

EXHIBIT 7

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF [REDACTED]

[REDACTED], as Executor of the Estate of [REDACTED]
[REDACTED], deceased, and [REDACTED], Individually,

Index # [REDACTED]

Plaintiff,

-against-

[REDACTED]
[REDACTED]

**NOTICE OF DISCOVERY
& INSPECTION OF
PATIENT'S DOCUMENTS**

Defendant.

_____X

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Practice Law Rules,
defendant [REDACTED]

[REDACTED] is hereby required to produce and allow discovery and inspection to be made by
plaintiff herein, his attorneys or others acting on his behalf at 3 Park Avenue, New York, New York
10016, within thirty (30) days of the date of service hereof, at which time plaintiff will examine,
inspect, photograph and/or duplicate the following information:

1. Defendant's complete original chart(s), records and radiographic/imaging,
films/scans concerning plaintiff's decedent [REDACTED] for "Discovery and
Inspection" or certified copies of same.

2. All CNA/PCA records, notations, flow sheets, assignment and/or accountability
records, and/or any and all records upon which CNAs wrote regarding plaintiff's decedent
[REDACTED]

3. Any and all accident and/or incident reports referencing plaintiff's decedent
[REDACTED] including any and all notes, memoranda, correspondence, reports
relating to such accidents/incidents and/or the investigation of same.

3. Call logs between defendant and plaintiff's decedent's care givers and between

defendant and family members regarding plaintiff's decedent.

4. All complaints concerning plaintiff's decedent [REDACTED] and responses by defendant.

5. All materials provided to plaintiff's decedent [REDACTED] or her family by defendant.

6. Any and all letters and/or correspondences regarding and/or referencing plaintiff's decedent [REDACTED]

In lieu of personally appearing, defendant may provide a sworn, written response, together with certified true, genuine, complete, accurate and legible duplicates of the items requested, by mailing same to plaintiff's counsel no later than 5 business days prior to the date for discovery and inspection set forth above. Plaintiff reserves the right to inspect, examine and/or copy the original at a later date.

PLEASE TAKE FURTHER NOTICE THAT all demands for the information above is demanded of defendant, defendant's attorneys and of any nonparty or its agents or employees that the attorney represents or who pays the attorneys' fees.

Dated: New York, New York
[REDACTED]

Yours, etc.



By: Walter Osuna, Esq.
THE JACOB FUCHSBERG LAW FIRM, LLP
Attorneys for the Plaintiff
3 Park Avenue, Suite 3700
New York, New York 10016
(212) 869-3500
[REDACTED]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF [REDACTED]

-----X
[REDACTED] as Executor of the Estate of [REDACTED]
[REDACTED], Individually,

Index # [REDACTED]

Plaintiff,

-against-

[REDACTED]
[REDACTED]

**NOTICE OF DISCOVERY
& INSPECTION OF
POLICIES AND
STAFFING**

Defendant.

-----X
PLEASE TAKE NOTICE that pursuant to Article 31 of the Civil Practice Law Rules,
defendant [REDACTED]

[REDACTED] is hereby required to produce and allow discovery and inspection to be made by
plaintiff herein, his attorneys or others acting on his behalf at 3 Park Avenue, New York, New York
10016, within thirty (30) days of the date of service hereof, at which time plaintiff will examine,
inspect, photograph and/or duplicate the following information:

POLICIES, PROCEDURES, PROTOCOLS

1. Table of Contents of all Policies, Procedures and Guidelines Manuals at defendant's facility.
2. The policies, procedures, protocols, manuals and guidelines in effect during plaintiff's decedent's admission to defendant's facility for the following disciplines: Medical Doctors, Nurses, CNAs, Dietitians/Nutritionists, and Therapists:
 - a. Supervision of Residents;
 - b. Observation of Residents;
 - c. Monitoring of Residents;

- d. Nursing Admission Assessment;
- e. Pressure Ulcer Assessments, Staging and Procedures;
- f. Pressure Ulcer Photographs;
- g. Pressure Ulcer Protocol for Nursing Options;
- h. Pressure Ulcer Progress Sheets;
- i. Pressure Ulcer Protocols;
- j. Skin Impairment Notification Form;
- k. Skin Impairment progress sheet;
- l. Skin/Pressure Ulcer Risk Assessment;
- m. Dressing for Pressure Ulcer – Transparent, Hydrogel;
- n. Moisture;
- o. Pain assessment and/or pain management;
- p. Nutrition and/or weight loss;
- q. Hydration;
- r. Transfer of residents;
- s. Diagnostic Services;
- t. Change in condition of patient;
- u. Incontinence;
- v. Toileting;
- w. Plans of care and care planning;
- x. Documentation/Charting procedures and chart preservation;
- y. Reporting to DOH regarding abuse, neglect, mistreatment, incidents, and injuries of unknown origin.

