

**STATE OF MICHIGAN
IN THE COURT OF APPEALS**

TAMARA FILAS,

Plaintiff-Appellant,

Court of Appeals No: 317972

Circuit Court No: 13-000652-NI

-vs-

KEVIN THOMAS CULPERT, AND
EFFICIENT DESIGN, INC., A Michigan
Corporation.

Defendants-Appellees.

TAMARA FILAS Plaintiff-Appellant 6477 Edgewood Rd. Canton, MI 48187 (734) 751-0103 e-mail redacted	MICHAEL C. O'MALLEY (P59108) Attorney for Defendant Efficient Design Vandever Garzia 1450 W. Long Lake Rd., Suite 100 Troy, MI 48098 (248) 312-2940 momalley@vgpclaw.com
DREW W. BROADDUS (P64658) Attorney for Defendant Culpert Secrest Wardle 2600 Troy Center Drive, P.O. Box 5025 Troy, MI 48007-5025 (616) 272-7966 dbroaddus@secrestwardle.com	JAMES C. WRIGHT (P67613) Attorney for Defendant Efficient Design Zausmer, Kaufman, August & Caldwell, P.C. 31700 Middlebelt Rd., Suite 150 Farmington Hills, MI 48334 (248) 851-4111 jwright@zkact.com

**PLAINTIFF-APPELLANT'S ANSWER TO DEFENDANT-APPELLEE [KEVIN
THOMAS] CULPERT'S MOTION TO AFFIRM***

ORAL ARGUMENT REQUESTED

Note: *DEFENDANT –APPELLEE'S 10-17-14 MOTION TO AFFIRM was titled as follows: DEFENDANT –APPELLEE THOMAS K. CULPERT'S MOTION TO AFFIRM. Thomas K. Culpert, is not and has never been a party to this case. Kevin Thomas Culpert is the correct name of the Defendant-Appellee represented by attorney, Drew W. Broaddus, for Culpert.

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Plaintiff-Appellant, Tamara Filas, for her answer to Defendant-Appellee [Kevin Thomas]

Culpert's Motion to Affirm, states the following:

1. Admitted.
2. Admits in part. Denies in part. Plaintiff-Appellant **admits** *Filas v MEEMIC* arose out of the same motor vehicle accident that gave rise to the instant appeal, and that *Filas v MEEMIC* involved a dismissal by the same Circuit Court judge. Plaintiff-Appellant **denies** that either the instant case, or the MEEMIC case were dismissed for the reason that “*Ms. Filas refused to sign authorizations, despite putting her medical condition into controversy, and was trying to place her own arbitrary limitations on what would be discoverable.*” See Argument #1 of attached Brief.
3. Denied. There were six questions raised in the *Filas v. MEEMIC* appeal. Three questions in the instant case are similar to, but not identical to the issues raised in the questions presented in the MEEMIC case. Three other questions are completely different and unrelated to the PIP case, and still require an answer from the Court of Appeals. See Argument #2 of attached Brief.
4. Plaintiff-Appellant denies that the collateral estoppel doctrine would apply because Plaintiff-Appellant still has the opportunity to request leave to appeal to the Supreme Court. For this reason, a “*valid and final judgment*” does not yet exist, and the Plaintiff-Appellant has therefore not “*had a full and fair opportunity to litigate the issue.*” See Argument #3 of attached Brief.
5. Plaintiff-Appellant admits the purposes of the doctrine of collateral estoppel, but denies that it is applicable in this case as stated in #4 above.
6. Admitted.

7. Denied. The questions presented in this case are different than those in the MEEMIC case. The circumstances are different in that medical releases were already executed in this third party case, and Defendants did receive medical records. The question in this case is whether or not Plaintiff-Appellant fulfilled her legal obligation under MCR 2.314(C)(1) to provide her medical records when she executed form MC 315, and the Defense attorneys chose to keep the records they obtained rather than refusing them and returning them back to the health care provider. Most importantly, the opinion of the Court of Appeals in the Plaintiff-Appellants appeal of the dismissal of the MEEMIC case was based solely on a protective order in effect only in the separately filed MEEMIC PIP case, and not in the separately filed Culpert/Efficient design case. In the MEEMIC case, the COA opined to uphold the dismissal of the MEEMIC case based solely on the wording of the protective order in effect, stating that the protective order gave the circuit court judge the authority to require Plaintiff-Appellant to sign RDS forms. Thereby, since the protective order in the MEEMIC case that was the basis of the COA's ruling and opinion in the MEEMIC case, was not in effect in this Culpert/Efficient Design Case, the ruling and opinion of the COA regarding the dismissal of Plaintiff-Appellant's MEEMIC case does not apply to the Culpert/Efficient Design case, and thereby, Defendants claim of estoppel is without legal merit. See Arguments #2 and #4 of attached Brief.

11-7-14
Date

Tamara Filas
6477 Edgewood
Canton, MI 48187
(734) 751-0103

Signature
redacted

e-mail redacted

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PLAINTIFF-APPELLANT'S ANSWER TO DEFENDANT-APPELLEE [KEVIN THOMAS] CULPERT'S BRIEF IN SUPPORT OF MOTION TO AFFIRM*

Note: *DEFENDANT –APPELLEE'S 10-17-14 MOTION TO AFFIRM was titled as follows: DEFENDANT –APPELLEE THOMAS K. CULPERT'S MOTION TO AFFIRM. Thomas K. Culpert, is not and has never been a party to this case. Kevin Thomas Culpert is the correct name of the Defendant-Appellee represented by attorney, Drew W. Broaddus, for Culpert.

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PLAINTIFF-APPELLANT'S ANSWER TO DEFENDANT-APPELLEE [KEVIN THOMAS] CULPERT'S BRIEF IN SUPPORT OF MOTION TO AFFIRM

Plaintiff-Appellant, Tamara Filas, for her answer to Defendant-Appellee [Kevin Thomas] Culpert's Brief in Support of Motion to Affirm, states the following:

CORRECTION OF DEFENDANT'S NAME TO KEVIN THOMAS CULPERT

Drew W. Broaddus, the motioning attorney for Culpert, incorrectly stated the name of the Defendant in his motion to affirm as Thomas K. Culpert in both the case caption and the motion title. Thomas K. Culpert, is not, and has never been a defendant in this case. The correct name of the Defendant represented by Mr. Broaddus is Kevin Thomas Culpert. It has come to the Plaintiff-Appellant's attention that Mr. Broaddus's 1-9-14 Brief on Appeal also incorrectly stated the name of the defendant in the case caption and brief title. Plaintiff-Appellant inadvertently titled her 2-6-14 Reply Brief with the incorrect name of Thomas K. Culpert because she copied the title as written by Defendant-Appellee, but did state the correct name of Kevin Thomas Culpert in the case caption.

