

Exhibit H

1 STATE OF MICHIGAN
2 IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
3 CIVIL DIVISION

4 TAMARA FILAS,
5 Plaintiff,

6 vs.

7 KEVIN CULPERT and EFFICIENT DESIGN,
8 Defendants.

Case No. 13-000652 NI

THIRD JUDICIAL
CIRCUIT COURT
14 FEB 26 AM 8:32
COURT REPORTING
CIVIL DIVISION

9 _____ /
10 MOTION

11 BEFORE THE HONORABLE SUSAN D. BORMAN, Circuit Judge,
12 Detroit, Michigan on Friday, May 2, 2013.

13 APPEARANCES:

14
15 Pro Per Plaintiff: TAMARA FILAS
16 6477 Edgewood
17 Canton, MI 48187
(734) 751-0103

18 For the Defendant: MICHAEL C. O'MALLEY, P59108
19 (Efficient Design) 1450 W. Long Lake Road, Suite 150
20 Farmington Hills, MI 48334
(248) 851-4111

21 For the Defendant: AHMED HASSOUNA, P67995
22 (Kevin Culpert) 340 East Big Beaver, Suite 250
23 Troy, MI 48083
(248) 764-1127

24
25 COPY

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WITNESS:

None

EXHIBITS:

None

IDENTIFIED

RECEIVED

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Detroit Michigan
Thursday, May 2, 2013
Morning session - 10:04 a.m.

- - -

THE COURT: Good morning.
MS. FILAS: Good morning.
MR. SALISBURY: Good morning, Your Honor.

THE COURT: Good morning.

MR. HASSOUNA: Good morning, Your Honor.

MR. O'MALLEY: Michael O'Malley on behalf
of Defendant Efficient Design, Your Honor.

THE COURT: Okay, so first of all we have a
motion for substitution of attorney?

MR. SALISBURY: Yes.

THE COURT: Well, who's substituting in?
She's not an attorney.

MR. SALISBURY: She's not an attorney,
right. It's today to fill in for the Court's
purposes, I guess, until --

THE COURT: What do you mean fill in for
the Court?

MR. SALISBURY: Well, I've been dismissed.

THE COURT: Yeah.

MR. SALISBURY: So it's not a matter of
withdrawing. It's a matter of substitution.

1 THE COURT: Is that true, you've dismissed
2 this attorney?

3 MS. FILAS: Yes.

4 THE COURT: You're going to have a really
5 hard time finding anybody to represent you.

6 MS. FILAS: Well, I'm looking.

7 THE COURT: Okay, you can look, but --

8 MS. FILAS: I have someone in mind.

9 THE COURT: -- anybody who knows that you
10 fired three or four attorneys already is not going to
11 want to take your case.

12 MS. FILAS: It's only been two, and it was
13 for valid reasons.

14 THE COURT: This is the third. This is the
15 third.

16 MS. FILAS: No, this is the second.

17 MR. SALISBURY: Hopefully only the second.

18 MS. FILAS: Yeah, hopefully.

19 THE COURT: All right, so I'll grant your
20 motion since she doesn't want you to represent her,
21 but there's no substitution of attorney here. You're
22 just asking to be relieved from representing her.
23 I'll grant that motion, but it's not a substitution
24 of attorney because there's no attorney being
25 substituted.

1 Now, as far as the motion for continuance,
2 no. What we'll do is we'll do a status conference.
3 I'll give you a little extra time. It's my
4 understanding from reading your motion that you don't
5 want to give your deposition without an attorney, so
6 who's the one that's asking for her deposition?

7 MR. O'MALLEY: We both are, Your Honor.

8 THE COURT: Okay, so we'll put a stay on
9 the deposition for 30 days.

10 MR. O'MALLEY: Okay.

11 THE COURT: Okay, you'll have 30 days to
12 get yourself an attorney. If you don't, you're just
13 going to have to go to your deposition by yourself.

14 MS. FILAS: Okay.

15 THE COURT: I guess that's it, right?

16 MR. O'MALLEY: May we take up the motion to
17 compel, Your Honor?

18 THE COURT: Compel what?

19 MR. O'MALLEY: The answers to
20 interrogatories. I'm here today, Your Honor, asking
21 for the same relief that --

22 THE COURT: Okay, so we'll also go for 30
23 days on that or until she gets an attorney, until
24 somebody files an appearance whichever is sooner,
25 okay.

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MR. HASSOUNA: What about this --

MR. O'MALLEY: That's fair, Your Honor.

THE COURT: Okay.

MR. HASSOUNA: What about the authorizations?

THE COURT: Same thing. She's not going to sign the authorizations. You're going to end up having this case dismissed too because, ma'am, you have to sign the authorizations. You can't bring a lawsuit putting your -- claiming damages for injuries of whatever kind without giving them authorizations to your medical records. If you're going to continue to not do that, or put restrictions on that that the law doesn't allow, your case will end up being dismissed just like your other case.

MS. FILAS: The only restriction that I put on it was that only the attorneys --

THE COURT: I don't want to hear about the restrictions. I already ruled on that. I said you couldn't do that so we're not going to revisit that, okay. We're not going to revisit that. But if you persist on doing that, this case is going to be dismissed too. There's going to come a point where if I've dismissed the case twice, it's going to be with prejudice, and then you're not going to be able to bring a lawsuit again, so this is something you

1 have to do. This is what the law requires. I
2 understand you don't want to do it, but in order to
3 bring such a lawsuit, you have to do it.

4 MS. FILAS: I just don't see where the law
5 requires to give it to a third party.

6 THE COURT: Okay, I don't care what you
7 see. I don't care what you see. We've gone over
8 this. It's not what you see.

9 MS. FILAS: But I'm being asked to give
10 records to a third party, not just the attorneys.
11 I'm being asked to give them to this deposition
12 service, and I just wanted to clarify that it was
13 just going to the one attorney.

14 THE COURT: It goes through Record Copy
15 Service. They don't care about your medical records,
16 but that's the way it's done, okay. That's the way
17 it's done. That way they know they get all your
18 records and that you're not keeping any back.

19 MS. FILAS: Right, I just wanted to make
20 sure it just went to that attorney though and it
21 didn't say Records Deposition who it was even being
22 disclosed to. Basically the way the form is written
23 it allowed them --

24 THE COURT: Only for this case. But when
25 you request your authorizations you can say it's for

1 the use in this case. It's not going to go to any
2 third party. But there are other people involved in
3 the case that will see your record. The insurance
4 company will see your record. The attorneys will see
5 your record. The defendants who are involved in this
6 case are going to see your records.

7 MS. FILAS: Right.

8 THE COURT: Yeah, yes.

9 MS. FILAS: I have no problem with that.

10 MR. O'MALLEY: Your Honor, may I make a
11 proposal regarding the outstanding discovery?

12 THE COURT: Yeah.

13 MR. O'MALLEY: With respect to the 30 days,
14 can we have a self-executing order that if we don't
15 receive the answers to the interrogatories sworn
16 under oath and the executed authorizations --

17 THE COURT: No.

18 MR. O'MALLEY: -- that the case is dismissed
19 without prejudice?

20 THE COURT: No. You'll bring a motion. No.
21 N-O. So I'm going to instruct my judicial attorney to
22 make out a scheduling order now. You don't even have
23 to come back. But you'll sit down and she's going to
24 give it to you. And instead of the usual 120 days
25 that we give, we'll be giving 150 days, okay.

1 And your motion -- you're going to have to
2 -- I don't know what your order says, but it's not a
3 substitution of attorney.

4 MR. SALISBURY: In pro per.

5 THE COURT: I don't see your order. I
6 don't see your order.

7 MR. SALISBURY: There's a proposed order.

8 THE COURT: Well, you're going to have to
9 make it the way I ruled. So everything is going to
10 be like in a stay for 30 days.

11 MS. FILAS: Would that include the motion
12 that's scheduled for next week on Friday?

13 THE COURT: What motion is scheduled for
14 next week?

15 MS. FILAS: Efficient Design's motion to
16 compel discovery also.

17 MR. O'MALLEY: Co-defense counsel, there's
18 two of us representing Efficient Design's under two
19 different policies. I'll let him know that that's
20 put off.