STAFFING

1. Roster/Sample Matrix data and forms for plaintiff's decedent entire stay at the facility on the unit in which the patient resided, with all patients names redacted except for plaintiff's decedent [REDACTED]
2. Daily resident/patient census for the entire stay at the facility on the unit/floor in which plaintiff's decedent resided.
3. Staffing records (Daily sign-in sheets, Shift reports/logo, Payroll records (redacted as to financial information), Schedules, Work assignments, Staffing sheets, Time cards) which will show who actually worked on the patient's decedent's floor/unit during admission to defendant's facility.
4. Case Mix Reports for the subject floor(s)/unit(s) during the entire admission to defendant's facility.

PLEASE TAKE FURTHER NOTICE THAT all demands for the information above is demanded of defendant, defendant's attorneys and of any nonparty or its agents or employees that the attorney represents or who pays the attorneys' fees.

Dated: New York, New York
[REDACTED]

Yours, etc.



By: Walter Osuna, Esq.

THE JACOB FUCHSBERG LAW FIRM, LLP

Attorneys for the Plaintiff

3 Park Avenue, Suite 3700

New York, New York 10016

(212) 869-3500
[REDACTED]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF [REDACTED]

_____, as Executor of the Estate of _____
deceased _____ Individually,

Index # [REDACTED]

Plaintiff,

-against-

**PLAINTIFF'S COMBINED
DEMANDS**

[REDACTED]

Defendant.

-----X

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Practice Law Rules,
defendant [REDACTED]

[REDACTED] is hereby required to produce and allow discovery and inspection to be made by plaintiff herein, his attorneys or others acting on his behalf at 3 Park Avenue, New York, New York 10016, within thirty (30) days of the date of service hereof, at which time plaintiff will examine, inspect, photograph and/or duplicate the following information:

NOTE: In lieu of personally appearing, defendant may provide a sworn, written response to the Notice for Discovery and Inspection, together with certified true, genuine, complete, accurate and legible duplicates of the items requested, by mailing same to plaintiff's counsel no later than 5 business days prior to the date for discovery and inspection set forth above. Plaintiff reserve the right to inspect, examine and/or copy the original at a later date.

I. INSURANCE AGREEMENTS

Defendant is to provide the following information and produce the following documents and information concerning the existence and contents of any and all insurance agreements which may

provide coverage or insurance benefits for the subject claims, occurrences and/or injuries/damages. Said requests are made pursuant to CPLR 3101(f) (*see also Sprague v. Intl. Bus. Machine Corp.*, 120 AD2d 514, 515, 501 NYS2d 712, 714 [2d Dept 1986]; *Krogh v. K-Mart Corp.*, 108 AD2d 966, 967, 484 NYS2d 950 [3d Dept 1985]):

1. Provide an affidavit signed personally by each defendant which states whether defendant has or had insurance agreements or coverage (including all primary policies, excess policies, supplemental policies, and umbrella policies and all other insurance) under which any insurance company may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy a judgment.

2. Provide an affidavit signed personally by each defendant, which states the name and address of each insurance company and the maximum amount of all liability coverage of each insurance company, indicating the amount per person, the amount for all persons, applicable deductibles and the amount for each accident or occurrence.

3. Produce all insurance policies, agreements, riders, addendum, policy jackets, policy limits, declaration sheets, and schedule endorsements for insurance policies in effect from five years prior to the date of negligence alleged in the complaint to present which may provide coverage and/or insurance benefits for the subject claims, lawsuit, occurrences and/or injuries.

4. Produce all insurance policies, agreements, riders, addendum, policy jackets, policy limits, declaration sheets, and schedule endorsements for excess liability insurance in effect from dates of negligence alleged in complaint to present which may provide coverage and/or insurance benefits for the subject claims, lawsuit, occurrences and/or injuries.

