

, et al. * IN THE
 Plaintiffs * CIRCUIT COURT
 v. * FOR
 , et al. * WASHINGTON COUNTY
 Defendants * Case No.

RESPONSE TO REQUEST FOR ADMISSIONS

Defendant, _____, by its attorney, _____, in response to
 Plaintiffs' Request for Admission of Facts, says:

* * *

1. That Plaintiff _____ is the son of _____.

RESPONSE: Admitted based upon Plaintiffs' responses to discovery and the deposition of Mr. _____.

2. That Plaintiff _____ is the daughter of _____.

RESPONSE: Admitted based upon Plaintiffs' responses to discovery and the deposition of Mr. _____.

3. That Plaintiff _____ is the wife of _____.

RESPONSE: Admitted based upon the Plaintiffs' responses to discovery and the deposition of Mr. _____ and Mrs. _____.

4. That the Estate of _____ is a valid legal entity.

RESPONSE: Objection. This request does not seek an admission of fact, but rather seeks a legal conclusion.

5. That _____ is the personal representative for the Estate of _____.

RESPONSE: Admitted.

6. That all persons who qualify as beneficiaries under Maryland's Wrongful death statute have been named as Plaintiffs in the current lawsuit.

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request.

7. That the Circuit Court for Washington County has jurisdiction over the case at bar.

RESPONSE: Objection. This request seeks a legal conclusion rather than an admission of a relevant matter of fact.

8. That the action at bar is not barred by any applicable statute of limitations.

RESPONSE: Objection. This request seeks a legal conclusion rather than an admission of a relevant matter of fact.

9. That _____ Center, formerly known as _____ Hospital, is the legal entity that provided medical care, by and through its employees, to _____ from March _____, _____ up until the time of his death.

RESPONSE: Admitted in part and denied in part. Defendant admits that _____ Hospital Association, now _____, through its employees, provided care to Mr. _____ from March _____ up until the time of his death. Defendant states that other individuals, who were not employees, provided care as well during that period of time.

10. That the Defendant's employees were responsible for the medical care and treatment of _____ while _____ was a patient at the Defendant's hospital.

RESPONSE: Admitted in part and denied in part. Defendant admits that its employees were responsible for providing aspects of medical care and treatment to Mr. _____, but denies that its employees were the only individuals responsible for his medical care and treatment.

11. That the Defendant does not in this case claim that any other physician or medical personnel not employed by it caused or contributed to the death of

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

12. That the medical records of that the Defendant provided to the Plaintiff by and through its counsel in this case are genuine and authentic.

RESPONSE: Admitted.

13. That the medical records of that the Defendant provided to the Plaintiff by and through its counsel in this case are genuine and authentic and have not been altered in any way shape of form.

RESPONSE: Objection as the meaning of the phrase "altered in any way shape of form" is unclear.

14. That the Defendant has provided to the Plaintiff the complete medical chart of the late for his inpatient stay at the Defendant's hospital from March up until the time of death.

RESPONSE: Assuming this request excludes imaging studies, admitted.

15. That the cause of death listed on death certificate is accurate.
(See Exhibit I.)

RESPONSE: Defendant admits that the death certificate contains an entry concerning the cause of death. Defendant denies that Mr. death was proximately caused by complications of head injuries sustained in a hospital fall.

16. That died from complications from a fall at the Defendant's Hospital on March

RESPONSE: Denied.

17. That none of the Defendant employees, officers, and agents made any request of the medical examiner's office to change the cause of death listed on death certificate.

RESPONSE: Objection as overly burdensome. Without waiving this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

18. That [redacted] death was proximately caused by complications from his fall at the Defendant's Hospital on March [redacted]

RESPONSE: Denied.

19. That [redacted] died in the Defendant's hospital on June [redacted]

RESPONSE: Admitted.