ARGUMENT 1: IN BOTH THE MEEMIC AND CULPERT/EFFICIENT DESIGN CASES, PLAINTIFF-APPELLANT NEVER REFUSED TO SIGN AUTHORIZATIONS. PLAINTIFF-APPELLANT ONLY PLACED RESTRICTIONS ON THE INFORMATION DISCOVERABLE AS PERMITTED BY LAW, COURT RULE, AND/OR SCAO-APPROVED FORMS.

Despite repeated claims by the Defendants in this case, as well as by Defendant MEEMIC, that Plaintiff-Appellant refused to sign authorizations, the evidence proves otherwise, and Plaintiff-Appellant has already argued this in multiple pleadings in both cases. In the first party case against MEEMIC, Plaintiff had provided to her attorney, a signed medical release for

MEEMIC dated 11-4-11, for MEEMIC to receive her medical records. MEEMIC claimed they did not receive it after Plaintiff inquired about it, but did not ask her to sign a new form. MEEMIC instead requested Plaintiff-Appellant to complete forms for a third-party records copying service called Records Deposition Services (“RDS”). Plaintiff-Appellant requested to use MC 315 in lieu of the RDS forms that MEEMIC provided, but the Judge denied her request. Plaintiff-Appellant also attempted to submit a Records Deposition Services form (modified so that only MEEMIC’s attorney would receive the records) in the MEEMIC case, but the Judge did not allow modification of the RDS form and Plaintiff-Appellant’s case was dismissed. The dismissal was not because Plaintiff refused to sign authorizations---it was because the Court would not accept form MC 315 or the modified RDS form. In the MEEMIC case, Plaintiff-Appellant only tried to limit the information to what is discoverable in a PIP case. MEEMIC was requesting “employment information” which goes beyond “wage and salary” information as permitted under MCL 500.3158, The Insurance Code of 1956 (no-fault law). Plaintiff-Appellant also attempted to modify the RDS form to conform to the provisions of SCAO-mandated Form MC 315. These restrictions clearly were not arbitrary.

In the first party MEEMIC case, Plaintiff-Appellant had not submitted any other authorization forms to MEEMIC, other than MEEMIC's own form. Plaintiff-Appellant only refused to sign authorization forms for a third-party records copying service in the MEEMIC case, and never got the opportunity to submit either a modified RDS form restricting release of records only to MEEMIC’s attorney, or Form MC 315.

One major difference between the MEEMIC case and the instant case is that in the instant case, Plaintiff-Appellant mailed signed and fully executed copies of SCAO Form MC 315 to all of her healthcare providers so that the attorneys representing both Kevin Culpert and Efficient

Design, could receive her records. Mr. Wright, representing Efficient Design, and Mr. Hassouna, representing Kevin Culpert, most definitely received and accepted Plaintiff-Appellant's medical records that were released as the result of the MC 315 forms signed and mailed by Plaintiff-Appellant in June, 2013 to Plaintiff-Appellant's healthcare providers before her third party case was dismissed by the circuit court in August, 2013. In some cases the records were paid for by the Defendant's attorneys prior to the release of the medical records. Plaintiff-Appellant has provided evidence that at least five providers sent records to both Mr. Wright and Mr. Hassouna (Exhibits A-E, Disclosure statements from health care providers indicating Tamara Filas's medical records were sent to Mr. Wright and Mr. Hassouna). For Mr. Broaddus (handling the appellate case instead of Mr. Hassouna) to state that Plaintiff refused to sign authorizations, when Mr. Hassouna accepted and kept the records that came from MC 315 authorization forms the Plaintiff signed and mailed to the healthcare providers, is disingenuous and a gross misrepresentation of the facts.

Plaintiff-Appellant's first party case was dismissed April 26, 2013, due to Plaintiff's refusal to sign authorizations for a third-party records copying service. Plaintiff-Appellant's third-party case was dismissed because the circuit court failed to accept her executed MC 315 forms that were already sent to all of her healthcare providers to be processed and ordered her to re-do the process using the forms Efficient Design's attorney, Mr. Wright, provided.

PL-AT already argued against a similar claim by Defendant EDI that she placed limitations on what was discoverable, on pg. 1 and 2 of her 1-30-14 Reply Brief. She explained that she in no way manipulated the physician-patient privilege so as to allow her to selectively disclose relevant evidence. PL-AT not only disclosed to Mr. Wright, records from healthcare providers pertaining to her injuries received in the 1-15-10 auto accident, but also disclosed

records from all of the providers she could recall that she ever obtained services from prior to the accident, permitting disclosure of her records all the way back to birth, which is beyond what Mr. Wright asked for in his Request for Production of Documents. PL-AT included cover letters with detailed lists for each provider, of every visit date related to the 1-15-10 auto accident, to ensure that Defendants had a checklist upon which they could rely to verify that they received all records. PL-AT permitted disclosure of all of the medical records discoverable using MC 315, and did not selectively choose which records to disclose. Since she did not have any of Mr. Wright's forms at the time she dropped off copies of form MC 315 to his office on 6-24-13. Therby, it would not have even been possible for her to selectively choose to return only specific forms. There is no evidence that PL-AT placed any arbitrary limitations on what was discoverable---she attempted to ensure that all records were received.

ARGUMENT 2: THE ISSUES RAISED IN THE INSTANT APPEAL ARE NOT IDENTICAL TO THOSE RAISED IN *FILAS V MEEMIC*, AS CAN BE OBSERVED THROUGH AN ANALYSIS OF THE “QUESTIONS PRESENTED” IN BOTH CASES.

Defendant-Appellee claims “*The issues raised by Ms. Filas in her appeal in Filas v MEEMIC are identical to the issues raised by Ms. Filas in the instant appeal*” and asks the reader to compare the Questions Presented in the two appeals. After analysis of these questions, as presented below, the court should find that the Defendant-Appellee’s claim is completely erroneous when the reader compares the Questions.

Questions #2, 3, and 6 the instant case are similar, but not identical, to questions #2, 3 and 5 in the MEEMIC case, respectively. However, questions #1, 4 and 5 are completely different and relate only to the instant case, and are not questions that were reviewed by the

Court of Appeals in the MEEMIC case.

Analysis of question 2

Below is question #2 from the instant case:

Did the circuit court err by not permitting Plaintiff-Appellant to use SCAO-mandated form MC 315 to satisfy her obligation to provide discovery materials under MCR 2.314(C)(1)(d), since she also had the choice under MCR 2.314(C)(1)(a) to simply provide the medical records?

