

NO.: FBT-CV-15-6048078-S : SUPERIOR COURT
JONATHAN SHAPIRO : J. D. OF FAIRFIELD
VS. : AT BRIDGEPORT
FRANK DELBOUNO, ET AL. : NOVEMBER 15, 2016

MOTION FOR PROTECTIVE ORDER

The undersigned Defendants hereby move, pursuant to Practice Book Sec. 13-5 for an order from the Court to limit the deposition production command set forth in the Plaintiff's attached November 10, 2016 RENOTICE OF DEPOSITION OF THE DEFENDANTS' MEDICAL EXPERT DR. DAVID B. BROWN, currently scheduled to take place at 4:00 p.m. on November 16, 2016. The aforementioned Protective Order is hereby requested by the Defendants for the reason that the production command set forth in the attached Schedule A of the Plaintiff's deposition notice for Dr. Brown seeks the production of extensive information that would be unreasonable and oppressive for the Defendants' expert to comply with, particularly since it seeks the production of said information and documentation within less than the fifteen (15) day period allowed for under Practice Book Sec. 13-28(c).

The Defendants will agree to provide to the Plaintiff, prior to Dr. Brown's November 16, 2016 deposition, an opportunity to review and copy any portion of Dr. Brown's file which has not already been provided to Plaintiff's counsel. The undersigned Defendants will further agree to provide Plaintiff's counsel, prior to the start of the deposition, with a list of all documents in the doctor's file.

THE DEFENDANTS:

BY: _____ /s/ _____

Lawrence A. Ouellette, Jr.
Associate City Attorney
OFFICE OF THE CITY ATTORNEY
999 Broad Street – 2nd Floor
Bridgeport, CT 06604
Telephone: 203-576-7647
Juris No. 06192

ORDER

The foregoing Motion, having been heard, it is hereby

GRANTED / DENIED

By the Court

Judge/Clerk

CERTIFICATION

This is to certify that a copy of the foregoing was mailed on this 15th day of November, 2016, postage prepaid, to:

Kevin C. Shea, Esq.
Clendenen & Shea, LLC
400 Orange Street
New Haven, CT 06511

/s/

Lawrence A. Ouellette, Jr.

DOCKET NO.: FBT-CV15-6048078-S : SUPERIOR COURT
JONATHAN SHAPIRO : JUDICIAL DISTRICT OF
PLAINTIFF : FAIRFIELD
V. : AT BRIDGEPORT
FRANK DELBOUNO, JR. : NOVEMBER 10, 2016
and CITY OF BRIDGEPORT
DEFENDANT

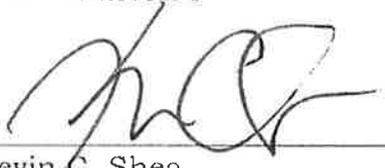
RE-NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that plaintiff, through counsel, will take the deposition of defendants' expert Dr. David B. Brown, pursuant to Section 13-26 et. seq. of the Connecticut Practice Book on Wednesday, November 16, 2016 at 9:30 a.m., at the offices of Ortho Care Specialists, 4747 Main Street, Bridgeport, CT 06606 before Bonita Cohen or other officer authorized by law to administer oaths, which deposition shall continue until completed.

PLEASE TAKE FURTHER NOTICE that the said deponent is instructed to produce at the time and place of his deposition any and all documents described in Schedule A attached.

You are invited to attend and cross-examine.

THE PLAINTIFF

By: 

Kevin C. Shea
Clendenen & Shea, LLC
400 Orange Street
New Haven, Connecticut 06511
203/787-1183

CERTIFICATION:

This is to certify that a copy of the foregoing was sent, November 10, 2016, via e-mail to Russell D. Liskov, Associate City Attorney, Office of the City Attorney at:

Russell.Liskov@bridgeportct.gov


CLDENEN & SHEA, LLC

SCHEDULE A

"Document" means the original and any non-original copy, regardless of origin or location, of any book, pamphlet, diary, calendar, periodical, letter, telegram, cable, telex, correspondence, report, record, study, notebook, note, handwritten note, contract, minutes, memorandum, notice, working paper, diary, chart, paper, graph, sketch, drawing, photograph, telephone record, microfilm, index, data sheet, data processing card, sound recording or any other written, recorded, transcribed, filmed or graphic material, and/or other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form, however produced or reproduced, to which deponent has or has had access.

