

1 Brendan Murphy, State Bar No. 021947
HENDRICKS MURPHY, PLLC
2 3101 North Central Avenue, Suite 970
3 Phoenix, Arizona 85012
4 (602) 604-2104
brendan@hendricksmurphy.com

5 Jeffrey Meyerson, State Bar No. 022600
6 THE MEYERSON LAW FIRM, PLC
7 2555 East Camelback Road
Suite 140
8 Phoenix, Arizona 85016
jeff@themeyersonfirm.com

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10 Attorneys for Applicant
11 RBR Management, LLC
12 dba Community Ambulance

13 **IN THE OFFICE OF ADMINSTRATIVE HEARINGS**

14
15 In the Matter of:

16 RBR Management, LLC dba Community
17 Ambulance,

18 Applicant.

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

**APPLICANT'S
OBJECTIONS AND
RESPONSES TO ABC
AMBULANCE'S
SUBPOENA DUCES TECUM
TO RBR MANAGEMNET dba
COMMUNITY AMBULANCE**

(Assigned to the Honorable
Tammy L. Eigenheer)

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24 RBR Management LLC, dba Community Ambulance (“Applicant” or
25 “Community Ambulance”), pursuant to AAC R2-19-113, hereby objects, moves to
26 quash, and responds to the subpoena *duces tecum*¹ ABC Ambulance (“ABC”)
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¹ Community Ambulances reserves its rights to amend, revise, supplement its responses and objections as new and/or additional information is discovered.

1 caused to be issued to Applicant.

2 **Request No. 1**

3 All documents produced by Applicant and Dignity Health in response to
4 any subpoena *duces tecum* issued by any Intervenor or by ADHS in the
5 administrative proceeding.

6 **Response to Request No. 1**

7 Community Ambulance produces documents responsive to Request No. 1
8 and intends to disclose documents responsive to Request No. 1 on a rolling basis
9 as received from Dignity Health.

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11 **Request No. 2**

12 All pleadings and filings of record in case no. A-12-664477-C, filed on June
13 29, 2012 in the 8th Judicial District, Clark County, Nevada, by Dr. Mark
14 Ferdowsian against *inter alia* Dignity Health and RBR Management LLC. [To the
15 extent that this question overlaps with the subpoena issued to Dignity Health,
16 only one response is requested.]

17 **Response to Request No. 2**

18 Community Ambulance objects to this request as overly broad, and vague
19 and ambiguous with respect to the terms “pleadings” and “filings of record,” and
20 that it calls for the production of documents that are not relevant or likely to lead
21 to the discovery of admissible evidence. Community Ambulance objects to the
22 extent this request may call for the production of documents subject to the
23 attorney-client privilege or protected from disclosure by the work-product
24 doctrine. Community Ambulance further objects to the request as unduly
25 burdensome to the extent it calls for the production of documents that are a
26 matter of public record, and thus available to ABC from the courts in Clark
27 County, Nevada.

1 Subject to and without waving these objections, Community Ambulance
2 produces herewith relevant, non-privileged documents that are responsive to this
3 request from case no. A-12-664477-C in Community Ambulance's possession and
4 files. Community Ambulance has also requested the "pleadings" and "filings of
5 record" from its counsel in Nevada and such "pleadings" and "filings of record"
6 will be produced when they are received.
7

8 **Request No. 3**

9 Any and all contracts, agreements, partnership documents, memoranda of
10 understanding and corporate documents between Applicant and Dignity Health
11 in Nevada and Arizona, including but not limited to an interfacility transport
12 services agreement and joint venture partnership agreement. [To the extent that
13 this question overlaps with the subpoena issued to Dignity Health, only one
14 response is requested.]

15 **Response to Request No. 3**

16 Community Ambulance objects to Request No. 3 as overly broad and
17 unduly burdensome to the extent the request is not limited in time or scope, calls
18 for the production of documents that are not relevant or likely to lead to the
19 discovery of admissible evidence, and vague and ambiguous. Community
20 Ambulance further objects to, and moves to quash, Request No. 3 to the extent it
21 calls for the production of confidential and/or proprietary information concerning
22 both Community Ambulance and non-party Dignity Health.

