

IN THE SUPERIOR COURT OF WASHINGTON  
FOR KING COUNTY

ARI ROBBINS,

Plaintiff,

v.

SWEDISH HEALTH SERVICES, INC.;  
SWEDISH PLASTICS AND AESTHETICS;  
PROVIDENCE HEALTH AND SERVICES;  
and MARY PETERS, MD.,

Defendants.

No. 17-2-32900-2 SEA

**DECLARATION OF LISA  
NOWLIN IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
PROTECTIVE ORDER**

I, Lisa Nowlin, declare as follows:

1. I am a Staff Attorney with the American Civil Liberties Union of Washington Foundation ("ACLU-WA") and co-counsel for Plaintiffs in this case. I have knowledge of the facts set forth herein and could testify competently to them if called upon to do so.

2. Attached as Exhibit A is a true and correct copy of an email I received on Tuesday, February 13, 2018, from Linda Morlin, Legal Secretary at Lewis Brisbois, informing myself and co-counsel for Mr. Robbins of Defendants' intention to serve several subpoenas duces tecum.


3. Attached hereto as Exhibit B is a true and correct copy of the PDF document titled “Robbins – Letter to Counsel with Subpoenas to UW Law and WA Apple Health.pdf,” which was attached to the February 13, 2018 email.

4. Attached hereto as Exhibit C is a true and correct copy of the PDF document titled “Robbins – 14-Day Notice Letter to Country Doctor Community Clinic.pdf,” which was attached to the February 13, 2018 email.

5. Attached hereto as Exhibit D is a true and correct copy of the PDF document titled “Robbins – Letter to Latah County Clerk Services Enclosing Foreign Subpoena.pdf,” which was attached to the February 13, 2018 email.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 8th day of March, 2018.

  
Lisa Nowlin

**CERTIFICATE OF SERVICE**

I, Kaya McRuer, certify and declare that I am now and at all times herein mentioned was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to the above-entitled action, and am competent to testify as a witness. I am a Legal Assistant employed with the American Civil Liberties Union of Washington Foundation. On March 8, 2018, I served the within document(s):

- Declaration of Lisa Nowlin In Support of Plaintiff's Motion for Protective Order
- Exhibits A-D

*Attorneys for Defendants*

Eric J. Neiman, WSBA #14473  
Lewis Brisbois Bisgaard & Smith LLP  
888 SW Fifth Avenue, Suite 900  
Portland, OR 97204-2025  
Telephone: (971) 712-2802  
Fax: (971) 712-2  
Email: [Eric.Neiman@lewisbrisbois.com](mailto:Eric.Neiman@lewisbrisbois.com)

- ☐ Via Legal Messenger
- ☐ Via Facsimile
- ☐ Via Electronic Mail
- ☐ Via U.S. Mail
- ☒ Via Electronic Filing/Eservice

*Attorneys for Defendants*

Amy Spitz, WSBA #48333  
Lewis Brisbois Bisgaard & Smith LLP  
1111 Third Avenue, Suite 2700  
Seattle, WA 98101  
Telephone: 206.876.2978  
Fax: 206.436.2030  
Email: [Amy.Spitzer@lewisbrisbois.com](mailto:Amy.Spitzer@lewisbrisbois.com)

- ☐ Via Legal Messenger
- ☐ Via Facsimile
- ☐ Via Electronic Mail
- ☐ Via U.S. Mail
- ☒ Via Electronic Filing/Eservice

1 The foregoing statement is made under the penalty of perjury under the laws of the State of  
2 Washington that the foregoing is true and correct.