Below is question #2 from the MEEMIC case:

Did the circuit court err by not permitting Plaintiff-Appellant to use SCAO-mandated form MC 315 to satisfy her obligation to provide discovery materials under MCR 2.314(C)(1)(d)?

These two questions are similar, but still not identical. The difference is the additional wording at the end of the question in the instant case of, “*she also had the choice under MCR 2.314(C)(1)(a) to simply provide the medical records.*”

Analysis of question 3

Below is question #3 from the instant case:

Did the circuit court err when it dismissed Plaintiff-Appellant’s case based on her refusal to complete specific authorization forms provided by the Defendant-Appellee, when there were still other means available for the Defendant-Appellee to obtain the medical and employment records they sought (i.e. subpoena to health care provider’s custodian of records or use the mandated SCAO form MC 315, obtaining the employment records directly from her employer since Plaintiff-Appellant is a public school teacher whose employment records are publicly available)?

Below is question #3 from the MEEMIC case:

Did the circuit court err when it dismissed Plaintiff-Appellant’s case based on her refusal to complete authorization forms for a non-party to the case, when there were still other means available for the Defendant-Appellee to obtain the medical and employment records they sought (i.e. subpoena to health care provider’s custodian of records or use the mandated SCAO form MC 315, obtaining the employment records directly from her employer since Plaintiff-Appellant is a public school teacher whose employment records are publicly available)?

These two questions are similar, but not identical. The MEEMIC case refers to the Plaintiff-Appellant’s refusal to complete authorization forms for a nonparty to the case [RDS],

whereas the instant case refers to the Plaintiff-Appellant's refusal to complete specific authorization forms provided by the Defendant-Appellee's attorney, Mr. Wright, which has similar characteristics to the RDS form, such as, giving Mr. Wright permission to re-disclose the information to anyone he wants to re-disclose it to, to allow copies to be made of the form, and not having a specific expiration date on the form, which is over and beyond language and conditions that the mandated SCAO MC 315 requires a Plaintiff to agree to and/or sign off on in a request for medical records under MCR 2.310 and 2.314.

Analysis of question 6

Below is question #6 from the instant case:

Is the Plaintiff-Appellant in a third-party tort, or in any case where medical records are requested as a part of discovery, justified in refusing to agree to additional language and/or missing information on a medical or employment authorization form that is not included in the SCAO-mandated Form MC 315 (i.e. allowance of photocopies, use of an expiration event instead of a date, allowance of records to be released "for copying purposes")?

Below is question #5 from the MEEMIC case:

Is the Plaintiff-Appellant in a no-fault auto case for PIP benefits, or in any case where medical records are requested as part of discovery, justified in refusing to agree to additional language that is not included in the SCAO-mandated Form MC 315 and/or missing information on a medical or employment authorization form (i.e. allowance of photocopies, use of expiration event instead of date, no listing of attorney or insurance company to whom records will be disclosed, inclusion of SS#, no listing of information requested, etc.)?

These two questions are similar, but not identical. Both refer to whether or not a plaintiff is justified and refusing to agree to additional language that is not included in the SCAO-mandated form MC 315, and/or missing information on medical or employment authorization forms. In the 10-14-14 ruling by the Court of Appeals, this question was not even addressed because the Court of Appeals relied on the argument that the protective order entered in the MEEMIC case was the sole reason the Plaintiff was required to have signed the RDS forms. It should also be noted that the Court of Appeals came up with this argument on its own, because it

never appeared in any of MEEMIC's pleadings, which is unjust and contrary to proper court procedure in which judges may only rule on the arguments presented and cannot help out either party by presenting novel arguments to justify their ruling, as the Court of Appeals has done in the MEEMIC case Opinion.

The remaining questions in the instant case are presented below. It can be observed that these questions relate only to the instant case, and cannot be answered by an analysis of the Court of Appeals opinion in the MEEMIC case.

Question 1 from the instant case:

Did the circuit court err by ordering Plaintiff-Appellant to provide her medical records to Efficient Design without establishing that they were a liable party to the case?

There was no question that MEEMIC was the liable party in the PIP case as they were the Plaintiff's insurer, so this question in no way relates to the MEEMIC case. In the instant case, Plaintiff-Appellant was ordered to provide her medical records to Mr. Wright, the attorney representing an insurance policy held by the company, Efficient Design Inc., who had denied they were even Kevin Culpert's employer in prior pleadings. The question of whether the court could order the Plaintiff to provide medical records to a party that claimed they were not liable, and no liability was ever determined through a deposition of Kevin Culpert that Mr. Wright was ordered by the Judge to conduct but never conducted, still remains to be answered by the Court of Appeals, and cannot be disregarded.

Question 4 from the instant case:

Did the circuit court err when it ordered Plaintiff-Appellant to release records beyond those requested in the Defendant's Motion to Compel, without requiring the Defendant to file a new Motion to Compel to include the new records requests?

This question is also clearly specific to the instant case, and has nothing to do with the

MEEMIC case, because it is in regard to the actions of Mr. Wright in representing this particular Defendant. Plaintiff-Appellant provided all of the records requested in the Defendant's Motion to Compel, yet the authorizations sent by Mr. Wright after his Motion to Compel was granted, requested more information than was requested in his original motion to compel. The question still needs to be answered by the Court of Appeals whether or not a new motion to compel needed to have been filed in order to request additional records.

Question 5 from the instant case:

Did the circuit court err when it dismissed Plaintiff-Appellant's entire case against both Defendant-Appellees, Kevin Culpert and Efficient Design, Inc., when only Defendant-Appellee Efficient Design motioned for the case to be dismissed on the basis that Plaintiff-Appellant used SCAO-approved Form MC 315 to provide her medical records, instead of his personal authorization forms?

This question is also clearly specific to the instant case and had nothing to do with the MEEMIC case. There are three different defendants involved in the instant case: Kevin Thomas Culpert, and two different insurance companies representing Efficient Design Inc. Let it be clear that because Culpert's attorney, Mr. Hassouna did not object to the executed copies of MC 315 she provided to him in person, and the fact he looked at them and verbally accepted them, Plaintiff has argued that her case against Culpert should not be dismissed, no matter what the Court of Appeals rules in regard to dismissal of the case against Efficient Design Inc. This question in and of itself is very important and should not be disregarded by the Court of Appeals.

The remaining questions presented in the MEEMIC case are as follows:

Question 1 from the MEEMIC case:

Did the circuit court err when it ordered Plaintiff-Appellant to provide her medical records to a records copying service that was not a party to the case?