20. That following [redacted] fall at the Defendant's hospital on March [redacted] suffered at least one brain seizure.

RESPONSE: Objection to the term "brain seizure". Without waiving, and subject to this objection, Defendant admits that according to physician notes, Mr. [redacted] had at least one seizure after his fall on March [redacted]

21. That the medical care that [redacted] received at the Defendant's Hospital after his fall on March [redacted] was as a direct result of his fall.

RESPONSE: Objection, this request is unclear. Without waiving and subject to this objection, Defendant admits that Mr. [redacted] received medical care as a result of his fall on March [redacted]. Defendant denies that all of the medical care that he received after his fall was as a direct result of his fall.

22. That on March [redacted], that [redacted] made a request/demand of Defendant's employee [redacted] that a one to one sitter be provided to [redacted]

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Assuming that this request refers to a request/demand for constant observation, this request is denied.

23. That on March [redacted], that [redacted] made a request/demand of Defendant's employee [redacted] that a one to one sitter be provided to [redacted]

RESPONSE: Objection to the phrase "one to one sitter", which is unclear.

Assuming that this request refers to a request /demand for constant observation, this request is denied.

24. That on March _____, that _____ made a request/demand of Defendant's employee _____ that a one to one sitter be provided to _____

RESPONSE: Objection to the phrase "one to one sitter", which is unclear.

Assuming that this request refers to a request /demand for constant observation, this request is denied.

25. That on March _____, that _____ made a request/demand of Defendant's employee _____ that a personal alarm be provided to _____

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

26. That on March _____, _____ agreed to provide a one to one sitter for _____

RESPONSE: Objection to the phrase "one to one sitter", which is unclear.

Assuming that this request refers to an agreement to provide constant observation, this request is denied.

27. That on March _____, _____ agreed to provide a bed alarm for _____

RESPONSE: Objection. The phrase "provide a bed alarm" is unclear. Without waiving and subject to this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

28. That on March _____ agreed to provide a personal alarm for

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

29. That on March _____ and on March _____ that _____ was evaluated by a Defendant's employee and determined to be a fall risk.

RESPONSE: Objection. This request is unclear. Without waiving and subject to the objection, Defendant admits that on March _____, its employees determined a fall risk assignment. Defendant can neither admit nor deny the remainder of this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

30. That on March _____, at approximately 6:15 a.m. that _____ fell in his hospital room.

RESPONSE: Defendant states that it can neither admit nor deny this request as to the exact time of the fall, but admits that it occurred at approximately 6:15 a.m.

31. That on March _____, at approximately 6:15 a.m. that _____ fell and struck his head on the floor in his hospital room.

RESPONSE: Defendant states that it can neither admit nor deny this request as to the exact time of the fall, but admits that it occurred at approximately 6:15 a.m. on March _____. Defendant can neither admit nor deny the remainder of this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

32. That as a result of _____ falling in his hospital room on March _____ he sustained a physical injury to his body.

RESPONSE: Admitted.

33. That the Defendant did not provide a one to one sitter for before
he fell in his hospital room on March

RESPONSE: Objection to the phrase "one to one sitter", which is unclear.

Assuming this request refers to constant observation by an individual assigned by the hospital,
the request is admitted.

34. That as a result of falling in his hospital room on March
he sustained a physical injury to his brain.

RESPONSE: Defendant can neither admit nor deny this request because the
information known or readily obtainable by Defendant is insufficient to enable it to admit or
deny this request at this time.

35. That there are no eyewitnesses to fall on March

RESPONSE: Defendant can neither admit nor deny this request because the
information known or readily obtainable by Defendant is insufficient to enable it to admit or
deny this request at this time.

36. That the Defendant is unaware of any facts that would suggest or establish that
the autopsy findings for as contained in the autopsy report are inaccurate.

RESPONSE: Objection. The meaning of the term "findings" is unclear in this
request. Defendant cannot admit or deny this request at present as to all of the findings, because
the information known or readily obtainable by Defendant is insufficient to enable it to admit or
deny this request at this time.

