Dear attorney who retained Ms. Sims:
PLEASE KEEP WORDING BELOW EXACTLY AS IS AND AT A MINIMUM ask for material in yellow including

Cv

Case list

Name:

Date:

This deposition is being taken for the purpose of discovery on all matters, for use at trial, for the purpose of obtaining information as to whether or not a Daubert motion is appropriate and for such other purposes as are permitted under the applicable and governing rules, and will continue from day to day until completed.” Non Testifying consultants may attend the deposition live or remotely. Plaintiff may have medical and or non testifying consultant(s) attend the deposition remotely. Plaintiff may take deposition remotely. DO NOT DESTROY DOCUMENTS/NOTES (DIGITAL OR OTHERWISE) IN YOUR POSSESSION. The deposition may be conducted by phone.

Non Testifying consultants may attend the deposition live or remotely. Plaintiff may have medical and or non testifying consultant(s) attend the deposition remotely If you are sending interrogatories, please make sure you ask for items l, 2, 3 and 7 at a minimum.

ATTACHMENT "A" includes all ORIGINAL DOCUMENTATION IN HARD COPY NOT DIGITAL FORM TO BE BROUGHT

1. Any and all documents and/or tangible materials/medical records, MRI or x-ray films and tests which have been provided to you regarding any aspect of this case from any source in hard copy not digital form. THIS INCLUDES MEDICAL RECORDS FROM OTHER HEALTH CARE PROVIDERS.
2. Digital report with all meta data
3. Your entire file, original file, including but not limited to, hard copies of emails sent and received and any attachments to said emails sent and received. Attachments to emails are to be provided. Please note if emails are produced by defense counsel that is not compliance with this subpoena because the witness must be able to testify that the emails and attachments came from her/his own account. This is to be saved in it’s original digital format and produced by flash drive or some other electronic means.
4. Any and all reports, letters, memoranda and/or notes generated and notes, handwritten or otherwise, graphs, computer printouts, all documents completed by the claimant, copies of tests and test results completed by your office or at your direction, including any and all questions and all models, illustrations, photographs, exhibits or documents of any kind which you intend or contemplate using to explain, illustrate or support your testimony at the trial of this matter. This includes computer printouts whether printed or not at the time this subpoena is served. This includes any notes raw data generated by you or any other person including any other expert or treater, notes by test administrator, psychometrician. Providing these to the defense or defense counsel does not comply with this subpoena.
5. Your contract of employment with anyone who administers or scores tests.
6. All records of time spent by you or any member of your staff in connection with the work performed regarding this case, whether billed for or not. If none are documented then be prepared to advise the attorneys as to the amount you will charge for time spent as of date of testimony.
7. Your current curriculum vitae.
8. Publications in which the accepted principles (including basis for test administration and interpretation) and theories upon which you relied to reach your conclusion and opinions, including professional journals, text, or published position papers emanating from seminars and/or symposiums.
9. Any and all articles and published material authored by you, including the title, date and publishing company of any text, and the name and page numbers of any periodical which contains any article authored by you which you feel are relevant in this case.
10. A list of all cases in which you have testified as an expert in trial or deposition, hearing or any testimony of any kind, or cases in which you conducted an investigation (records review), evaluation and/or prepared a report, for the last three years, specifying the names of parties, identity of counsel, dates such evaluations, records review, or testimony occurred and whether such case was a referral from plaintiff or defense;
11. A list of ALL cases (not limited to three years) in which you have received referrals from the named defendant, or the law firm defending this case or the insurance company who engaged the law firm defending this case, specifying:
	1. The names of the parties.
	2. The amount of all monies paid to you on the case in question and from what source.
	3. The identity of the party who retained you and whether it was plaintiff or defense. )
12. Printed hard copies of all email to or from any source referencing this case with attachments to be provided on flash drive if more than 20 pages;
13. Any and all most current test administration manuals and scoring published by the publisher of the tests you will be opining on, whether given by you or others whether you relied upon them or not. The actual test booklets published by the creators of the tests you used i.e. if MMPI2, then most recent manual published by Pearson Assessment, in addition to any other manuals and/or articles you relied upon or used to determine cutoff scores for the application, interpretation and administration of any and all tests given. The manuals, at this point, do not need to be copied but should be available for you to reference should questions about scoring arise. If you rely on anything other than the publisher’s test manual to interpret or score a test, those references shall be brought as well.
14. Any book or publication that is “in press” prepared by the witness.
15. Any book or publication “In press” relied upon by the witness;
16. Hard copies of any and all PowerPoint presentations and/or outlines given or outlines produced for any talks or speeches for the last 5 years.
17. All time records, diaries, and bills, prepared and rendered in connection with your investigation and evaluation of the issues involved in this lawsuit as well as all documents reflecting monies/fees paid or received. (To include members of your staff) This includes any money paid to you by any party, attorney, carrier or self insured having to do with research and or publication. The purpose of this section is to determine charges that have not yet been billed out on.
18. Copies of any and all templates used in the generation of any letters or reports.
19. If more than one physician signs the medical reports generated from your office on this patient, provide documentation showing the monies received by each individual physician relating to this patient.
20. Any and all items, tapes, things, papers, DVD’s, CD’s, that were given or sent to the doctor by any source regarding this case, including, but not limited to, surveillance materials, whether that material was returned to the individual who provided it to the doctor. If the material was returned, the undersigned requests that it be obtained in time for the deposition, so the Plaintiff’s can determine all of the information that may have been provided to this witness.
21. The undersigned specifically requests the doctor NOT destroy or eliminate or remove any items requested in this document from his/her file regarding the Plaintiff.
22. All letters, documents, forms and/or reports either in electronic or paper format regarding this client. If produced digitally the expert shall bring computer to be able to reference them. This is specifically to avoid a situation where the deponent maybe claim other documents might be in another file or in the custody of someone else in the office.