This question is inapplicable to the instant case because it is in regard to providing

records to a third-party records copying service, RDS, which is not what Plaintiff-Appellant was ordered to do in the instant case. Plaintiff was ordered to provide the records to Culpert's attorney, Mr. Hassouna, but was not ordered to use a particular form. Plaintiff provided her medical records to Mr. Hassouna using form MC 315 and received no objections from him. Plaintiff was ordered to provide her medical records to Efficient Design Inc.'s attorney, Mr. Wright, using his own forms that he was supposed to provide by the end of the business day on 6-21-12. Plaintiff did not timely receive these forms. Concerned that her case would be dismissed if the forms weren't executed by that Monday, June 24, 2014, and knowing what a tedious process it was to complete the forms and cover letters for over 20 health care providers, Plaintiff-Appellant again used form MC 315 to release her records to Mr. Wright, mailed them to the healthcare providers prior to 6-24-14 and hand-delivered copies of the MC 315 signed authorizations and mailing receipts to Mr. Wright's office on the morning of 6-24-14. Plaintiff argues that she still met her legal obligation to provide her medical records to Mr. Wright under MCR 2.314(C)(1) and did not have to use Mr. Wright's particular forms to meet that obligation, especially after Plaintiff-Appellant became aware after the forms were delivered to her residence on or around 3:30 p.m. on 6-24-14, that Mr. Wright's forms contained terms and conditions that were beyond what she was obligated to agree to on the SCAO-mandated MC315 forms.

Question 4 from the MEEMIC case:

Did the circuit court err when it ordered Plaintiff-Appellant to sign the RDS authorization form, releasing any and all of her employment information to third party, RDS, when no good cause was shown by the Defendant-Appellee to obtain employment information beyond wage and salary information as permitted under MCL 500.3158, Insurance Code of 1956 (no-fault law)?

This question is also only applicable to the MEEMIC case because Plaintiff-Appellant argued that a PIP insurer is only entitled to wage and salary as permitted under MCL 500.3158,

The Insurance Code of 1956 (no-fault law). A third-party tort case is not governed by MCL 500.3158, thereby this question is not relevant to the instant case.

It is extremely important to note that the MEEMIC Court of Appeals opinion dated 10-14-14 did not actually answer any of the questions presented, so even if they were relevant to the instant case, they would be of no assistance to the Defendant to use as justification for dismissal of the instant case. The COA, in their unpublished opinion, avoided a response to the Plaintiff-Appellant's questions in the MEEMIC case by using the novel argument that Plaintiff-Appellant was required to sign the RDS forms solely because of wording in a Protective Order that was entered in the MEEMIC case by Plaintiff-Appellants attorney, in breach of the hiring agreement between Plaintiff-Appellant and the attorney. As no Protective Order was entered in the instant case, the Defendant-Appellee is left with no argument as to why Plaintiff-Appellant's executed copies of SCAO-mandated Form MC 315 were not acceptable.

ARGUMENT 3: THE DOCTRINE OF COLLATERAL ESTOPPEL WOULD NOT APPLY BECAUSE THE PLAINTIFF-APPELLANT HAS NOT MET THE CRITERIA OF HAVING HAD A "FULL AND FAIR OPPORTUNITY TO LITIGATE THE ISSUE," NOR IS THE COA JUDGMENT YET FINAL.

For the doctrine to apply, "(1) a question of fact essential to the judgment must have been actually litigated and determined by a valid and final judgment; (2) the same parties must have had a full and fair opportunity to litigate the issue."

Plaintiff-Appellant still has the opportunity to request leave to appeal to the Supreme Court. For this reason, a "valid and final judgment" does not yet exist, and the Plaintiff-Appellant has therefore not "had a full and fair opportunity to litigate the issue."

ARGUMENT 4: THE COURT OF APPEALS OPINION IN THE MEEMIC CASE IS IRRELEVANT TO THE INSTANT CASE BECAUSE IT IS BASED ON WORDING IN A PROTECTIVE ORDER THAT WAS ONLY IN EFFECT IN THE MEEMIC CASE, NOT THE INSTANT CASE.

In the COA's 10-14-14 Opinion, in regard to signing the RDS authorization forms, stated, *"We find that the trial court did not err when it required appellant to sign the RDS authorization forms because it had authority to enforce production of appellant's records pursuant to the parties' stipulated protective order."* Not only is this Opinion therefore irrelevant to the instant case since no Protective Order was in effect in this third-party case when Plaintiff-Appellant executed the copies of MC 315 for the Defendants to receive her medical records, but it is also important to note that the argument relying on the protective order, upon which the Appellate court opined to uphold the dismissal of Plaintiff's separate first party PIP auto claim in COA Case No. 316822, was not even preserved as an argument in the pleadings of MEEMIC Insurance Co., and therefore was not a valid legal reason for the Appellate court to uphold the dismissal of Plaintiff's case by Judge Borman in the lower Circuit Court.

Below is some background information regarding the protective order:

A protective order was entered in the original combined first- and third-party case No. 11-014149-NF that Plaintiff-Appellant was not in agreement with and did not want to be in effect in her separately re-filed first- and third-party cases. Plaintiff's new attorney, who re-filed the cases, breached his hiring agreement and entered essentially the same Protective Order in the re-filed MEEMIC case, which gave the appearance that the old protective order was no longer in effect from the prior combined first- and third-party case. However, Plaintiff-Appellant could not get a straight answer from the attorneys in the re-filed third party case as to whether the old Protective Order was still in effect, so she filed a motion to vacate it on 6-14-14, if indeed it was

still in effect. The hearing on this motion was 6-21-14, and an Order was signed by the Judge, stating, “The protective order previously entered in case #11-014149-NF, dated 7-20-12, is no longer in effect in case 13-000652-NI.” (Exhibit F, 6-21-13 Order vacating Protective Order). It should be noted that the Register of Actions erroneously lists Plaintiff’s 6-14-14 Motion as having been denied. No other protective orders were entered in the instant case either before or after the entry of the 6-21-14 Order. Clearly, no protective order was in place when the instant Third Party tort case was dismissed in on 8-9-13.

Thereby, clearly, the protective order, which was the basis of the COA’s Opinion that Plaintiff was required to sign the RDS Forms provided by MEEMIC’s attorney, and sanctioned the dismissal of the First Party MEEMIC case by the lower circuit court in that case, did not exist in the instant case, COA No. 317972, and therefore the 10-14-14 opinion of the Appellate court does not apply to this third party tort case.