23 Subject to and without waiving the foregoing objections, Community
24 Ambulance produces herewith relevant documents that are neither privileged
25 nor confidential which are responsive to this request.
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Request No. 4

Corporate documents of Applicant, reflecting ownership structure, members' names, members' percentage interests, dates of membership changes, consideration given for exchange of ownership, and documents showing the names of directors and officers (if a member is an entity).

Response to Request No. 4

Community Ambulance objects to Request No. 4 on the grounds the phrases “corporate documents” and “exchange of ownership” are vague and ambiguous, and that this request is overly broad to the extent it may call for the production of documents beyond the scope of what the Arizona Department of Health Services (“ADHS”) required Applicant to provide through its application for a Certificate of Necessity (“CON”). Community Ambulance further objects to the request as unduly burdensome to the extent it calls for the production of a document that is publicly available to ABC through the ADHS website: <https://www.azdhs.gov/documents/preparedness/emergency-medical-services-trauma-system/ambulance/ground/received-applications/initial/community-ambulance/2nd-substantive-response.pdf>.

Subject to and without waiving the foregoing objections, Community Ambulance produces relevant documents that are responsive to this request.

Request No. 5

Documents evidencing the “success” of the partnership between Dignity Health and Applicant in Nevada.

Response to Request No. 5

Community Ambulance objects to Request No. 5 on the grounds that it is overly broad and unduly burdensome to the extent the request is not limited in time or scope. Community Ambulance further objects to Request No. 5 on the

1 grounds that it is vague and ambiguous, and not reasonably specific with respect
2 to the nature of documents Intervenor ABC believes would evidence “the ‘success’
3 of the partnership.”

4 Subject to and without waiving these objections, Community Ambulance
5 produces documents that may reflect its “success” as an ambulance operator in
6 Nevada.

7
8 **Request No. 6**

9 Documents in Applicant’s possession evidencing any alleged substandard
10 performance by ABC.

11 **Response to Request No. 6**

12 Community Ambulance objects to Request No. 6 as overly broad, vague
13 and ambiguous, and unduly burdensome. Community Ambulance further objects
14 on the grounds that documents and information relevant to the issues of public
15 necessity and whether Intervenor ABC has demonstrated substandard
16 performance have been requested through Community Ambulance’s subpoena
17 *duces tecum* directed to ABC. Community Ambulance cannot produce documents
18 responsive to Request No. 6 until it has received responses to its subpoena *duces*
19 *tecum*.

20
21 **Request No. 7**

22 Documents evidencing Applicant’s plans to provide services to remote or
23 rural Maricopa County communities.

24 **Response to Request No. 7**

25 Community Ambulance objects to Request No. 7 as unduly burdensome to
26 the extent it calls for the production of a document that is publicly and equally
27 available to ABC through the ADHS website:

1 [https://www.azdhs.gov/documents/preparedness/emergency-medical-services-](https://www.azdhs.gov/documents/preparedness/emergency-medical-services-trauma-system/ambulance/ground/received-applications/initial/community-ambulance/substantive-review-response.pdf)
2 [trauma-system/ambulance/ground/received-applications/initial/community-](https://www.azdhs.gov/documents/preparedness/emergency-medical-services-trauma-system/ambulance/ground/received-applications/initial/community-ambulance/substantive-review-response.pdf)
3 [ambulance/substantive-review-response.pdf](https://www.azdhs.gov/documents/preparedness/emergency-medical-services-trauma-system/ambulance/ground/received-applications/initial/community-ambulance/substantive-review-response.pdf)

4 Subject to and without waving its objections, Community Ambulance
5 reserves its right to supplement this response and its plan to provide services to
6 remote or rural areas in Maricopa County.

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8 **Request No. 8**

9 Any and all current business plans and/or financial forecasts or projections
10 prepared by Applicant, for both Applicant's Nevada operations and proposed
11 Arizona operations and any drafts thereof.

12 **Response to Request No. 8**

13 Community Ambulance objects to Request No. 8 as vague, ambiguous and
14 not reasonably specific as it requests "all current business plans," "financial
15 forecasts" or "projections." Community Ambulance further objects and moves to
16 quash this request to the extent it calls for the production of confidential and
17 proprietary information. Community Ambulance further objects to this request
18 as it is overly broad to the extent it may call for the production of documents
19 beyond the scope of what ADHS required Applicant to provide through its
20 application for a CON, and calls for the production of documents that are not
21 relevant.

