

ATTACHMENT B

Honorable Steven J. Mura

SUPERIOR COURT OF WASHINGTON FOR WHATCOM COUNTY

DENNIS ROCKENBACH and JODY BERGSMA, husband and wife,

Plaintiffs,

v.

PEACEHEALTH, d/b/a ST. JOSEPH HOSPITAL, a Washington Corporation; JOOST KNOPS; KENNETH W. KLOEHN; MEDTRONIC XOMED SURGICAL PRODUCTS, INC., and UNKNOWN JOHN DOES,

Defendants.

NO. 03-2-00495-9

DEFENDANT KLOEHN'S THIRD REQUESTS FOR PRODUCTION TO PLAINTIFFS DENNIS ROCKENBACH AND JODY BERGSMA

TO: Plaintiffs Dennis Rockenbach and Jody Bergsma

AND TO: Ralph Brindley, their attorney

COMES NOW defendant Kenneth Kloehn, M.D. by and through his attorneys, Williams, Kastner & Gibbs, PLLC, pursuant to Civil Rule 34 and propounds the following requests for production of documents to plaintiffs and asks that plaintiffs respond under oath to the following requests for production within 30 days from the date of service hereof.

DEFENDANT KLOEHN'S THIRD REQUESTS FOR PRODUCTION TO PLAINTIFFS DENNIS ROCKENBACH AND JODY BERGSMA - 1 of 4

1596579.1

Williams, Kastner & Gibbs PLLC
1301 A Street, Suite 900
Tacoma, Washington 98402-4200
(253) 593-5620 Tacoma
(206) 628-2420 Seattle

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DEFINITIONS

1. The words "document" or "documents" means a writing or document of any kind or other tangible permanent record, including without limitation, film or photographic prints, tape recordings, videotape recordings, blueprints, drawings, charts, facsimiles, specimens, or models, whether produced or reproduced, unless otherwise specified, which is now, or formerly was, in the possession, custody or control of the plaintiff or her agents.

2. "Health care provider" means any physician, nurse, hospital, clinic, physical therapist, occupational therapist, speech therapist, psychologist, counselor, chiropractor, osteopath, podiatrist, oral surgeon, dentist, or any other person or entity who has provided any form of health care to you.

3. "Wrongful act" means any act or admission by any of the defendants named in this lawsuit (including all employees or agents of said defendant) upon which you base your allegations that said defendant is liable to you for the injuries claimed herein.

4. "Identify" means the name, address, and telephone number of the person or entity.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce copies of all credit card receipts (including, but not limited to, such cards as Visa, MasterCard, store charge cards, American Express, Discover, etc.), statements, year end summaries and/or any other records showing itemized transactions for such accounts from 1998 to present.

RESPONSE:

DEFENDANT KLOEHN'S THIRD REQUESTS FOR PRODUCTION
TO PLAINTIFFS DENNIS ROCKENBACH AND JODY
BERGSMA - 2 of 4

1596579.1

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RESPONSES TO REQUESTS FOR PRODUCTION SUBMITTED this ____ day of _____, 2004.

LUVERA, BARNETT, BRINDLEY,
BENINGER & CUNNINGHAM

By _____
Ralph J. Brindley, WSBA #8391
Attorneys For Plaintiffs

Dennis Rockenbach says: That he has read the foregoing answers to interrogatories and requests for production, knows the contents thereof, and believes the same to be true.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at _____, Washington, this ____ day of _____, 2004.

Dennis Rockenbach

ATTACHMENT C

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Honorable Steven J. Mura

SUPERIOR COURT OF WASHINGTON FOR WHATCOM COUNTY

DENNIS ROCKENBACH and JODY BERGSMA, husband and wife,

Plaintiffs,

v.

PEACEHEALTH, d/b/a ST. JOSEPH HOSPITAL, a Washington Corporation; JOOST KNOPS; KENNETH W. KLOEHN; MEDTRONIC XOMED SURGICAL PRODUCTS, INC., and UNKNOWN JOHN DOES,

Defendants.

NO. 03-2-00495-9

DEFENDANT KLOEHN'S SECOND REQUESTS FOR PRODUCTION TO PLAINTIFFS DENNIS ROCKENBACH AND JODY BERGSMA

TO: Plaintiffs Dennis Rockenbach and Jody Bergsma

AND TO: Ralph Brindley, their attorney

COMES NOW defendant Kenneth Kloehn, M.D. by and through his attorneys, Williams, Kastner & Gibbs, PLLC, pursuant to Civil Rule 34 and propounds the following requests for production of documents to plaintiffs and asks that plaintiffs respond under oath to the following requests for production within 30 days from the date of service hereof.

