

**D. N. X06-UWY-CV14-6025333-S** : **SUPERIOR COURT/CLD**  
**ROBIN SHERWOOD, ET AL** : **J.D. OF WATERBURY**  
**V.** : **AT WATERBURY**  
**STAMFORD HOSPITAL** : **MAY 5, 2016**

**SUR-REPLY TO REPLY TO OBJECTION TO STAMFORD HOSPITAL'S  
PROPOSED SCHEDULING ORDER**

The Plaintiffs briefly respond to Defendant's May 4, 2016 Reply Regarding Scheduling Order. Plaintiffs have been working with Defendants to keep this case on track for trial in January, 2017 and a significant portion of discovery has been completed. Defendant's now claim that they lack sufficient discovery to move forward in this case. That is inaccurate. Plaintiffs provided Defendant and Third-Party Defendant J&J with a significant portion of Plaintiff's medical records as well as authorizations to obtain the same back in March. See attached emails.

In order to significantly slow the discovery process, each Defendant insists on obtaining its own copies of medical records, thus prolonging the entire process. On March 16, 2016, Defendants were provided copies of Ms. Sherwood's medical records, approximately eleven different medical providers, as well as a global authorization for Stamford Hospital and the Marker Group to collect records as it did in Farrell. Defendant's refusal to utilize the medical records and the Marker Group global authorization they have

**ORAL ARGUMENT NOT REQUESTED**  
**TESTIMONY NOT REQUIRED**  
**ASSIGNED FOR TRIAL: JANUARY 10, 2017**

had for almost two months after utilizing it in Farrell is disingenuous and simply meant to cause unnecessary delays. There is no reason why this case cannot continue to move forward and stay on track for trial in January 2017 other than the Defendant's desire to prolong the entire process.

Therefore, the Defendant's proposed scheduling order should be denied and the current trial date of January 10, 2017 should remain.

THE PLAINTIFFS,

BY /s/ Jacqueline E. Fusco  
JACQUELINE E. FUSCO, ESQ.  
Tooher Woel & Leydon, L.L.C.  
80 Fourth Street  
Stamford, CT 06905  
(203) 324-6164  
Juris No.: 106151

**CERTIFICATION**

This is to certify that a copy of the foregoing was Emailed this date, to all counsel of record.

Robert R. Simpson, Esq.  
[RSimpson@goodwin.com](mailto:RSimpson@goodwin.com)  
Christopher R. Drury, Esq.  
[cdrury@goodwin.com](mailto:cdrury@goodwin.com)

Shipman & Goodwin  
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Hartford, CT 06103  
***Counsel for 3<sup>rd</sup> Party Defendants:  
Johnson & Johnson and Ethicon, Inc.***

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System Inc. d/b/a Stamford Hospital***

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One Atlantic Street  
Stamford, CT 06901  
[todea@dmoc.com](mailto:todea@dmoc.com)  
***Counsel for 3<sup>rd</sup> Party Defendant American  
Medical Systems, Inc.***

/s/ Jacqueline E. Fusco  
Jacqueline E. Fusco, Esq.

**AUTHORIZATION AND CONSENT  
TO RELEASE RECORDS AND PROTECTED HEALTH INFORMATION  
(Excluding psychotherapy notes)**

Name of Individual: ROBIN SHERWOOD  
Social Security Number:  
Date of Birth:

Provider Name: \_\_\_\_\_

TO: All physicians, hospitals, clinics and institutions, pharmacists and other  
healthcare providers

The Veteran's Administration and all Veteran's Administration hospitals,  
clinics, physicians and employees

The Social Security Administration

The Internal Revenue Service

Open Records, Administrative Specialist, Department of Workers' Claims

All employers or other persons, firms, corporations, schools and other  
educational institutions

The undersigned individual hereby authorizes each entity included in any of the above categories to disclose and furnish to **Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103; Riker, Danzig, Scherer, Hyland & Perretti LLP, Headquarters Plaza, One Speedwell Avenue, P.O. Box 1981, Morristown, New Jersey 07962-1981; Tucker Ellis LLP, 950 Main Avenue, Suite 1100, Cleveland, OH 44113; Butler Snow LLP, 1200 Jefferson Avenue, Suite 205, Oxford, MS 38655; Toohar, Wod & Leydon, LLC, 80 Fourth Street, Stamford, CT 06905; Neubert, Pepe & Monteith, P.C., 195 Church Street, New Haven, CT 06510 and The Marker Group, Inc., 13105 Northwest Freeway, Suite 300, Houston, Texas 77040** and their authorized representatives, true and correct copies of all records, reports, files, documents, correspondence, memoranda and all other information related to the physical and mental health of the undersigned individual, regardless of the form of such information, including, without limitation, all notes of physicians, nurses, psychologists, counselors, dentists and other persons who have provided or who are providing health care to the undersigned individual, all radiology, pathology (including HIV test results, genetic testing information, and alcohol and drug abuse treatment) and other diagnostic test and laboratory results, records and reports, all prescription records, all surgical procedure records and reports, all dental records, all histories and summaries, all forms and other information related to admission of the undersigned to or discharge of the undersigned from a clinic, hospital or other health care facility, all surgical procedure and other consent forms, all bills, invoices, claim forms, records and other payment information, including payment by Medicaid/Medicare and other public assistance programs, insurance

companies and by other persons. Notwithstanding the broad scope of the above disclosure request, the undersigned does not authorize the disclosure of "psychotherapy notes" as such term is defined by the Health Insurance Portability and Accountability Act, 45 CFR §164.501.