21 THE COURT: Okay, so this is a third party
22 case, right?

23 MR. SALISBURY: Yes, Your Honor.

24 MR. O'MALLEY: Yes, Your Honor.

25 THE COURT: Okay, I don't see your order

1 here.

2 MR. O'MALLEY: It was part of the packet.

3 THE COURT: I don't have it. Do you have a
4 copy of it?

5 MR. O'MALLEY: I only had one copy.

6 THE COURT: You only had one copy? How are
7 you going to get a true copy then?

8 MR. O'MALLEY: It's an e-file case.

9 THE COURT: It's not an e-file case or are
10 we e-filing these now?

11 THE CLERK: Yes.

12 THE COURT: Okay, fill out a blank order
13 and then I'll initial it and then you'll have to
14 e-file it.

15 MR. O'MALLEY: Your Honor, shall I
16 re-notice the motion to compel after 30 days?

17 THE COURT: How else are you going to get
18 it before me.

19 MR. O'MALLEY: Okay.

20 THE COURT: I told you it wasn't going to
21 be self-executing, so I don't know of any other way
22 except by bringing a motion.

23 MR. O'MALLEY: I will re-notice it for the
24 next available motion after 30 days.

25 THE COURT: Any Friday is available. Any

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Friday is available unless I'm not going to be here.

Okay, you can get a blank order from Precious.

MR. O'MALLEY: I just gave him one, Your Honor. Thank you very much for your time.

MS. FILAS: Thank you.

THE COURT: You're welcome.

(Proceeding concluded - 10:14 a.m.)

Exhibit I

6477 Edgewood
Canton, MI 48187
June 6, 2013

Henry Ford West Bloomfield Hospital
Attn: Medical Records
6777 West Maple Rd.
West Bloomfield, MI 48322

RE: Request for records pertaining to Tamara Filas, DOB [REDACTED]

Dear Medical Records Custodian,

Attached is a signed Authorization for Release of Medical Information and Authentication Certificate, permitting the disclosure of records pertaining to Tamara Filas, DOB [REDACTED], as described in detail below, to Mr. Ahmed Hassouna, Law Offices of Mark E. Williams, 340 E. Big Beaver Suite 250, Troy, MI 48083.

It is necessary that the attached Certificate, to be completed by the Records Custodian, is notarized, and sent by U.S. Certified Mail with Return Receipt, in order to satisfy MCR 2.506(I)(1)(b).

Description of records requested:

Redacted: Below was DOB
Any and all PHI from [REDACTED] until present.

Redacted: Below was DOB
Any and all medical records from [REDACTED] to present pertaining to Tamara Filas DOB [REDACTED], including all medical reports, doctor notes/reports, nurse's notes/reports, consultation notes/reports, admission notes, treatment notes/history, radiographic study reports, medical orders, physical therapy notes/orders/regimen, performance appraisals, exam results, discharge summaries and the like, including, but not limited to the following practitioner visits:

Redacted: Additional letters of caregivers' names and type of report
4-7-10, K [REDACTED] S [REDACTED]
5-5-10, J [REDACTED] L [REDACTED] and C [REDACTED] E [REDACTED]
8-31-10, C [REDACTED] I [REDACTED]
9-16-10, V [REDACTED] S [REDACTED]
11-2-10, C [REDACTED] E [REDACTED]
4-14-11, N [REDACTED] C [REDACTED]
9-12-11, C [REDACTED] E [REDACTED] and J [REDACTED] M [REDACTED]
10-3-11, [REDACTED] testing reports
10-5-11, C [REDACTED] E [REDACTED]
12-13-11, C [REDACTED] L [REDACTED]
2-17-12, C [REDACTED] L [REDACTED]
3-8-12, J [REDACTED] N [REDACTED]
4-4-12, J [REDACTED] N [REDACTED]

4-9-12, J [redacted] N [redacted]
4-16-12, J [redacted] N [redacted]
4-19-12, J [redacted] N [redacted]
7-13-12, C [redacted] U [redacted]
10-5-12, C [redacted] U [redacted]

Thank you in advance for your assistance.

Yours truly,

signature redacted

Tamara Filas

This 2-page document and 2-page Medical Authorization form, requesting records pertaining to Tamara Filas, was received on June 6, 2013 by:

Debra K
Signature

Debra Kress
Printed name

12:25 pm
Time

Approved, SCAO

Original - Records custodian
1st copy - Requesting party
2nd copy - Patient

STATE OF MICHIGAN JUDICIAL DISTRICT 3rd JUDICIAL CIRCUIT COUNTY PROBATE	AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION	CASE NO. 13-000652-NI
---	--	---------------------------------

Court address: 2 Woodward Ave. Detroit, MI 48226
 Court telephone no. (313) 224-5261

Plaintiff Tamara Filas	v	Defendant Kevin Culpert and Efficient Design, Inc.
<input type="checkbox"/> Probate In the matter of _____		

1. Tamara Filas _____
 Patient's name Date of birth

2. I authorize Henry Ford West Bloomfield Hospital, Attn: Medical Records, 6777 W. Maple Rd., West Bloomfield, MI 48322
 Name and address of doctor, hospital, or other custodian of medical information

to release (see attached letter)
 Description of medical information to be released (include dates where appropriate)

Mr. Ahmed Hassouna, Law Offices of Mark E. Williams, 340 E. Big Beaver Suite 250, Troy, MI 48083
 to Name and address of party to whom the information is to be given

3. I understand that unless I expressly direct otherwise:

- a) the custodian will make the medical information reasonably available for inspection and copying, or
- b) the custodian will deliver to the requesting party the original information or a true and exact copy of the original information accompanied by the certificate on the reverse side of this authorization.

I understand that medical information may include records, if any, on alcohol and drug abuse, psychology, social work, and information about HIV, AIDS, ARC, and any other communicable disease.

4. This authorization is valid for 60 days and is signed to make medical information regarding me available to the other party(ies) to the lawsuit listed above for their use in any stage of the lawsuit. The medical information covered by this release is relevant because my mental or physical condition is in controversy in the lawsuit.

5. I understand that by signing this authorization there is potential for protected health information to be redisclosed by the recipient.

6. I understand that I may revoke this authorization, except to the extent action has already been taken in reliance upon this authorization, at any time by sending a written revocation to the doctor, hospital, or other custodian of medical information.

06/06/2013

Date

signature redacted

Signature

Tamara Filas

Name (type or print) (If signing as Personal Representative, please state under what authority you are acting)

6477 Edgewood

Address

Canton, MI 48187

City, state, zip

(734) 751-0103

Telephone no.

CERTIFICATE

1. I am the custodian of medical information for _____
Organization
2. I received the attached authorization for release of medical information on _____
Date
3. I have examined the original medical information regarding this patient and have attached a true and complete copy of the information that was described in the authorization.
4. This certificate is made in accordance with Michigan Court Rule.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Signature

Name (type or print)

Address

City, state, zip

Telephone no.

6477 Edgewood
Canton, MI 48187
June 19, 2013

Redacted: Name of business, to protect privacy

██████████ Chiropractic
Attn: Records Custodian
██████████
██████████, MI ██████████

RE: Request for records pertaining to Tamara Filas, DOB ██████████

Dear Health Information Management Representative,

Attached is a signed Authorization for Release of Medical Information and Authentication Certificate, permitting the disclosure of records pertaining to Tamara Filas, DOB ██████████, as described in detail below, to Mr. Ahmed Hassouna, Law Offices of Mark E. Williams, 340 E. Big Beaver Suite 250, Troy, MI 48083.

It is necessary that the attached Certificate, to be completed by the Records Custodian, is notarized, and sent by U.S. Certified Mail with Return Receipt, in order to satisfy MCR 2.506(l)(1)(b).