5. Produce all insurance policies, agreements, riders, addendum, policy jackets, policy limits, declaration sheets, and schedule endorsements for supplemental insurance in effect from

dates of negligence alleged in complaint to present which may provide coverage and/or insurance benefits for the subject claims, lawsuit, occurrences and/or injuries.

6. Produce all insurance policies, agreements, riders, addendum, policy jackets, policy limits, declaration sheets, and schedule endorsements for umbrella insurance in effect from dates of negligence alleged in complaint to present which may provide coverage and/or insurance benefits for the subject claims, lawsuit, occurrences and/or injuries.

7. Produce all insurance policies, agreements, riders, addendum, policy jackets, policy limits, declaration sheets, and schedule endorsements for any other policies, excess policies, supplemental policies, umbrella insurance, general liability policies, and personal liability policies which may provide coverage and/or insurance benefits for the subject claims, lawsuit, occurrences and/or injuries, including but not limited to all "claims made" policies.

8. If the response to any of the above demands No. 1-7 is that no such insurance exists, provide an affidavit signed personally by defendant specifying such facts, and detailing the good faith and diligent efforts made to attempt to locate such information and to determine whether or not such policy or policies existed.

9. If any claims have been made against said policy or policies, state the nature of each such claim, the amount claimed, the claim number, the name and address of the claimant and the name and address of the claimant's attorney, whether or not the claim was paid, and if so, the amount paid and date paid.

10. State the nature of any exclusions from coverage which are being claimed, and state whether or not the insurance carrier is defending defendant under any reservation of rights, and if so, the nature of the reservation.

II. DEMAND FOR THE NAMES AND ADDRESSES OF WITNESSES

The undersigned hereby demands pursuant to Article 31, that you set forth in writing and under oath the names and addresses of each person claimed by any party you represent to be a witness to any of the following:

1. The occurrences alleged in the complaint, answer or bill of particulars;
2. Any acts or conditions which have been alleged as causing or contributing to the occurrences alleged in the complaint, answer or bill of particulars;
3. The conditions which allegedly caused or contributed to the occurrences alleged in the complaint, answer or bill or particulars;
4. Any actual notice given to defendant or claimed to be given to defendant concerning acts or conditions set forth in the complaint, answer or bill of particular;
5. Any eyewitnesses to any claimed act of culpable conduct by plaintiff(s);
6. Names of all doctors, nurses, CNA's, dieticians, therapists and other healthcare providers (and last known addresses if no longer employed by defendant's facility); who provided care and/or treatment to plaintiff's decedent [REDACTED]
7. Personnel files of personnel who treated plaintiff's decedent [REDACTED]
[REDACTED] see Simmons v. Northern Manhattan Nursing Home, 2008 WL 2415439 (1st Dept.)
8. A code sheet for the signatures and handwriting of all caregivers of plaintiff's decedent [REDACTED]
9. Employment status, or if no longer employed last known address, of [REDACTED]
[REDACTED] (see Exhibit "A" – Signature 1).
10. Employment status, or if no longer employed last known address, of [REDACTED]
[REDACTED] (see Exhibit "A" – Signature 2).

14. If any affirmative defense is alleged, state the names and addresses of any witnesses to the acts, notice or conditions substantiating the alleged affirmative defense;

For each request above, if no such witnesses are known to defendant, so state in the sworn reply to this demand. The undersigned will object upon trial to the testimony of any witnesses not so identified.

III. DEMAND FOR DISCOVERY AND INSPECTION OF ANY STATEMENT OF PLAINTIFF

1. The undersigned demand upon behalf of plaintiff in this action that pursuant to CPLR 3101(e), you produce at the time and place herein specified and permit the undersigned to discover, inspect, and copy each and every statement made by or taken of plaintiff, plaintiff's decedent's, and their agents, servants or employees now in your possession, custody or control or in the possession, custody or control of any party you represent in this action, if any such statement in any manner bears on the issues in this action. If no such statement is in the possession, custody or control of any parties you represent in this action, so state in the sworn reply to this demand.

