

**VIRGINIA
IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

Veronique L. Kipoliongo, et al.	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CL-2010-7881
	:	
Jean-Gilles Tchabo, M.D., et al.	:	
	:	
Defendants.	:	

**PLAINTIFFS' THIRD REQUEST FOR PRODUCTION
OF DOCUMENTS TO DEFENDANT VIRGINIA HOSPITAL CENTER**

COME NOW the Plaintiffs, pursuant to Part Four of the Rules of the Supreme Court of Virginia, and respectfully requests that Defendant Virginia Hospital Center produce the following, for inspection and copying, at the law offices of Patrick Malone & Associates, P.C., 1331 H Street, N.W., Suite 902, Washington, D.C. 20005, within twenty-one (21) days of service of these requests:

Definitions

- A. The pronoun "*you*" refers to the parties to whom this request for production is addressed, and also to the employees of Virginia Hospital Center named in the complaint: Julie Bates, R.N., Ellen Haller, R.N., and Sahadat Nurudeen, M.D.
- B. The pronoun "*person*" shall include any individual, association, proprietorship, firm, partnership, corporation, trust, estate, or other legal entity.
- C. The term "*documents*" shall mean any handwritten, typewritten, printed, recorded, or graphic matter, e-mail, telefaxes, or writings of any kind, and any materials stored by any mechanical or electronic means.
- D. The term "*meta-data*" means: (i) information embedded in a Native File that is not ordinarily viewable or printable from the application that generated, edited, or modified such Native File; and (ii) information generated automatically by the operation of a

computer or other information technology system when a Native File is created, modified, transmitted, deleted or otherwise manipulated by a user of such system. Meta-Data is a subset of electronically stored information (“ESI”).

- E. The term “*native file(s)*” means electronically stored information (“ESI”) in the electronic format of the application in which such ESI is normally created, viewed and/or modified. Native Files are a subset of ESI.
- F. The singular includes the plural, the masculine includes the feminine and neuter, and vice versa.
- G. This production request is continuing in character and nature so as to require you to supplement your production if you obtain further or different information before trial.

Documents and Things Requested

- 35. All documents, logs or other tangible or ESI and any accompanying audit trails that identify the total number of patients in labor and delivery and the attending level obstetrician, resident and nurse that were assigned to each patient. Any responsive document should be redacted to remove patient information for patients other than Mrs. Kipoliongo.
- 36. All documents, logs or other tangible or ESI and any accompanying audit trails that identify the attending level obstetricians and residents physically present at the Virginia Hospital Center between midnight and 9:00 a.m. on July 10, 2008. Any responsive document should be redacted to remove patient information for patients other than Mrs. Kipoliongo.
- 37. All documents, logs or other tangible or ESI and the accompanying OB TraceVue Audit Trails for entries by Nurse Bates that identify her activities and location between midnight until 8:00 a.m. on July 10, 2008. Any responsive document should be redacted to remove patient information for patients other than Mrs. Kipoliongo.

38. All documents, logs or other tangible or ESI and the accompanying audit trails that explain why Nurse Kelly Scott began reporting on the fetal heart assessment for Mrs. Kipoliongo's twins beginning at 6:00 a.m. on July 10, 2008. Any responsive document should be redacted to remove patient information for patients other than Mrs. Kipoliongo.
39. All documents, logs or other tangible or ESI and the accompanying audit trails that identify the total number of patients Nurse Bates was attending to from midnight until 8:00 a.m. on July 10, 2008. Any responsive document should be redacted to remove patient information for patients other than Mrs. Kipoliongo.

Respectfully submitted,

Leonard W. Dooren – VA. Bar No. 38285
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Plaintiffs' Attorneys

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of December 2010, a true copy of the foregoing was sent via U.S. Mail to the following:

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