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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

RBR Management LLC, dba Community
Ambulance

Applicant.

Docket No. 2017--EMS-0104-DHS
(EMS No. 0283)

**MARICOPA AMBULANCE MOTION
TO QUASH IN PART RBR SUBPOENA
DUCES TECUMS TO MARICOPA
AMBULANCE**

(The Honorable Tammy Eigenheer)
(oral argument requested)

Intervenor, Maricopa Ambulance, LLC, moves to quash in part the *subpoenas duces tecum* of RBR Management, LLC, dba Community Ambulance (“RBR or Applicant”), to Maricopa Ambulance for the reasons set out below and those in the record, including any applicable objections asserted by any other Intervenor.

As a preliminary matter and objection, Maricopa Ambulance notes the following:

Applicant has only applied for a CON to provide *non-emergency, pre-scheduled, interfacility (“IF”) and convalescent transports*. Application of RBR Management LLC, dba Community Ambulance, dated June 6, 2016, at 2 of 4 (the “RBR Application”). This

limited scope application *necessarily* limits the kinds of information that is relevant in this hearing.

In addition, Maricopa Ambulance has already been granted a CON, which has been renewed through September 21, 2020, and has had its fleet of ambulances inspected pursuant to ARS §36-2232(A)(11). Among other things, this means that the Director, pursuant to her statutory mandate (ARS §32-2201 *et seq*, and R9-25-901 *et seq*) has already determined that Maricopa Ambulance *was and is* fit and proper¹; that Maricopa Ambulance is in compliance with its mandated response times; that Maricopa Ambulance has a compliant fleet of ambulances; and that Maricopa Ambulance has otherwise met or exceeded the requirements of its CON. As such, much if not all of the information requested by Applicant is duplicative of information that the Director is required to consider and act upon as a routine part of the oversight and regulation of existing CON holders. The information RBR seeks is not necessary or relevant to the matters at issue in this hearing and will only result in undue delay, cumulative production of evidence that is not material, waste of administrative time, and unnecessary expense to everyone that is part of this hearing process.²

The Notice of Hearing, Applicant's Application for a CON, and the statutes and rules that govern the awarding of an initial CON, frame the issues to be decided at

¹ “Fit and proper” means that the Director determines that an applicant for a certificate of necessity *or a certificate holder has the expertise, integrity, fiscal competence and resources to provide ambulance service in the service area.*” GD-099-PHS-EMS, at 2 (emphasis added).

² To address the undue length of CON hearings, legislation was signed on March 29, 2018, that limits a CON hearing to ten days unless there is a showing of extraordinary need.

hearing.³ Here “[t]he Applicant proposes to provide *ONLY* scheduled interfacility and convalescent transports; the Applicant does not propose to provide immediate response (911) transports.” *Notice of Hearing*, 2017-EMDS-0104-DHS, June 1, 2017, at 1 (emphasis in original); Application, at 2 of 4.

R9-25-902 and R9-25-903(B) set forth the factors the Director must consider when an applicant, such as RBR, makes an initial application for a CON to do convalescent or interfacility transports. Virtually every one of these factors is composed of evidence solely within the control or possession of the Applicant, and virtually every one of these factors is one the Applicant bears the burden of proving at hearing. These factors define and limit what is relevant and must be developed at hearing. Many of them are routine and ministerial – i.e., “address and telephone number of each sub-operation station”; “description of communication equipment” – and many of them are not – “medical needs of the population within the proposed service area”; “the available medical and emergency medical resources within the proposed service area.”

“In deciding whether to issue a certificate of necessity *to more than one ground ambulance service for convalescent or interfacility transport* for the same service area or overlapping service areas, *the Director shall consider the following*” (R9-25-903(A) and (B)(emphasis added):

³ An agency usually initiates an administrative proceeding by issuing a “Complaint and Notice of Hearing” or other similar document, which can be drafted by agency staff or an Assistant Attorney General who represents the agency. The form and purpose of the notice are described in Section 10.8.2. The content of the notice is extremely important. The notice frames the issues to be decided in the hearing. *Arizona Agency Handbook; Carlson v. Ariz. State Pers. Bd.*, 214 Ariz. 426,433, 153 P.2d 1055, 1062 (App. 2007).