CONCLUSION AND RELIEF REQUESTED

The questions presented in this case are different than those in the MEEMIC case. The circumstances are different in that medical releases were already executed in this third party case, and Defendants *did* receive medical records. The question in this case is whether or not Plaintiff-Appellant fulfilled her legal obligation under MCR 2.314(C)(1) to provide her medical records when she executed form MC 315 and the Defense attorneys chose to keep the records they obtained rather than refusing them and returning them back to the health care provider. Most importantly, the MEEMIC opinion to uphold the circuit court’s opinion to require Plaintiff-Appellant to sign RDS forms was based solely on the wording of a protective order that was only

entered in the MEEMIC case, not the Culpert/Efficient Design case. Therefore, the MEEMIC ruling would not even be applicable to the Culpert/Efficient Design case.

The doctrine of collateral estoppel also cannot be applied since the criteria of having “*had a full and fair opportunity to litigate the issue*” is not met because the Plaintiff-Appellant can still appeal the COA Opinion, thereby it is not a final judgment.

The Defendant asked for a dismissal “with prejudice.” Let it be clear that even if the court chose to dismiss the case “without prejudice,” Plaintiff-Appellant still would not be able to re-file the case since the 3-year statute of limitations has expired for this 1-15-10 auto accident. The sanction of dismissal under MCR 2.313(B)(2)(c) for discovery violations “is to be applied only in extreme cases.” *Schell v Baker Furniture Co*, 461 Mich 502, 509; 607 NW2d 358 (2000) (citations omitted). For the court to dismiss this case would be egregious. Plaintiff-Appellant has proven that she has not refused to sign authorizations by the fact that the Defendant-Appellees received records from the MC 315 forms she executed prior to her case being dismissed and therefore should not have been sanctioned because she complied with her obligation to provide discovery materials under MCR 2.314(C)(1)(a) and/or (d). Plaintiff-Appellant has copies of all request letters and Form MC 315 to her healthcare providers to release her records to Mr. Wright and Mr. Hassouna, which prove she did not place any restrictions on the records to be released. The aforementioned copies were also given to attorneys, Mr. Wright and Mr. Hassouna, as mentioned in Plaintiff’s pleadings. The court may view them during oral arguments.

For the aforementioned reasons, Plaintiff-Appellant requests that the court deny Defendant's Motion to Affirm, and schedule the hearing for oral arguments to be heard on this case.

Signature
redacted

11-7-14
Date

Tamara Filas
6477 Edgewood
Canton, MI 48187
(734) 751-0103
e-mail redacted

Exhibit A

Returned and completed pages 1-3 and 5 of 10-27-14 letter from Plaintiff to St. Joseph Mercy Orthopedic Center, verifying records were sent to Mr. Hassouna and Mr. Wright on 7-15-13 and 7-24-13, respectively.

6477 Edgewood
Canton, MI 48187
October 27, 2014

St. Joseph Mercy Michigan Orthopedic Center
Attn: Records Custodian
5315 Elliot Dr., Suite 301
Ypsilanti, MI 48197

**RE: Medical Records Releases for Tamara Filas, DOB redacted
Disclosure Information Request**

Dear Health Information Management Representative,

In June 2013, your office should have received two separate completed copies of form MC315 signed and dated by me to release my medical records to Mr. James Wright (Item 1 below) and Mr. Ahmed Hassouna (Item 2 below). There was also a medical records request (Form MC 315) signed by me to have the same records that were released to Mr. Hassouna to be sent to me.

R E D A C T E D

I am requesting the disclosure of the following information regarding the release of my records to any of the entities listed above in items 1-3, or anyone else to whom my records may have been released (see item 4 below).

For your convenience, I have provided a simple form for you to fill out. Please answer all questions that are discloseable. If a question cannot be answered, give a brief explanation why.

Please answer the questions presented below in items #1-4, sign and date at the bottom, and return the completed copy to me at 6477 Edgewood, Canton, MI 48187.

Thank you,

Signature
redacted

Tamara Filas

Forms Completed
& Returned to
patient.
10/29/14.

Item 1:

Mr. James Wright
Zausmer, Kaufman, August & Caldwell, P.C.
31700 Middlebelt Rd., Suite 150
Farmington Hills, MI 48334

- 1) Were all of the records that I, Tamara Filas, requested to be sent to Mr. Wright or anyone else at the address above, copied and sent out? yes no.
- 2) Were only some of the records that I, Tamara Filas, requested to be sent to Mr. Wright or anyone else at the above address copied and sent out?
 yes no. If yes, explain why only some were sent.

All sent. Records, xray disc & Billing stmt
mailed on ~~7-24-14~~ 7-24-13
ERROR
JMS

- 3) If yes to #1 or #2, was a fee paid to you for the copying and mailing of the records to Mr. Wright or anyone else at the address above? yes no.

If the answer is no, skip to number 5. If answer is yes, proceed to question 4.

- 4) Was the fee paid before or after the records were copied and sent out?

before after

- 5) On what date were the records sent: ~~7-24-14~~ 7-24-13

- 6) If no records requested were sent, what is the reason records were not sent?
ERROR
JMS

Judge Manders, medical records Dept.
10/29/14 Suite 301

Item 2:

Mr. Ahmed Hassouna
Law Offices of Mark E. Williams
340 E. Big Beaver Suite 250
Troy, MI 48083

1) Were all of the records that I, Tamara Filas, requested to be sent to Mr. Hassouna or anyone else at the address above, copied and sent out?
 yes no.

2) Were only some of the records that I, Tamara Filas, requested to be sent to Mr. Hassouna or anyone else at the above address copied and sent out?
 yes no. If yes, explain why only some were sent.

All Records sent, xray disk + Billing stmt
mailed on 7-15-13.

3) Was I, Tamara Filas, sent the same exact copies of the records that were sent to Mr. Hassouna or anyone else at the above address? yes no.

4) If yes to #1 or #2, was a fee paid to you for the copying and mailing of the records to Mr. Hassouna or anyone else at the address above? yes no.

If the answer is no, skip to number 6. If answer is yes, proceed to question 5.

5) Was the fee paid before or after the records were copied and sent out?

before after

6) On what date were the records sent: 7-15-13

7) If no records requested were sent, what is the reason records were not sent?

Judy Mander, Medical Records Dept.
10-29-14 Suite 301

Item 4:

Any other person or entity to whom records were sent at any time with or without a signed request from Tamara Filas. This would include records released to insurance companies who requested billing codes, records exchanged between health care providers, records released via a court-ordered subpoena or records provided to an employer or governmental agency by statute or law:

Please give name of each person or entity to whom the records were released, the date they were released, and a brief description of the records released.

<u>Person/entity</u>	<u>Date released</u>	<u>Brief Description of records released</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets as necessary.