37. That the autopsy findings as contained in the autopsy report of
are inaccurate. (See Exhibit 2.)

RESPONSE: Objection. The meaning of the term "findings" is unclear in this
request. Defendant cannot admit or deny this request at present as to all of the findings, because

the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

38. That the autopsy findings contained in the autopsy report of _____ are accurate. (See Exhibit 2.)

RESPONSE: Objection. The meaning of the term "findings" is unclear in this request. Defendant cannot admit or deny this request at present as to all of the findings, because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

39. That Dr. _____ told _____ that the Defendant's Hospital let her down.

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

40. That Dr. _____ told _____ that the Defendant's Hospital let her down.

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

41. That from March _____ - June _____ Dr. _____ was the Chief Medical Officer of the Defendant's Hospital.

RESPONSE: During this period of time Dr. _____ was Vice-President-Value/Chief Medical Officer.

42. That from March _____ - June _____ Dr. _____ was employed by the Defendant as a physician at the Defendant's Hospital.

RESPONSE: Defendant admits that Dr. _____ had a physician medical director agreement as surgeon in chief of trauma, an on call agreement for the emergency department and

an on call agreement for trauma. Defendant denies that Dr. [redacted] was an employed physician in the traditional sense.

43. That Dr. [redacted] told [redacted] that [redacted] fall should have never occurred.

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request.

44. That within 30 days after [redacted] fell on March [redacted] Dr. [redacted] family personally spoke to nurse [redacted] and asked [redacted] if any of [redacted] had made request for a one to one sitter for [redacted] before his fall.

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

45. That [redacted] would not have fallen on March [redacted] at approximately 6:05 a.m. if he had been provided a one to one sitter.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Moreover, Defendant objects to this request because it does not seek an admission of a relevant matter of fact, but rather seeks a response to a hypothetical question.

46. That shortly before [redacted] fell on March [redacted], one of the Defendant's employees was in his room and had the duty to make sure that the bed rails were in the up position before she/he left the room.

RESPONSE: Defendant admits that shortly before Mr. [redacted] fell, one of Defendant's employees was in the room. Objection is made to the remainder of this request because it seeks a response to a question which must be decided by the trier of fact.

47. That there is no notation in [redacted] medical chart that indicates that last nurse or nurse's assistant who cared for him placed the bed rails on [redacted] bed in the up position immediately before he fell on March [redacted].

RESPONSE: Objection. This request is unclear because it does not indicate the bed rails to which the request refers and also presumes that the bed rails were not in the "up position"; therefore the request is denied.

48. That no one in the Defendant's employ told [redacted] why a one to one sitter was not provided to [redacted] during the evening of the March [redacted] through the morning hours of March [redacted]

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

49. That no one in the Defendant's employ told [redacted] why a one to one sitter was not provided to [redacted] during the evening of the March [redacted] through the morning hours of March [redacted]

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

50. That no one in the Defendant's employ told [redacted] why a one to one sitter was not provided to [redacted] during the evening of the March [redacted] through the morning hours of March [redacted]

RESPONSE: Objection to the phrase "one to one sitter" which is unclear. Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

51. That the Certificate of Merit filed in this case complies with Maryland Law.

RESPONSE: Objection. This is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a legal conclusion.

52. That the Expert Report filed in this case complies with Maryland Law.

RESPONSE: Objection. This is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a legal conclusion.

53. That _____ did not contribute to the cause of his fall on March _____

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

54. That there are no facts that the Defendant is aware of to suggest that acted in a negligent fashion on March _____

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

55. That there are no facts that the Defendant is aware of to suggest that voluntarily assumed the risk of his fall and injuries on March _____

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

56. That following _____ / fall on March _____, patient advocate
asked _____ if _____ requested/demanded a one-to-one sitter before he
fell.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Defendant objects to this request to the extent that it seeks a request for admission of fact that is protected by the work product doctrine, the attorney client privilege and/or by statute, including § 1-401 of the Health Occupations Article. Without waiving and subject to this objection, Defendant states that it can neither admit nor deny this request because the information known or

readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time and/or to determine whether protections and/or privileges apply.