DEFENDANT KLOEHN'S SECOND REQUESTS FOR PRODUCTION TO PLAINTIFFS DENNIS ROCKENBACH AND JODY BERGSMA - 1 of 4

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2 **DEFINITIONS**

3 1. The words "document" or "documents" means a writing or document of any
4 kind or other tangible permanent record, including without limitation, film or photographic
5 prints, tape recordings, videotape recordings, blueprints, drawings, charts, facsimiles,
6 specimens, or models, whether produced or reproduced, unless otherwise specified, which is
7 now, or formerly was, in the possession, custody or control of the plaintiff or her agents.

8 2. "Health care provider" means any physician, nurse, hospital, clinic, physical
9 therapist, occupational therapist, speech therapist, psychologist, counselor, chiropractor,
10 osteopath, podiatrist, oral surgeon, dentist, or any other person or entity who has provided any
11 form of health care to you.

12 3. "Wrongful act" means any act or admission by any of the defendants named in
13 this lawsuit (including all employees or agents of said defendant) upon which you base your
14 allegations that said defendant is liable to you for the injuries claimed herein.

15 4. "Identify" means the name, address, and telephone number of the person or
16 entity.

17 **REQUESTS FOR PRODUCTION**

18 REQUEST FOR PRODUCTION NO. 1: Produce copies of all checks and bank
19 statements for the last five (5) years.

20 RESPONSE:

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24 REQUEST FOR PRODUCTION NO. 2: Produce all video and/or audio recordings in
25 your possession where plaintiff Dennis Rockenbach's voice or image appears from 1996 to

DEFENDANT KLOEHN'S SECOND REQUESTS FOR
PRODUCTION TO PLAINTIFFS DENNIS ROCKENBACH AND
JODY BERGSMA - 2 of 4

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1 present (this should include videos and/or audio recordings relating to personal and business
2 matters).

3 RESPONSE:
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6 REQUEST FOR PRODUCTION NO. 3: Produce copies of all telephone records for
7 the last three years (this should include both cell phones and any home or "land line" phones).
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9 RESPONSE:
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12 REQUEST FOR PRODUCTION NO. 4: Copies of any written statements you have
13 obtained regarding the facts which form the basis of this lawsuit.
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15 RESPONSE:
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18 REQUEST FOR PRODUCTION NO. 5: Copies of any records regarding payment for
19 an aide or assistant for Dennis Rockenbach since the surgery at issue in this case.
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21 RESPONSE:
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1 REQUESTS FOR PRODUCTION SUBMITTED this _____ day of June, 2004

2 WILLIAMS, KASTNER & GIBBS PLLC

3
4 By _____
5 Amy Thompson Forbis, WSBA #13779
6 Elizabeth Lee McAmis, WSBA #24224
7 Attorneys For Defendant Kloehn

8 RESPONSES TO REQUESTS FOR PRODUCTION SUBMITTED this ____ day of
9 _____, 2004.

10 LUVERA, BARNETT, BRINDLEY,
11 BENINGER & CUNNINGHAM

12 By _____
13 Ralph J. Brindley, WSBA #8391
14 Attorneys For Plaintiffs

15 Dennis Rockenbach says: That he has read the foregoing answers to interrogatories and
16 requests for production, knows the contents thereof, and believes the same to be true.

17 I certify (or declare) under penalty of perjury under the laws of the State of Washington
18 that the foregoing is true and correct.

19 Signed at _____, Washington, this ____ day of _____, 2004.

20 _____
21 Dennis Rockenbach

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DEFENDANT KLOEHN'S SECOND REQUESTS FOR
PRODUCTION TO PLAINTIFFS DENNIS ROCKENBACH AND
JODY BERGSMA - 4 of 4

