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

CHRISTINA MIESMER,

Plaintiff,

vs.

HUNTER DONALDSON, LLC, a California limited liability company; MULTICARE HEALTH SYSTEM, a Washington nonprofit corporation; REBECCA A. ROHLKE, individually, on behalf of the marital community and as agent of Hunter Donaldson, L.L.C.; JOHN DOE ROHLKE, on behalf of the marital community; RALPH WADSWORTH, individually, on behalf of the marital community, and as agent of Hunter Donaldson, L.L.C., and; JANE DOE WADSWORTH, on behalf of the marital community,

Defendants.

NO. 13-2-12653-8

PLAINTIFF'S FIRST REQUESTS FOR ADMISSION DIRECTED TO MULTICARE HEALTH SYSTEMS WITH OBJECTIONS AND RESPONSES THERETO.

In accordance with CR 36, you are directed to respond to the following Requests for Admission within forty (40) days of their service upon you.

INSTRUCTIONS -- REQUESTS FOR ADMISSION

- (1) Each matter for which admission is sought shall be deemed admitted unless denied or objected to as provided for in CR 36.

- 1 (2) Answers must be signed by the party making them under oath.
- 2 (3) If you have an attorney, any objections to requested admissions must be signed by
- 3 the attorney.
- 4 (4) All responses must be certified by the lawyer pursuant to CR 26(g).
- 5 (5) If an objection is served, the reasons for such objection must be stated.
- 6 (6) Each response must admit or deny the matter asserted or set forth in detail why the
- 7 answering party cannot truthfully admit or deny.
- 8 (7) Any denial must fairly meet the substance of the requested admission.
- 9 (8) You must qualify your answer or deny only so much of the request as good faith
- 10 requires and specify so much as is true and deny or qualify the remainder.
- 11

12 DEFINITIONS

- 13 1. The term "MultiCare" or "Multicare" refers to defendant MultiCare Health System,
- 14 its officers, employees, agents and attorneys and Multicare's wholly owned
- 15 subsidiary, Medis Corporation, Multicare's formerly wholly owned subsidiary
- 16 Multicare Consulting Services, L.L.C., and their officers, employees, agents and
- 17 attorneys.
- 18 2. The term "Hunter Donaldson" or Hunter Donaldson, L.L.C. refers to defendant
- 19 Hunter Donaldson, L.L.C. and its officers, employees, agents and attorney.
- 20 3. The term "the Complaint" or "plaintiffs' Complaint" refers to plaintiffs' Complaint
- 21 that was served upon you contemporaneous with these requests for admission.
- 22

23 //

24 //

25 //

1 DATED this _____ day of _____, 2013.

2 THE LAW OFFICES OF
3 WATSON & GALLAGHER, P.S.

4 s/ Thomas F. Gallagher
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24 Attorneys for Plaintiffs
25

GENERAL OBJECTIONS

MultiCare Health System ("MultiCare") objects to these requests and accompanying instructions to the extent that they are inconsistent with the obligations imposed by Civil Rules 26 and 36 and specifically to the extent that they call for MultiCare to admit legal conclusions or matters not relevant to a claim or defense in the matter or calls for disclosure of privileged information.

Without waiver of and subject to these objections, MultiCare responds as follows:

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION 1: Admit that prior to the date of service of the Summons and Complaint herein, that defendant Hunter Donaldson, L.L.C. had not registered with the Washington Secretary of State to do business in the State of Washington.

RESPONSE: _____ Admit _____ Deny

MultiCare cannot truthfully answer because it has no knowledge as to whether Hunter Donaldson was required to or did register with the Washington Secretary of State to do business in the State of Washington.

REQUEST FOR ADMISSION 2: Admit that prior to the date of service of the Summons and Complaint herein, that defendant Hunter Donaldson, L.L.C. had not obtained any licenses from any department or agency of the State of Washington.

RESPONSE: _____ Admit _____ Deny

MultiCare cannot truthfully answer because it has no knowledge as to whether Hunter Donaldson was required to or did obtain licenses from any department or agency of the State of Washington

REQUEST FOR ADMISSION 3: Admit that prior to the date of service of the Summons and Complaint herein, that defendant Hunter Donaldson, L.L.C. had not established an account with the Washington State Department of Revenue.

RESPONSE: _____ Admit _____ Deny

1 MultiCare cannot truthfully answer because it has no knowledge as to whether Hunter
2 Donaldson was required to or did establish an account with the Washington State Department
3 of Revenue.

4 REQUEST FOR ADMISSION 4: Admit that Hunter Donaldson is not a wholly owned
5 subsidiary of MultiCare.

6 RESPONSE: Admit Deny

7 REQUEST FOR ADMISSION 5: Admit that defendant Hunter Donaldson, L.L.C.
8 recorded liens on behalf of MultiCare in Pierce County, Washington during the year 2010.