57. That after _____ fall, _____ told Patient advocate _____ that had either requested or demanded a one to one sitter for _____ on March _____

RESPONSE: Objection to the phrase "one to one sitter" which is unclear.

Defendant objects to this request to the extent that it seeks a request for admission of fact that is protected by the work product doctrine, the attorney client privilege and/or by statute, including § 1-401 of the Health Occupations Article. Without waiving and subject to this objection, Defendant states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time and/or to determine whether protections and/or privileges apply.

58. That after _____ fall, _____ told Patient Advocate Carder that had either requested or demanded a one to one sitter for _____ on March _____

RESPONSE: Objection to the phrase "one to one sitter", which is unclear.

Defendant objects to this request to the extent that it seeks a request for admission of fact that is protected by the work product doctrine, the attorney client privilege and/or by statute, including § 1-401 of the Health Occupations Article. Without waiving and subject to this objection, Defendant states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time and/or to determine whether protections and/or privileges apply.

59. That during the meetings with Dr. _____ as testified to by _____ in her deposition, Dr. _____ never denied that a one to one sitter was requested for before he fell on March _____

RESPONSE: Objection to the phrase "one to one sitter", which is unclear.

Defendant objects to this request to the extent that it seeks a request for admission of fact that is protected by the work product doctrine, the attorney client privilege and/or by statute, including § 1-401 of the Health Occupations Article. Without waiving and subject to this objection, Defendant states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time and/or to determine whether protections and/or privileges apply.

60. That following _____ fall on March _____, that patient advocate asked _____ if _____ requested a one-to-one sitter for before he fell.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear.

Defendant objects to this request to the extent that it seeks a request for admission of fact that is protected by the work product doctrine, the attorney client privilege and/or by statute, including § 1-401 of the Health Occupations Article. Without waiving and subject to this objection, Defendant states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time and/or to determine whether protections and/or privileges apply.

61. That following _____ fall on March _____, Dr. _____ asked _____ if _____ requested a one-to-one sitter for before he fell.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear.

Defendant objects to this request to the extent that it seeks a request for admission of fact that is protected by the work product doctrine, the attorney client privilege and/or by statute, including § 1-401 of the Health Occupations Article. Without waiving and subject to this objection, Defendant states that it can neither admit nor deny this request because the information known or

readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time and/or to determine whether protections and/or privileges apply.

62. That following _____' fall on March _____, Dr. _____ asked if _____ requested a one-to-one sitter for _____ before he fell.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear.

Defendant objects to this request to the extent that it seeks a request for admission of fact that is protected by the work product doctrine, the attorney-client privilege and/or by statute, including § 1-401 of the Health Occupations Article. Without waiving and subject to this objection, Defendant states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time and/or to determine whether protections and/or privileges apply.

63. That once a nurse employed by the Defendant informs a patient that a one to one sitter will be provided for the patient, the Defendant has the obligation to provide a one to one sitter for the patient.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Further objection is made because this is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a broad question which is hypothetical in nature and is otherwise improper. Therefore the request is denied.

64. That failing to provide a one to one sitter for a patient after a nurse employed by the Defendant and assigned to the patient informs the patient or his/her family that a one to one sitter will be provided is a breach of the standard of medical care.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Further objection is made because this is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a broad question which is hypothetical in nature and is otherwise improper. Therefore the request is denied.