Description of records requested:

Redacted: Below was DOB

Any and all medical records from ██████████ to present pertaining to Tamara Filas, DOB ██████████, including all medical reports, history & physical, discharge summary, operative reports, consults, outpatient visit notes, test reports, ER clinician notes, flow sheets, medication administration records, physician orders, doctor notes/reports, nurse's notes/reports, consultation notes/reports, admission notes, treatment notes/history, radiographic study reports, medical orders, physical therapy notes/orders/regimen, performance appraisals, exam results, discharge summaries and the like, including, but not limited to the following visit dates:

4-29-11	2-16-12	3-10-12
5-3-11	2-18-12	3-13-12
2-1-12	2-21-12	3-15-12
2-3-12	2-23-12	3-17-12
2-4-12	2-25-12	3-21-12
2-7-12	2-28-12	3-24-12
2-9-12	3-1-12	3-31-12
2-10-12	3-3-12	4-3-12
2-11-12	3-6-12	4-16-12
2-14-12	3-8-12	4-20-12

4-25-12	8-13-12	1-30-13
4-28-12	8-29-12	2-4-13
5-1-12	9-17-12	2-11-13
5-5-12	9-24-12	2-18-13
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5-11-12	10-8-12	3-4-13
5-15-12	10-15-12	3-11-13
5-18-12	10-22-12	3-25-13
5-22-12	11-5-12	4-8-13
6-7-12	11-12-12	4-15-13
6-13-12	11-19-12	4-22-13
6-19-12	11-26-12	5-6-13
6-26-13	12-3-12	5-13-13
7-9-12	12-10-12	5-20-13
7-16-12	12-19-12	6-3-13
7-23-12	1-7-13	6-10-13
7-30-12	1-14-13	
8-6-12	1-23-13	

Other records requested:

Any and all films, x-rays, CT's, MRI's, and EMG's from Redacted: Below was DOB to present pertaining to Tamara Filas (DOB Redacted: Below was DOB). Please provide films on CD, if possible.

Billing information from 1-15-2010 to present

Thank you in advance for your assistance.

Yours truly,

signature redacted

Tamara Filas

Original - Records custodian
1st copy - Requesting party
2nd copy - Patient

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT 3rd JUDICIAL CIRCUIT COUNTY PROBATE	AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION	CASE NO. 13-000652-NI
--	---	--------------------------

Court address: 2 Woodward Ave., Detroit, MI 48226
 Court telephone no.: (313) 224-5261

Plaintiff Tamara Filas	v	Defendant Kevin Culpert and Efficient Design, Inc.
Probate In the matter of _____		

1. Tamara Filas _____
 Patient's name Date of birth

2. I authorize _____ Attn: Records Custodian, _____ MI _____
 Name and address of doctor, hospital, or other custodian of medical information

to release (see attached letter)
 Description of medical information to be released (include dates where appropriate)

to Mr. Ahmed Hassouna, Law Offices of Mark E. Williams, 340 E. Big Beaver, Suite 250, Troy, MI 48083
 Name and address of party to whom the information is to be given

3. I understand that unless I expressly direct otherwise:
- a) the custodian will make the medical information reasonably available for inspection and copying, or
 - b) the custodian will deliver to the requesting party the original information or a true and exact copy of the original information accompanied by the certificate on the reverse side of this authorization.
- I understand that medical information may include records, if any, on alcohol and drug abuse, psychology, social work, and information about HIV, AIDS, ARC, and any other communicable disease.
4. This authorization is valid for 60 days and is signed to make medical information regarding me available to the other party(ies) to the lawsuit listed above for their use in any stage of the lawsuit. The medical information covered by this release is relevant because my mental or physical condition is in controversy in the lawsuit.
5. I understand that by signing this authorization there is potential for protected health information to be redisclosed by the recipient.
6. I understand that I may revoke this authorization, except to the extent action has already been taken in reliance upon this authorization, at any time by sending a written revocation to the doctor, hospital, or other custodian of medical information.

6-19-13
 Date

signature redacted
 Signature
 Tamara Filas

6477 Edgewood
 Address
 Canton, MI 48187

(734) 751-0103
 Telephone no.

Name (type or print) (If signing as Personal Representative, please state under what authority you are acting) City, state, zip



Certificate Of Mailing

From



Ms. Tamara Filas
6477 Edgewood Rd.
Canton, MI 48187-5264

To



Attn: Records Custodian



, MI

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00087954-03

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U. S. POSTAGE
PAID
CANTON, MI
JUN 19, 13
HMOUNT

Exhibit J1

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 disk + Billing stmt
mailed on ~~7-24-14~~ 7-24-13
ERRATA
SMS

- 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?
ERRATA
SMS

Judge Manders, medical records Dept.
10129114 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 Manders 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>
_____	_____	_____
_____	_____	_____
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Attach additional sheets as necessary.

Signature of medical records representative completing this form:

Judy Manders

Printed name:

Judy Manders

Andrew Moore M.D.
ORTHOPEDIC SURGERY ASSOCIATES, P.C.
5315 ELLIOTT DRIVE
SUITE 301
TUSCUMMA, MICHIGAN 48197

Date:

10-29-14

Exhibit J2



**ST. MARY MERCY
LIVONIA**
SAINT JOSEPH MERCY HEALTH SYSTEM

36475 Five Mile Road
Livonia, MI 48154
Phone: 734-655-4800

stmarymercy.org

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: 953109

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. rvd-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 **DOB:** redacted

First Name: Tamara **Last Name:** Filas **Claim #:**

SSN: **Med Rec No:** 953109 **Patient Acct #:**

Chart Location: Perm File **Date of Service:**

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 J3

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 ck #5784*

- 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 J4

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 J5

343120

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,

[redacted]
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?

→ *Fee may have been paid to HealthPod who processed your record request HealthPod 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 processed 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 Nassar</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 K

REGISTER OF ACTIONS

CASE No. 13-000652-NI

RELATED CASE INFORMATION**Related Cases**

11-014149-NF (Prior Action)

PARTY INFORMATIONDefendant **CULPERT, KEVIN THOMAS****Lead Attorneys**Ahmed M. Hassouna
Retained
(248) 764-1127(W)Defendant **EFFICIENT DESIGN, INC.**James C. Wright
Retained
(248) 851-4111(W)Plaintiff **Flas, Tamara**

Pro Se

Plaintiff **FLAS, TAMARA**Daryle G. Salisbury
Retained
(248) 348-6820(W)**EVENTS & ORDERS OF THE COURT****OTHER EVENTS AND HEARINGS**

01/14/2013 **Service Review Scheduled**
(Due Date: 04/15/2013) (Clerk: Tyler,F)

01/14/2013 **Status Conference Scheduled**
(Clerk: Tyler,F)

01/14/2013 **Case Filing Fee - Paid**
\$150.00 Fee Paid (Clerk: Tyler,F)

01/14/2013 **Complaint, Filed**
(Clerk: Bynum,D)

02/06/2013 **Answer to Complaint-with Jury Demand, Filed**
Proof of Service, Filed; Affirmative Defenses, Filed (Clerk: Tyler,F)

02/06/2013 **Proof of Service, Filed**
(Clerk: Tyler,F)

02/07/2013 **Request for Admissions, Filed**
(Clerk: Tyler,F)

02/12/2013 **Appearance of Attorney, Filed**
(Clerk: Tyler,F)

02/19/2013 **Service of Complaint, filed**
(Clerk: Tyler,F)

02/19/2013 **Answer to Affirmative Defenses, Filed**
(Clerk: Tyler,F)

02/20/2013 **Answer to Complaint-with Jury Demand, Filed**
Proof of Service, Filed; Affirmative Defenses, Filed (Clerk: Tyler,F)

02/20/2013 **Witness List, Filed**
Proof of Service, Filed (Clerk: Tyler,F)

02/25/2013 **Affirmative Defenses, Filed**
(Clerk: Tyler,F)

03/11/2013 **Appearance of Attorney, Filed**
(Clerk: Tyler,F)

03/26/2013 **Motion to Extend Time, Filed**
Fee: \$20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)

04/03/2013 **Notice of Hearing, Filed**
(Clerk: Tyler,F)

04/04/2013 **Præcipe, Filed** (Judicial Officer: Borman, Susan D.)

04/19/2013 **Notice of Hearing, Filed**
(Clerk: Tyler,F)

04/19/2013 **Motion to Compel Answers to Interrogatories, Filed**
Fee: \$20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)

04/22/2013 **Motion to Consolidate, Filed**
Fee: \$20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)

04/24/2013 **Præcipe, Filed** (Judicial Officer: Borman, Susan D.)

