

CAUSE NO. 2022-68307

MARK BURKE
Plaintiff

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IN THE DISTRICT COURT OF

vs.

HARRIS COUNTY, TEXAS

HCA HOUSTON HEALTHCARE
KINGWOOD
Defendant

234TH JUDICIAL DISTRICT

**DEFENDANT HCA HOUSTON HEALTHCARE KINGWOOD’S OBJECTION AND
RESPONSE TO PLAINTIFF’S REQUEST FOR PRODUCTION OF ATTENDING AND
NON-ATTENDING HCA HOUSTON HEALTHCARE KINGWOOD PHYSICIANS,
NURSES, SECURITY OFFICERS, STAFF AND ADMINISTRATIVE PERSONNEL,
JOHN DOE(S), JANE DOE(S), ET AL’S BIOS, CONTACT INFORMATION
INCLUDING HOME ADDRESSES**

TO: PLAINTIFF, Mark Burke, 46 Kingwood Greens Drive, Kingwood, TX 77339

Pursuant to Texas Rule of Civil Procedure 196, Defendant HCA Houston Healthcare Kingwood (hereinafter referred to as “Defendant”), serves its Objection and Response to Plaintiff’s Request for Production of Attending and Non-Attending Physicians, Nurses, Security Officers, Staff and Administrative Personnel, John Doe(s), Jane Doe(s), et al’s Bios, Contact Information including Home Addresses.

[SIGNATURE ON NEXT PAGE]

Respectfully submitted,

SERPE ANDREWS, PLLC

By: /s/ Nicole G. Andrews

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**ATTORNEYS FOR DEFENDANT,
HCA HOUSTON HEALTHCARE KINGWOOD**

CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record pursuant to the Texas Rules of Civil Procedure on the 13th day of February 2023.

/s/ Nicole G. Andrews _____
Nicole Andrews

**DEFENDANT HCA HOUSTON HEALTHCARE KINGWOOD'S OBJECTIONS AND
RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF ATTENDING AND
NON-ATTENDING HCA HOUSTON HEALTHCARE KINGWOOD PHYSICIANS,
NURSES, SECURITY OFFICERS, STAFF AND ADMINISTRATIVE PERSONNEL,
JOHN DOE(S), JANE DOE(S), ET AL'S BIOS, CONTACT INFORMATION
INCLUDING HOME ADDRESSES**

REQUEST NO. 1: Production of "HCA staff" at HCA Kingwood Hospital who interacted with Plaintiff during his visit, or who were involved in the care of Plaintiff but did not physically participate or meet Plaintiff (as a patient), or who were involved in the post-discharge complaint(s) as submitted to Defendant's.

RESPONSE: Because Plaintiff has not produced a compliant expert report per Tex. Civ. Prac. & Rem. Code § 74.351(s), this request is premature and exceeds the scope of discovery. Defendant further objects to this request on the basis that it is vague, ambiguous, overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks creation of a document not in existence.

Subject to the foregoing objections, please see the medical records previously produced.

REQUEST NO. 2: Production of relevant doctors visiting the South Wing, Room 376, including Mohammed R Mowla, MD, Daniel Avila Castillo, MD R1, Mike Wong, MD R1, Randy Chung, MD, and Sana Ehsan, MD.

RESPONSE: Because Plaintiff has not produced a compliant expert report per Tex. Civ. Prac. & Rem. Code § 74.351(s), this request is premature and exceeds the scope of discovery. Defendant further objects to this request on the basis that it is vague, ambiguous, overbroad in time and scope, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks creation of a document not in existence.

Subject to the foregoing objections, please see the medical records previously produced.

REQUEST NO. 3: Production of emergency room personnel, including Amy M Dionne, APRNNP, Lakshmi Tatineni, MD R2, James Barton, MD, Muzna A Ilyas, MD (unknown), and "Referred Self, Referring."

RESPONSE: Because Plaintiff has not produced a compliant expert report per Tex. Civ. Prac. & Rem. Code § 74.351(s), this request is premature and exceeds the scope of discovery. Defendant objects to this request on the basis that it is vague, ambiguous, overbroad in time and scope, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks creation of a document not in existence.

Subject to the foregoing objection, please see the medical records previously produced.

REQUEST NO. 4: Production of nurses and security guards who threatened eviction on August 10, 2023 within an hour of Mark Burke's transfer from ER to the South Wing.

RESPONSE: Because Plaintiff has not produced a compliant expert report per Tex. Civ. Prac. & Rem. Code § 74.351(s), this request is premature and exceeds the scope of discovery. Defendant further objects to this request on the basis that it is vague, ambiguous in that it references a date that has not yet occurred, overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and calls for the creation of a document not in existence.

Subject to the foregoing objection, please see the medical records previously produced.

REQUEST NO. 5: Production of information regarding Director of Community and Public Relations, Ms. Devon Alexander.

RESPONSE: Because Plaintiff has not produced a compliant expert report per Tex. Civ. Prac. & Rem. Code § 74.351(s), this request is premature and exceeds the scope of discovery. Defendant further objects to this request on the basis that it is vague, ambiguous as to the term “information,” not limited in time or scope, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 6: Production of information as to the HCA Staff assigned to [Plaintiff’s] complaint(s) and HCA Staff involved in providing information for the complaint, including the footage of the video surveillance.

RESPONSE: Because Plaintiff has not produced a compliant expert report per Tex. Civ. Prac. & Rem. Code § 74.351(s), this request is premature and exceeds the scope of discovery. Defendant further objects to this request on the basis that it is vague, ambiguous as to the term “information,” not limited in time or scope, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects as any investigation commissioned by the Risk Management Committee is conducted for the committee’s purposes, and those documents and proceedings generated by the investigation are protected by the medical committee privilege. *Martinez v. Abbott Laboratories and Abbott Laboratories, Inc.*, 146 S.W.3d 260 (Tex. App. – Fort Worth 2004).

REQUEST NO. 7: Production of information pertaining to who at HCA entered into a binding agreement to assign Serpe Andrews, PLLC on this case, when the contract was agreed, signed and related information which is necessary.

RESPONSE: Because Plaintiff has not produced a compliant expert report per Tex. Civ. Prac. & Rem. Code § 74.351(s), this request is premature and exceeds the scope of discovery. Defendant further objects to this request on the basis that it is vague, ambiguous as to the term “information,” not limited in time or scope, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.