3 DATED this 8<sup>th</sup> day of March 2018.

4  
5 

6 Kaya McRuer, Legal Assistant  
7 American Civil Liberties Union  
8 of Washington Foundation  
9 901 5<sup>th</sup> Ave, Suite 630  
10 Seattle, WA 98164  
11 Telephone: (206) 624-2184  
12 Email: kmcruer@aclu-wa.org  
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# **EXHIBIT A**

## Lisa Nowlin

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**From:** Morlin, Linda <Linda.Morlin@lewisbrisbois.com>  
**Sent:** Tuesday, February 13, 2018 11:10 AM  
**To:** Lisa Nowlin; 'susan mindenbergs'  
**Cc:** Spitzer, Amy; Neiman, Eric; Hansen, Nanette; Terry, Amanda  
**Subject:** Robbins v Swedish Health Services; Subpoenas Duces Tecum  
**Attachments:** Robbins - Letter to Counsel with Subpoenas to UW Law and WA Apple Health.pdf; Robbins - 14-Day Notice Letter to Country Doctor Community Clinic.pdf; Robbins - Letter to Latah County Court Clerk Services Enclosing Foreign Subpoena.pdf

Attached is correspondence to you enclosing notice of intended service of Subpoenas Duces Tecum on University of Washington School of Law and Washington Apple Health, together with copies of correspondence to Country Doctor Community Clinic and Latah County Court Clerk Services regarding service and issuance of Subpoenas Duces Tecum.

If you have questions or concerns, please contact Amy Spitzer.

Thank you.



**Linda R. Morlin**

Legal Secretary for Drew Cass, Jonathan D. Ballard,  
Donna M. Chamberlin and Amy N. Spitzer  
[linda.morlin@LewisBrisbois.com](mailto:linda.morlin@LewisBrisbois.com)

T: 206.876.2942 F: 206.436.2030

1111 Third Avenue, Suite 2700, Seattle, WA 98101 | [LewisBrisbois.com](http://LewisBrisbois.com)

[Representing clients from coast to coast. View our nationwide locations.](#)

This e-mail may contain or attach privileged, confidential or protected information intended only for the use of the intended recipient. If you are not the intended recipient, any review or use of it is strictly prohibited. If you have received this e-mail in error, you are required to notify the sender, then delete this email and any attachment from your computer and any of your electronic devices where the message is stored.

# **EXHIBIT B**



LEWIS BRISBOIS BISGAARD & SMITH LLP

Amy Spitzer  
1111 Third Avenue, Suite 2700  
Seattle, Washington 98101  
Amy.Spitzer@lewisbrisbois.com  
Direct: 206.876.2978

February 13, 2018

File No. 17684.695

**VIA E-MAIL**

Lisa Nowlin  
ACLU of Washington Foundation  
901 Fifth Avenue, Suite 630  
Seattle, WA 98164  
E-Mail: [lnowlin@aclu-wa.org](mailto:lnowlin@aclu-wa.org)

Susan B. Mindenbergs  
Law Offices of Susan B. Mindenbergs  
119 First Avenue S., Suite 200  
Seattle, WA 98104  
E-Mail: [susanmm@msn.com](mailto:susanmm@msn.com)

Re: Robbins v Swedish Health Services  
Subpoenas for Records

Dear Counsel:

Enclosed are advance copies of correspondence and a Subpoena Duces Tecum to each of Washington Apple Health and the University of Washington School of Law, which we intend to serve on the respective parties on February 22, 2018.

Very truly yours,

Linda Morlin, Secretary to  
Amy Spitzer for  
LEWIS BRISBOIS BISGAARD & SMITH LLP

Enclosures





LEWIS BRISBOIS BISGAARD & SMITH LLP

Amy Spitzer  
1111 Third Avenue, Suite 2700  
Seattle, Washington 98101  
Amy.Spitzer@lewisbrisbois.com  
Direct: 206.876.2978

February 22, 2018

**VIA U.S. MAIL**

Student Records Custodian  
University of Washington School of Law  
William H. Gates Hall  
Box 353020  
Seattle WA 98195-3020

Re: Subpoena *Duces Tecum* for Records  
Robbins v. Swedish Health Services, et al, King County No. 17-2-32900-2 SEA  
**Patient:** Ari Robbins a/k/a Andrea M. Robbins  
**DOB:** 09/10/1987

Dear Records Custodian:

Pursuant to the enclosed subpoena, we are requesting complete applicant records, student records, transcripts, billing and payment history, photos, and memoranda relating to student Ari Robbins. A Waiver of Service of Subpoena has been enclosed for your signature; please sign and return it in the enclosed envelope. However, if you prefer to be formally served with this subpoena, please contact me at (206) 436-2020.