23. Copies of all bills, breakdown as to what professional charged for what professional service in this case even if the bill has not been sent yet. This includes documentation even if no invoices prepared.
24. If affiliated with a University, please bring all Notices of Outside Activities regarding this case and/or any other documentation wherein you report and/or ask for permission regarding forensic cases in which you get to keep the money for all cases for the last 3 years. Specifically, any documentation with anyone at the university notifying the university of any forensic work and/or requesting permission to perform such work as any policy on use of university letterhead in forensic work in which some or all of the monies are received by the witness.
25. If witness has participated as in investigator whether co, lead, sub, or participated in any fashion on research based on a grant application involving brain scans, traumatic brain injury, depression, anxiety and or pain, the undersigned seeks a copy of the grant application including the hypothesis and emails associated with same.
26. If any third party including lawyer for the expert is paid by defense or on defenses behalf, that bill should be included as well.
27. If the witness participated directly or indirectly in any grants having to do with brain scans, depression, anxiety, malingering and/or pain, the undersigned seeks a copy of the grant application and any and all documents emails, including hard copies of any attachments to said emails and/or research associated with said grants. Providing these to defense or defense counsel does not comply with this subpoena.
28. If the witness is of the opinion any of his/her articles support or are consistent with conclusions in this case or assessment in this case the undersigned seeks:
	1. Any and all emails, including hard copies of any attachments to said emails, text messages and/or documents of any kind to any person associated with the research and basis for this article including any Conflict of interest statements signed. This includes co authors and publishers. Providing these to defense or defense counsel does not comply with this subpoena.
	2. Communication with anyone else researching any aspect of this article and other articles researched and accepted or rejected for relevance as to the publication(s) For example, if research was conducted on persons, patients or otherwise, ie evaluees, then the research shall be provided
	3. Any conflict of interest statements provided to the publisher
	4. Any documentation to or from the publisher regarding this issue
	5. The iThenticate (CrossCheck) report(s) original and newly run
	6. Request for exclusion of individual(s) in the peer review process
	7. Peer review report(s)
	8. Authors’ Response to Reviewers letters (for resubmissions);
	9. Any and all unpublished data related to the article (such as the list of articles excluded from a meta-analysis or systematic review) or to a statistical testing/assessment procedure/methodology/algorithm (such as the normative data (‘norms’) used for determining significance of differences)
	10. Sources of all funding prior to and after, listing names/address and company/institution/agency affiliation
	11. All drafts/versions of the manuscript, from the original first draft and each subsequent draft modified and/or commented on by each author, with comments, through the submitted versions (for all rounds of the review process) and the final published version.
	12. Notes/documentation digital or otherwise taken during any aspect of researching for this document;
	13. Emails of any kind including but not limited to:
		1. Emails and/or letters/texts between co-authors and staff. Emails and/or letters/texts between anyone who participated in the research and/or the publication and anyone else regarding the publication b.
		2. Emails and/or letters/texts to and from anyone associated with this article’s creation and acceptance for publication including any times after the publications, including all emails to and from the journal, secretaries, researchers, contributors, authors, individuals who provided input into the article’s creation
	14. Conflict of interest statements
	15. Sources of funding listing names/address and company affiliation
	16. any and all documentation and/or research notes handwritten or otherwise Generated by you, or anyone on your behalf or reviewed by you;
	17. If the article involved an experiment, documentation you complied with State, federal and university (if you did this with or through a university or are working for a university, paid or unpaid) regarding rules on human Experimentation;
	18. All documentation created as a result of the experiment;
	19. Any grant application that arose secondary or as a result or related to This article
	20. Authorship statement/agreement;
	21. Authors response to reviewer letters;
	22. Any and all unpublished data related to the article (such as the list of articles excluded from a meta-analysis or systematic review) or to a statistical testing/assessment procedure/methodology/algorithm (such as the normative data (‘norms’) used for determining significance of differences, as in The Meyers Neurological System)
29. All items set forth in number 28 on all other articles authored by the witness regarding articles having to do directly or indirectly with issues involved this case
30. Blogs and list serv posts in the last 3 years regarding any diagnosis given or disputed by the witness;
31. The attorneys and consultant (s) may attend remotely by phone. If defense objects they will notify Plaintiff(s) counsel immediately, otherwise it is presumed the parties do not object.
32. If any third party including lawyer for the expert is paid by defense or on defenses behalf, that bill should be included as well including any communication between the lawyer for the witness and the defense and/or their representatives and/or lawyers. This includes bills for the expert’s personal attorney in the event he has or may bill defendants for same. All correspondence between expert’s personal attorney and defendant/defense counsel is to be provided as well.
33. THE DEPOSITION IS TO BE CONDUCTED UNTIL CONCLUDED BUT MUST TAKE A MINIMUM OF 4 HOURS. The deposition shall be no less than 4 hours which is a floor not a ceiling and may last longer so the expert is suggested to make appropriate arrangements.
34. If a third party retained or contracted with the witness as employee, contractor or in any fashion whatsoever the undersigned seeks the contract with the third party and any communication whether digital or otherwise regarding this case between witness and third party.
35. The most recent application for malpractice insurance for which current coverage exists/social security number and home address may be redacted.
36. If an DME/IME company or third party retained you we are seeking all emails, including hard copies of any attachments to said emails, texts and contracts with defense experts and other. Providing these to the defense or defense counsel does not comply with this subpoena.
37. The actual DVD if DVD’s or scans are provided. Many experts send back the DVD making it impossible to cross examine her or him on same. Expert is to affirmatively obtain the DVD from defense counsel if it was sent back.
38. 1099’s for last 3 years for forensic income received directly or indirectly.
39. List and provide documentation for each continuing education, board required course or lecture you have been compelled to attend in the past 5 years.
40. Please provide any data gathering you have done on plaintiff **outside** of clinical history, exam, and review of material provided by defense counsel, including, but not limited to :