- population demographics in the proposed service area (R9-25-903(A)(2));
- the distribution of health care institutions in and around the proposed service area (R9-25-903(A)(3));
- the existence of ground ambulance service to all or part of the same service area (R9-25-903(A)(4)(a));
- the existence of certificate holders in all or part of the service area (R9-25-903(A)(4)(c));
- the availability of emergency medical services in all or part of the service area (R9-25-903(A)(4)(d));
- the financial impact on certificate holders whose service area includes all or part of the service area in the requested certificate of necessity (R9-25-903(B)(2));
- the need for additional convalescent or interfacility transport (R9-25-903(B)(3)); and
- whether a certificate holder for the service area has demonstrated substandard performance. (R9-25-903(B)(4)). (As an aside, it is perhaps this factor more than any other that has bloviated CON hearings in the past, and made them excruciatingly time-consuming and ridiculously expensive wars of attrition. Because of the regulation of existing CON holders, however, this matter is

within the province and purview of the Director, and, frankly, without some material showing of cause, should not be a part of an Applicant's case.⁴)

These are the factors to be assessed at a hearing.

Among the ALJ's primary duties are to make sure, as efficiently and expeditiously as possible, that hearings are "orderly, fair, and expeditious. *Arizona Agency Handbook*, at 10.9.3.4 ("The first and primary duty of the administrative law judge or hearing officer is to preside over the hearing. The *presiding official is responsible for ensuring that the hearing is orderly, fair, and expeditious.*")(emphasis added). How an ALJ responds to requests for subpoenas is a necessary condition precedent to an orderly, fair, and expeditious hearing.

Subpoenas for the production of documents may be ordered by the administrative law judge *if the party seeking the discovery demonstrates that the party has reasonable*

⁴It is extremely noteworthy that existing CON holders are part of and governed by an extensive regulatory scheme. Much of this regulatory scheme is implemented by the Director's duty to provide regular and oftentimes annual oversight, review and inspection. See ARS §36-2235. ("Terms of certificates of necessity; initial term; renewal: A. The initial certificate of necessity issued pursuant to section 36-2233 to each ambulance service shall be for a term of one year. B. On the expiration of a certificate of necessity, *if the holder of the certificate meets all requirements*, applies for a renewal and pays the fees prescribed in section 36-2240, *the director shall renew the certificate* for a term of three years without public hearing or waiver *unless cause is shown to set a hearing to consider denial or renewal for a shorter term.*")(emphasis added); ARS § 36-2245 (setting forth, *inter alia*, director's right and duty to investigate). "Substandard performance" means, *inter alia*, a certificate holder's: a. Noncompliance with A.R.S. Title 36, Chapter 21.1, Articles 1 and 2, or 9 A.A.C. 25, or the terms of the certificate holder's certificate of necessity, including all decisions and orders issued by the Director to the certificate holder; ... R9-25-901(46). *Assessing whether there has been substandard performance is a duty of the Director in determining whether to renew a certificate of necessity.* See A.R.S §36-2232 *et seq*; R9-25-904; R9-25-1001. Although the Applicant does get to offer evidence it believes to be relevant to its application, here, absent a material prima facie showing that the Director is derelict in her duties, this issue should not reasonably be part of this hearing.

need of the materials being sought, i.e., in light of the factors that must be considered at this hearing, and the party's burden of proof, the party's legitimate and articulable need for the materials requested. ARS §41-1092.07(F)(4).; R2-19-113(B).

A party who objects to the subpoena, or any portion of it, is entitled to file a motion to quash, which *must* be granted if the subpoena (1) is unreasonable or oppressive, or (2) the desired testimony or evidence *may be obtained by an alternative method*. R2-19-113(D) and (E)(emphasis added). Here, a great deal of what Applicant has requested is unreasonable or oppressive or within the possession of the Department of Health Services (the "Department").

Next, RBR requests information that, if it has not been provided to the Department, is generally not available to the public or Maricopa Ambulance's competitors because it is proprietary economic information. As such, assuming the information is even relevant, Applicant must establish that disclosure is necessary for Applicant to be able to present its case at hearing. See Arizona's Uniform Trade Secrets Act ("UTSA"), A.R.S. §44-401, et seq.