2. Plaintiff also demands pursuant to CPLR 3120 and 3101(e) and/or 3101(d)(2) that you produce each photograph, slide, film recording, videotape, audio recording, surveillance photograph, video, cd, dvd, film or recording which depict or allegedly depict plaintiff and/or plaintiff's decedent, taken at any time up to and including the time of trial, and all surveillance materials which depict or allegedly depict plaintiff and/or plaintiff's decedent, for purposes of inspection, examining and reproducing same.

**IV. DEMAND FOR PHOTOGRAPHS, AUDIO TAPES,
SLIDES, VIDEO TAPES AND MOTION PICTURES
AND SURVEILLANCE MATERIALS**

The undersigned demands on behalf of the plaintiff that pursuant to CPLR Article 31, you produce at the time and place above specified and permit the undersigned to discover, inspect, photograph and copy each and every photograph, audio tapes, slides, videotapes or motion pictures, surveillance materials, all out-takes of any such videotapes and movies, all letters, memoranda, bills, invoices, written materials accompanying such videotapes, photographs and movies when produced and/or transferred to defendant and/or defendant's attorney and/or the insurance companies for defendant, which are in defendant's custody, possession or control depicting the following, at any time period:

- (a) The location where it is alleged that the occurrence complained of took place.
- (b) The condition complained of in the complaint.
- (c) Plaintiff's decedent.
- (d) Any actions or activities of plaintiff's decedent or plaintiff's decedent's family.
- (e) The injuries alleged to be sustained by plaintiff's decedent.

If no such photographs, slides, video or motion pictures, or the like, are in the possession, custody or control of any parties you represent in this action, so state in the sworn reply to this demand. Wherever such materials exist, everything surrounding the taking of these films, photographs, etc., including all memoranda, notes, photographer's notes, investigator's notes, uncut raw film or photographs, outtakes, and negatives are to be produced.

**V. DEMAND FOR CONTRACTS AND
AGREEMENTS BETWEEN PARTIES**

The undersigned demands on behalf of the plaintiff in this action, that you produce at the time and place specified, and permit the undersigned to discover, inspect and copy each and every contract or agreement between any of the parties to this action and/or any independent contractors who rendered care and treatment to plaintiff's decedent while she was a patient at defendant's facility.

VI. EXPERTS

The undersigned demands pursuant to CPLR 3101(d) that defendant identify each person defendant plan, intend or anticipate calling as an expert witness at trial and disclose in reasonable detail the subject matter on which each expert is expected to testify, the substance of the facts and opinions on which each expert is expected to testify, the qualifications of each expert witness and a summary of the grounds for each expert's opinion; defendant is also requested to produce a curriculum vitae for each such expert witness.

PLEASE TAKE FURTHER NOTICE that, the foregoing is a continuing demand and if any of the above items are obtained after the date of this demand, same are to be furnished to the undersigned. PURSUANT TO CPLR 3101 (h) new information learned after your response will be considered willfully and wrongfully withheld if it is not revealed in response to these CONTINUING DEMANDS.

PLEASE TAKE FURTHER NOTICE that, upon the failure of any party you represent to comply with the applicable parts of this demand, the undersigned will object to the introduction of such materials, evidence, records, reports, witnesses and/or testimony at the trial of this action as to those materials, evidence, records and/or testimony, witnesses and reports which have not been produced in accordance with this demand.

PLEASE TAKE FURTHER NOTICE that, clear photocopies of the information set forth above may be supplied to the offices of the undersigned within the time set forth above in lieu of actual production of same.

PLEASE TAKE FURTHER NOTICE that a motion may be made to strike and/or dismiss a pleading if same is not complied with.

PLEASE TAKE FURTHER NOTICE that a failure to move timely for a protective order, or notify us of your objections pursuant to the CPLR shall be deemed a waiver of any such rights.

PLEASE TAKE FURTHER NOTICE THAT all demands for the information above is demanded of defendant, defendant's attorneys and of any nonparty or its agents or employees that the attorney represents or who pays the attorneys' fees.

Dated: New York, New York
December 20, 2016

Yours, etc.



