

D. N. UWY-CV14-6025333-S : SUPERIOR COURT/CLD  
ROBIN SHERWOOD, ET AL : J.D. OF WATERBURY  
V. : AT WATERBURY  
STAMFORD HOSPITAL : SEPTEMBER 19, 2016

**OBJECTIONS TO PLAINTIFF'S  
SUPPLEMENTAL INTERROGATORIES DATED JULY 20, 2016**

- 3) State whether any written incident reports, memoranda, notes, documents, etc. of the care and/or treatment referred to in the complaint or the sequelae of your care and/or treatment, was prepared by you or by any agent, servant and/or employee of yours.

**OBJECTION: Stamford Hospital objects to this interrogatory on the grounds that it is overly broad, and seeks information protected by the attorney client privilege, work product doctrine and seeks materials prepared in anticipation of litigation. Moreover, Stamford Hospital objects to the extent that the information sought is protected by peer review privilege, Conn. Gen. Stat. §19a-17b. Given that this interrogatory seeks to encroach on long-standing, recognized privileges, it violates the scope of permissible discovery as set forth in the Practice Book. Subject to these objections, the Stamford Hospital has medical records concerning the care and treatment provided to Ms. Sherwood at Stamford Hospital.**

- 4) Have you or any agents, servants and/or employees of yours made any statements, as defined in the Connecticut Practice Book Rule Section 13-1, to any person regarding any of the mesh products, incidents, events, care and/or treatment alleged in the Complaint?

**OBJECTION: To the extent that this interrogatory refers to something other than Ms. Sherwood's surgery, Stamford Hospital objects to this interrogatory on the grounds that it is overly broad, and seeks information protected by the attorney client privilege, work product doctrine and seeks materials prepared in anticipation of litigation. Moreover, Stamford Hospital objects to the extent that the information sought is protected by peer review privilege, Conn. Gen. Stat. §19a-17b. Subject to these objections, Stamford Hospital responds that its employees have been deposed in other cases brought by plaintiff's counsel and those depositions potentially fall within the ambit of this question.**

- 5) If the answer to Interrogatory No. 4 is affirmative, state:
- a) The name and address of the person or persons who made such statements and to whom such statements were made;
  - b) The date(s) on which such statement(s) were made;

- c) The form of the statement(s) (i.e., whether written, by email, made by recording device or recorded by a stenographer, etc.); and
- d) The name and address of each person having custody, or a copy or copies of each statement(s).

**OBJECTION: Stamford Hospital refers plaintiff to the deposition transcripts in the depositions taken by Jackie Fusco or Brenden Leydon in the mesh cases pending before Judge Zemetis.**

- 11) Please provide the name(s) address(es) and title(s) of each agent(s), servant(s) and/or employee(s) of yours who rendered care and/or treatment to the plaintiff and identify the date(s) that each individual rendered care and/or treatment to the plaintiff. (Please do not answer by making reference to the medical and/or hospital records).

**OBJECTION: Stamford Hospital objects to this interrogatory on the grounds that it is unduly burdensome. The identities of those who provided care and treatment to the plaintiff are contained in the medical records. It would be burdensome, and unproductive, for counsel to go through the record and essentially regurgitate the entire record by healthcare provide describing the healthcare provider and what he/she did.**

- 13) Has your license as a healthcare facility ever been suspended or revoked, voluntarily relinquished or has the renewal ever been refused?

**OBJECTION: Stamford Hospital objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, and it seeks information that is irrelevant and immaterial to the issues in dispute. In addition, the request is vague in that it does not specify a particular license. This Stamford Hospital has been operating as a healthcare facility for over 100 years and this interrogatory does not limit the inquiry to a relevant time period or relevant scope.**

- 14) If the answer to Interrogatory No. 13 is in the affirmative, please set forth all of the facts surrounding any suspension, revocation, relinquishment, or refusal of renewal, including the State, the date and the reason therefore.

**OBJECTION: See objection to Interrogatory No. 13.**

- 15) If you have ever been a Defendant in a lawsuit involving pelvic mesh products other than the present one, please state:
  - a) the case by name:
  - b) the court in which the case is or was pending;

- c) the docket number;
- d) the substance of the allegations against you; and
- e) the outcome of the case(s).

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence, and it seeks information that is irrelevant and immaterial to the issues in dispute. In addition, the term “pelvic mesh products” is not a defined term and plaintiff has not specified what items are included. Moreover, this information is public and readily accessible by the plaintiff and her counsel. Subject to the foregoing, plaintiff’s counsel has filed a series of lawsuits against Stamford Hospital concerning the Ethicon Prolift and Prolift +M, including this case, and those are the only pending lawsuits against the hospital concerning those products.

