

Michael J. Carreira - mcarreira@dhill-law.com
Direct Dial: (860) 657-1018

March 1, 2021

Via E-Mail

Honorable Michael P. Shea
District Court of Connecticut
United States Courthouse
Amy.Constantine@ctd.uscourts.gov

Re: **Dr. Neelu Pal v. Mark Canepari, et al.**
Civil Action No. 3:20-CV-00013 (MPS)

Dear Judge Shea:

The undersigned represents the Defendants known as the Ambulance Defendants. This position letter is being submitted in regard to ongoing discovery disputes between the parties as indicated within a phone message left by the parties with the Court on February 23, 2021. Enclosed herewith, is a Local Rule 37(a) Affidavit.

The Ambulance Defendants have received no specifics from Plaintiff as to which discovery objections could be resolved prior to Court intervention. Upon information and belief, the Plaintiff's position against the Ambulance Defendants, is part of a recurring theme – which is to accuse a defendant of having not answered the discovery; believing there to be blanket refusals in response to discovery and that information was withheld from her; and to claim that she has already provided materials asked for in production requests. I can assure you, Plaintiff has not provided the requested materials she deemed to be duplicative.

It is very difficult to resolve any discovery disputes with a party who is not willing to put in a reasonable effort towards resolving the dispute. Plaintiff's position is anticipated to be that her objections are justifiable, whereas the defendants are not. Regrettably, without a clear articulation from the Plaintiff as to which areas of controversy could be resolved, the Ambulance Defendants must stand by all of their discovery objections. Furthermore, since Plaintiff was unwilling to discuss any of her objections, set forth below are the reasons why each of Plaintiff's objections is without merit.

1. Ambulance Defendants' Discovery Compliance

- a. Plaintiff submitted Requests for Admissions to each Ambulance Defendant. Mr. Downs, Mr. Kennedy and Wilton Ambulance all responded in a timely manner. Not a single inquiry was objected to. All statements, purported to be admissions, were answered. Similarly, all written production requests were answered.

- b. As to interrogatories, the objections lodged by Mr. Downs, Mr. Kennedy and Wilton Ambulance were minimal.
- c. The exception is Mr. Bryson. On January 14, 2021, Mr. Bryson objected to Plaintiff's discovery requests and admissions entirely on the basis that he has never been served with the lawsuit, that jurisdiction has not attached to him, and the discovery does seek any information on jurisdictional matters. Separately, pursuant to Rule 4(m), more than 90 days have passed since the Complaint was filed without service on Mr. Bryson so this action against him is subject to dismissal anyway.

2. Plaintiff's Discovery Compliance

A copy of the particular discovery requests at issue and Plaintiff's written response to that particular request are attached hereto.

- a. Interrogatory #1 requested Plaintiff to identify her place of voter registration. This is pertinent to the Plaintiff's jurisdiction allegations. (Doc. 53, ¶¶ 2, 3, 4, 7).
- b. Production Request #3 seeks pertinent discovery from Plaintiff's health insurance company because Plaintiff alleges that the Ambulance Defendants published defamatory information to her health insurance company. (Doc. 53, ¶¶ 133, 135, 136). The Wilton Ambulance Defendants are entitled to any records submitted to the health insurance company that contains "false information." The Request also serves an additional purpose to determine if there are any collateral source reductions to Plaintiff's alleged damages.
- c. As for Production Requests #4 and #5, since the Plaintiff answered in the affirmative that she is claiming lost wages and impaired earning capacity, the Ambulance Defendants are entitled to her financial records to assess and evaluate her claims for damages.
- d. Finally as to #8, Plaintiff has informally agreed to produce copies of her home surveillance videos without committing to a specific time frame. Therefore, just to be safe, a date certain must be ordered to avoid further noncompliance.

Thank you for your time and consideration. We look forward to your guidance and future orders on these disputed matters.

Very Truly Yours,



Michael J. Carreira, Esq.

PLAINTIFF'S INTERROGATORY

1. Identify each and every town, municipality, district, county, jurisdiction and/or state in which you were registered to vote in political or government elections as of May 5, 2018 through the present time; and for each identified place list the effective date(s) of the registration.