Finally, much of what Applicant has requested of Maricopa Ambulance requires the evaluation of information that is, in the first instance, required to be provided by Applicant as an initial applicant for a CON to provide scheduled convalescent and interfacility transports. Until those documents are produced and evaluated, Maricopa Ambulance cannot make a final determination and production regarding its own exhibits.

With the foregoing in mind, and incorporated into each response that follows, Maricopa Ambulance moves to quash the following subpoena requests for the reasons set forth above and articulated in response to each request below:

DOCUMENTS TO BE PRODUCED

1. Copies of all ADHS approved agreements to provide ambulance services in accordance with MA's [MA means Maricopa Ambulance] CON 147.

Response: Request withdrawn. (NOTE: After a meet and confer, Applicant agreed to withdraw certain of its requests.)

2. Any contracts or agreements between MA and any Payer.

Response: Request withdrawn.

3. Any base station agreement(s) for MA in Maricopa County.

Response: Request withdrawn.

4. Any and all ambulance back-up agreements covering Maricopa County to which MA is a party.

Response: Request withdrawn.

5. A list of all patient transport vehicles (including type, age, and latest available mileage for each vehicle) MA operates in Maricopa County.

Response: Request withdrawn.

6. For any ground ambulance MA has registered to service CON 147 (the "Registered Ambulances"), any documents or communications that show the Registered Ambulances exceed the Minimum Standards for Ground Ambulance Vehicles (as set forth in A.A.C. R9-25-1002) and/or exceed the Minimum Equipment and Supplies for Ground Ambulance Vehicles (as set forth in R9-25-1003.)

Response: This request is unreasonable, oppressive, and unnecessary. Pursuant to ARS §36-2232(A)(11), the Director shall "[i]nspect, at a maximum of twelve month intervals, each ambulance registered pursuant to section 36-2212 to ensure that the vehicle is operational and safe and that all required medical equipment is

operational. At the request of the provider, the inspection may be performed by a facility approved by the director. If a provider requests that the inspection be performed by a facility approved by the director, the provider shall pay the cost of the inspection. Also, R9-25-1002 (C) provides that under A.R.S. § 36-2232(A)(11), the Department shall either inspect an ambulance or receive an inspection report that meets the requirements in this Article by a Department approved inspection facility before a renewal certificate of registration is issued by the Department. There has been no showing or suggestion that the Director has been derelict in her statutory duty or that this information is not otherwise available from the Department.

7. Any and all documents and/or communications relating in any way to all ambulance transports MA provided and currently provides pursuant to CON 147, including transports provided in rural areas, to public or private health care providers and/or any government agencies, political subdivisions, and/or municipalities in Maricopa County.

Response: This request is unreasonable, oppressive, overbroad and unnecessary.

8. Any and all written operational plan(s) that address providing ground ambulance services in rural areas in, and adjacent to, Maricopa County.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020. To the extent such plan(s) are not available from DHS, moreover, they are proprietary.

9. Any and all documents or communications that show, reflect, and/or report MA's Interfacility Arrival Times for transports provided pursuant to CON 147.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020, and which includes provision for interfacility and non-urgent response time.

10. Any and all documents, data, reporting, and/or communications tracking or showing (i) periods of unusual system overload; (ii) offload delays greater than 30 minutes; (iii) late responses due to severe weather conditions; and/or (iv) late responses due to circumstances not in the control of MA (including documents or communications that such determination was made by both the customer, payer, or government entity and MA), from the date MA began providing ambulance service pursuant to CON 147 to present.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which includes IF response times,

and which has been renewed through September 21, 2020.

11. All documents or communications reflecting or documenting the number of ambulances MA's dedicates to each of MA's 911 ambulance agreements.

Response: Request withdrawn.

12. Any and all audited financials and auditor's management letters for MA.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020.

13. Any and all current unaudited interim financial statements, with comparable statements for the prior year.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020.

14. Copies of the previous two fiscal period budgets, current fiscal period budget, and the next fiscal period budget.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020.