65. That on March _____, the Defendant employed persons who could perform the service of a one to one sitter for patients at its hospital.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Without waiving this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

66. That on March _____, the Defendant actually provided a one to one sitter for another patient on the same floor as _____.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Without waiving this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

67. That on March _____, after _____ fall, the Defendant, by and through its medical staff, intended to move _____ into a room on the same floor where a one to one sitter had already been assigned to another patient.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Without waiving this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

68. That the Defendant has the ability to determine whether on March _____, any one to one sitters were actually working in its Hospital.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Without waiving this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

69. That the Defendant has the ability to determine whether on March anyone to one sitters were actually working in its Hospital and can determine which patient to which the one to one sitter was assigned.

RESPONSE: Objection to the phrase "one to one sitter, which is unclear. Without waiving this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

70. That the Defendant bills patients for a one to one sitter that a patient at its hospital requires.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Without waiving this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

71. That it was the Defendant's policy on March that if it does not intend to provide a one to one sitter for a patient, that is always verbally informs the patient and his/her family that the patient has the opportunity to have a private sitter to come into the hospital to sit with the patient.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Without waiving this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

72. That on March never informed that a one to one sitter would not be provided for

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

73. That on March _____ never informed any of family members that a one to one sitter would not be provided for.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

74. That on March _____ never informed any of family members of the Defendant's policy that a patient has the opportunity to have a private sitter come into the hospital to sit with the patient if his/her request for a Hospital provided sitter is denied.

RESPONSE: Objection to the phrase "hospital provided sitter" which is unclear. Without waving this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

75. On March _____ a patient's nurse, working for the Defendant in the Defendant's Hospital, such as _____, had the authority to request a one to one sitter for a patient under his/her care.

RESPONSE: Objection because the meaning of the term "authority" is unclear and to the phrase "one to one sitter" and to the phrase "such as _____". Without waving these objections, Defendant admits that a nurse may initiate constant observation generally with the approval of the nurse manager or nurse supervisor.

76. That on March _____ if _____ had requested a one to one sitter for _____, then a one to one sitter should have been provided for _____.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. This is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a hypothetical question which is improper.

77. That had a one to one sitter been approved for _____ by the physician responsible for his care on March _____ that the Defendant could have provided a one to one sitter for _____ before he fell on March _____.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. This is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a hypothetical question which is improper.

78. That had a one to one sitter been approved for _____ by the physician responsible for his care on March _____ that the Defendant should have provided a one to one sitter for _____ before he fell on March _____.

RESPONSE: Objection to the phrase "one to one sitter", which is unclear. This is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a hypothetical question which is improper.

79. That the physician or physicians responsible for the medical care of _____ on March _____ was/were employed by the Defendant.

RESPONSE: Objection to the phrase "responsible for the medical care", which is unclear. Without waving its objection Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

80. That the Defendant is aware of the name of the physician/physicians who was/were primarily responsible for the medical care of _____ on March _____.

RESPONSE: Defendant admits that, through the medical records, it is aware of the physicians who provided care to Mr. _____ on March _____. However, as to which physician or physicians were "primarily responsible", Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

81. That _____ was one of the nurses who was caring for _____ on March _____.

RESPONSE: Admitted.

82. That _____ was one of the nurses who was caring for _____ on March _____

RESPONSE: Denied because _____ did not provide hands on care to Mr. _____ that day.

83. That the Defendant had a policy in place on March _____ to assess the fall risk of a patient who is admitted to its hospital.

RESPONSE: Defendant admits that it had a patient fall risk policy, which applied to some, but not all patients admitted to the hospital.

84. That the Defendant by and through its employees, assessed _____ fall risk on March _____

RESPONSE: Defendant admits that a fall risk assignment was performed.

85. That the Defendant by and through its employees, assessed _____ fall risk on March _____

RESPONSE: Defendant admits that a fall risk assignment was performed.

86. That the Defendant by and through its employees, assessed _____ fall risk on March _____

RESPONSE: Defendant admits that a fall risk assignment was performed.

87. That in accordance with the assessment of _____ fall risk, _____ on March _____ was not permitted to walk to the bathroom in his hospital room unassisted.