Should this service via mail be acceptable, I have enclosed a Subpoena *Duces Tecum* for Monday, March 27, 2018, at 9:00 A.M., as this signifies the deadline by which we would like the records mailed or faxed to us. If you provide the requested records prior to this date, there is no need to appear. Please contact me should you have any reason you are not able to respond by this date. I have also enclosed a declaration to be completed by the records custodian, which should be returned along with the records. If you have any questions regarding this request, please call me at (206) 436-2020 or email me at [amy.spitzer@lewisbrisbois.com](mailto:amy.spitzer@lewisbrisbois.com). Thank you.

Very truly yours,

Amy Spitzer for  
LEWIS BRISBOIS BISGAARD & SMITH LLP

AS

Enclosures

cc: Lisa Nowlin, Esq.  
Susan B. Mindenbergs, Esq.  
Ms. Karen J. Kelly

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ARI ROBBINS,

Plaintiff,

v.

SWEDISH HEALTH SERVICES, INC.;  
SWEDISH PLASTICS AND AESTHETICS;  
PROVIDENCE HEALTH AND SERVICES; and  
MARY PETERS, M.D.,

Defendants.

No. 17-2-32900-2 SEA

**WAIVER OF SERVICE OF  
SUBPOENA**

The undersigned hereby waives service of the Subpoena issued by the State of Washington on February 13, 2018 in relation to the matter identified above, and hereby waives any and all objections as to the manner or sufficiency of service.

**DATED** \_\_\_\_\_ **at** \_\_\_\_\_, **Washington.**

By: \_\_\_\_\_  
Company: \_\_\_\_\_  
Title: \_\_\_\_\_

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ARI ROBBINS,

Plaintiff,

v.

SWEDISH HEALTH SERVICES, INC.;  
SWEDISH PLASTICS AND AESTHETICS;  
PROVIDENCE HEALTH AND SERVICES; and  
MARY PETERS, M.D.,

Defendants.


No. 17-2-32900-2 SEA

**SUBPOENA DUCES TECUM**

**STATE OF WASHINGTON TO:** Student Records Custodian  
University of Washington School of Law  
William H. Gates Hall  
Box 353020  
Seattle WA 98195-3020

**[X] YOU ARE COMMANDED** to produce and permit inspection and copying of  
the following documents or tangible things at the place, date and time specified below: The  
complete applicant records, student records, transcripts, billing and payment history, photos,  
and memoranda relating to student ARI ROBBINS a/k/a, ANDREA M. ROBBINS DOB:  
09/10/1987.

<b>PLACE OF DEPOSITION</b>	<b>DATE AND TIME</b>
Lewis Brisbois Bisgaard & Smith, LLP 1111 Third Ave. Suite 2700 Seattle, WA 98101	<u>March 27, 2018 at 9:00 a.m.</u>

<b>ISSUING OFFICER SIGNATURE AND TITLE</b>	<b>DATE</b>
 Eric J. Neiman, WSBA No. 14473 Amy Spitzer WSBA No. 48333 Of Attorneys for Defendants	February 13, 2018.

<b>ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER</b>
Eric J. Neiman, WSBA No. 14473 Amy Spitzer, WSBA No. 48333 Lewis Brisbois Bisgaard & Smith LLP 1111 Third Avenue, Suite 2700 Seattle, WA 98101 (206) 436-2020

<b>PROOF OF SERVICE</b>		
<b>SERVED</b>	<b>DATE</b>	<b>PLACE</b>
Student Records Custodian	2/22/18	University of Washington School of Law William H. Gates Hall Box 353020 Seattle WA 98195-3020
<b>SERVED ON (PRINT NAME)</b>		<b>MANNER OF SERVICE</b>
		U.S. Mail, 1 <sup>st</sup> Class Prepaid
<b>SERVED BY (PRINT NAME)</b>		<b>TITLE</b>
Linda Morlin		Legal Secretary

1 **CR 45, Sections (c) & (d):**

2 **(c) Protection of Persons Subject to Subpoenas.**

3 (1) A party or an attorney responsible for the issuance and service of a subpoena shall take  
4 reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.  
5 The court shall enforce this duty and impose upon the party or attorney in breach of this duty an  
6 appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable  
7 attorney's fee.