15. Any and all current business plans and/or financial forecasts or projections (including all assumptions) MA prepared or caused to be prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020. As a CON holder, Maricopa Ambulance is required to and does provide financial information to the Department. This request also calls for information that is proprietary.

16. Any and all productivity and/or operational reports, both actual and planned/budgeted, by month for the past 2 years, including total number of unit hours produced, total number of responses and total number of transports.

Response: Request withdrawn.

17. Any and all federal, state and local tax returns for latest closed and all open years for MA.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020.

18. Any and all tax reviews and/or tax audits, including all related documents and communications.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020.

19. Any and all Corporate Integrity Agreements entered with the Office of Inspector General.

Response: Request withdrawn.

20. Any and all documents or communications evidencing MA employee/staff satisfaction scores and/or turnover reports from the first date MA began providing ambulance service in Maricopa County pursuant to CON 147 to the present date.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020.

21. Any and all documents or communications evidencing patient satisfaction scores from the first date MA began providing ambulance service in Maricopa County pursuant to CON 147 to the present date.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020.

22. Any and all documents or communications evidencing complaints received from any source regarding MA, from the first date MA began providing ambulance service in Maricopa County pursuant to CON 147 to the present date.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020. See also ARS 36-2245, which requires the Director to make inquiry into any complaint received that relates to ground ambulance service.

23. Any document that identifies the information systems platform for general ledger and electronic health records utilized by MA.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020.

24. All documents and/or communications evidencing data from MA’s Computer Aided Dispatch (“CAD”) system for Maricopa County from the first date MA began providing ambulance service in Maricopa County pursuant to CON 147 to the present date.

a. Format: Electronic format compatible with Microsoft Excel (e.g., CSV, ASCII or Excel); table format with each incident s’ data fields in one row and one row only.

b. Scope: All emergency 911 and non-emergency inter-facility general transport ambulance requests for services within Maricopa County, broken out by type. Specifically, data for MA operating within Maricopa County.

c. Data Fields: The table below provides a list and general description of the data fields Applicant requests:

Data Field	Description
Incident Number/Incident ID	A unique identifier for each response
Agency name or identifier	Agency name or identifier of ambulance dispatched
Caller Type	Agency name or facility making the request
Date/time ambulance unit dispatched	Self explanatory
Date/time ambulance unit en route to call	Ambulance unit acknowledges they received the call and are en route to the scene
Date/time ambulance unit arrives at scene	Self explanatory
Date/time ambulance unit starts transport to hospital (if applicable)	Self explanatory
Date/time ambulance unit arrives at hospital (if applicable)	Self explanatory
Date/time ambulance unit is available	When the ambulance unit is clear from the incident and available to handle another response
Incident street address	Self explanatory
Incident City	Self explanatory
Incident location	Self explanatory
Type of response	ALS/BLS/Urgent/Convalescent/911
Pick up facility name	For IFT responses
Pick up facility address	For IFT responses
Destination hospital name or code	The destination facility associated with each transport
Unit disposition	e.g., transport, cancel, call for back-up

Medical complaint/nature of call –
problem type

The complaint name or code associated
with the reason for the request (e.g.,
chest pain, traffic accident, etc.)

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020.

25. Any document and/or communication indicating that any employee of MA advised or directed a health care facility, payer, government entity and/or patient to dial 911 or otherwise utilize the 911 system for any transport originating at a hospital or urgent care facility in Maricopa County from the first date MA began providing ambulance service in Maricopa County pursuant to CON 147 to the present date.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020. Without waiving any objections, to the extent such documents exist they will be produced.

26. Any document or communication pertaining to any call for ground ambulance services made to MA that was referred to any other CON holder in Maricopa County from the first date MA began providing ambulance service in Maricopa County pursuant to CON 147 to the present date.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020. Without waiving any objections, to the extent such documents exist they will be produced.

27. System status/priority posting plans and locations for all areas/systems (both 911 & inter-facility) from the first date MA began providing ambulance service in Maricopa County pursuant to CON 147 to the present date, including street address and city.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which includes both 911 and interfacility response times, and which has been renewed through September 21, 2020. RBR, moreover, has not applied for a CON to do 911 transports and this information, to the extent not provided to the Department, is proprietary.