22
23 **Request No. 9**

24 Documents evidencing Applicant's communications with ABC regarding
25 ambulance service in Arizona and any experiences Applicant has had with ABC.

26 **Response to Request No. 9**

27 Community Ambulance objects to Request No. 9 as overly broad, vague
28

1 and ambiguous, and not reasonably specific as it requests documents related to
2 “any experiences” Community Ambulance “has had with ABC Ambulance.”
3 Community Ambulance further objects to Request No. 9 to the extent it broadly
4 calls for the production of documents that may be subject to the attorney-client
5 privilege and protected from disclosure by the work-product doctrine.

6 Subject to and without waiving these objections, Community Ambulance
7 produces herewith a calendar entry for Rob Richardson evidencing a March 1,
8 2017 lunch meeting at Durant’s with Rob Richardson, Jeff O’Malley, Charlie
9 Smith, and Neal Thomas, CEO of ABC.

10
11 **Request No. 10**

12 Documents evidencing any attempts by Applicant to reach out to any
13 potential customer in Maricopa County that is not owned by, or affiliated with,
14 Dignity Health.

15 **Response to Request No. 10**

16 Community Ambulance objects to Request No. 10 as vague and ambiguous
17 and not reasonably specific with respect to the phrases and terms “reach out” and
18 “potential customer.”

19 Subject to and without waiving these objections, Community Ambulance
20 does not have documents responsive to this request because Community
21 Ambulance has not made any attempts to solicit consumers of ambulance services
22 in Maricopa County that are not owned by, or affiliated with, Dignity Health.

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24 **Request No. 11**

25 Documents evidencing any attempts Applicant has made to engage the
26 services of ABC.

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Response to Request No. 11

Community Ambulance objects to Request No. 11 as overly broad, vague and ambiguous, and not reasonably specific with respect the phrase “engage the services of.” Community Ambulance further objects to Request No. 11 to the extent it broadly calls for the production of documents that may be subject to the attorney-client privilege and protected from disclosure by the work-product doctrine.

Subject to and without waiving these objections, Community Ambulance produces herewith a calendar entry for Rob Richardson evidencing a March 1, 2017 lunch meeting at Durant’s with Rob Richardson, Jeff O’Malley, Charlie Smith, and Neal Thomas, CEO of ABC.

Request No. 12

Documents evidencing any “negative patient experiences” at ABC Ambulance.

Response to Request No. 12

Community Ambulance objects to Request No. 12 as vague, ambiguous, unintelligible, and not reasonably specific with respect to the nature of the documents requested. Community Ambulance further objects on the grounds that documents and information relevant to the issues of “negative patient experiences” and whether ABC has evidence of “negative patient experiences” in the form of patient complaints have been requested through Community Ambulance’s subpoena *duces tecum* directed to ABC. Community Ambulance cannot produce documents responsive to Request No. 12 until it has received responses to its subpoena *duces tecum*.

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Request No. 13

Copies of any and all drafts in Your possession (even if You were simply copied on an email containing such draft) of any letters of support submitted by Applicant as an exhibit to be used in these proceedings, including any emails to which such drafts were attached. [To the extent that this question overlaps with the subpoena issued to Dignity Health, only one response is requested.]

Response to Request No. 13

Community Ambulance objects to and moves to quash Request No. 13 to the extent it calls for the production of documents protected from disclosure by the attorney-client privilege or the work-product doctrine. Community Ambulance further objects to Request No. 13 to the extent the request seeks the production of documents that are not relevant or likely to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Community Ambulance produces non-privileged relevant documents that are responsive to this request.

Request No. 14

Documents evidencing that you have “fiscal competence, resources, financial viability, and ability to expand [Your] resources” to conduct Your proposed operations in Arizona.

Response to Request No. 14

Community Ambulance objects to Request No. 14 as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific with respect to the categories of documents requested. Community Ambulance further objects on the grounds that Request No. 14 calls for the production of documents previously disclosed as CON hearing exhibits.