Signature of medical records representative completing this form:

Judy Manders

Printed name:

Judy Manders

Andrew Moore MD.
ORTHOPEDIC SURGERY ASSOCIATES, P.C.
5315 ELLIOTT DRIVE
SUITE 301
YPSILANTI, MICHIGAN 48197

Date:

10-29-14

Exhibit B

Accounting of Disclosures from St. Mary Mercy Livonia, verifying records were sent to Mr. Hassouna and Mr. Wright on 7-3-13.

October 31, 2014

Ms. Tamara Filas
6477 Edgewood
Canton, MI 48187

Re: Accounting of disclosures

Ms. Filas,

Attached is the information that you requested regarding releases of your records. This is the standard information that is given with these types of requests as such I am under no obligation to fill out the forms that you requested.

Please contact me if you need further information.

Thank you.



Denise Blackburn, RHIA
Director, Medical Records
(734) 655-1409

5 Record(s) Found

Advanced Search Details

21080 - ST MARY MERCY
HOSPITAL LIVONIA

Log ID	Req ID Requester Notification Num	Location	Patient Name	Requester Name	Scan Date	Request Received Date/Time	Comments	Date Entered
83013577	130251041	21080-St Mary Mercy Hospital Livonia	Tamara Filas	Tamara Filas	07/03/2013	06/24/2013	Any And All Med. Recs. From Dob-present. Billing And Imaging Requests Interofficd)- jm (waiting For Physical Therapy Recs.)-jm. 6/26/13, phy. therapy recs. rcvd-jm.	06/24/2013
83013822	130250651	21080-St Mary Mercy Hospital Livonia	Tamara Filas	Law Offices Of Mark E Williams Attn Mr Ahmed Hassouna	07/03/2013	06/24/2013	Any And All Med. Recs. From Dob-present. (billing And Imaging Requests Interofficd)- jm. (waiting For Physical Therapy Recs.)-jm. 6/26/13, phy. recs. rcvd-jm.	06/24/2013
83166521	130250250	21080-St Mary Mercy Hospital Livonia	Tamara Filas	Mr James Wright Zausmer Kaufman August And Caldwell P C	07/03/2013	06/24/2013	All Med Recs. From Dob-present. (billing And Imaging Requests Interofficd 6/24/13). (waiting For Physical Therapy Recs)-jm. 6/26/13, phy recs. rcvd-also, this is a revised request with a different address for the recipient, forwarded new copies to radiology and billing-jm.	06/26/2013
81058253	127460929	21080-St Mary Mercy Hospital Livonia	Tamara Filas	Tamara Filas	05/13/2013	05/13/2013	Physical Therapy Recs From 02/2013.	05/13/2013
74550412	119966524	21080-St Mary Mercy Hospital Livonia	Tamara Filas	Tamara Filas	12/19/2012	12/19/2012	All Physical Therapy Recs. From Aug-dec 2012.	12/19/2012

eSmartlog Request Details

21080 : St Mary Mercy Hospital Livonia

Log ID: 83013822 **Associate#:** 123032

Location: 21080: St Mary Mercy Hospital Livonia

Requester Information

Phone: 734-751-0103 **Name:** Law Offices Of Mark E Williams
Attn Mr Ahmed Hassouna

Type: Patient

Address: 340 E Big Beaver
Suite 250 **City:** Troy

State-Zip: MI -48083

Patient Information

Received Date: 06/24/2013

First Name: Tamara

Last Name: Filas

DOB: redacted

SSN:

Med Rec No: redacted

Claim #:

Chart Location: Perm File

Date of Service:

Patient Acct #:

Complete Date: 07/03/2013

Enter Date: 06/24/2013 @ 11:39:10:am

Page Count: 88

HIPAA reportable disclosure:

Delivery Method: Mail

Attention of :

Forms Sent: ANY AND ALL RECORDS

Comments:

Any And All Med. Recs. From Dob-present. (billing And Imaging Requests Interofficd)-jm. (waiting For Physical Therapy Recs.)-jm. 6/26/13, phy. recs. rcvd-jm.

Entered by: 123032-Jeri Mckenzie-Associate

Pushed from AudaPro: N/A

Request Reason: Patient Transfer

Billable Type: Y

Pay On Site: N

Page Count Known: N

Paper Pages: 0

Micro Pages: 0

Electronic Pages: 0

Email:

Update Record

Close This Window

View Request Letter

Correspondence History

New Correspondence Letters

eSmartlog Request Details

21080 : St Mary Mercy Hospital Livonia

Log ID: 83166521	Associate#: 123032	Location: 21080: St Mary Mercy Hospital Livonia	
Requester Information			
Phone: 734-751-0103	Name: Mr James Wright Zausmer Kaufman August And Caldwell P C	Type: Patient	
Address: 31700 Middlebelt Rd Suite 150	City: Farmington Hills	State-Zip: MI -48334	

Patient Information			
Received Date: 06/24/2013			
First Name: Tamara	Last Name: Filas	DOB: redacted	
SSN:	Med Rec No: redacted	Claim #:	
Chart Location: Perm File	Date of Service:	Patient Acct #:	
Complete Date: 07/03/2013	Enter Date: 06/26/2013 @ 02:31:42:pm		
Page Count: 88	HIPAA reportable disclosure:	Delivery Method: Mail	
Attention of :			
Forms Sent: ANY AND ALL RECORDS			
Comments: All Med Recs. From Dob-present. (billing And Imaging Requests Interofficed 6/24/13). (waiting For Physical Therapy Recs)-jm. 6/26/13, phy recs. rcvd-also, this is a revised request with a different address for the recipient, forwarded new copies to radiology and billing-jm.			
Entered by: 123032-Jeri Mckenzie-Associate			
Pushed from AudaPro: N/A			

Request Reason: Patient Transfer	Billable Type: Y	Pay On Site: N
Page Count Known: N	Paper Pages: 0	Micro Pages: 0
Electronic Pages: 0	Email:	
Update Record	Close This Window	

Exhibit C

Returned and completed pages 1-3 and 5 of 10-27-14 letter from Plaintiff to Dr. James Giordano, verifying records were sent to Mr. Hassouna and Mr. Wright on 6-27-14.

6477 Edgewood
Canton, MI 48187
October 27, 2014

Dr. James Giordano, DDS
Attn: Records Custodian
6150 Greenfield Rd. #200
Dearborn, MI 48126

**RE: Medical Records Releases for Tamara Filas, DOB redacted
Disclosure Information Request**

Dear Health Information Management Representative,

In June 2013, your office should have received two separate completed copies of form MC315 signed and dated by me to release my medical records to Mr. James Wright (Item 1 below) and Mr. Ahmed Hassouna (Item 2 below). There was also a medical records request (Form MC 315) signed by me to have the same records that were released to Mr. Hassouna to be sent to me.