9 RESPONSE: Admit Deny

10 Admit that in some months of 2010 Hunter Donaldson recorded notices of claim of
11 medical service liens on behalf of MultiCare.

12 REQUEST FOR ADMISSION 6: Admit that Hunter Donaldson recorded liens on
13 behalf of MultiCare in Pierce County, Washington during the year 2011.

14 RESPONSE: Admit Deny

15 Admit that Hunter Donaldson recorded notices of claim on behalf of MultiCare.

16
17 REQUEST FOR ADMISSION 7: Admit that Hunter Donaldson recorded liens on
18 behalf of MultiCare in Pierce County, Washington during the year 2012.

19 RESPONSE: Admit Deny

20 Admit that Hunter Donaldson recorded notices of claim on behalf of MultiCare.

21
22 REQUEST FOR ADMISSION 8: Admit that Hunter Donaldson recorded liens on
23 behalf of MultiCare in Pierce County, Washington during the year 2013.

24 RESPONSE: Admit Deny

1 Admit that in some months of 2013 Hunter Donaldson recorded notices of claim on
2 behalf of MultiCare.

3 REQUEST FOR ADMISSION 9: Admit that Hunter Donaldson had not been assigned
4 the ownership of any of the lien claims it filed on behalf of MultiCare in Pierce County,
5 Washington during the year 2010.

6 RESPONSE: Admit Deny

7 REQUEST FOR ADMISSION 10: Admit that Hunter Donaldson had not been
8 assigned the ownership of any of the lien claims it filed on behalf of MultiCare in Pierce
9 County, Washington during the year 2011.

10 RESPONSE: Admit Deny

11 REQUEST FOR ADMISSION 11: Admit that Hunter Donaldson had not been
12 assigned the ownership of any of the lien claims it filed on behalf of MultiCare in Pierce
13 County, Washington during the year 2012.

14 RESPONSE: Admit Deny

15 REQUEST FOR ADMISSION 12: Admit that Hunter Donaldson had not been
16 assigned the ownership of any of the lien claims it filed on behalf of MultiCare in Pierce
17 County, Washington during the year 2013.

18 RESPONSE: Admit Deny

19 REQUEST FOR ADMISSION 13: Admit that Hunter Donaldson employee, Rebecca
20 Rohlke, was a resident of the State of California during the entirety of the year 2010.

21 RESPONSE: Admit Deny

22 MultiCare lacks knowledge of Ms. Rohlke's legal residence but does not have a basis
23 to contest the claim that she was a resident of California.

24 REQUEST FOR ADMISSION 14: Admit that Hunter Donaldson employee, Rebecca
25 Rohlke, was a resident of the State of California during the entirety of the year 2011.

RESPONSE: Admit Deny

1 MultiCare lacks knowledge of Ms. Rohlke's legal residence but does not have a basis
to contest the claim that she was a resident of California.

2 REQUEST FOR ADMISSION 15: Admit that Hunter Donaldson employee, Rebecca
3 Rohlke, was a resident of the State of California during the entirety of the year 2012.

4 RESPONSE: _____ Admit _____ Deny

5 MultiCare lacks knowledge of Ms. Rohlke's legal residence but does not have a basis
6 to contest the claim that she was a resident of California.

7 REQUEST FOR ADMISSION 16: Admit that Hunter Donaldson employee, Rebecca
8 Rohlke, was a resident of the State of California during the entirety of the year 2013.

9 RESPONSE: _____ Admit _____ Deny

10 MultiCare lacks knowledge of Ms. Rohlke's legal residence but does not have a basis
11 to contest the claim that she was a resident of California.

12 REQUEST FOR ADMISSION 17: Admit that since 2010, Hunter Donaldson
13 employees or agents have represented to MultiCare's patients, their attorneys, or third parties
14 or third party insurers who may be liable for payment of MultiCare's patients' medical bills,
15 that Hunter Donaldson is attempting to collect the amounts owed pursuant to liens filed by or
on behalf of MultiCare.

16 RESPONSE: _____ Admit _____ Deny

17 MultiCare lacks knowledge or information sufficient to admit or deny this request,
18 because it concerns the conduct of Hunter Donaldson.

19 REQUEST FOR ADMISSION 18: Admit that since 2010, Hunter Donaldson
20 employees or agents have represented to MultiCare's patients, their attorneys, or third parties
21 or third party insurers who may be liable for payment of MultiCare's patients' medical bills
that Hunter Donaldson is the medical lien recovery agent for MultiCare.

22 RESPONSE: _____ Admit _____ Deny

23 MultiCare lacks knowledge or information sufficient to admit or deny this request,
24 because it concerns the conduct of Hunter Donaldson.

1 REQUEST FOR ADMISSION 19: Admit that since 2010, Hunter Donaldson
2 employees or agents have represented to MultiCare's patients, their attorneys, or third parties
3 or third party insurers who may be liable for payment of MultiCare's patients' medical bills
4 that Hunter Donaldson is the recovery center for Tacoma General Hospital.

