

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-012907

01/18/2005

HONORABLE ROBERT L. GOTTSFIELD

CLERK OF THE COURT  
L. Muhammad  
Deputy

FILED: 01/20/2005

ALICE ADDELIA, et al.

FRANK I POWERS

v.

MERCY HEALTHCARE ARIZONA INC, et al.

WILLIAM R JONES JR.

CALVIN L RAUP

**MINUTE ENTRY**

After an in-camera inspection Ordered December 21, 2004 of the following material, the court now orders produced to plaintiffs the following, to take effect **20 days** after defendant CHW receives this minute entry Order, in order for CHW to file a motion for reconsideration, special action, or other relief:

1. Personal File of Anna Vojtek, patient care technician (hired September 19, 1995; resigned July 17, 2003; last day worked July 31, 2003).

- Performance Appraisal and Development Plans
  - (a) September 2001 – September 2002 (6 pages)
  - (b) September 2001 (6 pages)
  - (c) September 2000 (6 pages)
  - (d) September 19, 1998 – October 2, 1999 (4 pages)
  - (e) September 1997 – September 1998 (4 pages)
  - (f) September 1996 – September 1997 (5 pages)
  - (g) September 1995 – September 1996 (3 pages)

- Letter of Resignation of July 17, 2003

2. Personnel File Of Amy Calhan, Health Unit Coordinator, Emergency Room (hired October 12, 1997; last day worked August 9, 2002; reason—another job)

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- Notification Of Absences, Tardy(S), Etc., June 14, 2002 (1 page)
  - Letter Of Resignation, August 9, 2002 (1 page)
  - Eight pages [left side personnel file random pages (none dealing with Alice Addellia) dealing with different patients including tests ordered and possibly indicating tests subject failed to do/order?—after deleting patients' ID this should be turned over to plaintiffs for examination of significance—many pages of same date (different patients) April 16, 2002]
  - No Negative Appraisals
3. Never Received A Personnel File of Lisa Seccombe, R.N., although ordered on December 21, 2004 (CHW advises she is not their employee)
4. Staffing File Of Lisa Seccombe, R.N.
- Entire File (17 pages) to be turned over with copy of amended submission (from Jones law firm) of January 4, 2005.
5. Minutes And Case Review From Medical Staff Services
- (a) September 26, 2001 Midas Case Review
- (concerns “confidential peer review information” of November 18, 2004, 2 pages, about instant case with history and comments, with factual assertions)

Proposed Disposition:

- Would order both pages produced, subject to briefing if any objection. Need privilege log and then briefs on issue if not turned over, unless plaintiffs concede not discoverable. Parties to advise the court.
- (b) September 25, 2001—Emergency Medicine Department Meeting Minutes (4 pages)
- (c) October 23, 2001—Emergency Medicine Department Meeting Minutes (3 pages)
- (d) November 27, 2001—Emergency Medicine Department Meeting Minutes (3 pages)

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- (e) December 2001—Emergency Medicine Department Meeting Minutes—  
advised by St. Joseph's Meeting not held

Proposed Disposition:

- Same as above in subparagraph (a). Parties to advise the court.
6. Addellia Family Counseling Records
- Not received; pursuant to advice of counsel this will be the subject of a special action (might be premature, as usually special actions filed after judge has Ordered disclosure after an in-camera inspection).

All the originally sealed material will be resealed and nothing disclosed during the aforesaid **20-day period**.

IT IS FURTHER ORDERED that the requirements of Rule 58(d) are waived out of necessity on the part of the Court, to shorten the administrative time involved in the processing of a separate written order and to conserve judicial resources. This minute entry is accordingly signed as a formal written order of the Court.

/S/ ROBERT L. GOTTSFIELD

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JUDGE ROBERT L. GOTTSFIELD  
SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FILED and SEALED: Envelopes filed (entered) by the clerk January 18, 2005  
individually containing:

1. Sealed Staffing File of Lisa Seccombe filed (entered) by the clerk January 18, 2005.
2. Sealed Personnel File of Amy Calhan filed (entered) by the clerk January 18, 2005.
3. Sealed Minutes and Case Review from Medical Staff Services filed (entered) by the clerk January 18, 2005.
4. Sealed Personnel File of Anna Vojtek filed (entered) by the clerk January 18, 2005.