The undersigned also authorizes the disclosure of all records, reports, files, documents, correspondence, memoranda and all other information related to employment of the undersigned, including attendance reports, performance reports, W-2 and W-4 forms, medical reports and/or any and all other records relating to my past and present employment, and all educational records, including all courses taken, degrees obtained, and attendance records.

Further, to the extent such records currently exist and are in the Provider's possession, employment records, workers' compensation records, disability records, social security records, and insurance records, including Medicare/Medicaid and other public assistance claims applications, statements, eligibility material, claims or claim disputes, resolutions and payments, medical records provided as evidence of services provided, and any other documents or things pertaining to services furnished under Title XVII of the Social Security Act or other forms of public assistance (federal, state, local, or other). This listing is not meant to be exclusive.

The above list of types of records and other information to be disclosed is intended to be illustrative and not exhaustive. This authorization does not authorize ex parte communication concerning same.

- This authorization provides for the disclosure of the above-named patient's protected health information for purposes of the following litigation matter: *Robin Sherwood et al. v. Stamford Health System d/b/a Stamford Hospital*, Docket No. X06-UWY-CV14-6025333-S, Superior Court, State of Connecticut, Complex Litigation Docket at Waterbury.
- The undersigned individual is hereby notified and acknowledges that any health care provider or health plan disclosing the above requested information may not condition treatment, payment, enrollment or eligibility for benefits on whether the individual signs this authorization.
- The undersigned individual is hereby notified and acknowledges that he or she may revoke this authorization by providing written notice either to **Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103; Riker, Danzig, Scherer, Hyland & Perretti LLP, Headquarters Plaza, One Speedwell Avenue, P.O. Box 1981, Morristown, New Jersey 07962-1981; Tucker Ellis LLP, 950 Main Avenue, Suite 1100, Cleveland, OH 44113; Butler Snow LLP, 1200 Jefferson Avenue, Suite 205, Oxford, MS 38655; Toohar, Woel & Leydon, LLC, 80 Fourth Street, Stamford, CT 06905; Neubert, Pepe & Monteith, P.C., 195 Church Street, New Haven, CT 06510 and The Marker Group, Inc., 13105 Northwest Freeway, Suite 300, Houston, Texas 77040** and/or to one or more entities listed in the above categories, except to the extent that any such entity has taken action in reliance on this authorization.
- The undersigned is hereby notified and acknowledges he or she is aware of the potential that protected health information disclosed and furnished to the recipient pursuant to this authorization is subject to re-disclosure by the recipient for the purposes of this litigation in a manner that will not be protected by the Standards for the Privacy of Individually Identifiable Health Information contained in the HIPAA regulations (45 CFR §§164.500-164.534).

- The undersigned is hereby notified that he/she is aware that any and all protected health information disclosed and furnished to Shipman & Goodwin LLP, Riker, Danzig, Scherer, Hyland & Perretti LLP; Tucker Ellis LLP; Butler Snow LLP and/or The Marker Group, Inc., pursuant to this authorization will be shared with any and all co-defendants in the matter of *Robin Sherwood et al. v. Stamford Health System d/b/a Stamford Hospital*, and is subject to re-disclosure by the recipient for the purposes of this litigation in a manner that will not be protected by the Standards for the Privacy of Individually Identifiable Health Information contained in the HIPAA regulations (45 CFR §§164.500-164.534).
- I understand that information disclosed under this authorization could relate to, and I hereby authorize the disclosure of, information regarding treatment and testing for drug or alcohol abuse, Acquired Immunodeficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV), sexually transmitted diseases, Sickle Cell Anemia, Tuberculosis and Genetic testing and counseling.
- I further understand that, pursuant to applicable state law, I may have a right to receive a copy of this authorization as provided in 45 CFR 164.524.
- A photocopy of this authorization shall be considered as effective and valid as the original, and this authorization will remain in effect until the later of: (i) the date of settlement or final disposition of *Robin Sherwood et al. v. Stamford Health System d/b/a Stamford Hospital*, **Docket No. X06-UWY-CV14-6025333-S, Superior Court, State of Connecticut, Complex Litigation Docket at Waterbury**, or (ii) five (5) years after the date of signature of the undersigned below.