8 (2)(A) A person commanded to produce and permit inspection and copying of designated books,  
9 papers, documents or tangible things, or inspection of premises need not appear in person at the  
10 place of production or inspection unless commanded to appear for deposition, hearing or trial.

11 (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit  
12 inspection and copying may, within 14 days after service of subpoena or before the time specified  
13 for compliance if such time is less than 14 days after service, serve upon the party or attorney  
14 designated in the subpoena written objection to inspection or copying of any or all of the  
15 designated materials or of the premises. If objection is made, the party serving the subpoena shall  
16 not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order  
17 of the court by which the subpoena was issued. If objection has been made, the party serving the  
18 subpoena may, upon notice to the person commanded to produce and all other parties, move at any  
19 time for an order to compel the production. Such an order to compel production shall protect any  
20 person who is not a party or an officer of a party from significant expense resulting from the  
21 inspection and copying commanded.

22 (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the  
23 subpoena if it:

24 (i) fails to allow reasonable time for compliance;

25 (ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

26 (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies;  
or

(iv) subjects a person to undue burden, provided that, the court may condition denial of the motion  
upon a requirement that the subpoenaing party advance the reasonable cost of producing the books,  
papers, documents, or tangible things.

(B) If a subpoena (i) requires disclosure of a trade secret or other confidential research,  
development, or commercial information, or (ii) requires disclosure of an unretained expert's  
opinion or information not describing specific events or occurrences in dispute and resulting from  
the expert's study made not at the request of any party, the court may, to protect a person subject to  
or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the  
subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise  
met without undue hardship and assures that the person to whom the subpoena is addressed will be  
reasonably compensated, the court may order appearance or production only upon specified  
conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept  
in the usual course of business or shall organize and label them to correspond with the categories in  
the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to  
protection as trial preparation materials, the claim shall be made expressly and shall be supported  
by a description of the nature of the documents, communications, or things not produced that is  
sufficient to enable the demanding party to contest the claim.

**DECLARATION OF RECORDS CUSTODIAN**

**RE: ARI ROBBINS a/k/a ANDREA M. ROBBINS, DOB: 09/10/1987**

The undersigned hereby certifies that the attached records are complete and accurate copies of all applicant records, student records, transcripts, billing and payment history, memoranda, and other documents in my possession concerning Ari Robbins a/k/a Andrea M. Robbins pursuant to the Subpoena Duces Tecum (Subpoena) received \_\_\_\_\_, 2018, directed to the undersigned, kept in the usual course of business by, or under, the undersigned.

This declaration is made under penalty of perjury, under the laws of the State of Washington, this \_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_, Washington.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

RECORDS CUSTODIAN FOR

\_\_\_\_\_



Amy Spitzer  
1111 Third Avenue, Suite 2700  
Seattle, Washington 98101  
Amy.Spitzer@lewisbrisbois.com  
Direct: 206.876.2978

February 22, 2018

**VIA U.S. MAIL**

Records Custodian  
Washington Apple Health  
P.O. Box 45509  
Olympia, WA 98504-5509

Re: Subpoena *Duces Tecum* for Records  
Robbins v. Swedish Health Services, et al, King County No. 17-2-32900-2 SEA  
**Patient:** Ari Robbins a/k/a Andrea M. Robbins  
**DOB:** 09/10/1987

Dear Records Custodian:

Pursuant to the enclosed subpoena, we are requesting complete benefits statements, applications, health reports, service requests, patient and/or provider correspondence, billing and payment history, and memoranda, including all electronically stored information and electronic communications, relating to services for Ari Robbins; as well as all policies and procedures relating to preauthorization for gender confirming surgery. A Waiver of Service of Subpoena has been enclosed for your signature; please sign and return it in the enclosed envelope. However, if you prefer to be formally served with this subpoena, please contact me at (206) 436-2020.