By: Walter Osuna, Esq.
THE JACOB FUCHSBERG LAW FIRM, LLP
Attorneys for the Plaintiff
3 Park Avenue, Suite 3700
New York, New York 10016
(212) 869-3500



TO:

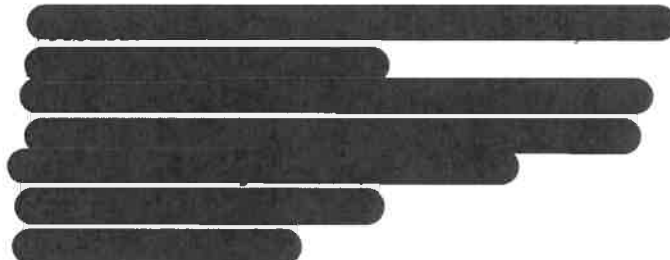


EXHIBIT A

Wound Documentation Form

Origin: • Community
• Facility

☐ Surgical wound

☐ Stasis Ulcer

☒ Pressure Ulcer

☐ Other

Location: Sacral wound

DATE	STAGE*	SHAPE	WIDTH	LENGTH	DEPTH	DRAINAGE/TYPE	ODOR	COLOR	Surrounding Tissue	Pain	Treatment	Initials
6/13/12	3	irregular	1.4	2.4	0.2	✓	no	pink	clear	no	Hydrogel	ST
6/21/12	3	irregular	1	2	0.3	✓	NO	pink	clear	NO	Hydrogel	ST
6/24/12	3	irregular	1	2.8	0.4	slough	yes	pink	clear	no	collagen	ST
7/5/12	4	irregular	1	3	0.3	no drainage	yes	pink	clear	no	collagen	ST
7/11/12	4	irregular	1.3	3	0.3	no drainage	yes	pink	clear	NO	collagen	ST
7/19/12	4	irregular	4.4	4.0	0.3	no drainage	yes	pink	clear	no	collagen	ST

Print Name

Signature

Initials

Print Name

Signature

Initials

0065 A

REG 05/08/15 2701857

Addressograph

*Decubitus only

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF [REDACTED]

-----X
[REDACTED] Attorney-in-fact of [REDACTED]
[REDACTED]

Plaintiff,

COMBINED DEMANDS
FOR DISCOVERY
AND INSPECTION

-against-

[REDACTED] "JOHN/JANE DOE,
R.N." (said name being fictitious but intended to represent the
Registered Nurse who examined and provided medical care to
Plaintiff [REDACTED] on January 11, 2015 at
[REDACTED]

Index No.: [REDACTED]

[REDACTED] "JOHN/JANE DOE, NP" (said name being
fictitious but intended to represent the Nurse Practitioner who
examined, provided medical care and/or order x-rays to
Plaintiff [REDACTED] on January 11, 2015 at
[REDACTED]

[REDACTED], and [REDACTED]
[REDACTED] G,

Defendants.

-----X

PLEASE TAKE NOTICE that pursuant to CPLR Article 31, plaintiffs hereby demands that
defendant [REDACTED]

[REDACTED] produce for discovery, inspection and copying at the offices of the undersigned,
the following:

1. The full names and addresses of actual witnesses to the alleged malpractice and/or the professional services rendered to plaintiff [REDACTED] by the defendants, known by the defendants or their counsel, either directly or through investigation.
2. Names and addresses of witnesses known by the defendants or their counsel, either directly or through investigation, having knowledge of the events or conditions which are claimed as causing and/or contributing to plaintiff [REDACTED]'s injuries.
3. Names and addresses of admission witnesses known to defendants or their counsel,

including witnesses to admissions against interest or admissions by plaintiff [REDACTED]

4. Name and addresses of each person claimed by defendants to have witnessed any of the treatment rendered by way of any of the answering defendants herein to plaintiff [REDACTED]

5. Name and last known addresses of plaintiff [REDACTED] roommate(s) on or about January 11, 2015, and prior and subsequently to, to have witnessed any of the treatment rendered by way of any of the answering defendants herein to plaintiff [REDACTED] during such period.

6. The identity of the Registered Nurse who examined and provided medical care to Plaintiff [REDACTED] on January 11, 2015 at [REDACTED]

7. The identity of the Nurse Practitioner who examined, provided medical care and/or order x-rays to Plaintiff [REDACTED] on January 11, 2015 at [REDACTED]

8. Surveillance films and/or videotapes of plaintiffs.

9. Photographs and surveillance photographs of plaintiffs.

(a) The name and address of the person who took such photographs.

(b) The date, time and location that such photographs were taken.

(c) The circumstances under which such photographs were taken.