28. Any and all documents and communications relating to, or that support, the potential testimony of Bryan Gibson, Chief Executive Officer of MA (“Mr. Gibson”), or any other witness for MA, concerning the “population demographics of the proposed service area,” including any population demographic analyses MA has prepared or caused to be

prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. This a matter on which Applicant bears the burden of proof. These documents and information should first be provided in a timely fashion by Applicant, at which time Maricopa Ambulance can evaluate it and then furnish any required response.

29. All documents and communications relating to, or that support, the potential testimony of Mr. Gibson, or any other witness for MA, concerning “the geographic distribution of health care institutions in the proposed service area,” including any geographic distribution of health care institution analyses MA has prepared or caused to be prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. This a matter on which Applicant bears the burden of proof. These documents should be provided in a timely fashion by Applicant, at which time Maricopa Ambulance can evaluate it and furnish any required response.

30. All documents and communications relating to, or that support, the potential testimony of Mr. Gibson, or any other witness for MA, concerning MA’s “response times including Interfacility [transports] and convalescent response times, rates, and types and levels of proposed service.”

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Maricopa Ambulance is compliant with its CON, which has been renewed through September 21, 2020, and which includes IF and convalescent response times. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Gibson or other of its witnesses will rely on or introduce at hearing, that information will be produced.

31. All documents and communications relating to, or that support, the potential testimony of Mr. Gibson, or any other witness for MA, concerning MA’s “management (including experience, qualifications, and familiarity with Maricopa County).”

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Gibson or other of its witnesses will rely on or introduce at hearing, that information will be produced.

32. All documents and communications relating to, or that support, the potential testimony of Mr. Gibson, or any other witness concerning MA’s “personnel (including number and types of personnel, qualifications, scheduling, training, and working conditions).

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Gibson or other of its witnesses will rely on or introduce at hearing, that information will be produced.

33. All documents and communications relating to, or that support, the potential testimony of Mr. Gibson, or any other witness concerning MA's "ambulances and equipment (including communications equipment, onboard technology, and other onboard equipment)."

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Gibson or other of its witnesses will rely on or introduce at hearing, that information will be produced.

34. All documents and communications relating to, or that support, the potential testimony of Mr. Gibson, or any other witness for MA, concerning MA's "operational aspects."

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Gibson or other of its witnesses will rely on or introduce at hearing, that information will be produced.

35. All documents and communications relating to, or that support, the potential testimony of Mr. Gibson, or any other witness for MA, concerning "the potential financial impact of a CON being given to a provider seeking a CON under the terms and conditions proposed by the Applicant and why public necessity and convenience do not require an additional provider under these circumstances."

Response: Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Gibson or other of its witnesses will rely on or introduce at hearing, that information will be produced.

36. All documents and communications relating to, or that support, the potential testimony of Mr. Gibson, or any other witness for MA, concerning MA's "efforts to reach out and market its services to ground ambulance service consumers in its CON area."

Response: Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Gibson or other of its witnesses will rely on or introduce at hearing, that information will be produced.

37. All documents and communications relating to, or that support, the potential testimony of Michelle Angle, Director of Marketing and Business Development for MA (“Ms. Angle”), or any other witness for MA, concerning “the market for ground ambulance services in Maricopa County,” including any and all reports, analysis, memoranda, or other such documents or communications reflecting analysis Ms. Angle has conducted with respect to the market for ground ambulance services in Maricopa County in the previous 6 years.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Ms. Angle or other of its witnesses will rely on or introduce at hearing, that information will be produced.

38. All communications by and between MA and emergency medical consultant Roy Ryals related in any way to Mr. Ryals proposed testimony for the hearing on Community Ambulance’s CON Application, as set forth in MA’s Initial List of Witnesses and Exhibits.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, that information will be produced.

39. All documents and communications relating to, or that support, the potential testimony of Mr. Ryals, or any other witness for MA, concerning “the population demographics of the proposed service area,” including any consultant or expert reports, analyses, or memoranda, and/or maps Mr. Ryals prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Ryals or other of its witnesses will rely on or introduce at hearing, that information will be produced.