Should this service via mail be acceptable, I have enclosed a Subpoena *Duces Tecum* for Monday, March 27, 2018, at 9:00 A.M., as this signifies the deadline by which we would like the records mailed or faxed to us. If you mail or fax these records prior to this date, then there is no need to appear. Please contact me should you have any reason you are not able to respond by this date. I have also enclosed a declaration to be completed by the records custodian, which should be returned along with the records. If you have any questions regarding this request, please call me at (206) 436-2020 or email me at [amy.spitzer@lewisbrisbois.com](mailto:amy.spitzer@lewisbrisbois.com). Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'AS' with a stylized flourish.

Amy Spitzer for  
LEWIS BRISBOIS BISGAARD & SMITH LLP

AS

Enclosures

cc: Lisa Nowlin, Esq.  
Susan B. Mindenbergs, Esq.  
Ms. Karen J. Kelly

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ARI ROBBINS,

Plaintiff,

v.

SWEDISH HEALTH SERVICES, INC.;  
SWEDISH PLASTICS AND AESTHETICS;  
PROVIDENCE HEALTH AND SERVICES; and  
MARY PETERS, M.D.,

Defendants.

No. 17-2-32900-2 SEA

**WAIVER OF SERVICE OF  
SUBPOENA**

The undersigned hereby waives service of the Subpoena issued by the State of Washington on February 13, 2018 in relation to the matter identified above, and hereby waives any and all objections as to the manner or sufficiency of service.

**DATED** \_\_\_\_\_ **at** \_\_\_\_\_, **Washington.**

By: \_\_\_\_\_  
Company: \_\_\_\_\_  
Title: \_\_\_\_\_



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ARI ROBBINS,

Plaintiff,

v.

SWEDISH HEALTH SERVICES, INC.;  
SWEDISH PLASTICS AND AESTHETICS;  
PROVIDENCE HEALTH AND SERVICES; and  
MARY PETERS, M.D.,

Defendants.

No. 17-2-32900-2 SEA


**SUBPOENA DUCES TECUM**

**STATE OF WASHINGTON TO:** Records Custodian  
Washington Apple Health  
Health Care Authority  
P.O. Box 45509  
Olympia, WA 98504-5509

**[X] YOU ARE COMMANDED** to produce and permit inspection and copying of  
the following documents or tangible things at the place, date and time specified below: The  
complete benefits statements, applications, health reports, service requests, patient and/or  
provider correspondence, billing and payment history, and memoranda, including all  
electronically stored information and electronic communications relating to services for ARI

ROBBINS a/k/a, ANDREA M. ROBBINS DOB: 09/10/1987; and all policies and procedures relating to preauthorization for gender confirming surgery.

PLACE OF DEPOSITION	DATE AND TIME
<b>Lewis Brisbois Bisgaard &amp; Smith, LLP</b> <b>1111 Third Ave. Suite 2700</b> <b>Seattle, WA 98101</b>	<u><b>March 27, 2018 at 9:00 a.m.</b></u>

ISSUING OFFICER SIGNATURE AND TITLE		DATE
 Eric J. Neiman, WSBA No. 14473 Amy Spitzer, WSBA No. 48333 Of Attorneys for Defendants		February 13, 2018.
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Eric J. Neiman, WSBA No. 14473 Amy Spitzer, WSBA No. 48333 Lewis Brisbois Bisgaard & Smith LLP 1111 Third Avenue, Suite 2700 Seattle, WA 98101 (206) 436-2020		
PROOF OF SERVICE		
SERVED	DATE	PLACE
Records Custodian	2/22/18	Records Custodian Washington Apple Health P.O. Box 45509 Olympia, WA 98504-5509
SERVED ON (PRINT NAME)		MANNER OF SERVICE
		U.S. Mail, 1 <sup>st</sup> Class Prepaid
SERVED BY (PRINT NAME)		TITLE
Linda Morlin		Legal Secretary

**CR 45, Sections (c) & (d):**

**(c) Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce and all other parties, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden, provided that, the court may condition denial of the motion upon a requirement that the subpoenaing party advance the reasonable cost of producing the books, papers, documents, or tangible things.