ANSWER:

OBJECTION: Plaintiff objects to this Interrogatory as seeking information which is irrelevant to any party's claim or defense and is not proportional to the needs of discovery. Specifically, Plaintiff's voter registration is irrelevant information and has no tendency to make any material fact more or less probable.

PLAINTIFF'S PRODUCTION REQUEST

3. Copies of all documentation of claims of right to reimbursement provided to the plaintiff by third party payors, and copies of, or written authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act, to obtain, any and all documentation of payments made by a third party for medical services received or premiums paid to obtain such payment. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

RESPONSE: *Plaintiff objects to the repetitious and duplicative production of discovery materials, authorizations, records and documents that have already been produced to all Defendants. Plaintiff reserves the right to amend, correct and supplement all discoveries as and when these are available to her.*

4. If a claim for lost wages or lost earning capacity is being made, copies of, or sufficient written authorization to inspect and make copies of, the wage and employment records of all employers of the Plaintiff(s) for three (3) years prior to the date of the incident and for all years subsequent to the date of the incident to and including the date hereof.

RESPONSE: *Plaintiff objects to the repetitious and duplicative production of discovery materials, authorizations, records and documents that have already been produced to all Defendants. Plaintiff reserves the right to amend, correct and supplement all discoveries as and when these are available to her.*

5. If a claim of impaired earning capacity or lost wages is being alleged, provide copies of, or sufficient written authorization to obtain copies of, that part of all income tax returns relating to lost income filed by the Plaintiff(s) for a period of three (3) years prior to the date of the incident and for all years subsequent to the date of the incident through the time of trial.

RESPONSE: *Plaintiff objects to the repetitious and duplicative production of discovery materials, authorizations, records and documents that have already been produced to all Defendants. Plaintiff reserves the right to amend, correct and supplement all discoveries as and when these are available to her.*

8. Copies of video/audio from all home surveillance cameras in operation on May 5, 2018 for 284 Sturges Ridge Road, Wilton, Connecticut from the time of 7:00 p.m. to 11:00 p.m.

RESPONSE: *Plaintiff objects to the repetitious and duplicative production of discovery materials, authorizations, records and documents that have already been produced to all Defendants. Plaintiff reserves the right to amend, correct and supplement all discoveries as and when these are available to her.*

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

NEELU PAL,
Plaintiff

: CIVIL ACTION
: NO. 3:20-CV-00013 (MPS)
:

V.

:

MARK CANEPARI, ET AL.
Defendants

:
: MARCH 1, 2021

LOCAL RULE 37(a) AFFIDAVIT

The undersigned, having been duly sworn, hereby deposes and says that:

1. I am over 18 years of age and understand and believe in the obligations of an oath.
2. I am employed as a litigation attorney with the law firm of David G. Hill & Associates, LLC, and as counsel for the collective Defendants known as the Ambulance Defendants I have personal knowledge of the facts recited herein.
3. I have attempted to confer with Plaintiff in a good faith to resolve by agreement any and all issues and areas of controversy that may exist with written discovery compliance without the intervention of the Court, and have been unable to reach such an agreement with the Plaintiff.
4. The undersigned requested that Plaintiff identify and articulate any issues she intended on presenting to Court regarding the discovery responses from the Ambulance Defendants hoping to resolve some or all issues. Plaintiff would not identify or articulate any issues despite the undersigned's requests for more information.

5. The undersigned identified and outlined for Plaintiff each of her discovery objections that the Ambulance Defendants believed to be without merit. These are the same that have been identified in the position letter.

6. In response, Plaintiff refused to engage in a dialogue with the undersigned regarding the objections that have been identified in the position letter.



Michael J. Carreira, Esq.

STATE OF CONNECTICUT)
) ss.
COUNTY OF HARTFORD)

Personally appeared before me, on this 1st day of March, 2021, Michael J. Carreira, Esq., known to me or satisfactorily proven to me to be the subscriber of the foregoing instrument, who made solemn oath and swore that the statements and representations contained herein are true and accurate to the best of her knowledge and belief.



Notary Public
Commissioner of the Superior Court