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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

Maricopa Ambulance, LLC,
Applicant.

Matter No. 2015A-EMS-0190-DHS

**MARICOPA AMBULANCE'S
OBJECTIONS TO RURAL/METRO
INTERVENORS' REQUEST FOR
ISSUANCE OF SUBPOENA DUCES
TECUM**

(The Honorable Diane Mihalsky)

Maricopa Ambulance, LLC, objects as follows to the Rural/Metro Intervenors' Request for Issuance of Subpoena Duces Tecum.

General Objection

Maricopa Ambulance objects to the timeframe in the requested subpoena. The subpoena would require the production of all responsive documents no later than August 7, 2015. The proposed subpoena is extremely broad, and would require Maricopa Ambulance to provide a large amount of materials from a number of custodians and

sources. Maricopa Ambulance will respond to as many of the non-objectionable requests as possible by August 7, but might require additional time to complete the production.

Definitions

Maricopa Ambulance objects to the definition of “documents.” To the extent that definition is broader than the definitions of “writing” and “recording” in Rule 1001(1)-(2) of the Arizona Rules of Evidence (which is cited in Rural/Metro’s definition of “documents”), the definition is overly broad, confusing, and would impose an undue burden on Maricopa Ambulance. Maricopa Ambulance has interpreted the term “documents” in Rural/Metro’s request as consistent with the definitions of “writing” and “recording” in Rule 1001(1)-(2).

Request No. 1: All documents pertaining to studies, analyses, data, etc., used or relied on by Maricopa Ambulance in its determination that public necessity requires its service.

Objection: Maricopa Ambulance objects to this request as overly broad, vague, ambiguous, and unduly burdensome. Maricopa Ambulance further objects to the premise that it has made a “determination that public necessity requires its service”; that is a decision for the director of ADHS. Maricopa Ambulance further objects because many of the materials that are relevant to the issue of public necessity have been requested from Rural/Metro, AMR, and other entities through Maricopa Ambulance’s proposed subpoenas duces tecum; Maricopa Ambulance cannot produce those materials until it has received responses to its subpoenas. Finally, Maricopa Ambulance objects because many

of the documents responsive to this request—such as all filings from the bankruptcy of Rural/Metro—are already in Rural/Metro’s possession. Without waiving these objections, Maricopa Ambulance is willing to produce a reasonable number of responsive documents that are not privileged or work product.

Request No. 2: All documents pertaining to studies, analyses, data, etc., used or relied on by Maricopa Ambulance in its determination that the existing providers are not fully meeting the public need.

Objection: See objections to request No. 1.

Request No. 3: All documents pertaining to the studies, analyses, data, etc., used or relied on by Maricopa Ambulance in devising its proposed response times, including, without limitation, all documents supporting or in any manner pertaining to its “drive-time” analyses.

Objection: Maricopa Ambulance objects to this request as overly broad, vague, ambiguous, and unduly burdensome. Without waiving these objections, Maricopa Ambulance will produce a reasonable number of responsive documents that are not privileged or work product.

Request No. 4: All documents pertaining to the studies, analyses, data, etc., used or relied on by Maricopa Ambulance in devising its proposed rates, including, without limitation, all documents supporting or in any manner pertaining to its assessment of whether those proposed rates are just, reasonable, and sufficient.

Objection: Maricopa Ambulance objects to this request as overly broad, vague, ambiguous, and unduly burdensome. Maricopa Ambulance further objects to this request to the extent it seeks materials relating to the development of the proposed rates. Maricopa Ambulance has proposed using the uniform rates for ground ambulance providers in the Phoenix area. Materials relating to the development of those rates are not in Maricopa Ambulance's possession, and not relevant to this matter. Without waiving these objections, Maricopa Ambulance will produce a reasonable number of responsive documents that are not privileged or work product.

Request No. 5: All documents pertaining to the development of Maricopa Ambulance's dispatch plan for its proposed service area.

Objection: Maricopa Ambulance objects to this request as overly broad, vague, ambiguous, and unduly burdensome. Without waiving these objections, Maricopa Ambulance is not currently aware of any responsive documents beyond the CON Application, and its initial exhibit numbers 3 (December 3, 2014 letter from Kathy Steadman to Todd Jaramillo) and 5 (January 6, 2015 letter from Kathy Steadman to Todd Jaramillo).

Request No. 6: All documents pertaining to the development of Maricopa Ambulance's deployment/system status management plan for its proposed service area.

Objection: See objections to request No. 5.

Request No. 7: All documents pertaining to alleged "substandard performance" by the Rural/Metro CON-holder Intervenors.

Objection: Maricopa Ambulance objects to this request as overly broad, vague, ambiguous, and unduly burdensome. Maricopa Ambulance further objects to this request as premature. Maricopa Ambulance has requested, through its proposed subpoenas duces tecum, the materials necessary to perform this type of analysis. Without waiving these objections, Maricopa Ambulance is not currently aware of any responsive documents—that are not already in the possession of Rural/Metro—beyond the CON Application and the exhibits that Maricopa Ambulance disclosed on its initial exhibit list.