R E D A C T E D

I am requesting the disclosure of the following information regarding the release of my records to any of the entities listed above in items 1-3, or anyone else to whom my records may have been released (see item 4 below).

For your convenience, I have provided a simple form for you to fill out. Please answer all questions that are discloseable. If a question cannot be answered, give a brief explanation why.

Please answer the questions presented below in items #1-4, sign and date at the bottom, and return the completed copy to me at 6477 Edgewood, Canton, MI 48187.

Thank you,

signature
redacted

Tamara Filas

Item 1:

Mr. James Wright
Zausmer, Kaufman, August & Caldwell, P.C.
31700 Middlebelt Rd., Suite 150
Farmington Hills, MI 48334

1) Were all of the records that I, Tamara Filas, requested to be sent to Mr. Wright or anyone else at the address above, copied and sent out? yes ___ no.

2) Were only some of the records that I, Tamara Filas, requested to be sent to Mr. Wright or anyone else at the above address copied and sent out?

yes ___ no. If yes, explain why only some were sent.

3) If yes to #1 or #2, was a fee paid to you for the copying and mailing of the records to Mr. Wright or anyone else at the address above? ___ yes ___ no.

If the answer is no, skip to number 5. If answer is yes, proceed to question 4.

4) Was the fee paid before or after the records were copied and sent out?

___ before after *\$50.09 still remains owing, record copy was \$150.00, \$100.00 was paid only CR # 8784*

5) On what date were the records sent: 6-27-13

6) If no records requested were sent, what is the reason records were not sent?

Item 2:

Mr. Ahmed Hassouna
Law Offices of Mark E. Williams
340 E. Big Beaver Suite 250
Troy, MI 48083

1) Were all of the records that I, Tamara Filas, requested to be sent to Mr. Hassouna or anyone else at the address above, copied and sent out?
 yes ___ no.

2) Were only some of the records that I, Tamara Filas, requested to be sent to Mr. Hassouna or anyone else at the above address copied and sent out?
___ yes no. If yes, explain why only some were sent.

3) Was I, Tamara Filas, sent the same exact copies of the records that were sent to Mr. Hassouna or anyone else at the above address? yes ___ no.

4) If yes to #1 or #2, was a fee paid to you for the copying and mailing of the records to Mr. Hassouna or anyone else at the address above? yes ___ no.

If the answer is no, skip to number 6. If answer is yes, proceed to question 5.

5) Was the fee paid before or after the records were copied and sent out?

___ before after

6) On what date were the records sent: 6-27-13

7) If no records requested were sent, what is the reason records were not sent?

Item 4:

Any other person or entity to whom records were sent at any time with or without a signed request from Tamara Filas. This would include records released to insurance companies who requested billing codes, records exchanged between health care providers, records released via a court-ordered subpoena or records provided to an employer or governmental agency by statute or law:

Please give name of each person or entity to whom the records were released, the date they were released, and a brief description of the records released.

Person/entity Date released Brief Description of records released

R E D A C T E D

Attach additional sheets as necessary.

Signature of medical records representative completing this form:

Carole Bartlett

Printed name:

CAROLE BARTLETT

Date:

10-28-14

Exhibit D

Returned and completed pages 1-3 and 5 of 10-27-14 letter from Plaintiff to Manzo Eye Care, verifying records were sent to Mr. Hassouna and Mr. Wright on 6-25-14.

6477 Edgewood
Canton, MI 48187
October 27, 2014

Manzo Eye Care
Attn: Records Custodian
621 W. 11 Mile Rd.
Royal Oak, MI 48067

**RE: Medical Records Releases for Tamara Filas, DOB redacted
Disclosure Information Request**

Dear Health Information Management Representative,

In June 2013, your office should have received two separate completed copies of form MC315 signed and dated by me to release my medical records to Mr. James Wright (Item 1 below) and Mr. Ahmed Hassouna (Item 2 below). There was also a medical records request (Form MC 315) signed by me to have the same records that were released to Mr. Hassouna to be sent to me.

R E D A C T E D

I am requesting the disclosure of the following information regarding the release of my records to any of the entities listed above in items 1-3, or anyone else to whom my records may have been released (see item 4 below).

For your convenience, I have provided a simple form for you to fill out. Please answer all questions that are discloseable. If a question cannot be answered, give a brief explanation why.

Please answer the questions presented below in items #1-4, sign and date at the bottom, and return the completed copy to me at 6477 Edgewood, Canton, MI 48187.

Thank you,

signature
redacted

Tamara Filas

Item 1:

Mr. James Wright
Zausmer, Kaufman, August & Caldwell, P.C.
31700 Middlebelt Rd., Suite 150
Farmington Hills, MI 48334

1) Were all of the records that I, Tamara Filas, requested to be sent to Mr. Wright or anyone else at the address above, copied and sent out? yes ___ no.

2) Were only some of the records that I, Tamara Filas, requested to be sent to Mr. Wright or anyone else at the above address copied and sent out?

___ yes no. If yes, explain why only some were sent.

3) If yes to #1 or #2, was a fee paid to you for the copying and mailing of the records to Mr. Wright or anyone else at the address above? yes ___ no.

If the answer is no, skip to number 5. If answer is yes, proceed to question 4.

4) Was the fee paid before or after the records were copied and sent out?

before ___ after

5) On what date were the records sent: 6/25/13

6) If no records requested were sent, what is the reason records were not sent?

Item 2:

Mr. Ahmed Hassouna
Law Offices of Mark E. Williams
340 E. Big Beaver Suite 250
Troy, MI 48083

1) Were all of the records that I, Tamara Filas, requested to be sent to Mr. Hassouna or anyone else at the address above, copied and sent out?
 yes no.

2) Were only some of the records that I, Tamara Filas, requested to be sent to Mr. Hassouna or anyone else at the above address copied and sent out?
 yes no. If yes, explain why only some were sent.

3) Was I, Tamara Filas, sent the same exact copies of the records that were sent to Mr. Hassouna or anyone else at the above address? yes no.

4) If yes to #1 or #2, was a fee paid to you for the copying and mailing of the records to Mr. Hassouna or anyone else at the address above? yes no.

If the answer is no, skip to number 6. If answer is yes, proceed to question 5.

5) Was the fee paid before or after the records were copied and sent out?
 before after

6) On what date were the records sent: 6/25/13

7) If no records requested were sent, what is the reason records were not sent?