RESPONSE: Objection. The phrase "not permitted" is unclear. Without waiving and subject to this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

88. That in accordance with the assessment of _____ fall risk, _____ on March _____ was not permitted to walk to the bathroom in his hospital room unassisted.

RESPONSE: Objection. The phrase "not permitted" is unclear. Without waiving and subject to this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

89. That in accordance with the assessment of [redacted] fall risk, on March [redacted] was not permitted to walk to the bathroom in his hospital room unassisted.

RESPONSE: Objection. The phrase "not permitted" is unclear. Without waiving and subject to this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

90. That in accordance with the assessment of [redacted] fall risk, on March [redacted] was not permitted to get out of his hospital bed unassisted.

RESPONSE: Objection. The phrase "not permitted" is unclear. Without waiving and subject to this objection, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

91. That if [redacted] attempted to walk to the bathroom unassisted on March [redacted], that this act would place him at increased risk of personal injury from falling.

RESPONSE: Objection because the phrase "attempted" to walk to the bathroom is vague and overly broad. Moreover, this is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a hypothetical question.

92. That if [redacted] attempted to walk to the bathroom in his hospital room unassisted on March [redacted] that this act would place him at an increased risk of personal injury from falling.

RESPONSE: Objection because the phrase "attempted" to walk to the bathroom is vague and overly broad. Moreover, this is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a hypothetical question.

93. That if [redacted] attempted to walk to the bathroom in his hospital room unassisted on March [redacted] that this act would place him at an increased risk of personal injury from falling.

RESPONSE: Objection because the phrase "attempted" to walk to the bathroom is vague and overly broad. Moreover, this is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a hypothetical question.

94. That if [redacted] attempted to get out of his bed hospital room unassisted on March [redacted] that this act would place him at an increased risk of personal injury from falling.

RESPONSE: Objection because the phrase "attempted to get out of his bed hospital room" is vague and overly broad. Moreover, this is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a hypothetical question.

95. That if [redacted] attempted to get out of his bed hospital room unassisted on March [redacted] that this act would place him at an increased risk of personal injury from falling.

RESPONSE: Objection because the phrase "attempted to get out of his bed hospital room" is vague and overly broad. Moreover, this is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a hypothetical question.

96. That the Defendants was aware by and through its employees, that if [redacted] attempted to get out of his bed hospital room unassisted on March [redacted] that this act would place him at an increased risk of personal injury from falling.

RESPONSE: Objection because the phrase "attempted to get out of his bed hospital room" is vague and overly broad. Moreover, this is not a request for the admission of the truth of any relevant matter of fact, but rather seeks a response to a hypothetical question.

97. That the nurses who had the responsibility for providing care for on March were aware of his fall risk assessment.

RESPONSE: Defendant admits that the nurses who provided care to Mr. were aware of this fall risk assignment.

98. That the nurses who had the responsibility for providing care for on March, were aware of his fall risk assessment.

RESPONSE: Defendant admits that the nurses who provided care to Mr. were aware of his fall risk assignment.

99. That the nurses who had the responsibility for providing care for on March, were aware of his fall risk assessment.

RESPONSE: Defendant admits that the nurses who provided care to Mr. were aware of his fall risk assignment.

100. That there were no personal restraints placed on that would have prevented him from getting out of his hospital bed and falling on March

RESPONSE: Objection. This request is unclear because the term "personal restraints" is unclear and therefore the request is denied.

101. That the Defendant had the hospital equipment/devices necessary to physically restrain and to prevent him from getting out of his bed and falling on March but no such equipment/devices were used.

RESPONSE: Defendant admits that it had devices to assist in the physical restraint of patients where medically necessary. It admits that physical restraints, such as wrist restraints, were not used in Mr. ' care. Defendant denies the remainder of this interrogatory.

102. That all of those persons named in the Defendant's Answer to Interrogatory Number 3 were employed by the Defendant at the time _____ was a patient at the Defendant Hospital.

RESPONSE: Admitted.