"Concerning" means relating to, referring to, describing, evidencing or constituting.

"You" or "Your" means David B. Brown, M.D., or any agents, assistants, employees, representatives, partners or any persons acting on behalf of David B. Brown, M.D..

1. A copy of your current professional resume and curriculum vitae;
2. A listing of all publications you have authored;
3. All publications, whether authored by you or not, on which you intend to rely in whole or in part for any of your opinions in this matter, or to which you have referred in connection with your work on this matter;
4. All time records, diaries and bills maintained, prepared, and/or rendered in connection with your retention in this matter and/or your investigation and evaluation of this case;
5. Any and all documents, records, reports, analyses, file materials, correspondence and any other pertinent information concerning your work on

the above-captioned matter, including all correspondence with the defendants or the defendants' counsel in connection with this matter and all agreements between you and the defendants or the defendants' counsel in connection with your work on this matter;

6. A listing of all court cases or arbitrations from January 2010 through the present in which you have served as an expert witness and/or consultant, whether or not you have testified at trial or during a deposition;

7. Your entire file regarding this matter, your investigation, evaluation, and opinions, including but not limited to, any and all documents, correspondence, records, research materials, the file itself, and any documents on which you base your opinions, including but not limited to the following:

(a) all documents and other tangible things furnished to you by the defendants, defendants' counsel, or any third person including specifically all correspondence, notes of conversations, memoranda, and the like;

(b) all documents obtained or created by you or any person acting on your behalf;

(c) all documents you reviewed, referred to, or relied upon in reaching any opinion or conclusion in this matter and a list of those materials, including but not limited to all treatises, books, articles, publications, codes, standards, and other literature;

(d) all documents you reviewed which are, in whole or in part, not consistent with the opinions or conclusions you arrived at in this matter and a list of those materials, including but not limited to all treatises, books, articles, publications, codes, standards, and other literature;

(e) all illustrations, charts, graphics, or other tangible things, exhibits or documents of any kind which you intend or contemplate using to explain, illustrate, or support your testimony in this matter, if you are called to testify.

8. Any and all work papers obtained or created by you concerning your expected testimony in this matter if you are called to testify.

9. All Form 1099 documents showing your income from January 2010 to the present time from (i) performing Independent Medical Examinations ("IMEs"); (ii) performing Medical Records Reviews ("MRRs"); (iii) testifying in Court; and (iv) testifying in depositions.

10. A document evidencing the number of times, from January 2010 to the present, that you have (i) testified in Court; and (ii) testified at depositions, including the names of the cases in which such testimony was given.

11. A list identifying (i) the number of IMEs performed by you at the request of the defendants from January 2010 to the present; and (ii) the number of MRRs performed by you at the request of the defendants from January 2010 to the present.

12. A list identifying the cases in which you have consulted with the defendants (including related entities such as its Office of the City Attorney) from January 2010 to the present.

13. All correspondence between you and any member of the Bridgeport Office of the City Attorney and/or the defendants regarding Jonathan Shapiro.

These Requests are intended to reach materials and things in your possession, care, custody, or control, and that of your agents, servants, and employees. They are also intended to reach materials, which you have provided to other individuals, including defendants' counsel, not presently in your possession but subject to your control.

SUBPOENA DUCES TECUM

To: Dr. David B. Brown
Ortho Care Specialists
4747 Main Street
Bridgeport, CT 06606

BY AUTHORITY OF THE STATE OF CONNECTICUT, You are hereby commanded to appear before Bonita Cohen, Notary Public for a deposition to be held at Ortho Care Specialists, 4747 Main Street, Bridgeport, Connecticut on Wednesday, November 16, 2016, at 9:30 o'clock in the morning, to testify what you know in a certain Civil Action pending in the Superior Court between

JONATHAN SHAPIRO

plaintiff(s)

and

FRANK DELBOUNO, JR. AND
CITY OF BRIDGEPORT

defendant(s).