N/A

Item 4:


Any other person or entity to whom records were sent at any time with or without a signed request from Tamara Filas. This would include records released to insurance companies who requested billing codes, records exchanged between health care providers, records released via a court-ordered subpoena or records provided to an employer or governmental agency by statute or law:

Please give name of each person or entity to whom the records were released, the date they were released, and a brief description of the records released.

<u>Person/entity</u>	<u>Date released</u>	<u>Brief Description of records released</u>
_____	_____	_____ N/A _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets as necessary.

Signature of medical records representative completing this form:

 _____

Printed name:

Natalie Kempert

Date:

11/3/14

Exhibit E

Returned and completed pages 1-3 and 5 of 10-27-14 letter from Plaintiff to Associates in Physical Medicine and Rehabilitation, verifying records were sent to Mr. Hassouna and Mr. Wright on 6-28-14.

6477 Edgewood
Canton, MI 48187
October 27, 2014

Associates in Physical Medicine & Rehabilitation
Attn: Records Custodian
Reichert Health Center
5333 McAuley Dr., Suite 2009
Ypsilanti, MI 48197

**RE: Medical Records Releases for Tamara Filas, DOB redacted
Disclosure Information Request**

Dear Health Information Management Representative,

In June 2013, your office should have received two separate completed copies of form MC315 signed and dated by me to release my medical records to Mr. James Wright (Item 1 below) and Mr. Ahmed Hassouna (Item 2 below). There was also a medical records request (Form MC 315) signed by me to have the same records that were released to Mr. Hassouna to be sent to me.

R E D A C T E D

I am requesting the disclosure of the following information regarding the release of my records to any of the entities listed above in items 1-3, or anyone else to whom my records may have been released (see item 4 below).

For your convenience, I have provided a simple form for you to fill out. Please answer all questions that are discloseable. If a question cannot be answered, give a brief explanation why.

Please answer the questions presented below in items #1-4, sign and date at the bottom, and return the completed copy to me at 6477 Edgewood, Canton, MI 48187.

Thank you,

Signature
redacted

Tamara Filas

*See attached package
that was sent to Mr.
James Wright.*

Item 1:

Mr. James Wright
Zausmer, Kaufman, August & Caldwell, P.C.
31700 Middlebelt Rd., Suite 150
Farmington Hills, MI 48334

- 1) Were all of the records that I, Tamara Filas, requested to be sent to Mr. Wright or anyone else at the address above, copied and sent out? yes no.
- 2) Were only some of the records that I, Tamara Filas, requested to be sent to Mr. Wright or anyone else at the above address copied and sent out?
 yes no. If yes, explain why only some were sent.

- 3) If yes to #1 or #2, was a fee paid to you for the copying and mailing of the records to Mr. Wright or anyone else at the address above? yes no.

If the answer is no, skip to number 5. If answer is yes, proceed to question 4.

- 4) Was the fee paid before or after the records were copied and sent out?

before after

- 5) On what date were the records sent: 06/28/2013

- 6) If no records requested were sent, what is the reason records were not sent?

Free may have been paid to HealthPort who processed your record request HealthPort may be reached at 800-367-1500 to verify if they received payment.

*See attached package
that was sent to
Mr. Ahmed Hassouna.*

Item 2:

Mr. Ahmed Hassouna
Law Offices of Mark E. Williams
340 E. Big Beaver Suite 250
Troy, MI 48083

- 1) Were all of the records that I, Tamara Filas, requested to be sent to Mr. Hassouna or anyone else at the address above, copied and sent out?
 yes ___ no.
- 2) Were only some of the records that I, Tamara Filas, requested to be sent to Mr. Hassouna or anyone else at the above address copied and sent out?
___ yes ___ no. If yes, explain why only some were sent.

- 3) Was I, Tamara Filas, sent the same exact copies of the records that were sent to Mr. Hassouna or anyone else at the above address? yes ___ no.
- 4) If yes to #1 or #2, was a fee paid to you for the copying and mailing of the records to Mr. Hassouna or anyone else at the address above? ___ yes no.

If the answer is no, skip to number 6. If answer is yes, proceed to question 5.

- 5) Was the fee paid before or after the records were copied and sent out?

___ before ___ after

- 6) On what date were the records sent: 06/28/2013

- 7) If no records requested were sent, what is the reason records were not sent?

Fee may have been paid to HealthPort who process your record request. HealthPort may be reached at 877-367-1500 to verify if they received payment.

Item 4:

Any other person or entity to whom records were sent at any time with or without a signed request from Tamara Filas. This would include records released to insurance companies who requested billing codes, records exchanged between health care providers, records released via a court-ordered subpoena or records provided to an employer or governmental agency by statute or law:

Please give name of each person or entity to whom the records were released, the date they were released, and a brief description of the records released.

<u>Person/entity</u>	<u>Date released</u>	<u>Brief Description of records released</u>
<u>Mr. Ahmed Nassour</u>	<u>6/28/13</u>	<u>see enclosed package of information mailed</u>
<u>Mr. James Wright</u>	<u>6/28/13</u>	<u>see enclosed package of information mailed</u>
<u>Tamara Filas</u>	<u>6/28/13</u>	<u>see enclosed package of information mailed</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Attach additional sheets as necessary.

Signature of medical records representative completing this form:

Carla Gzym, Medical Records Supervisor

Printed name:

Carla Gzym

Date:

10/30/2014

Exhibit F

6-21-13 Order to Vacate prior protective order that was entered in circuitcourt case #11-014149-NF

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

Plaintiff (s) *Tamara Filas*

Case No. *13-000652-NI*

-vs- *Kevin Thomas Culpert
and Efficient Design, Inc.*
Defendant (s)

13-000652-NI

FILED IN MY OFFICE
WAYNE COUNTY CLERK

6/21/2013 11:44:54 AM

CATHY M. GARRETT

At a session of said Court, held in the Coleman A. Young Municipal Center
Detroit, Wayne County, Michigan on

Present: **HONORABLE SUSAN D. BORMAN**
CIRCUIT COURT JUDGE

Precious Smith

IT IS HEREBY ORDERED:

*The protective order previously entered in
case # 11-014149-NF, dated 7-20-12, is
no longer in effect in case # 13-000652-NI*

Tamara Filas's
signature
redacted

SDB

Honorable Susan D. Borman
Circuit Court Judge

Plaintiff Attorney #

Defendant Attorney #

Approved

As to Form only:

[Signature]
P67612
Attorney for Efficient Design

[Signature]
P75734
Of. Efficient Design

[Signature]
For Culpert my P67995