103. That the Defendant has in its possession a copy of the bill for medical services provided to _____ from March _____ up to the date of his death.

RESPONSE: Admitted.

104. That the Defendant submitted the bill for medical services provided to _____ from the time of his fall on March _____ to the time of his death to Medicare for payment.

RESPONSE: Defendant states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

105. That the Defendant received payment from Medicare for the treatment that _____ received at the Defendant's Hospital from March _____ through the time of his death.

RESPONSE: Defendant states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

106. That the amount of the Defendant's bill for medical care provided to _____ from the time of his fall on March _____, up until the time of his death was fair and reasonable.

RESPONSE: Admitted.

107. That the medical care that _____ received at the Defendant Hospital from March _____ up until the time of his death was fair, reasonable, and medically necessary.

RESPONSE: Defendant states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

108. That no doctor employed at the Defendant's hospital had diagnosed with a seizure disorder before his fall on March

RESPONSE: Defendant states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

109. That while was undergoing a CT scan on March he had a seizure.

RESPONSE: Defendant admits that physician notes indicate that Mr. had a seizure on March around the time of his CT scan. Defendant can neither admit nor deny whether it occurred while he was undergoing the CT scan.

110. That the results of the brain scan as stated in the medical records at page of the medical records provided by the Defendant are true and accurate.

RESPONSE: Objection. Defendant cannot respond to this request because it is incomplete.

111. That death certificate is a public record kept in the normal course of business and is accurate and genuine.

RESPONSE: With regard to the first part of this request, Defendant can neither admit nor deny because it is not aware of the protocols of the Division of Vital Records, State of Maryland. The remainder of the request is unclear. The Certificate of Death attached to these requests appears to be genuine. However, as to its accuracy, this Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

112. That autopsy report is a public record kept in the normal course of business and is accurate and genuine.

RESPONSE: Defendant can neither admit nor deny this request because it is not aware of the protocols of the Office of the Chief Medical Examiner.

113. That [redacted] death was accidental.

RESPONSE: Objection. The term "accidental" is unclear. Without waiving its objection, states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

114. That the Deputy Chief Medical Examiner [redacted] M.D. determined that death was accidental. (See Exhibit 1.)

RESPONSE: Defendant admits that, according to the autopsy report, Dr. [redacted] opined that the "manner of death is accidental."

115. That [redacted] did not die from natural causes.

RESPONSE: Objection. The term "natural causes" is unclear. Without waiving its objection, Defendant states that it can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

116. That [redacted] death was accidental and resulted from complications from his fall on March [redacted], in the Defendant's Hospital.

RESPONSE: Objection. The term "accidental" is unclear. Defendant denies that Mr. [redacted] death resulted from complications from his fall on March [redacted].

117. That none of the physicians employed by the Defendant prior to being sued in this case ever told [redacted] that [redacted] death was caused by something other than his fall on March [redacted].

RESPONSE: Objection to the extent that this request appears to presume that a physician told Mrs. [redacted] that Mr. [redacted] death was caused by his fall on March [redacted]. However, Defendant can neither admit nor deny this request because the information known or

readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

118. That none of the physicians employed by the Defendant prior to being sued in this case ever told that death was caused by something other than his fall on March

RESPONSE: Objection to the extent that this request appears to presume that a physician told Mr. that Mr. death was caused by his fall on March
However, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

119. That none of the physicians employed by the Defendant prior to being sued in this case ever told that death was caused by something other than his fall on March

RESPONSE: Objection to the extent that this request appears to presume that a physician told Mrs. that Mr. death was caused by his fall on March
However, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

120. That none of the physicians employed by the Defendant ever contacted the Medical Examiner's office to dispute the cause of death finding on death certificate.

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

121. That the standard of medical care applicable to the treatment of at the Defendant's Hospital is the same standard of medical care that would apply to a similar skilled physician/nurse treating a patient with similar complaints and medical conditions at any hospital in the State of Maryland.