Subject to and without waiving these objections, Community Ambulance

1 represents that hearing exhibits 1-13 15-17 and 22 are responsive to Request No.
2 14, and Community Ambulance reserves its right to disclose further hearing
3 exhibits on or before the deadline for the final witness and exhibit list that
4 supports its position that Community Ambulance is fit and proper.
5

6 **Request No. 15**

7 Any and all federal, state and local tax returns for latest closed and all
8 open years for Applicant.

9 **Response to Request No. 15**

10 Community Ambulance objects to Request No. 15 as overly broad and not
11 relevant to the extent it calls for the production of documents beyond the scope of
12 what ADHS required Applicant to provide through its application for a CON.
13 Community Ambulance further objects and moves to quash Request No. 15 to the
14 extent it calls for the production of confidential information.
15

16 **Request No. 16**

17 Any and all tax reviews and/or tax audits with all accompanying related
18 documents and communications.

19 **Response to Request No. 16**

20 Community Ambulance objects to Request No. 16 as vague and ambiguous
21 with respect to the term “tax review,” overly broad with respect to the scope of
22 documents requested and timeframe for those documents. Community
23 Ambulance further objects to the extent Request No. 16 seeks the production of
24 documents that are not relevant and calls for the production of documents beyond
25 the scope of what ADHS required Applicant to provide through its application for
26 a CON. Community Ambulance further objects and moves to quash Request No.
27 16 to the extent it calls for the production of confidential information and calls
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1 for the production of documents that are confidential and may be subject to the
2 accountant-client and/or attorney-client privilege.

3
4 **Request No. 17**

5 Any and all documents or communications evidencing Applicant's
6 employee satisfaction scores and/or turnover reports from the first date Applicant
7 began providing ambulance service in Nevada to the present date.

8 **Response to Request No. 17**

9 Community Ambulance objects to Request No. 17 as overly broad.

10 Subject to and without waiving that objection, Community Ambulance
11 affirmatively states that it does not have "employee satisfaction scores"
12 responsive to Request No. 17; however, Community Ambulance produces the
13 following documents in response to Request No. 17: (1) Employee Survey Monkey
14 and (2) HR Statistic-Employee Review - 2016, 2017, 2018.

15
16 **Request No. 18**

17 Any and all documents or communications evidencing complaints received
18 from any source (including legal and regulatory) regarding Applicant's operations
19 in Nevada, from the date Applicant first began providing ambulance service in
20 Nevada to the present date.

21 **Response to Request No. 18**

22 Community Ambulance objects to Request No. 18 as overly broad, unduly
23 burdensome and vague and ambiguous and not reasonably specific with respect
24 to the terms "complaints" and documents "from any source (including legal and
25 regulatory)," and seeks the production of documents that are publicly available
26 and equally accessible to Intervenor ABC. Community Ambulance further
27 objects on the grounds that Request No. 18 calls for the production of documents
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1 that are not relevant and not likely to lead to the discovery of admissible evidence.
2 Plaintiff further objects to the extent Request No. 18 calls for the production of
3 documents subject to the attorney-client privilege and protected from disclosure
4 by the work-product doctrine.

5 Subject to and without waiving these objections, Community Ambulance
6 represents that it is unaware of any regulatory complaints, and Community
7 Ambulance produces relevant, non-privileged documents that are responsive to
8 this request, and is currently in the process of collecting additional documents
9 responsive to Request No. 18

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11 **Request No. 19**

12 Any and all documents or communications evidencing the termination of
13 any contract with Applicant in Nevada, from the date Applicant first began
14 providing ambulance service in Nevada to the present date.

15 **Response to Request No. 19**

16 Community Ambulance objects to Request No. 19 as it is overly broad,
17 unduly burdensome, not reasonably specific and seeks the production of
18 documents that are not relevant or likely to lead to the discovery of admissible
19 evidence. Such a broad request would necessarily include any and all contracts
20 that may have been terminated in the normal course of business and that are
21 irrelevant to Community Ambulance's application for CON.

22 Subject to and without waiving these objections, Community Ambulance
23 affirmatively represents that to the extent this request seeks documents related
24 to the termination of any ambulance service agreements or ambulance service
25 contracts with Community Ambulance in Nevada, no such documents exist
26 because there have been no terminations of any such ambulance service
27 agreements or ambulance service contracts.

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Request No. 20

Any and all service contracts Applicant has with any entity other than a Dignity Health entity or affiliate in Nevada.