04/24/2013 **Notice of Hearing, Filed**
(Clerk: Tyler,F)

04/26/2013 **CANCELLED Motion Hearing (9:00 AM)** (Judicial Officer: Borman, Susan D.)
<https://cmspublic.3rdcc.org/CaseDetail.aspx?CaseID=2300181>

CANCELED Motion Hearing (9:30 AM) (Judicial Officer Borman, Susan D.)
 Scheduling Error
 Scheduling Error
 04/12/2013 Reset by Court to 04/26/2013
 04/29/2013 **Miscellaneous Motion, Filed**
 Fee: \$20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)
 04/30/2013 **Motion to Compel Action, Filed**
 Fee: \$20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)
 05/01/2013 **Præcipe, Filed** (Judicial Officer: Borman, Susan D.)
 05/02/2013 **Status Conference (9:30 AM)** (Judicial Officer Borman, Susan D.)
 04/15/2013 Reset by Court to 04/19/2013
 04/19/2013 Reset by Court to 04/23/2013
 04/23/2013 Reset by Court to 05/02/2013
 Result: Held
 05/02/2013 **Motion Hearing (9:30 AM)** (Judicial Officer Borman, Susan D.)
 Plaintiff - Plaintiff's Motion for Continuance
 04/12/2013 Reset by Court to 04/26/2013
 04/26/2013 Reset by Court to 05/03/2013
 05/03/2013 Reset by Court to 05/02/2013
 Result: Held
 05/02/2013 **Motion Hearing (9:30 AM)** (Judicial Officer Borman, Susan D.)
 Defendant Efficient Design - Motion to Compel Discovery From Plaintiff
 05/10/2013 Reset by Court to 05/02/2013
 Result: Held
 05/02/2013 **Status Conference Scheduling Order, Signed and Filed** (Judicial Officer: Borman, Susan D.)
 s/c 12-10, w/ 7-11, disc 10-13, ce 10-28, 2nd s/c 12-16 (Clerk: Smith,P)
 05/02/2013 **Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.)
 denied continuance (Clerk: Smith,P)
 05/02/2013 **Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
 (Clerk: Smith,P)
 05/02/2013 **Motion to Withdraw as Attorney Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
 (Clerk: Smith,P)
 05/02/2013 **Status Conference Scheduling Order, Signed and Filed**
 (Clerk: Tyler,F)
 05/02/2013 **Status Conference Scheduling Order, Signed and Filed** (Judicial Officer: Borman, Susan D.)
 05/03/2013 **CANCELED Motion Hearing (9:00 AM)** (Judicial Officer Borman, Susan D.)
 Dismiss Hearing or Injunction
 Dismiss Hearing or Injunction
 05/03/2013 **Appearance of Attorney, Filed**
 (Clerk: Tyler,F)
 05/03/2013 **Order for Miscellaneous Action, Signed and Filed**
 (Clerk: Tyler,F)
 05/06/2013 **Settlement Conference Scheduled**
 (Clerk: Fowler,R)
 05/06/2013 **Notice of Hearing, Filed**
 (Clerk: Tyler,F)
 05/10/2013 **Notice of Hearing, Filed**
 (Clerk: Tyler,F)
 06/06/2013 **Answer to Motion, Filed**
 (Clerk: Tyler,F)
 06/10/2013 **Notice of Hearing, Filed**
 (Clerk: Tyler,F)
 06/14/2013 **Motion to Vacate Order, Filed**
 Fee: \$20.00 PAID (Clerk: Tyler,F)
 06/14/2013 **Motion to Compel Action, Filed**
 Fee: \$20.00 Paid; Brief, Filed; Proof of Service, Filed; Notice of Hearing, Filed (Clerk: Tyler,F)
 06/17/2013 **Answer to Motion, Filed**
 (Clerk: Tyler,F)
 06/17/2013 **Answer to Motion, Filed**
 (Clerk: Tyler,F)
 06/18/2013 **Answer to Motion, Filed**
 (Clerk: Tyler,F)
 06/19/2013 **Answer to Motion, Filed**
 (Clerk: Tyler,F)
 06/19/2013 **Præcipe, Filed** (Judicial Officer: Borman, Susan D.)
 06/19/2013 **Præcipe, Filed** (Judicial Officer: Borman, Susan D.)
 06/19/2013 **Præcipe, Filed** (Judicial Officer: Borman, Susan D.)
 06/19/2013 **Answer to Motion, Filed**
 (Clerk: Tyler,F)

6/24/13

<https://cmspublic.3rdcc.org/CaseDetail.aspx?CaseID=2300181>

- 06/21/2013 **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
df Efficient design mtn to compel
Result: Held
- 06/21/2013 **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
Defendant - Defendant's Motion to Compel Answers to Interrogatories and Production of Documents
Result: Held
- 06/21/2013 **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
Plaintiff - MOTION TO COMPEL DEFENDANT TO RETURN INADVERTENTLY PRODUCED DISCOVERY MATERIALS
06/28/2013 Reset by Court to 06/21/2013
Result: Held
- 06/21/2013 **Motion Hearing** (9:00 AM) (Judicial Officer Borman, Susan D.)
Plaintiff - MOTION TO VACATE PROTECTIVE ORDER
06/28/2013 Reset by Court to 06/21/2013
Result: Held
- 06/21/2013 **Order for Miscellaneous Action, Signed and Filed**
(Clerk: Tyler,F)
- 06/21/2013 **Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
(Clerk: Smith,P)
- 06/21/2013 **Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
(Clerk: Smith,P)
- 06/21/2013 **Motion for Discovery Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
return discovery paper work (Clerk: Smith,P)
- 06/21/2013 **Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.)
denied mtn to vacate (Clerk: Smith,P)
- 06/21/2013 **Witness List, Filed**
Proof of Service, Filed (Clerk: Tyler,F)
- 10/23/2013 **Case Evaluation - General Civil**
(Clerk: Fowler,R)
- 12/10/2013 **Settlement Conference** (9:30 AM) (Judicial Officer Borman, Susan D.)

No "special
Conference"
listed

REGISTER OF ACTIONS

CASE NO. 13-000652-NI

RELATED CASE INFORMATION

Related Cases

11-014149-NF (Prior Action)

PARTY INFORMATION

Defendant	CULPERT, KEVIN THOMAS	Lead Attorneys Ahmed M. Hassouna <i>Retained</i> (248) 764-1210(W)
Defendant	EFFICIENT DESIGN, INC.	James C. Wright <i>Retained</i> (248) 851-4111(W)
Plaintiff	Filas, Tamara	Pro Se
Plaintiff	FILAS, TAMARA	Daryle G. Salisbury <i>Retained</i> (248) 348-6820(W)

EVENTS & ORDERS OF THE COURT

- OTHER EVENTS AND HEARINGS**
- 01/14/2013 [Service Review Scheduled](#)
 - 01/14/2013 [Status Conference Scheduled](#)
 - 01/14/2013 [Case Filing Fee - Paid](#)
 - 01/14/2013 [Complaint, Filed](#)
 - 02/06/2013 [Answer to Complaint-with Jury Demand, Filed](#)
 - 02/06/2013 [Proof of Service, Filed](#)
 - 02/07/2013 [Request for Admissions, Filed](#)
 - 02/12/2013 [Appearance of Attorney, Filed](#)
 - 02/19/2013 [Service of Complaint, filed](#)
 - 02/19/2013 [Answer to Affirmative Defenses, Filed](#)
 - 02/20/2013 [Answer to Complaint-with Jury Demand, Filed](#)
 - 02/20/2013 [Witness List, Filed](#)
 - 02/25/2013 [Affirmative Defenses, Filed](#)
 - 03/11/2013 [Appearance of Attorney, Filed](#)
 - 03/26/2013 [Motion to Extend Time, Filed](#)
 - 04/03/2013 [Notice of Hearing, Filed](#)
 - 04/04/2013 [Praecipe, Filed](#) (Judicial Officer: Borman, Susan D.)
 - 04/19/2013 [Notice of Hearing, Filed](#)
 - 04/19/2013 [Motion to Compel Answers to Interrogatories, Filed](#)
 - 04/22/2013 [Motion to Consolidate, Filed](#)
 - 04/24/2013 [Praecipe, Filed](#) (Judicial Officer: Borman, Susan D.)
 - 04/24/2013 [Notice of Hearing, Filed](#)
 - 04/26/2013 **CANCELED Motion Hearing (9:00 AM)** (Judicial Officer Borman, Susan D.)
Scheduling Error
04/12/2013 Reset by Court to 04/26/2013
 - 04/29/2013 [Miscellaneous Motion, Filed](#)
 - 04/30/2013 [Motion to Compel Action, Filed](#)
 - 05/01/2013 [Praecipe, Filed](#) (Judicial Officer: Borman, Susan D.)
 - 05/02/2013 **Status Conference (9:30 AM)** (Judicial Officer Borman, Susan D.)
04/15/2013 Reset by Court to 04/19/2013
04/19/2013 Reset by Court to 04/23/2013
04/23/2013 Reset by Court to 05/02/2013
Result: Held
 - 05/02/2013 **Motion Hearing (9:30 AM)** (Judicial Officer Borman, Susan D.)
04/12/2013 Reset by Court to 04/26/2013
04/26/2013 Reset by Court to 05/03/2013