I have carefully read and understand the above and do hereby expressly and voluntarily authorize the disclosure of all of my above information to **Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103; Riker, Danzig, Scherer, Hyland & Perretti LLP, Headquarters Plaza, One Speedwell Avenue, P.O. Box 1981, Morristown, New Jersey 07962-1981; Tucker Ellis LLP, 950 Main Avenue, Suite 1100, Cleveland, OH 44113; Butler Snow LLP, 1200 Jefferson Avenue, Suite 205, Oxford, MS 38655; Toohar, Wood & Leydon, LLC, 80 Fourth Street, Stamford, CT 06905; Neubert, Pepe & Monteith, P.C., 195 Church Street, New Haven, CT 06510 and The Marker Group, Inc., 13105 Northwest Freeway, Suite 300, Houston, Texas 77040** and/or and their authorized representatives, by any entities included in the categories listed above.

Date: 2/10/16

Robin Sherwood  
Signature of Individual or Individual's Representative

Individual's Name and Address:

Robin Sherwood

Printed Name of Individual's Representative (If applicable)

1 Clapboard Ri Rd  
Greenwich Ct  
06830

Relationship of Representative to Individual (If applicable)

Description of Representative's authority to act for Individual (If applicable)

This authorization is designed to be in compliance with the Health Insurance Portability and Accountability Act, and the regulations promulgated thereunder, 45 CFR Parts 160 and 164 (collectively, "HIPAA").

**From:** Jacqueline E. Fusco  
**To:** "[estockman@npmlaw.com](mailto:estockman@npmlaw.com)"; "[sallentuch@npmlaw.com](mailto:sallentuch@npmlaw.com)"; "[rsimpson@goodwin.com](mailto:rsimpson@goodwin.com)"; "[Drury\\_Christopher\\_R.\(CDrury@goodwin.com\)](mailto:Drury_Christopher_R.(CDrury@goodwin.com))"; "[todea@dmoc.com](mailto:todea@dmoc.com)"  
**Cc:** [Brenden P. Leydon](mailto:Brenden_P.Leydon); [Erin Peloso](mailto:Erin_Peloso); [McCarthy, Nikole T. \(nmccarthy@goodwin.com\)](mailto:McCarthy_Nikole_T.(nmccarthy@goodwin.com)); [Sara T. Braun \(SBraun@npmlaw.com\)](mailto:Sara_T.Braun(SBraun@npmlaw.com))  
**Subject:** RE: Robin Sherwood, et al. v. Stamford Hospital  
**Date:** Wednesday, March 16, 2016 10:52:00 AM

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Please see the link below to access the medical records of Ms. Sherwood that we have.  
Jackie

<https://tooherwocl.sharefile.com/d-s02f4f853ac44514b>

Jacqueline E. Fusco, RN, JD  
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**Sent:** Tuesday, March 15, 2016 4:11 PM  
**To:** Ashley Ames; '[estockman@npmlaw.com](mailto:estockman@npmlaw.com)'; '[sallentuch@npmlaw.com](mailto:sallentuch@npmlaw.com)'; '[rsimpson@goodwin.com](mailto:rsimpson@goodwin.com)'; Drury, Christopher R. ([CDrury@goodwin.com](mailto:CDrury@goodwin.com))  
**Cc:** Brenden P. Leydon  
**Subject:** RE: Robin Sherwood, et al. v. Stamford Hospital

Please see attached e-filed with the Court today.

Jacqueline E. Fusco, RN, JD  
Tooher Woel & Leydon, LLC  
80 Fourth Street  
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Tel: (203) 324-6164  
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**From:** Ashley Ames  
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**To:** 'estockman@npmlaw.com'; 'sallentuch@npmlaw.com'; 'rsimpson@goodwin.com'; Drury, Christopher R. ([CDrury@goodwin.com](mailto:CDrury@goodwin.com)); 'todea@dmoc.com'  
**Cc:** Jacqueline E. Fusco; Brenden P. Leydon  
**Subject:** Robin Sherwood, et al. v. Stamford Hospital

Dear Counsel:

Please see attached Motion for Extension of Time that was e-filed with the Court today.

Very truly yours,

**Ashley Ames**  
**Legal Assistant**  
Tooher Woel & Leydon, LLC  
80 Fourth Street  
Stamford, CT 06905  
(t) 203-324-6164  
(f) 203-324-1407  
[aames@tooherwoel.com](mailto:aames@tooherwoel.com)

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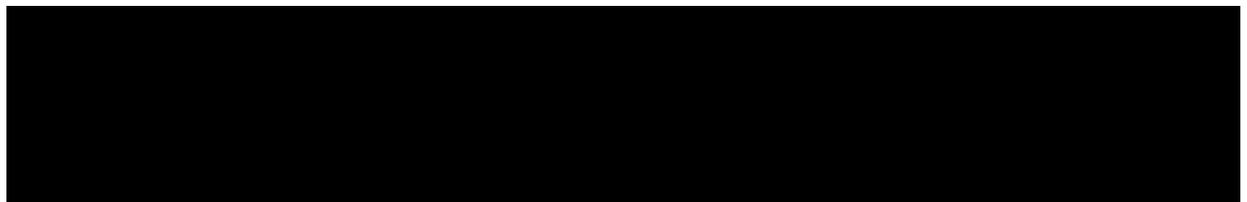
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