Response to Request No. 20

Community Ambulance objects to Request No. 20 as overly broad and vague and ambiguous with respect to the terms “service contracts” and “entity,” and objects to Request No. 20 to the extent it calls for the production of documents that are not relevant.

Subject to and without waiving these objections, Community Ambulance produces ambulance franchise and service agreements it has in Nevada, and is currently in the process of collecting additional documents responsive to Request No. 20 and intends to produce such documents as they are collected.

Request No. 21

With regard to the pro forma ARCR in Your application, as supplemented ("ARCR"), any and all documents required to complete each line item as it pertains to Your operation in Nevada. (This information is required to be provided in Arizona's regulated market, even if the entity/applicant's operations are outside of Arizona.)

Response to Request No. 21

Community Ambulance objects to Request No. 21 on the grounds that it is overly broad and unduly burdensome to the extent it seeks records and documents to support an ARCR for three years of operations in Nevada. There is no such obligation in the statutes or regulations that requires Community Ambulance to prepare an ARCR, and produce documents to support that ARCR for its out-of-state operations. Community Ambulance further objects to the

1 extent Request No. 21 calls for the production of documents that are not relevant
2 or reasonably calculated to lead to the discovery of admissible evidence.

3
4 **Request No. 22**

5 Any and all documents that would be necessary to respond to the
6 requirements of Arizona Administrative Code R9-25-910(A) for the past three
7 years pertaining to Applicant's Nevada operations.

8 **Response to Request No. 22**

9 Community Ambulance objects to Request No. 22 on the grounds that it is
10 overly broad, vague and ambiguous, and unduly burdensome to the extent ABC
11 requests that Community Ambulance produce records and documents to support
12 an ARCR for three years of operations in Nevada. There is no obligation in
13 statute or regulation that requires Community Ambulance – a non-certificate
14 holder – to comply with the requirements of Arizona Administrative Code R9-25-
15 910(A). Community Ambulance further objects on the grounds that it calls for
16 the production of documents that are not relevant or reasonably calculated to
17 lead to the discovery of admissible evidence.

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19 **Request No. 23**

20 Any and all documents reviewed by and upon which Robert Richardson
21 based his affirmation attached to the ARCR.

22 **Response to Request No. 23**

23 Community Ambulance is not currently aware of any responsive
24 documents to Request No. 23. Community Ambulance reserves the right to
25 supplement this response.

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Request No. 24

Any and all documents supporting the entries at ARCR page 1 lines 1, 2, 3 showing:

- a. Source of numbers;
- b. Agreements between any facility to provide transports requests to Applicant;
- c. Documents that show information as to which ambulance provider is currently providing any or all of the transports listed above in (a).

Response to Request No. 24

Community Ambulance objects to Request No. 24 (a) to the extent it seeks documents supporting the “source of numbers” for the number of ALS and BLS transports identified in the ARCR on the grounds that the number of transports was based on a 2016 1st quarter report prepared by American Medical Response (“AMR”) and provided to Dignity Health pursuant to their customer agreement. Those reports are marked confidential and proprietary and are not in the possession of Community Ambulance. Community Ambulance has issued subpoenas to Dignity Health and AMR for the production of reports and transport data, which, upon information and belief, AMR maintains and may have provided to Dignity Health. Subject to and without waiving this objection, Community Ambulance will disclose documents responsive to Request No. 24(a) as that information becomes available to Community Ambulance.

Community Ambulance further objects to Request 24(a) as the documents supporting the “Number of Loaded Billable Miles” are otherwise publicly available and equally accessible by ABC. Community Ambulance arrived at this figure by calculating distances between Dignity Health facilities, arriving that those distances through internet-based maps, i.e., Google Maps, but did not retain copies of such maps.

1 With respect to Request No. 24(b), Community Ambulance previously
2 produced an Ambulance Services Agreement between Dignity Health and
3 Community Ambulance, as hearing exhibit CA-17.

4 Finally, Community Ambulance objects to Request No. 24(c) to the extent
5 it calls for the production of documents and information in the possession,
6 custody, and control of third parties, including Intervenors and Dignity Health.

7
8 **Request No. 25**

9 Any and all documents supporting the entries at ARCR page 4 line 9
10 showing the number of overtime hours planned or expected for Paramedics.