- 16) Please state whether you, your agents, servants and/or employees at any time refused to render medical service to Robin Sherwood.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is overly broad and unduly burdensome in that it would require Stamford Hospital to interview thousands of current and former employees concerning any potential medical care that Ms. Sherwood may have sought during her lifetime. In addition, it seeks information that is irrelevant and immaterial to the issues in dispute. Moreover, if Stamford Hospital refused medical services to the plaintiff, she would be in possession of that information. Subject to these objections, Stamford Hospital refers plaintiff to her medical record.

- 17) If your answer to the preceding Interrogatory is in the affirmative, please state the date and time of day of any refusal, and your reasons thereof.

**OBJECTION:** See objection to Interrogatory No. 16.

- 18) Did you, your agents, servants and/or employees render medical service to or for the benefit of Robin Sherwood over the telephone?

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is overly broad and unduly burdensome in that it would require Stamford Hospital to interview thousands of current and former employees concerning any potential medical care that Ms. Sherwood may have sought during her lifetime. In addition, it seeks information that is irrelevant and immaterial to the issues in dispute. Moreover, if Stamford Hospital rendered medical services to the plaintiff over the telephone, she would be in possession of that information. Subject to these objections, Stamford Hospital refers plaintiff to her medical record.

- 19) If your answer to the preceding Interrogatory is in the affirmative, please state:
- a) the date and time of day of the rendering;
  - b) indicate the nature and scope of the services that you rendered;
  - c) state your reason for believing that a personal visit was not necessary; and
  - d) state whether and in what form any records were kept by you or on your behalf regarding any such telephone conversation.

**OBJECTION:** See objection to Interrogatory No. 18.

- 20) Please state whether you, your agents, servants and/or employees have implanted any pelvic mesh products prior to the time that the plaintiff had pelvic mesh products implanted.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is vague, overly broad and unduly burdensome. The term “pelvic mesh products” is not a defined term and plaintiff has not specified what items are included. In order for Stamford Hospital to respond to this interrogatory, plaintiff would need to delineate the specific devices about which she seeks to discover this information. Given that this surgery took place in 2006, the hospital would need to review every patient chart to determine if it applied. Then, it would need to determine whether the implanter was an “agent, servant or employee” of Stamford Hospital. Not only is this incredibly overbroad but it is incredibly burdensome.

- 21) If the answer to the Interrogatory No. 20 is in the affirmative, please state, without revealing personally identifiable information in violation of the Health Insurance Portability and Accountability Act (“HIPAA”):
- a) how many times;
  - b) for how many years

**OBJECTION:** See objection to Interrogatory No. 20.

- 22) Please state whether any pelvic mesh product(s) that you have implanted has resulted in any adverse reaction(s) to the person(s) in whom the pelvic mesh product(s) was implanted.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is it is vague, undefined, overbroad and unduly burdensome. Specifically, the term “adverse reaction(s)” is not a defined term and can include any number of conditions, the majority of which do not bear upon the pertinent issues in this case at all. The term “pelvic

mesh products” is not a defined term and plaintiff has not specified what items are included. Responding to this interrogatory is also unduly burdensome because it requires the hospital to retain an expert to review each such chart in the hope that it could determine whether any “adverse reaction” was caused by some unspecified pelvic mesh product. Finally, the Hospital cannot respond to this interrogatory because a response would require it to violate HIPAA and applicable provisions of Connecticut law pertaining to patient confidentiality.

- 23) If the answer to the Interrogatory No. 22 is in the affirmative, please state without revealing personally identifiable information in violation of the Health Insurance Portability and Accountability Act (“HIPAA”):
- a) the date of said adverse reaction;
  - b) the nature of said adverse reaction;
  - c) whether the adverse reaction was reported to the Food and Drug Administration (“FDA”);
  - d) the date on which the adverse reaction was reported to the FDA;
  - e) whether the adverse reaction was reported to the manufacturer;
  - f) the date on which the adverse reaction was reported to the manufacturer.

**OBJECTION:** See objection to Interrogatory No. 20.

- 24) Please state in what way Stamford Hospital monitors and/or receives FDA alert information related to pelvic mesh products.

**OBJECTION:** Stamford Hospital objects to this interrogatory because it does not relate to a defense or a claim in this case. Plaintiff’s counsel is aware that the so-called “FDA alerts” that could have pertained to the Prolift were not issued until years after the surgery in this case.