(B) If a subpoena (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**DECLARATION OF RECORDS CUSTODIAN**

**RE: ARI ROBBINS a/k/a, ANDREA M. ROBBINS DOB: 09/10/1987**

The undersigned hereby certifies that the attached records are complete and accurate copies of all benefits statements, applications, health reports, service requests, patient and/or provider correspondence, billing and payment history, and memoranda, and other documents in my possession concerning Ari Robbins a/k/a Andrea M. Robbins pursuant to the Subpoena Duces Tecum (Subpoena) received \_\_\_\_\_, 2018, directed to the undersigned, kept in the usual course of business by, or under, the undersigned.

This declaration is made under penalty of perjury, under the laws of the State of Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_, Washington.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

RECORDS CUSTODIAN FOR

\_\_\_\_\_

# **EXHIBIT C**



Amy Spitzer  
1111 Third Avenue, Suite 2700  
Seattle, Washington 98101  
Amy.Spitzer@lewisbrisbois.com  
Direct: 206.876.2978

February 13, 2018

Records Custodian  
Country Doctor Community Clinic  
500 -- 19th Avenue East  
Seattle WA 98112

Re: 14-Day Notice for Subpoena *Duces Tecum* for Records  
Robbins v. Swedish Health Services, et al, King County No. 17-2-32900-2 SEA  
**Patient:** Ari Robbins a/k/a Andrea M. Robbins  
**DOB:** 09/10/1987

Dear Records Custodian:

Pursuant to RCW 70.02.060(1), we are hereby notifying you, as well as the Plaintiff's attorney, that we intend to seek all records in your possession relating to Ari Robbins, a/k/a Andrea M. Robbins (DOB: 09/10/1987).

A copy of this letter is being sent to the Plaintiff's attorney. If the Plaintiff's attorney believes that a protective order preventing the disclosure of these records is appropriate, such an order must be obtained within fourteen (14) days of receipt of this Notice, or no later than **March 2, 2018**.

If a protective order is not obtained by **March 2, 2018**, we will serve a Subpoena *Duces Tecum* on your office. Pursuant to RCW 70.02.060(2), you will then be required to disclose the requested documents and records in accordance with the Uniform Health Care Information Act. Under the Act, absent a protective order, no patient authorization is required. RCW 70.02.060. ***Please do not send records until after the 14-day time period has elapsed, and we have served a Subpoena Duces Tecum on your office.*** Thank you for your cooperation.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'AS' or a similar stylized mark.

Amy Spitzer for  
LEWIS BRISBOIS BISGAARD & SMITH LLP

AS

cc: Lisa Nowlin, Esq.  
Susan B. Mindenbergs, Esq.  
Ms. Karen J. Kelly

# **EXHIBIT D**



LEWIS BRISBOIS BISGAARD & SMITH LLP

Amy Spitzer  
1111 Third Avenue, Suite 2700  
Seattle, Washington 98101  
Amy.Spitzer@lewisbrisbois.com  
Direct: 206.876.2978

February 13, 2018

**VIA U.S. MAIL**

Latah County Court Clerk Services  
522 S Adams  
Moscow, ID 83843

Re: Foreign Subpoena Issuance  
Robbins v. Swedish Health Services, et al.  
In the Superior Court of the State of Washington for King County  
Cause No. 17-2-32900-2 SEA

To the Clerk of the Court:

Pursuant to Chapter 5.51 of the Revised Code of Washington and the Uniform Interstate Depositions and Discovery Act, please find enclosed a foreign subpoena issued by the State of Washington and corresponding proposed subpoena to be issued by Latah County. Please return the issued subpoena in the enclosed envelope.