40. All documents and communications relating to, or that support, the potential testimony of Mr. Ryals, or any other witness for MA, concerning “the geographic distribution of health care institutions in the proposed service area,” including any consultant or expert reports, analyses, or memoranda, and/or maps Mr. Ryals prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Ryals or other of its witnesses will rely on or introduce at hearing, that information will be produced.

41. All documents and communications relating to, or that support, the potential testimony of Mr. Ryals, or any other witness for MA, concerning MA’s “response times including Interfacility (“IF”) and convalescent response times, rates, and types and levels

of proposed service,” including any consultant or export reports, analyses, and/or memoranda Mr. Ryals prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Ryals or other of its witnesses will rely on or introduce at hearing, that information will be produced.

42. All documents and communications relating to, or that support, the potential testimony of Mr. Ryals, or any other witness for MA, concerning MA’s “management (including experience, qualifications, and familiarity with Maricopa County),” including any consultant or export reports, analyses, and/or memoranda Mr. Ryals prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Ryals or other of its witnesses will rely on or introduce at hearing, that information will be produced.

43. All documents and communications relating to, or that support, the potential testimony of Mr. Ryals, or any other witness for MA, concerning MA’s “personnel (including number and types of personnel, qualifications, scheduling, training, and working conditions), including any consultant or export reports, analyses, and/or memoranda Mr. Ryals prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Ryals or other of its witnesses will rely on or introduce at hearing, that information will be produced.

44. All documents and communications relating to, or that support, the potential testimony of Mr. Ryals, or any other witness for MA, concerning MA’s “ambulances and equipment (including communications equipment, onboard technology, and other onboard equipment),” including any consultant or export reports, analyses, and/or memoranda Mr. Ryals prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Ryals or other of its witnesses will rely on or introduce at hearing, that information will be produced.

45. All documents and communications relating to, or that support, the potential testimony of Mr. Ryals, or any other witness for MA, concerning MA’s operational aspects (including the operations center, posting locations, and deployment),” including any consultant or export reports, analyses, and/or memoranda Mr. Ryals prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Ryals or other of its witnesses will rely on or introduce at hearing, that information will be produced.

46. All documents and communications relating to, or that support, the potential testimony of Mr. Ryals, or any other witness for MA, concerning “the potential financial impact of a CON being given to a provider seeking a CON under the terms and conditions proposed by the Applicant and why public necessity and convenience do not require an additional provider under these circumstances,” including any consultant or expert reports, analyses, and/or memoranda Mr. Ryals prepared.

Response: This request is unreasonable, oppressive, overbroad and unnecessary. Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Ryals or other of its witnesses will rely on or introduce at hearing, that information will be produced.

47. All documents and/or communications between any of the Intervenors relating in any way to Community Ambulance’s CON Application.

Response: This request is unreasonable, oppressive, overbroad and unnecessary.

48. All documents and/or communications between MA (including its lawyers) and any government entities and/or public officials, elected or not, related to Community Ambulance’s CON application, excluding filings submitted by MA in this action, 2017-EMS-0104-DHS (EMS No. 0283).

Response: This request is unreasonable, oppressive, overbroad and unnecessary.

49. 2017 Ambulance Revenue and Cost Report.

Response: Request withdrawn.

50. Any and all documents or communications evidencing an estimate of annual ALS transports and BLS transports and miles MA would lose if Community Ambulance is granted a CON.

Response: Without waiving any objection, to the extent Maricopa Ambulance has affirmative evidence on this point on which Mr. Ryals or other of its witnesses will rely on or introduce at hearing, that information will be produced.

Respectfully submitted this 25th day of July, 2018.

JBELANGER LAW PLLC

By /s/ James J. Belanger
James J. Belanger
Attorneys for Maricopa Ambulance, LLC

CERTIFICATE OF SERVICE

ORIGINAL filed on July 25, 2018, using the OAH electronic document filing system <https://portal.azoah.com/oedf>, with copies provided to all parties on the approved mailing list by posting through the designated OAH website at <https://portal.azoah.com/oedf/documents/2016A-EMS-0381-DHS/2016A-EMS-0381-DHS-0018.pdf>.

/s/ James J. Belanger