05/03/2013 Reset by Court to 05/02/2013
Result: Held
 - 05/02/2013 **Motion Hearing (9:30 AM)** (Judicial Officer Borman, Susan D.)
05/10/2013 Reset by Court to 05/02/2013
Result: Held

- 05/02/2013 **Status Conference Scheduling Order, Signed and Filed** (Judicial Officer: Borman, Susan D.)
- 05/02/2013 **Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.)
- 05/02/2013 **Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
- 05/02/2013 **Motion to Withdraw as Attorney Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
- 05/02/2013 [Status Conference Scheduling Order, Signed and Filed](#)
- 05/02/2013 [Status Conference Scheduling Order, Signed and Filed](#) (Judicial Officer: Borman, Susan D.)
- 05/03/2013 **CANCELED Motion Hearing (9:00 AM)** (Judicial Officer Borman, Susan D.)
Dismiss Hearing or Injunction
- 05/03/2013 [Appearance of Attorney, Filed](#)
- 05/03/2013 [Order for Miscellaneous Action, Signed and Filed](#)
- 05/06/2013 **Settlement Conference Scheduled**
- 05/06/2013 [Notice of Hearing, Filed](#)
- 05/10/2013 [Notice of Hearing, Filed](#)
- 06/06/2013 [Answer to Motion, Filed](#)
- 06/10/2013 [Notice of Hearing, Filed](#)
- 06/14/2013 [Motion to Vacate Order, Filed](#)
- 06/14/2013 [Motion to Compel Action, Filed](#)
- 06/17/2013 [Answer to Motion, Filed](#)
- 06/17/2013 [Answer to Motion, Filed](#)
- 06/18/2013 [Answer to Motion, Filed](#)
- 06/19/2013 [Answer to Motion, Filed](#)
- 06/19/2013 [Praecipe, Filed](#) (Judicial Officer: Borman, Susan D.)
- 06/19/2013 [Praecipe, Filed](#) (Judicial Officer: Borman, Susan D.)
- 06/19/2013 [Praecipe, Filed](#) (Judicial Officer: Borman, Susan D.)
- 06/19/2013 [Answer to Motion, Filed](#)
- 06/21/2013 **Motion Hearing (9:00 AM)** (Judicial Officer Borman, Susan D.)
Result: Held
- 06/21/2013 **Motion Hearing (9:00 AM)** (Judicial Officer Borman, Susan D.)
Result: Held
- 06/21/2013 **Motion Hearing (9:00 AM)** (Judicial Officer Borman, Susan D.)
06/28/2013 Reset by Court to 06/21/2013
Result: Held
- 06/21/2013 **Motion Hearing (9:00 AM)** (Judicial Officer Borman, Susan D.)
06/28/2013 Reset by Court to 06/21/2013
Result: Held
- 06/21/2013 [Order for Miscellaneous Action, Signed and Filed](#)
- 06/21/2013 **Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
- 06/21/2013 **Motion to Compel Action Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
- 06/21/2013 **Motion for Discovery Granted, Order to Follow** (Judicial Officer: Borman, Susan D.)
- 06/21/2013 **Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.)
- 06/21/2013 [Witness List, Filed](#)
- 06/24/2013 **Case Evaluation - General Civil**
- 06/24/2013 **Special Conference (2:00 PM)** (Judicial Officer Borman, Susan D.)
Result: Held
- 06/24/2013 **Closed - Case Dismissed, Order to Follow** (Judicial Officer: Borman, Susan D.)
- 06/25/2013 [Notice of Presentment](#)
- 06/28/2013 **Motion Transcript Ordered**
- 07/02/2013 [Objection to 7-Day Order, Filed](#)
- 07/05/2013 [Notice of Hearing, Filed](#)
- 07/09/2013 [Notice of Hearing, Filed](#)
- 07/09/2013 **Transcript, Filed**
- 07/11/2013 [Witness List, Filed](#)
- 07/16/2013 [Answer to Objection, Filed](#)
- 07/19/2013 [Notice of Hearing, Filed](#)
- 07/22/2013 [Concurrence, Filed](#)
- 08/07/2013 [Proof of Service, Filed](#)
- 08/07/2013 [Reply to Answer, Filed](#)
- 08/07/2013 [Concurrence, Filed](#)
- 08/09/2013 **Motion Hearing (9:00 AM)** (Judicial Officer Borman, Susan D.)
07/24/2013 Reset by Court to 08/09/2013
Result: Held
- 08/09/2013 **Motion Denied, Order to Follow** (Judicial Officer: Borman, Susan D.)
- 08/09/2013 [Final - Order of Dismissal, Signed and Filed](#)
- 08/30/2013 **Transcript, Filed**
- 12/10/2013 **CANCELED Settlement Conference (9:30 AM)** (Judicial Officer Borman, Susan D.)
Case Disposed/Order Previously Entered
- 01/17/2014 **Letter, Filed**
- 01/24/2014 [Claim of Appeal, Filed](#)
- 01/30/2014 **File Sent**
- 01/30/2014 **Motion Transcript Ordered**
- 02/26/2014 **Transcript, Filed**
- 11/25/2014 **Higher Court Order/Decision Received by Circuit Court**
- 01/27/2015 **Higher Court Order/Decision Received by Circuit Court**

← Special Conference Listed

Exhibit L

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAMARA FILAS,

Plaintiff,

Case No.: 13-000652-NI

Hon. Susan D. Borman

-vs-

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

Defendants.

13-000652-NI
FILED IN MY OFFICE
WAYNE COUNTY CLERK
7/2/2013 3:28:24 PM
CATHY M. GARRETT

TAMARA FILAS Plaintiff 6477 Edgewood Rd. Canton, MI 48187 (734) 751-0103 e-mail redacted	MICHAEL C. O'MALLEY (P59108) Attorney for Defendant Efficient Design 1450 W. Long Lake Rd., Ste. 100 Troy, MI 48098 (248) 312-2940 momalley@vgpclaw.com
AHMED M. HASSOUNA (P67995) Attorney for Defendant Culpert 340 E. Big Beaver, Suite 250 Troy, MI 48083 (248) 764-1127 Ahmed_M_Hassouna@progressive.com	JAMES C. WRIGHT (P67613) Attorney for Defendant Efficient Design 31700 Middlebelt Rd., Suite 150 Farmington Hills, MI 48334 (248) 851-4111/0100 (Fax) jwright@zkact.com

**PLAINTIFF'S OBJECTION TO DEFENDANT EFFICIENT DESIGN INC.'S
PROPOSED ORDER OF DISMISSAL WITHOUT PREJUDICE**

NOW COMES the Plaintiff, Tamara Filas, objecting to Defendant Efficient Design's proposed Order of Dismissal Without Prejudice, and states as follows:

1. Defendant Efficient Design, Inc.'s Notice of Submission of Seven-Day Order states that the Plaintiff has seven days from the date of service to object to the entry of the Defendant's proposed Order of Dismissal without Prejudice. Although the proof of

service states that this notice was served on June 24, 2013, it was not filed with the court nor received through the e-filing system by the Plaintiff until June 25, 2013 at approximately 2:15 PM. Plaintiff contends the seven days to object to the Defendant's proposed order should be counted from June 25, 2013 for a deadline of July 2, 2013, and prays this court agrees.