RESPONSE: Objection. Defendant cannot admit or deny this request because it is vague and overly broad and does not set forth specific standards of care to which the request refers.

122. That the standard of care applicable to him for the treatment of at the Defendants Hospital is the same level and standard of care that would apply to a patient with similar complaints and medical conditions in the State of Florida.

RESPONSE: Objection. This request does not make sense. Moreover, Defendant cannot admit or deny this request because it is vague and overly broad and does not set forth specific standards of care to which the request refers.

123. That the Defendant does not claim that death was caused by the failure of a medical provider to follow the applicable standard of medical care.

RESPONSE: Defendant admits that it does not claim that any of its employees failed to follow the applicable standards of care.

124. That none of the Defendant's employees, past or current, will be providing expert testimony in this case.

RESPONSE: Defendant can neither admit nor deny this request because a decision as to whether an employee will provide expert testimony has not been made at this time.

125. That prior to fall on March he underwent a CT scan and MRI scan of his brain at the Defendant's Hospital.

RESPONSE: Admitted.

126. That the CT scan and M.R.I scan of brain conducted at the Defendant's Hospital on or about March, did not reveal any acute brain injury. (See Exhibits 3 and 4.)

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

127. That the impression notes written on the medical report for MRI brain scan conducted on March , stating "Negative for acute ischemia" was a true and correct diagnosis. (See Exhibit 4.)

RESPONSE: Defendant admits that this request accurately restates part of the impression of Dr. , the radiologist. However, as to whether the impression is a true and correct diagnosis, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

128. That the impression notes written on the medical report for MRI brain scan conducted on March , stating, "... there is no acute intracranial hemorrhage" was a true and correct diagnosis. (See Exhibit 4.)

RESPONSE: Defendant admits that this request accurately restates part of the impression of Dr. , the radiologist. However, as to whether the impression is a true and correct diagnosis, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

129. That the impression notes written on the medical report for CT brain scan conducted on March , stating "No new or concerning acute findings" was a true and correct diagnosis. (See Exhibit 3.)

RESPONSE: Defendant admits that this request accurately restates part of the impression of Dr. , the radiologist. However, as to whether the impression is a true and correct diagnosis, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

130. That the impression notes written on the medical report for CT Scan conducted on March stating "1. Acute 2 cm parenchymal hemorrhage in the right cerebellar hemisphere. 2. Contusion/hematoma in the left side of the face" was a true and correct diagnosis. (See Exhibit 5.)

RESPONSE: Defendant admits that this request accurately restates the impression of Dr. _____, the radiologist. However, as to whether the impression is a true and correct diagnosis, Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

131. That the "Acute 2 cm parenchymal hemorrhage in the right cerebellar hemisphere, 2. Contusion/hematoma in the left side of the face," as noted on the CT Report Exhibit 5, was the direct result of _____ fall in the Defendant's Hospital on March _____.

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

132. That no Defendant employee witnessed _____ have a seizure before he fell on March _____.

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

133. That no medical expert retained by the Defendant, or employee of the Defendant, has rendered a medical opinion that the "Acute 2 cm parenchymal hemorrhage in the right cerebellar hemisphere, 2 Contusion/hematoma in the left side of the face," as noted on the CT Report, Exhibit 5, was caused by something other than _____ fall in the Defendant's Hospital on March _____.

RESPONSE: Objection. Defendant is not required to identify the experts that it intends to call at trial until May _____.

134. That _____ sustained some degree of conscious pain and suffering as a direct result of his fall in the Defendant's Hospital on March _____.

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time.

135. That did not have the bruising on his face that is depicted in the photographs provided to the Defendant upon his admission to the Defendant's Hospital on March

RESPONSE: Defendant can neither admit nor deny this request because the information known or readily obtainable by Defendant is insufficient to enable it to admit or deny this request at this time. Defendant has requested photographs of Mr. prior to his admission to the hospital, but none has been provided.

Attorneys for