- 25) Please state if Stamford Hospital is registered with the Health Care Notification Network.

**OBJECTION:** Stamford Hospital objects to this interrogatory because it does not relate to a claim or defense in this case. The subject surgery in this case occurred in 2006 and the interrogatory seeks information about 2016. Whether Stamford Hospital is registered with the Health Care Notification today does not bear in any way upon what happened 10 years ago.

- 26) If your answer to Interrogatory No. 28 (sic) is in the affirmative, please state:

- a) when Stamford Hospital first registered;
- b) in what form Stamford Hospital receives FDA alerts;
- c) in what manner Stamford Hospital informs its patients, who are connected in some way to the subject matter of the FDA alert, that an FDA alert has been issued;

**OBJECTION:** See objection to Interrogatory Nos. 24 and 25.

- 27) Please state when Stamford Hospital first became aware that pelvic mesh products could result in complications/adverse results.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is vague and nonsensical. Any medical procedure can result in complications and/or “adverse results.” Therefore the question is meaningless and not answerable. In addition, the term “pelvic mesh products” is not a defined term and plaintiff has not specified what items are included. The terms “complications” and “adverse results” are equally vague and potentially all-encompassing.

- 28) Please state when and how Stamford Hospital became aware of the complication rates of the pelvic mesh products which were the subject of the FDA Public Health Notification that described over 1,000 complaints (otherwise known as “adverse events”) that had been reported over a three year period relating to pelvic mesh products.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is not related to a claim or defense in that it seeks information developed following the surgery in this case. Moreover, this information is equally accessible by the plaintiff given prior deposition in the Farrell and Lemay cases.

- 29) Please state what was said to plaintiff by Stamford Hospital, prior to, at the time of or in preparation for implanting the pelvic mesh products into the plaintiff, regarding:
- a) the risks;
  - b) the benefits;
  - c) the potential complications;
  - d) the likelihood of each potential complication occurring;
  - e) the overall pelvic mesh product complication rates;
  - f) any FDA warnings;
  - g) any pelvic mesh product manufacturer warnings;

- h) its experience with pelvic mesh products;
- i) its experience with pelvic mesh implant procedures;
- j) its rates of complications with pelvic mesh products that he implanted;
- k) its association with or relationship with any pelvic mesh product manufacturers;
- l) its own personal adverse advent(s) history with pelvic mesh products;
- m) whether any pelvic mesh product sales representative would be in the operating room during the procedure;
- n) or any other information related to pelvic mesh products.

**OBJECTION:** Stamford Hospital objects to this interrogatory as seeking irrelevant information. Stamford Hospital is not a product seller as a matter of law. Moreover, this interrogatory is vague in that the term “pelvic mesh products” is not a defined term and plaintiff has not specified what items are included. The terms “complications” and “adverse results” are equally vague and potentially all-encompassing.

- 30) Please state what Stamford Hospital has said to other patients prior to, at the time of or in preparation for implanting pelvic mesh products into the patient, regarding the risks, benefits and/or potential complications, the likelihood of each complication occurring, complication rates, FDA warnings or any other information related to pelvic mesh products in the time since he discussed with the plaintiff implanting pelvic mesh products into the plaintiff.

**OBJECTION:** Stamford Hospital objects to this interrogatory as seeking irrelevant information. Stamford Hospital is not a product seller as a matter of law. Moreover, this interrogatory is vague in that the term “pelvic mesh products” is not a defined term and plaintiff has not specified what items are included. The terms “complications” and “adverse results” are equally vague and potentially all-encompassing. This interrogatory is unduly burdensome and overly broad in that it requires Stamford Hospital to review every medical record for patients who have undergone pelvic mesh implantation surgery from the beginning of time until today and to determine what any hospital employee (current or past) has said to any of these patients. Finally, this interrogatory seeks information protected by HIPAA and applicable Connecticut patient privacy laws.

- 31) Please state what Stamford Hospital currently says to patients into whom pelvic mesh products are to be implanted, prior to implanting the pelvic mesh products in the patient, regarding the risks, benefits and/or potential complications, the likelihood of each complication occurring, complication rates, FDA warnings or any other information related to pelvic mesh products.