2. On April 30, 2013, Defendant Efficient Design, Inc. mailed Plaintiff a Combined Request for Admissions and Requests for Production of Documents to Plaintiff, a set of First Interrogatories to Plaintiff, and Interrogatories and Request for Production of Documents regarding the Existence of the Medicare/Medicaid Lien. He sent these requests without any authorization forms enclosed.
3. On the morning of June 21, 2013, Plaintiff provided answers to interrogatories to both Defendants, Kevin Culpert and Efficient Design, Inc. to their respective attorneys, Mr. Hassouna and Mr. Wright.
4. To meet Mr. Hassouna's request for production of medical records, Plaintiff provided Mr. Hassouna, attorney for Defendant, Kevin Culpert, with signed SCAO MC 315 authorization forms for her healthcare providers, which he indicated were acceptable.
5. With regard to the production of documents for Mr. Wright, Defendant Efficient Design asked only for "copies of any and all medical records relating to injuries received as a result of the subject accident", "copies of any and all photographs with regard to this accident," and for Plaintiff to sign an enclosed authorization form regarding Medicare/Medicaid benefits. (Exhibit A, relevant pages from Efficient Design's request for production)

6. Plaintiff answered all of Efficient Design's interrogatories and provided a CD of her photographs with regard to the accident to Mr. Wright. No authorization forms for the Plaintiff to sign were enclosed with the documents mailed April 30, 2013, nor were any provided to Plaintiff before the June 21, 2013 hearing on Efficient Design's Motion to Compel Discovery from Plaintiff.
7. At the aforementioned June 21, 2013 hearing, Defendant Efficient Design admitted that no medical authorization forms were provided to Plaintiff to sign due to the fact that they did not know the Plaintiff's healthcare providers since they just received the Plaintiff's answers to interrogatories that morning. Mr. Wright did not mention that no authorization forms for records of any kind were provided to Plaintiff.
8. Judge Borman ruled that Defendant Efficient Design send the Plaintiff health care authorization forms to be signed and returned to Defendant Efficient Design by 2:00 PM Monday, June 24, 2013. Plaintiff provided her e-mail address to Mr. Wright, attorney for Defendant Efficient Design, so he could e-mail the authorization forms to her later that day.
9. Mr. Wright had been uncooperative in the past with Plaintiff. He wouldn't even disclose what insurance company he was representing and had denied that Kevin Culpert was an agent of Efficient Design in his answer to the complaint against Efficient Design. However, at the June 21, 2013 hearing, Mr. Wright admitted that Efficient Design was indeed Kevin Culpert's employer. At the hearing on June 21, 2013, the Court told Defendants to depose Mr. Culpert to determine if he was in the scope of his employment when he hit Plaintiff's vehicle. Plaintiff's June 21, 2013 motion not to release her medical

information to Efficient Design, until it was determined that Efficient Design was liable to pay damages to Plaintiff, was denied by the Court at the June 21, 2013 hearing.

10. By 5:00 PM June 21, 2013, the standard close of business time in the U.S., Plaintiff had not received any health care authorization forms from Mr. Wright in her e-mail inbox and she became concerned about not being able to meet the June 24, 2013 2:00 PM deadline to get copies of the signed health care authorization forms to Mr. Wright in time to avoid a court appearance at 2:00 PM on June 24, 2013.
11. Given Mr. Wright's uncooperative attitude he has displayed in dealing with her to date, and his failure to provide the medical authorization forms to Plaintiff by the close of business on June 21, 2013, as ordered by the court, Plaintiff decided it would be foolish to count on Mr. Wright to provide the forms necessary for her to meet the deadline of getting them filled out, signed and returned to Mr. Wright before 2:00 PM June 24, 2013 as ordered by the Court.
12. Thereby, Plaintiff decided to fill out and provide the same SCAO medical authorization forms she provided to Mr. Hassouna, for Mr. Wright. Since these forms were acceptable to Mr. Hassouna, Plaintiff reasoned they would also be acceptable to Mr. Wright.
13. Completing the authorization forms for all of Plaintiff's healthcare providers was a long, tedious process. At another location on June 21st, Plaintiff entered the data into no less than 20 forms and printed them out and recruited the help of others to address and stuff envelopes, fill out certificates of mailing, copying and organizing cover letters and authorizations, etc. in order to get all of the authorizations mailed on June 21, 2013 before the post office closed at 8:00 PM. Plaintiff then had to copy the certificates of mailing for Mr. Wright and attach them to all of the medical releases and cover letters

that she had sent out. She would not have been able to mail them until Saturday, June 22, 2013.

14. Plaintiff also made the decision not to mail the copies of the forms to Mr. Wright on Saturday because she did want to take the chance that they would not reach him by the June 24, 2013, 2 o'clock deadline imposed by the Court and risk the dismissal of her case. Instead, on Monday, June 24, 2013, at 11:24 AM, Plaintiff delivered copies of the aforementioned cover letters, signed authorizations, and copies of the certificates of mailing to Mr. Wright's office, meeting her obligation of providing signed authorizations disclosing her medical records to Mr. Wright by 2:00 PM June 24, 2013. (Exhibit B, signed cover letter verifying authorizations were received at 11:24 AM on 6-24-13)
15. At 3:28PM on June 24, 2013, Plaintiff received a voicemail from court clerk, Ms. Smith stating, "you were to produce all records which did not happen. The judge has dismissed your case."
16. Plaintiff returned Ms. Smith's phone call and explained that she had dropped off signed authorizations to Mr. Wright's office that morning at around 11:30 AM and therefore **did** meet the 2:00 PM deadline. Ms. Smith verified that Mr. Wright made a court appearance on June 24, 2013. Ms. Smith claimed that the forms were "altered" and would not clarify any further. Ms. Smith told Plaintiff that the Judge dismissed the case and that she would have to appeal and order the transcripts to find out what was placed on the record for June 24, 2013.
17. Ms. Smith said nothing about being able to file an objection within 7 days. Plaintiff was exhausted after the June 21, 2013 hearing after preparing interrogatories for Mr. Hassouna who did not supply her copies the interrogatory questions until June 5, 2013.

Plaintiff had to finish Mr. Hassouna's extensive interrogatories before she began Mr. Wright's interrogatories, which were also due on June 21, 2013. Plaintiff did not expect any further filings from the Court and did not find the notice of the 7-day order in her inbox until July 1, 2013. Had Ms. Smith informed Plaintiff that she could file an objection within 7 days instead of ordering transcripts and filing an appeal, Plaintiff would have filed this objection sooner.

18. At the June 21, 2013 hearing, Plaintiff was told she had to deliver signed authorizations to Mr. Wright by 2:00 PM, not that she had to make a court appearance with the authorizations at 2:00 PM. Plaintiff looked at the Register of Actions on the morning of June 24, 2013 and printed a Register of Actions on June 24, 2013 after the close of court at 4:30 PM and no hearing was shown for June 24, 2013. Plaintiff did not check the Register of Actions again until July 1, 2013, which now lists a "special conference" held on June 24, 2013 at 2:00 PM (Exhibit C, Register of Actions dated 6-24-13)
19. Plaintiff was not aware a "special conference" was going to be held on June 24, 2013 at 2:00 PM. Defendant's attorney, Mr. Wright never informed Plaintiff that the signed and mailed medical authorizations she delivered to his office at 11:24 AM June 24, 2013 were deemed by Mr. Wright to be "altered", necessitating a court appearance at 2:00 PM June 24, 2013.
20. The fact that Mr. Wright did not inform Plaintiff that he was dissatisfied with the fully executed authorizations that Plaintiff had signed and mailed June 21, 2013 to her providers that she hand delivered copies to his office at 11:26 AM June 24, 2013, and he appeared before the Court on June 24, 2013 to have the case dismissed without Plaintiff's knowledge, denied Plaintiff due process of law. She was led to believe she had met her

obligation to provide the signed authorizations to Mr. Wright in a timely manner by his inaction to inform her of his dissatisfaction with the forms she executed. Plaintiff even waited until 5:00 pm June 21, 2013, to check her e-mail one last time for e-mailed forms from Mr. Wright, before she left her house to complete the task of getting the authorizations signed, copied, and envelopes and certificates of mailing addressed for mailing on June 21, 2013. She mailed signed authorizations to her providers using the same forms that were acceptable to Mr. Hassouna. Mr. Wright did not meet his obligation of getting the e-mailed forms to her before the close of the business day on Friday, June 21, 2013 as promised. Plaintiff tried to include every record that the Defendant was entitled to under the no-fault law. She even allowed the Defendant to have her records back to birth, even though they had only been requested from 2002 to present in some cases. Plaintiff was very concerned about complying with the Judge's order and not having her case dismissed by not getting the forms to Mr. Wright on time.