11 **Response to Request No. 25**

12 Applicant is unaware of any underlying documents responsive to Request
13 No. 25.

14
15 **Request No. 26**

16 Any and all documents supporting the entries at ARCR page 4 line 9
17 showing the pay rate or pay scale used for determining the \$35,693 average cost
18 per FTE.

19 **Response to Request No. 26**

20 Applicant is unaware of any underlying documents responsive to Request
21 No. 26 other than publicly available documents disclosing wages for entry-level
22 Phoenix Fire firefighters.

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24 **Request No. 27**

25 ARCR page 4.1 requires a schedule of wages and the schedule shows that
26 there are no managers for Applicant's operations and Applicant will only have
27 managers if a CON is awarded.

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- a. Provide any organizational chart prepared by RBR or its consultants in the last 3 years.
- b. Job description, names and salary of any non-exempt employee paid by RBR in the past 3 years.
- c. Any contracts with third parties to provide management functions over the past 3 years.

Response to Request No. 27

Community Ambulance objects to Request No. 27 as overly broad, unduly burdensome, vague, ambiguous, and unintelligible to the extent it is not clear how the subparts a-c relate to the primary Request No. 27, nor is this information required by statute or regulation to be contained in the ARCR, and therefore, Request No. 27 (a-c) is not relevant or likely to lead to the discovery of admissible evidence. Furthermore, Community Ambulance’s ARCR at page 4.1, lines 1-4, identifies 3 FTE management positions with gross wage, tax, and benefit information included. (See ARCR at 4.1 and Schedule II, at page 11.)

Request No. 28

Any and all documents supporting the entry at ARCR page 16 line 28 showing cash at beginning of year of \$708,779.

Response to Request No. 28

Community Ambulance produces herewith relevant documents responsive to Request No. 28.

Request No. 29

Any and all documents supporting the entries at ARCR page 16 line 12 showing purchase of \$580,373 of equipment.

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Response to Request No. 29

Community Ambulance is currently in the process of collecting documents responsive to Request No. 29 and intends to produce such documents as they are collected.

Request No. 30

Any and all documents supporting the values at ARCR page 16 line 12 and for all values included on page 12 under Depreciation Prior Years and Current Year Depreciation.

Response to Request No. 30

Community Ambulance is currently in the process of collecting documents responsive to Request No. 30 and intends to produce such documents as they are collected.

Request No. 31

Any and all documents supporting the entries at ARCR page 16 showing net change Accounts Receivable of -\$907,000, including any and all documents that show what period of time this pro forma covered assuming operations start date is the date RBR would be allowed to start operations.

Response to Request No. 31

Community Ambulance is currently in the process of collecting documents responsive to Request No. 31 and intends to produce such documents as they are collected.

Request No. 32

All pro forma worksheets or schedules that include the first start-up months of the Applicant's proposed operation in Arizona.

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Response to Request No. 32

Community Ambulance objects to Request No. 32 as overly broad, unduly burdensome, and as seeking documents that are not relevant to the scope of the CON Hearing process. Community Ambulance further objects to Request No. 32 as it seeks the disclosure of confidential, proprietary, and trade secret business information.

Request No. 33

Any and all documents submitted to Western Alliance Bank for each of the two loans listed on the ARCR, as well as any and all documents reported to these lenders subsequent to and regarding the loans.

Response to Request No. 33

Community Ambulance objects to Request No. 33 as overly broad, unduly burdensome, not reasonably specific, and calls for the production of documents that are not relevant and not likely to lead to the discovery of admissible evidence because all documents required to support Community Ambulance’s Application for CON have been submitted to ADHS. Furthermore, Community Ambulance objects to and moves to quash Request No. 33 to the extent it calls for the production of confidential or private financial information of third-parties.

Request No. 34

Any and all documents or reports from any third-party billing company showing accounts receivable for each of the last 36 (thirty-six) months.

Response to Request No. 34

Community Ambulance objects to Request No. 34 as overly broad and calls for the production of documents that are not relevant to Community Ambulance’s Application for a CON in Arizona because the documents sought relate to

1 Community Ambulance's Nevada operations, which includes that provision of
2 911 service in addition to interfacility transports, has different payors and a
3 different payor mix than expected in Arizona, and a different Medicaid
4 reimbursement system than exists in Arizona.