If you encounter any issues, please contact me at (206) 436-2020. Thank you.

Very truly yours,

Amy Spitzer for  
LEWIS BRISBOIS BISGAARD & SMITH LLP

AS

Enclosures

cc: Lisa Nowlin, Esq.  
Susan B. Mindenbergs, Esq.  
Ms. Karen J. Kelly



ERIC J. NEIMAN, WSBA #14473  
AMY N. SPITZER, WSBA #48333  
LEWIS BRISBOIS BISGAARD & SMITH, LLP  
1111 THIRD AVE, SUITE 2700  
SEATTLE, WA 98101  
(206) 436-2020  
Attorneys for Providence Health and Services

IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT  
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

ARI ROBBINS,  
Plaintiff,

vs.

SWEDISH HEALTH SERVICES, INC.;  
SWEDISH PLASTICS AND  
AESTHETICS; PROVIDENCE HEALTH  
AND SERVICES; and MARY PETERS,  
M.D.,

Defendant.

Case No.

SUBPOENA

The State of Idaho to:      Records Custodian  
Linea Cosmetic Surgery  
2400 W A Street Ste G  
Moscow, ID 83843

YOU ARE COMMANDED to bring with you the following items and documents: The complete medical records, health reports, laboratory studies, correspondence, radiology films and reports, pathology reports, surgical reports, physical therapy records, billing and payment history, photos, slides, and memoranda relating to the care of ARI ROBBINS a/k/a ANDREA M. ROBBINS, DOB: 09/10/1987.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

By Order of the court.

CLERK OF THE DISTRICT COURT

By: \_\_\_\_\_  
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

ARI ROBBINS,

Plaintiff,

v.

SWEDISH HEALTH SERVICES, INC.;  
SWEDISH PLASTICS AND AESTHETICS;  
PROVIDENCE HEALTH AND SERVICES; and  
MARY PETERS, M.D.,

Defendants.

No. 17-2-32900-2 SEA

**SUBPOENA DUCES TECUM**

**STATE OF WASHINGTON TO:** Medical Records Custodian  
Linea Cosmetic Surgery  
2400 W A Street Ste G  
Moscow, ID 83843


**[X] YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or tangible things at the place, date and time specified below: The complete medical records, health reports, laboratory studies, correspondence, radiology films and reports, pathology reports, surgical reports, physical therapy records, billing and payment history, photos, slides, and memoranda relating to the care of ARI ROBBINS a/k/a ANDREA M. ROBBINS, DOB: 09/10/1987.

**PLACE OF DEPOSITION**

**Lewis Brisbois Bisgaard & Smith, LLP  
1111 Third Ave. Suite 2700  
Seattle, WA 98101**

**DATE AND TIME**

**March 25, 2018 at 9:00 a.m.**

ISSUING OFFICER SIGNATURE AND TITLE 		DATE February 13, 2018.
Eric J. Neiman, WSBA No. 14473 Amy Spitzer, WSBA No. 48333 Of Attorneys for Defendants		
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Eric J. Neiman, WSBA No. 14473 Amy Spitzer, WSBA No. 48333 Lewis Brisbois Bisgaard & Smith LLP 1111 Third Avenue, Suite 2700 Seattle, WA 98101 (206) 436-2020		
<b>PROOF OF SERVICE</b>		
SERVED  Medical Records Custodian	DATE	PLACE  Medical Records Custodian Linea Cosmetic Surgery 2400 W A Street Ste G Moscow, ID 83843
SERVED ON (PRINT NAME)		MANNER OF SERVICE  U.S. Mail, 1 <sup>st</sup> Class Prepaid
SERVED BY (PRINT NAME)  Linda Morlin		TITLE  Legal Secretary

**CR 45, Sections (c) & (d):**

**(c) Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce and all other parties, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden, provided that, the court may condition denial of the motion upon a requirement that the subpoenaing party advance the reasonable cost of producing the books, papers, documents, or tangible things.

(B) If a subpoena (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.