**OBJECTION:**        **Stamford Hospital objects to this interrogatory on the grounds that it is not related to any claim or defense in this case. We are currently over ten years past the surgery in this case. Stamford Hospital’s current practice is irrelevant and does not bear upon what happened 10 years ago in any way. Furthermore, it is overly broad and unduly burdensome. The term “pelvic mesh products” is not a defined term and plaintiff has not specified what items are included. The terms “complications” is equally vague and potentially all-encompassing.**

- 32)    If the response to Interrogatory # 30 is different from the response to Interrogatory # 29, please state:
- a)     what information is different;
  - b)     why the information is different;

**OBJECTION:**        **See objections to Interrogatory Nos. 29 and 30.**

- 33)    If the response to Interrogatory # 31 is different from the response to Interrogatory # 29 or # 30, please state:
- a)     what information is different;
  - b)     why the information is different;

**OBJECTION:**        **See objections to Interrogatory Nos. 29 through 31.**

- 34)    Please state whether any information regarding implanting pelvic mesh products into patients, regarding the risks, benefits and/or potential complications, the likelihood of each complication occurring, complication rates, FDA warnings or any other information related to pelvic mesh products was provided in writing to the plaintiff.

**OBJECTION:**        **Stamford Hospital objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. There is no way in which Stamford Hospital could determine whether any of this information was provided to the plaintiff by anyone—whether or not an “agent, servant or employee” of Stamford Hospital. In addition, the term “pelvic mesh products” is not a defined term and plaintiff has not specified what items are included. The terms “complications” is equally vague and potentially all-encompassing.**

- 35)    Please state whether any information regarding implanting pelvic mesh products into patients, regarding the risks, benefits and/or potential complications, the likelihood of each complication occurring, complication rates, FDA warnings or any other information related to pelvic mesh products has been provided in writing to patients since the time when the pelvic mesh products were implanted into the plaintiff.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is not related to any claim or defense in this case. We are currently over ten years past the surgery in this case. Stamford Hospital's current practice is irrelevant and does not bear upon what happened 10 years ago in any way. Furthermore, it is overly broad and unduly burdensome. The term "pelvic mesh products" is not a defined term and plaintiff has not specified what items are included. The terms "complications" is equally vague and potentially all-encompassing.

36) Please state if Stamford Hospital currently implants pelvic mesh products into patients and if so, in what manner or type of surgery.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is not related to any claim or defense in this case. We are currently over ten years past the surgery in this case. Stamford Hospital's current practice is irrelevant and does not bear upon what happened 10 years ago in any way. Furthermore, it is overly broad and unduly burdensome. The term "pelvic mesh products" is not a defined term and plaintiff has not specified what items are included.

37) If the answer to Interrogatory # 36 is "no" please state when Stamford Hospital discontinued implanting pelvic mesh products into patients.

**OBJECTION:** See objection to Interrogatory No. 36.

38) Please state when Stamford Hospital was informed by the manufacturer(s) of pelvic mesh products that the FDA had issued a Public Health Notification that described over 1,000 complaints (otherwise known as "adverse events") that had been reported over a three year period relating to pelvic mesh products.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is vague—the interrogatory does not reference a specific notification. However, given that all of the notifications applicable to the Prolift were issued well after the surgery by the FDA, the request seeks information that does not relate to any claim or defense in this case.

39) Please state from which manufacturer(s) Stamford Hospital obtained pelvic mesh products prior to the plaintiff's pelvic mesh implantation beginning in 2002.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is not related to any claim or defense in this case and it is vague. The term "pelvic mesh products" is not a defined term and plaintiff has not specified what items are included. The plaintiff in this case was implanted with an Ethicon Prolift and any other manufacturers' products that community physicians with privileges used is not related to a claim or defense in this case.

40) Please state from which manufacturer(s) Stamford Hospital obtained pelvic mesh products after the pelvic mesh products implanted into the plaintiff through the present.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is not related to any claim or defense in this case and it is vague. The term “pelvic mesh products” is not a defined term and plaintiff has not specified what items are included. The plaintiff in this case was implanted with an Ethicon Prolift and any other manufacturers’ products that community physicians with privileges used is not related to a claim or defense in this case. Finally, it is immaterial what products are being used in 2016 by community physicians with privileges at Stamford Hospital.

42) Please state from which manufacturer(s) Stamford Hospital currently obtains pelvic mesh products.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is not related to any claim or defense in this case and it is vague. The term “pelvic mesh products” is not a defined term and plaintiff has not specified what items are included. The plaintiff in this case was implanted with an Ethicon Prolift and any other manufacturers’ products that community physicians with privileges used is not related to a claim or defense in this case. Finally, it is immaterial what products are being used in 2016 by community physicians with privileges at Stamford Hospital.

43) Please state whether Stamford Hospital paid the manufacturer(s) of the pelvic mesh products that were implanted into the plaintiff for the pelvic mesh products that were implanted into the plaintiff.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is not related to any claim or defense in this case.