5
6 **Request No. 35**

7 Any and all documents or reports from any third-party billing company
8 showing amounts written off from gross billing for each of the last 36 (thirty-six)
9 months.

10 **Response to Request No. 35**

11 Community Ambulance objects to Request No. 35 as overly broad, unduly
12 burdensome and calls for the production of documents that are not relevant to
13 Community Ambulance's Application for a CON in Arizona because the
14 documents sought relate to Community Ambulance's Nevada operations, which
15 has different payors, and a different payor mix than the payors and payor mix in
16 Arizona.

17
18 **Request No. 36**

19 Any and all documents evidencing the source of funds used for funding the
20 start-up costs of Applicant's operation in Arizona.

21 **Response to Request No. 36**

22 Community Ambulance objects to Request No. 36 as overly broad, and
23 unduly burdensome to the extent it calls for the production of information that is
24 publicly and equally available to ABC through Community Ambulance
25 Application. See Statement and Source of Funding section of Application at
26 [https://www.azdhs.gov/documents/preparedness/emergency-medical-services-](https://www.azdhs.gov/documents/preparedness/emergency-medical-services-trauma-system/ambulance/ground/received-applications/initial/community-)
27 [trauma-system/ambulance/ground/received-applications/initial/community-](https://www.azdhs.gov/documents/preparedness/emergency-medical-services-trauma-system/ambulance/ground/received-applications/initial/community-)
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1 [ambulance/06-10-16-initial-application-part-2.pdf](#),

2 Subject to and without waiving the foregoing objections, Community
3 Ambulance produces relevant documents that are responsive to this request.

4
5 **Request No. 37**

6 Any and all documents relating to RBR ambulances, including:

- 7 a. List of all ambulances used by RBR for the past 36 months;
8 b. Copies of annual regulator inspections or proof ambulances
9 were inspected by a regulatory body on an annual basis;
10 c. If no such document exists, copies of maintenance records
11 for each ambulance listed for the past 36 months

12 **Response to Request No. 37**

13 Documents responsive to this request are produced herewith.

14
15 **Request No. 38**

16 Copies of Applicant's national accreditation by CASS and/or NAMTA over
17 the past 36 months (for its Nevada and Arizona operations).

18 **Response to Request No. 38**

19 Community Ambulance objects only to clarify that it has no CASS or
20 NAMTA accreditations for Arizona because Community Ambulance is not
21 currently operating an ambulance service in Arizona. Subject to and without
22 waiving the foregoing clarification, Community Ambulance produces herewith its
23 CASS certification certificate for Community Ambulance's Nevada operations.
24 Community Ambulance does not have a NAMTA accreditation for its Nevada
25 operations.

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Request No. 39

Any lease agreement for ambulances and/or ambulance equipment for the past 36 months.

Response to Request No. 39

Community Ambulance objects to this request as overly broad and calls for the production of documents that are not relevant or likely to lead to the discovery of admissible evidence. Subject to and without waiving these objections, there are no lease agreements responsive to this request.

Request No. 40

Documents identifying any loans made to RBR for the past 36 months.

Response to Request No. 40

Community Ambulance objects to Request No. 40 as overly broad and unduly burdensome as the request is not limited in scope. Community Ambulance also objects on the grounds that Request No. 40 is not reasonably specific and calls for the production of documents that are not relevant insofar as it broadly requests documents related to “any loans” and documents that ADHS did not require to be submitted in support of Community Ambulance’s Application for a CON.

Request No. 41

Documents showing the legal entity name of any business that is related to RBR, that RBR has either provided services to or received services from that is related to RBR in either ownership, common management or control.

Response to Request No. 41

Community Ambulance objects to Request No. 41 on the grounds that it is vague and ambiguous, confusing and unintelligible with respect to the nature or

1 type of document that would be responsive, calls for the production of documents
2 that are not relevant to Community Ambulance's Application and to the issues
3 relevant to the CON Hearing. Community Ambulance further objects to the
4 request as unduly burdensome to the extent it calls for the production of a
5 document that is publicly and equally available to ABC through the AZDHS
6 website: [https://www.azdhs.gov/documents/preparedness/emergency-medical-
7 services-trauma-system/ambulance/ground/received-
8 applications/initial/community-ambulance/2nd-substantive-response.pdf](https://www.azdhs.gov/documents/preparedness/emergency-medical-services-trauma-system/ambulance/ground/received-applications/initial/community-ambulance/2nd-substantive-response.pdf).