(a)  observing Plaintiff in parking lot or other areas outside your office.

(b)  Items obtained by you or your staff on social media regarding plaintiff

(c)  Any informal conversation with any of plaintiff treating providers or experts regarding plaintiff

1. If you have ever taken a period of disability for any reason during your medical career, please describe and provide documentation in your possession
2. If the deponent has applied for or participated in, as lead investigator, sub investigator or co-investigator or in any other fashion for grants that are related to the topic of the law suit, then the deponent is to provide the grant application setting forth the hypothesis and the research associated with the grant including emails, papers, articles and notes as well as emails to co-authors, letters and research performed as well as the hypothesis for the grant application.
3. If medical records were provided digitally the witness is to bring a computer to be able to open them up and identify and discuss them.
4. If the witness authored articles on any topic having to do with any findings including somatization, poor effort or malingering, the witness is subpoenaed to bring the data upon which it was based, conflict of interest statements filed with the journals and emails and texts sent to co-authors regarding the publication.
5. Even if documents have been provided to defense counsel, witness will still bring them to the deposition so he can verify same and they can be attached as an exhibit.
6. If the witness was provided digital medical records upon which s/he relied, s/he is to produce the actual DVD and bring a computer such that the material can be accessed.
7. If defense produced material from the doctor’s file in advance of the deposition this does NOT absolve the doctor from the obligation to bring his/her entire file.
8. If tests were given the witness shall produce copies of all scores/scales on tests given which are not listed or referred to in the report. ALL scores including t scores a scores scaled scores, percentiles and references to scores categories on all tests such as below average, impaired, borderline etc. and all interpretive language which may be used by computer interpreted scales.

48. If the witness is a ‘Contributors’ (i.e. contributing authors acknowledged at the end but not listed on the title page as ‘authors’), the contributor is to bring:

Their correspondences with the author(s) and Corresponding Author related to the paper