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ATTACHMENT D

ROCKENBACH TABLE OF EXPENDITURES FROM BANK ACCOUNT RECORDS

	2004	2003	2002	2001	2000
Mortgage:					
Wash Mutual?	4685.82				
Horizon Bank pymts?	3313.41	5982.51			
Property Account			3025.68		
Total:	7999.23	5982.51	3025.68		
Food:					
Red Apple	886.22	2734.47	6441.98	278.58	
Red Market			181.99		
Food Pavilion	695.38				
Haggen	40.25		26.43		
Food Co-Op	217.85	2428.83	364.97		
Seven Loaves			225.00		
Fairhaven Market	364.49	278.60	1357.59		
Costco	337.10	352.91			
Terra Organica		226.09	5548.23	103.51	
Total:	2541.29	6020.90	14,146.19	382.09	
Utilities:					
Puget Sound Energy	1116.00	2866.00	2277.92		
Sanitary Svc	160.91	308.46	299.49		
Direct TV	340.00	1096.31	1009.58	114.53	
Qwest		55.92	365.90	54.77	
Culligan Water		123.55			
Cascade Nat. Gas	196.31				
Total:	1813.22	4450.24	3952.89	169.30	
Department Store:					
Bon Macys	1730.41	5007.93	3975.56	586.64	
Sears	86.54				
Bed Bath & Beyond	1481.50				
Lowes	107.44	58.10			
Fred Meyer	246.69		132.60		
Rite Aid	26.36	10.00	216.16		
Target		56.87			
Abercrombie & Fitch		246.59			
Avenue			9.77		
Total:	3678.94	5379.49	4334.09	586.64	

	2004	2003	2002	2001	2000
Automobile Loans:					
Subaru American		1906.93	7657.80		
America Honda		2121.42	352.57		
Total:		4028.35	8010.37		
Credit cards:					
Citcard	947.41		1616.36		
Bank of Amer (Visa)			3533.00		
Total:	947.41		5149.36		
Entertainment:					
Pizza Hut		26.00	39.00		
Geeb Johnston (lessons)	60.00				
Wild Women	50.00				
Motor Cyclist		10.00	12.95		
Motorcycle Consumer News	34.00	29.00	29.00		
Rider Magazine	17.97				
Cooking Light Mag	12.00				
Bon Appetit		18.00			
Road & Track		11.97			
Divorce Lifeline	40.00				
Taek Video		27.05			
City Bike			30.00		
Fairhaven Bike		58.43			
Sportsman Chalet		21.58			
Shotgun Sports		31.00			
Bayside Coin		162.30			
Girlfriend LA			59.00		
Classic Complexion			195.30		
Bellingham Rotary			24.00		
Sunnydell Shooting			220.00		
Mt. Baker Ski Are			79.00		
Aveda Blessings (Rick Smith)	138.00	429.77	70.32		
Total:	351.97	825.10	758.57		
People:					
Ann Schaad	280.00	267.99			
Annie Rook	2067.74	34.58			
James Taylor (?)	200.00				
Sharon Hoofnagle	256.00		286.80		
Chuck Brehmer	120.00				

	2004	2003	2002	2001	2000
Les Baureum	200.00				
Pam Bell	95.00				
Kelly Sinclair		2874.35			
Wayne Powell	240.00				
Delisa Alex	126.01	3861.81			
Leah Alex		38.44			
Hank Feenstra	140.00	410.00	570.00		
Sandy Luvey-Lunden	100.00	317.65			
Grant Mezer	240.00				
J.D. Sinclair		50.00			
Kerry (?)		90.00			
Irene Sabol		930.00			
Charcie Cantrell		512.13			
Amy Triplett		65.00			
Zemels		21.04			
Les Bergsma		900.00			
Sky Rockenbach		100.00			
Jessica Rockenbach		400.00	5400.00	1000.00	
Walter Makichen		250.00	200.00		
Mike Lanc		106.50			
Kate Bate		60.00			
M. Grace Justessen		245.00	413.25	50.00	
JoAnne Justessen			1109.48		
David Mevialz		120.00			
LaVie & Rosa				47.13	
Jeff Jones			50.00		
John Hickey			465.00		
Shawn Stoll			100.00		
Randy Schnackenberg		400.00			
Total:	4064.75	12,054.49	8594.53	1097.13	
Coops:					
Watcom Farmers	1281.67	1001.27	1492.91	103.90	
Total:	1281.67	1001.27	1492.91	103.90	
Cleaners:					
Viena	826.38	1516.27	2195.47		
Sunshine			132.89		
Fairhaven Laundry			11.33		
Total:	826.38	1516.27	2339.69		
House Improvement					
Hardware Sales		85.27	18.74		
Lyndale Glass			61.25		