9 Subject to and without waiving the foregoing objections, Community
10 Ambulance refers ABC to Response to Request No. 3.

11
12 **Request No. 42**

13 Any documents related to any transaction with any entity that is related
14 to RBR in either common ownership, common management, or family relation.

15 **Response to Request No. 42**

16 Community Ambulance incorporates its objections and response to
17 Request No. 41 herein by this reference.

18
19 **Request No. 43**

20 Any and all documents evidencing that Dignity Health gave anything of
21 value to AMR in consideration for AMR's agreement to the provisions of the
22 contract currently being litigated between Dignity Health and AMR ("Dignity
23 Litigation").

24 **Response to Request No. 43**

25 Community Ambulance objects to Request No. 43 to the extent it calls for
26 the production of documents from Dignity Health that are not in the possession,
27 custody or control of Community Ambulance. Community Ambulance was not a
28

1 party to the “Dignity Litigation” nor a party to “the contract currently being
2 litigated between Dignity Health and AMR.” Community Ambulance further
3 objects to Request No. 43 to the extent it is vague, ambiguous, and seeks the
4 production of documents that are irrelevant to this CON Hearing.

5 Subject to and without waiving these objections, Community Ambulance
6 represents that it does not have documents in its possession, custody or control
7 responsive to this request.

8
9 **Request No. 44**

10 Any and all documents or records evidencing that the contested
11 contractual provision in the Dignity Litigation does not constitute a violation of
12 federal law and/or its not a “kick back” for referral of ambulance transports.”

13 **Response to Request No. 44**

14 Community Ambulance objects to Request No. 44 to the extent it calls for
15 the production of documents from Dignity Health that are not in the possession,
16 custody or control of Community Ambulance. Community Ambulance was not a
17 party to the “Dignity Litigation” nor a party to the contract containing “the
18 contested contractual provision in the Dignity Litigation.” Community
19 Ambulance further objects to Request No. 44 to the extent it is vague, ambiguous,
20 and seeks the production of documents that are irrelevant, and objects to the
21 extent this request calls for disclosure of privileged or otherwise confidential or
22 protected information.

23 Subject to and without waiving these objections, Community Ambulance
24 does not have documents in its possession, custody or control responsive to this
25 request.

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Request No. 45

Any and all documents evidencing Dignity Health had a “backup” plan if AMR refused to sign the amended agreement that is the subject of the Dignity Litigation.

Response to Request No. 45

Community Ambulance objects to Request No. 45 as it calls for the production of documents from Dignity Health that are not in the possession, custody or control of Community Ambulance. Community Ambulance further objects to Request No. 45 to the extent it is vague, ambiguous, and seeks the production of documents that are irrelevant.

Without waiving these objections, Community Ambulance does not have documents in its possession, custody or control responsive to this request.

RESPECTFULLY SUBMITTED this 25th day of July, 2018

HENDRICKS MURPHY, PLLC

By /s/ Brendan Murphy
Brendan Murphy
3101 N. Central Ave., Suite 970
Phoenix, Arizona 85012

THE MEYERSON LAW FIRM, PLC

Jeffrey Meyerson
2555 East Camelback Road
Suite 140
Phoenix, Arizona 85016

Attorneys for Applicant

1 **ORIGINAL** filed this 25th day
2 of July, 2018 via the OAH
3 electronic document filing system
4 <https://portal.azoah.com/oedf>, with
5 copies provided to all parties on the
6 approved mailing list by posting
7 through the designated OAH website at
8 <https://portal.azoah.com/oedf/documents/2017-EMS-0104-DHS/index.html>,
9 in accordance with Case Management Order No. 1.

10 **COPY** of the foregoing with responsive documents
11 mailed and emailed with responsive documents
12 made available via shared link in dropbox.com
13 this 25th day of July, 2018 to:

14 Adriane J. Hofmeyr
15 Quarles & Brady LLP
16 One South Church Avenue
17 Suite 1700
18 Tucson, Arizona 85701-1621
19 Adriane.Hofmeyr@quarles.com
20 *Attorney for Intervenor ABC Ambulance, LLC*

21 By: /s/ Brendan Murphy