10. Transcripts and memoranda, including out-takes, referable to the aforesaid films, photographs and/or audiotapes, pursuant to CPLR 3101 (i).

11. Statements of plaintiff [REDACTED] written, oral or recorded by any other means in defendant's possession or control.

12. Records, memoranda, notes, audio recordings, or other recorded communications of or by plaintiff [REDACTED] defendant's possession.

13. Incident reports prepared by the defendants or any of their agents in the ordinary course of business involving or relating to plaintiff [REDACTED]

14. True copies of written reports of the alleged occurrences which were prepared in the regular course of business operation or practice of any of the defendants or their representatives.

15. Any and all accident and/or incident reports referencing plaintiff [REDACTED] including any and all notes, memoranda, correspondence, reports relating to such accidents/incidents and/or the investigation of same.

16. Any original or duplicate original x-rays, CT-scans, sonograms and other diagnostic films or studies of plaintiff [REDACTED] in the possession or control of defendant or defendant's counsel and any radiology reports pertaining to those films or studies.

17. Certified copies of each and every bill, statement of account, or itemized charge for services rendered to plaintiff [REDACTED] by defendants, and evidence of payments of such bills and statements.

18. A certified copy of plaintiff [REDACTED]'s original charts and medical records in defendant's possession or control.

19. All CNA/PCA records, notations, flow sheets, assignment and/or accountability records, and/or any and all records upon which CNAs wrote regarding plaintiff [REDACTED]

20. Any correspondence and memorandum, to or from plaintiff(s), if any, in defendant's possession.

21. Any literature, booklets, pamphlets, or handouts provided to or made available to plaintiff [REDACTED] her representatives, and/or family members, purporting to provide information about or explain any of the medical care provided or care to be provided to plaintiff.

22. Any complaints concerning plaintiff [REDACTED] and responses by defendants.

23. Written discharge instructions, if any, provided to plaintiff [REDACTED] or her representatives, at the time of discharge from defendant [REDACTED]

24. Pursuant to Education Law section 6527(3), statements, whether written, transcribed, electronic, or otherwise recorded, whether on paper, digital media, video, film, or video or audio tape by defendants or its agents, submitted at or for use at a quality assurance and/or peer review committee meeting or conference conducted at, by or on behalf of [REDACTED] pertaining to the care, treatment, management and/or outcome of the care rendered to or for plaintiff.

25. The table of contents and index for the protocols, policies, procedures, guidelines, rules, and/or regulations of [REDACTED] effective on January 9, 2014 to January 13, 2015 in the possession of the answering defendant.

26. The protocols, policies, procedures, guidelines, rules, and/or regulations at [REDACTED] effective on January 9, 2014 to January 13, 2015, or if no longer available, those protocols, policies, procedures, guidelines, rules, and/or regulations currently in effect, which is in the possession of the answering defendants, pertaining to or concerning:

- a) Supervision of residents
- b) Observation of residents
- c) Monitoring of Patient
- d) Nursing Admission Assessment
- e) Fall Assessment
- f) Fall/Accident Prevention

- g) Fall Prevention Mechanisms
- h) Call Bells
- i) Bed/Chair Alarms
- j) Bedrails
- k) Floor Mats
- l) Gait Belts
- m) Safety Devices
- n) Transfer of residents
- o) One/Two Person Assistance
- p) Pain assessment and/or pain management
- q) Change in condition of resident/patient
- r) Incontinence
- s) Toileting
- t) Plans of care and care planning
- u) Documentation/Charting procedures and chart preservation
- v) Diagnostic Services
- w) Reporting to DOH regarding abuse, neglect, mistreatment, incidents, and injuries of unknown origin.

THIS DEMAND SHALL BE DEEMED TO CONTINUE DURING THE PENDENCY OF THIS ACTION IF ANY OF THE ABOVE ITEMS ARE SUBSEQUENTLY OBTAINED.

PLEASE TAKE FURTHER NOTICE that said discovery, inspection and copying is to take place at the offices of the undersigned at, 500 Fifth Avenue, New York, New York 10110, at 10:00 a.m., on [REDACTED] In lieu thereof, defendants may serve their response to this Notice of



PLEASE TAKE FURTHER NOTICE, that failure to comply with this notice for discovery

[Handwritten signature]

[REDACTED]

[REDACTED]

[illegible]