place and date when each such statement was made and any witnesses to same.

ANSWER: Objection. This interrogatory is vague, overly broad and unduly burdensome. Without waiving the objection, none known to answering defendant other than any which may be contained in the medical records.

14. If your license to practice your profession has ever been suspended or revoked or your renewal has ever been refused, set forth all the facts surrounding each suspension, revocation, or refusal to renew, including the state, date, and reason thereof.

ANSWER: Objection. This interrogatory seeks information that is not reasonably calculated to lead to the discovery of relevant or admissible information. Without waiving the objection, answering defendant's license has never been revoked or suspended.

15. State the name and address of each hospital, clinic or other health facility or institution with which you have or have ever had privileges, and state whether these privileges have ever been revoked or suspended and the reasons therefor.

ANSWER: Objection. This interrogatory seeks information that is not reasonably calculated to lead to the discovery of relevant or admissible information. Without waiving the objection, answering defendant has privileges at Milford Memorial Hospital.

16. Set forth all diagnoses and prognoses made regarding the Plaintiff's condition, including in your answer, the date and time of day made, by whom made, and upon what data and findings each diagnosis and prognosis was made.

ANSWER: See defendants' medical records of plaintiff and medical records of all health care providers who have treated plaintiff over her lifetime.

17. State whether you have in your practice and/or facility any policy, rule, regulation, procedure, protocol, guideline, or standard, concerning or referring to the diagnosis and treatment of patients who require knee replacements. If so, describe same in detail.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and seeks information that is not reasonably calculated to lead to the discovery of relevant or admissible information. Without waiving the objection, there are no written guidelines or protocols.

18. If you were working for any employer at the time of the surgical procedure you performed on the Plaintiff on or about December 10, 2003 and working within the scope of that employment when you operated on the Plaintiff on December 10, 2003 please identify your employer.

ANSWER: Answering defendant was working for [REDACTED] at the time of plaintiff's surgery.

19. State whether you contend in any way that the court in which plaintiff(s) have filed the complaint does not properly have jurisdiction over this action, and if you so contend, specify the reasons and bases you assert for challenging jurisdiction (e.g., service of process or pleadings, sufficiency of any expert certificate or report, filing of pleadings, etc.). This

interrogatory specifically is asked to prevent the defense from delaying challenges to jurisdiction and also to assert later an argument that this action is barred by limitation.

ANSWER: No.

20. State whether you contend in any way that the expert certificate(s) and expert report filed by Plaintiff in this action in the Health Claims Arbitration office and in the Circuit Court for Talbot County are in any way insufficient and do not satisfy applicable statutory requirements, and if so, specify in detail the bases and reasons for your contentions. This interrogatory specifically is asked to prevent the defense from delaying challenges to any expert certificates as to assert later an argument that this action is barred by limitations.

ANSWER: Yes. It does not conform to the statute.

21. Without specifically identifying the name of the patient, please indicate any and all times in which you have performed a partial or complete knee replacement and the patient had to undergo another partial or complete knee replacement wherein it was claimed that the subsequent surgery was due to the improper or incorrect size of orthopedic devices that were used.

ANSWER: Objection. This interrogatory is vague, overly broad, unduly burdensome and seeks information that is not reasonably calculated to lead to the discovery of relevant or admissible information. Without waiving the objection, answering defendant is not aware of any other allegations involving improper orthopedic devices.

22. If you claim that the knee replacement surgery that the Plaintiff underwent with [REDACTED] on or about October 26, 2004 was an unnecessary medical procedure in light of the

Plaintiff's complaints leading up to the time of the surgery, indicate the factual basis for this contention, any opinions reached by any expert witness with respect to this claim, and identify all medical documents, books, publications, treatises, studies, that you claim support this position.

ANSWER: Objection. This interrogatory is vague, overly broad and unduly burdensome. Without waiving the objection, to be answered once an expert has been identified and substantial discovery completed.

23. Do you acknowledge that the follow up medical treatment the Plaintiff received from the Dr. [REDACTED] es, and by [REDACTED] n on September 19, 20 [REDACTED] were necessary in light of her complaints and physical condition and the bills for the treatment she received were reasonable, to include but not limited to the medical bills generated from the Plaintiff's subsequent knee replacement surgery on or about October 24, 20 [REDACTED] If not, please state the factual basis for this contention and the costs that you claim were the reasonable costs for the Plaintiff's follow-up treatment and subsequent surgeries.

ANSWER: Objection. This interrogatory is vague, overly broad and unduly burdensome. Without waiving the objection, to be answered once an expert has been identified and substantial discovery completed.

24. If you contend that the standard of medical care applicable to orthopedic surgeons performing knee replacement surgeries in the local community where you performed knee surgery on the Plaintiff on December 10, 20 [REDACTED] in any way shape or form different from the standard of care for orthopedic surgeons who perform knee replacement surgeries in [REDACTED]

Maryland, please state the basis for this contention and all persons who will provide such an opinion in the case at bar.

ANSWER: Not applicable.

25. For each expert you intend to utilize for any aspect of the litigation, please identify each expert and list each time that expert has rendered a report for an insurance company or an attorney regarding the evaluation of a patient's condition relative to a claim for personal injuries, for worker's compensation claims, or a medical malpractice claim within the last five years. For each such evaluation please indicate whether the evaluation was on behalf of the plaintiff or defendant, and the compensation paid to the expert.

ANSWER: Objection. This interrogatory seeks information that is not reasonably calculated to lead to the discovery of relevant or admissible information. In addition, it is overly burdensome and harassing in subject and scope.

26. Please indicate the annual income reported on the income tax returns for the last five years for any expert you intend to utilize in the case at bar for any reason. Also include the amounts of money reported on any W-2 and 1099 forms to specifically identify each entity that provided the 1099 form and the amount of compensation of each 1099 form.

ANSWER: Objection. This interrogatory seeks information that is not reasonably calculated to lead to the discovery of relevant or admissible information. In addition, it is overly burdensome and harassing in subject and scope.

27. Please indicate each and every document your expert reviewed prior to rendering his/her certificate of meritorious defense and indicate the factual basis of your expert's opinion.

ANSWER: Complaint and medical records and films from [REDACTED]'s chart on plaintiff. All experts identified, including Dr. [REDACTED] will review plaintiff's records produced during discovery. The records indicate that [REDACTED] performed the correct surgical procedure and used the appropriate devices in the appropriate manner.

28. Please list the names, addresses, and medical titles all persons who were present during the Plaintiff's surgery on or about December 10, 2003 and what each person did during the surgical procedure.

ANSWER: Objection. This interrogatory is vague, overly broad and unduly burdensome. Without waiving the objection, see plaintiff's medical records.

29. Please list each exhibit that you intend to mention and or rely upon in any motion, at any hearing, and at the trial.

ANSWER: To be identified in the Pretrial Stipulation.

30. If you claim that the Plaintiff has made any false statement or false claims with regard to any aspect of the claim at bar, please identify any and all such statements you claim are false and the reason you claim that these statements are false.

ANSWER: To be determined at the conclusion of discovery.

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