Request No. 8: All documents pertaining to studies, analyses, data, etc., used or relied on by Maricopa Ambulance in assessing the potential financial impact upon the Rural/Metro CON-holder Intervenors were Maricopa Ambulance to receive a CON.

Objection: Maricopa Ambulance objects to this request as premature. Maricopa Ambulance has requested, through its proposed subpoenas duces tecum, the materials necessary to perform this type of analysis. Maricopa Ambulance further objects because many of the documents responsive to this request—such as all filings from the bankruptcy of Rural/Metro—are already in Rural/Metro’s possession.

Request No. 9: All documents pertaining to studies, analyses, data, etc., used or relied on by Maricopa Ambulance in assessing the financial situation and resources of the Rural/Metro CON-holder Intervenors.

Objection: See objections to request No. 8. Without waiving these objections, Maricopa Ambulance is not currently aware of any responsive documents—that are not

already in the possession of Rural/Metro—beyond the exhibits that Maricopa Ambulance disclosed on its initial exhibit list.

Request No. 10: All documents pertaining to Maricopa Ambulance’s plan for maintaining and enhancing ambulance services for rural communities.

Objection: Maricopa Ambulance is not currently aware of any responsive documents.

Request No. 11: All documents pertaining to studies, analyses, data, etc., used or relied on by Maricopa Ambulance in computing and/or evaluating the response times of the Rural/Metro CON-holding Intervenors.

Objection: Maricopa Ambulance objects to this request as premature. Maricopa Ambulance has requested, through its proposed subpoenas duces tecum, the materials necessary to perform this type of analysis.

Request No. 12: All documents reviewed, considered, or relied upon by Bob Jewell that pertain to each of the areas of testimony set forth in Paragraph 8 of Maricopa Ambulance’s list of witnesses.

Objection: Maricopa Ambulance objects to this request as overly broad, vague, ambiguous, and unduly burdensome. Without waiving these objections, Maricopa Ambulance is not currently aware of any responsive documents.

Request No. 13: All documents reviewed, considered, or relied upon by Dennis Rowe that pertain to each of the areas of testimony set forth in Paragraph 13 of Maricopa Ambulance’s list of witnesses.

Objection: See objections and response to request No. 12.

Request No. 14: All documents reviewed, considered, or relied upon by David Starrett that pertain to each of the areas of testimony set forth in Paragraph 15 of Maricopa Ambulance’s list of witnesses, including, without limitation, all documents evidencing conversations or interviews that Maricopa Ambulance purports to demonstrate “substandard performance” by the Rural/Metro CON-holder Intervenors, and all documents evidencing conversations or interviews participated in by Maricopa Ambulance in which the non-Maricopa Ambulance party(ies) did not claim that the Rural/Metro CON-holder Intervenors had provided “substandard performance”.

Objection: Maricopa Ambulance objects to this request as overly broad, vague, ambiguous, and unduly burdensome. Maricopa Ambulance further objects because this request appears to seek materials, such as notes or memos regarding witness interviews, that are work product. Finally, Maricopa Ambulance objects to this request because it would require Maricopa Ambulance to obtain documents that (if they exist) are in the possession of a third party (Mr. Starrett).

Request No. 15: All documents reviewed, considered, or relied upon by Rob Stone that pertain to each of the areas of testimony set forth in Paragraph 16 of Maricopa Ambulance’s list of witnesses.

Objection: See objections and response to request No. 12.

Request No. 16: All documents pertaining to studies, analyses, data, etc., used or relied upon by Maricopa Ambulance in devising the number of ALS transports, the

number of BLS transports, and the number of loaded billable miles it anticipates in its first year of operation, as set forth in the pro forma ARCR accompanying its CON Application, including, without limitation, any such studies, analyses, data, etc., pertaining to the number of transports it anticipates will be lost by each of the CON-holder Intervenors as a consequence of Maricopa Ambulance receiving a CON.

Objection: Maricopa Ambulance objects to this request as overly broad, vague, ambiguous, and unduly burdensome. Without waiving these objections, Maricopa Ambulance is willing to produce a reasonable number of responsive documents that are not privileged or work product.

Request No. 17: All workpapers and other documents used or relied upon by Maricopa Ambulance in preparation of its pro forma ARCR, including, without limitation, all documents pertaining to the computations and/or methodologies used by Maricopa Ambulance in deriving each of the figures set forth therein.

Objection: Maricopa Ambulance objects to this request as overly broad, vague, ambiguous, and unduly burdensome. Without waiving these objections, Maricopa Ambulance is willing to produce a reasonable number of responsive documents that are not privileged or work product.

Respectfully submitted July 31, 2015.

COPPERSMITH BROCKELMAN PLC

By /s/ Scott Bennett

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CERTIFICATE OF SERVICE

ORIGINAL filed using the OAH electronic document filing system <https://portal.azoah.com/oedf> this 31st day of July, 2015, with copies provided to all parties on the approved mailing list this 31st day of July, 2015, by posting through the designated OAH website at <https://portal.azoah.com/oedf/documents/2015A-EMS-0187-DHS/index.html>.

By: /s/ Verna Colwell