21. To determine what Mr. Wright meant by "altered," Plaintiff had to obtain the record for June 24, 2013. On June 28, 2013, Plaintiff ordered the transcripts of the June 21, 2013 and June 24, 2013 hearings. On July 1, 2013, Plaintiff requested from Marge Bamonte, court reporter, to expedite the transcripts, which Ms. Bamonte agreed to do. Therefore, at this time, Plaintiff can only speculate as to what was meant by the word "altered" when used by clerk Ms. Smith to explain why Plaintiff's case was dismissed.

22. The first thing that came to mind was that Plaintiff had realized she had miscopied Mr. Wright's mailing address on the authorizations delivered to his office at 11:24 AM on June 24, 2013, after they were delivered. At the time Plaintiff returned Ms. Smith's call, Plaintiff was working on completing another full set of authorization forms and

certificates of mailing to the health care providers with a cover letter explaining the correction to the address on the first set of authorizations Plaintiff mailed on June 21, 2013. This was another time-consuming task for which the Plaintiff had to recruit the help of others to complete on June 24, 2013.

23. Plaintiff also discovered while correcting the addresses that she had not filled out a form for Dr. Wardner or Dr. Lasichak's records, which she completed and mailed to those health care providers on June 24, 2013, for Mr. Hassouna and Mr. Wright to receive her records.

24. The second thing that came to mind with regard to what may have been meant by "altered" forms was that the forms Plaintiff sent to her health care providers to release medical information to Mr. Wright, were not provided to her by Mr. Wright, because as explained in item #10, Mr. Wright had not e-mailed any forms to Plaintiff before the end of the business day on June 21, 2013.

25. Plaintiff denies she altered the authorization forms for this reason: In order for Plaintiff to "alter" Mr. Wright's authorization forms, she would have had to have received copies of them first in order to make alterations. It was not until after Plaintiff spoke to Ms. Smith around 3:30 PM on the afternoon of June 24, 2013 that Plaintiff discovered a FedEx package in her door mailed from Mr. Wright's office on June 21, 2013, stamped with a delivery time of 3:00 PM June 24, 2013, which was after the 2:00 PM deadline on June 24, 2013 to have the authorizations signed for Mr. Wright. (exhibit D, FedEx time/date stamped envelope) It contained a packet of numerous authorizations for Plaintiff to sign. It wasn't until after June 24, 2013 that Plaintiff discovered she had an e-mail from Mr. Wright's office in her inbox dated June 21, 2013, which was sent after 5 PM, containing

electronic copies of the authorizations, but she had already completed and sent out the other authorizations. Plaintiff was already at another location, where the authorizations were prepared for mailing on June 21, 2013. Plaintiff had neither hard copies nor electronic copies of authorization forms from Mr. Wright from which to make alterations. Plaintiff simply used the Supreme Court mandated medical authorization forms to satisfy the requirement in the written interrogatories from Efficient Design to supply medical records to Mr. Wright. Plaintiff did not make alterations to Mr. Wright's authorizations because she hadn't received any authorization forms from Mr. Wright prior to mailing out the other authorizations the evening of June 21, 2013.

26. Let it be clear that Plaintiff had no malicious intent when she completed the same forms for Mr. Wright that she completed for Mr. Hassouna. Mr. Wright's authorization forms were not delivered to her home until 3:00 PM, which was after the 2:00 PM deadline to have them submitted to his office. Plaintiff simply wanted to make sure she fulfilled her obligation to provide medical records to prevent her case from being dismissed.
27. Plaintiff did provide signed authorizations for Efficient Design to receive "copies of any and all medical records relating to injuries received as a result of the subject accident," as requested by Efficient Design in their Request for Production of documents, and therefore met her obligation, as Efficient Design did not request any specific forms be used.
28. The court clerk claimed Plaintiff did not produce all records. Plaintiff provided all of the records she was requested to provide. Plaintiff provided only her medical authorizations for Efficient Design to obtain her medical records because those were the only records that Efficient Design requested that required authorizations, and the only records that the

Court ruled the Plaintiff to produce authorizations for. In addition to authorization forms for her medical providers, the FedEx packet mailed on June 21, 2013 also included additional authorizations for Plaintiff to fill out for her academic records, employment records, tax returns, Blue Cross Blue Shield and MEEMIC insurance records, psychotherapy notes, and records from Don Massey Cadillac. None of these additional records were requested by Efficient Design in the original Interrogatories or Requests for Production of Documents that Plaintiff delivered to Mr. Wright on June 21, 2013 at the court, and Plaintiff was not aware they were desired by Efficient Design. Plaintiff did not “alter” by selectively choosing specific records to be received by Efficient Design. Plaintiff could not have been trying to “alter” the records that Efficient Design was requesting of her, included in the packet, because the request for these additional records was never made until the mailing of the medical authorizations on June 21, 2013.

29. Furthermore, the June 21, 2013 Defendant’s Request for Production of Documents to Plaintiff, which included additional records requests as stated in item #28, states that it “hereby requests production of documents from Plaintiff pursuant to MCR 2.310, to be delivered to our office **within twenty-eight (28) days after service of this request.**” The document then lists the requested documents, including additional authorizations over and above the original request for medical records in the original Interrogatories and Request for Production of Documents. Since the Defendant stated that they were allowing 28 days for Plaintiff to return the signed authorizations, which were mailed on June 21, 2013, it would have been unfair to then file an Order of Dismissal on June 25, 2013, claiming the forms were “altered”, especially since the packet of authorizations

was not delivered to Plaintiff until 3:00 PM June 24, 2013. (Exhibit E, first page of Request for Production dated 6-21-13)

30. If this case is dismissed, Plaintiff will not be able to re-file because the 3-year statute of limitations to file this third-party no-fault auto tort ran out on January 15, 2013. Thereby, Plaintiff will suffer a substantial monetary loss due to unrecoverable benefits for injuries she suffered as the result of the auto accident.
31. Plaintiff also does not believe Efficient Design should have the ability to dismiss Plaintiff's entire case, when two other defense attorneys, one representing Efficient Design, and the other representing Kevin Culpert, have not asked for the case to be dismissed. The first attorney is Michael C. O'Malley who represents another insurance company for Efficient Design. The second attorney is Ahmed Hassouna, who represents Kevin Culpert.
32. Plaintiff has one other related concern. Since Plaintiff's understanding after her June 24, 2013 conversation with Precious Smith was that her case was already dismissed, and her only option was to appeal, Plaintiff was not able to file a timely motion to extend time to submit her witness list, which is currently due on July 11, 2013. Plaintiff still intends to find an attorney to help her proceed with her case and will require additional time to retain expert witnesses. Plaintiff prays that this Court will allow Plaintiff extended time to submit her witness list, if her Objection to Defendant's proposed Order of Dismissal without Prejudice is granted.

WHEREFORE, Plaintiff, Tamara Filas, respectfully requests that this Honorable Court deny Defendant's proposed Order of Dismissal without Prejudice, consider

Plaintiff to have fulfilled her obligation of providing her medical records to Defendant Efficient Design, allow Plaintiff time to review and return Efficient Design's authorizations for additional records mentioned in item #28 above, and allow for an extension of time for Plaintiff to file her witness list.

/s/ TAMARA J. FILAS
6477 Edgewood
Canton, MI 48187
(734) 751-0103

Dated: July 2, 2013

e-mail redacted

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAMARA FILAS,

Plaintiff,

Case No.: 13-000652-NI

Hon. Susan D. Borman

-vs-

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

Defendants.

TAMARA FILAS Plaintiff 6477 Edgewood Rd. Canton, MI 48187 (734) 751-0103 e-mail redacted	MICHAEL C. O'MALLEY (P59108) Attorney for Defendant Efficient Design 1450 W. Long Lake Rd., Ste. 100 Troy, MI 48098 (248) 312-2940 momalley@vgpclaw.com
AHMED M. HASSOUNA (P67995) Attorney for Defendant Culpert 340 E. Big Beaver, Suite 250 Troy, MI 48083 (248) 764-1127 Ahmed_M_Hassouna@progressive.com	JAMES C. WRIGHT (P67613) Attorney for Defendant Efficient Design 31700 Middlebelt Rd., Suite 150 Farmington Hills, MI 48334 (248) 851-4111/0100 (Fax) jwright@zkact.com

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2013, I electronically filed **PLAINTIFF'S OBJECTION TO DEFENDANT EFFICIENT DESIGN INC.'S PROPOSED ORDER OF DISMISSAL WITHOUT PREJUDICE**, and this Certificate of Service, with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

/s/ TAMARA J. FILAS
6477 Edgewood
Canton, MI 48187
(734) 751-0103

Dated: July 2, 2013

e-mail redacted

Exhibit M

STATE OF MICHIGAN
IN THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE

MS. TAMARA FILAS,

Case No. 13-000 652-NI

Plaintiff,

vs.