44) If the answer to the preceding question is “yes” please state the amount that the manufacturer(s) was paid.

**OBJECTION:** See objection to Interrogatory No. 43.

45) Please state whether Stamford Hospital sought to obtain reimbursement from a third party or the plaintiff for the cost of the pelvic mesh products that were implanted into the plaintiff.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is not related to any claim or defense in this case.

46) Identify the billing codes used by Stamford Hospital when it billed for Plaintiff’s surgical procedures on April 12, 2006 listed as “ORL0129517 OR IMPLANT LEVEL 13; PROLIFT” on Plaintiff’s itemized billing statement and August 29, 2007 when a mesh excision surgery was performed at Stamford Hospital.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is not related to any claim or defense in this case.

## REQUESTS FOR PRODUCTION

1) A copy of the current curriculum vitae of each nurse and/or physician employed by the Defendant who rendered care and/or treatment to the plaintiff.

**OBJECTION:** Defendant objects to this request on the grounds that it is unduly burdensome. Moreover, it seeks information that is irrelevant and immaterial and is not reasonably calculated to lead to the discovery of admissible evidence.

2) A copy of the documents identified in response to Interrogatory #3.

**OBJECTION:** See objection to Interrogatory No. 3

5) A copy of any non-privileged statements, as defined in Practice Book Section 13-1 of any agent, servant and/or employee of Stamford Hospital, of a party or any witness in this lawsuit concerning this action or its subject matter with a privilege log for any documents withheld.

**OBJECTION:** Defendant objects to this request on the grounds that she is already in possession of relevant deposition transcripts in the Farrell and Lemay cases that her attorneys received because they took the depositions.

8) All literature, pamphlets, materials, etc. provided to the plaintiff, plaintiff's family and/or relatives, the plaintiff's conservators, guardians, health care agents, representatives, during the period of time the plaintiff was treated by Stamford Hospital or any agent servant and/or employee of the Stamford Hospital.

**OBJECTION:** Defendant objects to this request on the grounds that it is overly broad in that it seeks pamphlets and other documents beyond the surgery at issue in this case.

9) A copy of all notifications referred to in Interrogatory #24.

**OBJECTION:** See objection to Interrogatory No. 24.

10) A copy of all literature, warnings, alerts, etc. provided to the defendant regarding the complication rates of pelvic mesh products.

**OBJECTION:** Stamford Hospital objects to this interrogatory on the grounds that it is vague—the request does not reference the specific product used in this case. However, given that all of the notifications applicable to the Prolift were issued well after the surgery by the FDA, the request seeks information that does not relate to any claim or defense in this case.

11) A copy of any statement(s) as defined in Practice Book §13-1 made by Stamford Hospital, its agents, servants and/or employees involving any issue, complication(s) or adverse event(s) involving or related to pelvic mesh products.

**OBJECTION:** Defendant objects to this request on the grounds that she is already in possession of relevant deposition transcripts in the Farrell and Lemay cases that her attorneys received because they took the depositions.

12) A copy of the documents referred to in Interrogatory #28.

**OBJECTION:** See objection to Interrogatory No. 28.

13) A copy of the documents referred to in Interrogatory #34.

**OBJECTION:** See objection to Interrogatory No. 34.

14) A copy of the documents referred to in Interrogatory #35.

**OBJECTION:** See objection to Interrogatory No. 35.

15) A copy of the documents referred to in Interrogatory # 38.

**OBJECTION:** See objection to Interrogatory No. 38.

16) A copy of the documents referred to in # 45.

**OBJECTION:** See objection to Interrogatory No. 45.

**THE DEFENDANT,  
STAMFORD HEALTH SYSTEMS, INC.,  
D/B/A STAMFORD HOSPITAL**

**/s/ Simon I. Allentuch**  
**SIMON I. ALLENTUCH**  
**NEUBERT, PEPE & MONTEITH, P.C.**  
195 Church Street, 13th Floor  
New Haven, CT 06510  
Tel. (203) 821-2000  
Juris No. 407996

**CERTIFICATION**

THIS IS TO CERTIFY THAT a copy of the foregoing was emailed this 19<sup>th</sup> day of  
September, 2016, to the following counsel:

Brenden P. Leydon, Esq.  
Jackie Fusco, Esq.  
Tooher, Woel & Leydon, LLC  
80 Fourth Street  
Stamford, CT 06905

**/s/ Simon I. Allentuch**  
**SIMON I. ALLENTUCH**  
**NEUBERT, PEPE & MONTEITH, P.C.**