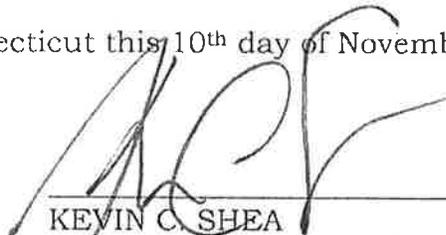
AND YOU ARE FURTHER COMMANDED to bring with you and produce at the same time and place, the following:

See attached Schedule A

HEREOF FAIL NOT, UNDER PENALTY OF THE LAW.

To any proper officer or indifferent person to serve and return.

Dated at New Haven, Connecticut this 10th day of November, 2016.



KEVIN C. SHEA
COMMISSIONER OF THE SUPERIOR COURT
400 Orange Street
New Haven, Connecticut 06511
203/787-1183

SCHEDULE A

"Document" means the original and any non-original copy, regardless of origin or location, of any book, pamphlet, diary, calendar, periodical, letter, telegram, cable, telex, correspondence, report, record, study, notebook, note, handwritten note, contract, minutes, memorandum, notice, working paper, diary, chart, paper, graph, sketch, drawing, photograph, telephone record, microfilm, index, data sheet, data processing card, sound recording or any other written, recorded, transcribed, filmed or graphic material, and/or other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form, however produced or reproduced, to which deponent has or has had access.

"Concerning" means relating to, referring to, describing, evidencing or constituting.

"You" or "Your" means David B. Brown, M.D., or any agents, assistants, employees, representatives, partners or any persons acting on behalf of David B. Brown, M.D..

1. A copy of your current professional resume and curriculum vitae;
2. A listing of all publications you have authored;
3. All publications, whether authored by you or not, on which you intend to rely in whole or in part for any of your opinions in this matter, or to which you have referred in connection with your work on this matter;
4. All time records, diaries and bills maintained, prepared, and/or rendered in connection with your retention in this matter and/or your investigation and evaluation of this case;
5. Any and all documents, records, reports, analyses, file materials, correspondence and any other pertinent information concerning your work on the above-captioned matter, including all correspondence with the defendants or the defendants' counsel in connection with this matter and all agreements between you and the defendants or the defendants' counsel in connection with your work on this matter;
6. A listing of all court cases or arbitrations from January 2010 through the present in which you have served as an expert witness and/or consultant, whether or not you have testified at trial or during a deposition;
7. Your entire file regarding this matter, your investigation, evaluation, and opinions, including but not limited to, any and all documents, correspondence,

records, research materials, the file itself, and any documents on which you base your opinions, including but not limited to the following:

- (a) all documents and other tangible things furnished to you by the defendants, defendants' counsel, or any third person including specifically all correspondence, notes of conversations, memoranda, and the like;
- (b) all documents obtained or created by you or any person acting on your behalf;
- (c) all documents you reviewed, referred to, or relied upon in reaching any opinion or conclusion in this matter and a list of those materials, including but not limited to all treatises, books, articles, publications, codes, standards, and other literature;
- (d) all documents you reviewed which are, in whole or in part, not consistent with the opinions or conclusions you arrived at in this matter and a list of those materials, including but not limited to all treatises, books, articles, publications, codes, standards, and other literature;
- (e) all illustrations, charts, graphics, or other tangible things, exhibits or documents of any kind which you intend or contemplate using to explain, illustrate, or support your testimony in this matter, if you are called to testify.

8. Any and all work papers obtained or created by you concerning your expected testimony in this matter if you are called to testify.

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These Requests are intended to reach materials and things in your possession, care, custody, or control, and that of your agents, servants, and employees. They are also intended to reach materials, which you have provided to other individuals, including defendants' counsel, not presently in your possession but subject to your control.