**KEVIN CULPERT AND EFFICIENT
DESIGN, INC.,**

Defendant.

MOTION HEARING

Before the **HONORABLE SUSAN D. BORMAN**, Circuit Court
Judge - Detroit, Michigan - Monday, June 24th, 2013.

APPEARANCES:

MS. TAMARA FILAS, In Pro Per

MR. JAMES WRIGHT, ESQ.,
Attorney at Law

MR. MICHAEL O'MALLEY, ESQ.,
Attorney at Law

Appearing on behalf of the Defendants.

REPORTED BY: **MARY E. SKINNER CSR 0031**
Official Court Reporter

13 JUL 26 PM 1:33

FHHJ

13 JUL 23 AM 9:13
FHHJ

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WITNESSES:

None

EXHIBITS:

None

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Detroit, Michigan

Monday, June 24th, 2013.

(Proceedings commenced on or about 2:30 p.m.)

THE COURT CLERK: Calling case number 13-000
652 NI. Tamara Filas versus Kevin Culpert and Efficient
Design, Inc..

THE COURT: Okay. You were here on Friday.
Ms. Filas, the plaintiff was here and she was representing
herself. She just refuses to sign the medical authorization,
although she did indicate on Friday she would sign them, and
deliver them to you and we would adjourn this to today to make
sure that happened; otherwise I was going to dismiss the case.

MR. WRIGHT: That's correct, Your Honor.

THE COURT: So, and what happened? Tell me
what happened?

MR. WRIGHT: She did stop by my office and
she provided some authorizations; they are altered. And what
you also said on Friday is that she was to provide unaltered
authorizations. She provided about half of what I asked for.

She failed to provide some of the medical
records; she failed to provide authorizations for her PIP file,
which is very important in this case. Educational records, her
insurance, Blue Cross, Blue Shield. And her employment
records; she is making a wage loss claim in this case.

Educational records are important because

1 she is making a closed head injury in this case, Your Honor.

2 THE COURT: All right. I really don't
3 understand her reluctance to allow any -- and this happened in
4 the PIP case, too -- to allow counsel to see the medical
5 records. So, I have given her lots of adjournments.

6 Isn't someone missing here today?

7 MR. O'MALLEY: Yes, Your Honor.

8 THE COURT: The other counsel was
9 complaining that I was giving her --

10 MR. O'MALLEY: (Interposing) Yes, Your
11 Honor. These are actually only Efficient Designs'
12 authorizations. I know that Mr. Culpert's attorney was going
13 to rely on them also but these are our authorizations; we both
14 represent Efficient Design.

15 THE COURT: I know. I am going to dismiss
16 the case without prejudice. So fill out a blank order.

17 THE REPORTER: Would you please place your
18 names on the record.

19 MR. WRIGHT: My name is Jim Wright. I
20 represent Efficient Design, Inc.

21 MR. O'MALLEY: Your Honor, I am Michael
22 O'Malley and I also represent Efficient Design, Inc.

23 THE COURT: All right.

24 And the record should also reflect that we
25 did try to get Ms. Filas on the phone. She knew about today;

1 she knew that I had adjourned it to today. So she knew she was
2 to be here. We also tried to call her and there is no
3 answering machine and nobody answered the phone.

4 MR. WRIGHT: And she did show up at my
5 office today and dropped off the partial authorizations.

6 THE COURT: Okay.

7 MR. O'MALLEY: Thank you, Your Honor.

8 MR. WRIGHT: Thank you very much, Your
9 Honor.

10 THE COURT: You are welcome.

11 * * *

12 (A short recess)

13 THE COURT: Okay. Let's go back on the
14 record with this.

15 Someone apparently called back and said
16 they were her mother. The person identified themselves as her
17 mother. My clerk, who talked to her said it sounded like Ms.
18 Filas herself.

19 However, this person claiming to be her
20 mother gave us a telephone number. And we called that number
21 as well and no answer.

22 We left a message.

23 MR. WRIGHT: Your Honor, I don't believe we
24 were on the record when we discussed the Order.

25 THE COURT: I thought we were. Okay.

1 MR. WRIGHT: The Order will say that it is
2 hereby ordered that Plaintiff, Ms. Tamara Filas' case is
3 dismissed in its entirety without prejudice. I

4 t is further ordered that this Order will
5 be entered on July 1st, 2013, if no objection is filed on or
6 before July 1st, 2013.

7 THE COURT: Right. But you are going to
8 treat it as a 7-day Order so that she is going to receive it
9 before the Order is entered.

10 MR. WRIGHT: Right. That's why it is put in
11 there about the objections. So she has seven days to object
12 to it.

13 THE COURT: All right. Maybe you should
14 mail it to her as well as file it because --

15 MR. WRIGHT: (Interposing: You want us to
16 submit this Order with you today, Your Honor?

17 THE COURT: Yes. Let me just initial it so
18 I will know and then you will submit it as a 7-Day Order.

19 MR. WRIGHT: Okay. Thank you.

20 MR. O'MALLEY: Thank you very much, Your
21 Honor.

22 THE COURT: You are welcome.

23 (The Proceedings are concluded.)

24 * * *

25 * * *

Exhibit N

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TAMARA FILAS,

Plaintiff,

Case No. 13-000652-NI

Honorable Susan D. Borman

v.

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

Defendants.

TAMARA FILAS
In Pro Per
6477 Edgewood Road
Canton, MI 48187

JAMES C. WRIGHT (P67613)
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**DEFENDANT EFFICIENT DESIGN, INC.'S REQUEST FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF**

NOW COMES the Defendant, Efficient Design, Inc., by and through its attorneys, Zausmer, Kaufman, August & Caldwell, P.C., hereby requests production of documents from Plaintiff pursuant to MCR 2.310, to be delivered to our office within twenty-eight (28) days after service of this request.

The following documents are requested:

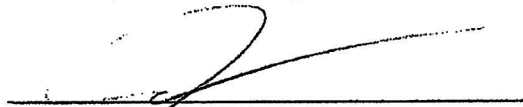
1. Please verify correct addresses, Social Security number, date of birth, execute and return to the law offices of Zausmer, Kaufman, August & Caldwell, P.C., Authorizations for Release of Information directed to the following:

- Dr. Jon Wardner/Associates in Physical Medicine and Rehabilitation
- Gibson School for the Gifted
- Miller Elementary School
- Bird Elementary School
- Central Middle School
- East Middle School
- Plymouth-Canton High School
- University of Michigan (Dearborn)
- University of Michigan (Ann Arbor)
- Eastern Michigan University (educational)
- Western Michigan University (educational)
- Schoolcraft College
- Dearborn Heights School District #7
- Henry Ford Fairlane
- Henry Ford West Bloomfield
- Manzo Eye Care
- Bloomfield Dermatology
- Dr. Lydia Lasichak
- Don Massey Cadillac
- MEEMIC
- Blue Cross Blue Shield
- University of Michigan Emergency
- University of Michigan Health Center Canton
- University of Michigan Hospital
- University of Michigan Taubman Center
- Superior Medical Care
- Henry Ford Columbus Center
- Visual Perception Testing
- Burlington Center
- University of Michigan Neuropsychology
- Canton Urgent Care
- William Beaumont Hospital
- Grosse Pointe Radiology
- Vertical MRI
- Kamil Orthopaedic Group
- Williams Family Medicine
- James Giordano, DDS
- Chelsea Community Hospital

- Soft Touch Chiropractic
- St. Joseph Health System
- Michigan Multispecialty Physicians, PC
- St. Mary Mercy Hospital
- St. John Providence Hospital
- IRS
- Livonia Satellite Physical Therapy

Response:

Zausmer, Kaufman, August & Caldwell, P.C.



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Dated: June 21, 2013