5 RESPONSE: _____ Admit _____ Deny

6 MultiCare lacks knowledge or information sufficient to admit or deny this request,
7 because it concerns the conduct of Hunter Donaldson.

8 REQUEST FOR ADMISSION 20: Admit that Hunter Donaldson employees or agents
9 have directed MutiCare's patients, their attorneys, or third parties or third party insurers who
10 may be liable for payment of MultiCare's patients' medical bills to pay to Hunter Donaldson
11 the full amount of medical bills MultiCare claimed were due pursuant to liens Hunter
Donaldson recorded on behalf of MultiCare.

12 RESPONSE: _____ Admit _____ Deny

13 MultiCare's intent and understanding is that the amounts owed pursuant to the medical
14 service lien statute are subject to a statutory cap and that Hunter Donaldson's practices were
15 consistent with the statute. Accordingly, this request is denied.

16 REQUEST FOR ADMISSION 21: Admit that Hunter Donaldson employee, Rebecca
17 Rohlke, was not a resident of the State of Washington during the year 2010.

18 RESPONSE: _____ Admit _____ Deny

19 MultiCare lacks knowledge of Ms. Rohlke's legal residence but does not have a basis
20 to contest the claim that she was not a resident of Washington.

21 REQUEST FOR ADMISSION 22: Admit that Hunter Donaldson employee, Rebecca
22 Rohlke, was not a resident of the State of Washington during the year 2011.

23 RESPONSE: _____ Admit _____ Deny

1 MultiCare lacks knowledge of Ms. Rohlke's legal residence but does not have a basis
2 to contest the claim that she was not a resident of Washington.

3 REQUEST FOR ADMISSION 23: Admit that Hunter Donaldson employee, Rebecca
4 Rohlke, was not a resident of the State of Washington during the year 2012.

5 RESPONSE: _____ Admit _____ Deny

6 MultiCare lacks knowledge of Ms. Rohlke's legal residence but does not have a basis
7 to contest the claim that she she was not a resident of Washington.

8 REQUEST FOR ADMISSION 23: Admit that Hunter Donaldson employee, Rebecca
9 Rohlke, was not a resident of the State of Washington during the year 2013.

10 RESPONSE: _____ Admit _____ Deny

11 MultiCare lacks knowledge of Ms. Rohlke's legal residence but does not have a basis
12 to contest the claim that she was not a resident of Washington.

13 REQUEST FOR ADMISSION 24: Admit that Hunter Donaldson employees or agents
14 have demanded that plaintiff Christina Miesmer or her attorneys pay to Hunter Donaldson the
15 full amount of medical bills MultiCare claimed were due pursuant to liens Hunter Donaldson
16 recorded on behalf of MultiCare from the proceeds of settlements with third parties or third
17 party insurers who may be liable for payment of Christina Miesmers's medical bills.

18 RESPONSE: _____ Admit _____ Deny

19 MultiCare lacks knowledge or information sufficient to admit or deny this request,
20 because it concerns the conduct of Hunter Donaldson.

21 REQUEST FOR ADMISSION 25: Admit that Christina Miesmer was covered by
22 health care insurance through Molina Healthcare of Washington, Inc. at the time she received
23 health care services from MultiCare in December 2011.

24 RESPONSE: _____ Admit _____ Deny

25 Insofar as Ms. Miesmer provided MultiCare with information concerning financial
responsibility for her health care expenses, MultiCare understood that she was enrolled in the

1 Washington State Medicaid Program, administered by Molina Healthcare of Washington, Inc.
2 MultiCare, therefore, denies that she was "covered by health insurance" at that time.

3 REQUEST FOR ADMISSION 26: Admit that MultiCare did not bill Christina
4 Miesmer's health care insurance through Molina Heathcare of Washington for health care
5 services provided by MultiCare to Christina Miesmer in December 2011.

6 RESPONSE: _____ Admit _____ Deny

7 MultiCare incorporates its response to request no. 25 herein and subject thereto admits
8 that it did not bill Medicaid for the services provided in December 2011.

9 REQUEST FOR ADMISSION 27: Admit that in December 2011, MultiCare had a
10 contract with Molina Heathcare of Washington that was in effect.

11 RESPONSE: X Admit _____ Deny

12 REQUEST FOR ADMISSION 28: Admit MultiCare's contract with Molina
13 Heathcare of Washington that was in effect in December 2011, required MultiCare to bill
14 Molina HeathCare of Washington for health care services provided to Molina Healthcare of
15 Washington's insureds.

16 RESPONSE: _____ Admit X Deny

17 REQUEST FOR ADMISSION 29: Admit that the amounts demanded by Hunter
18 Donaldson as being due under the lien it filed on behalf of MultiCare against Christina
19 Miesmer for medical care she received from MultiCare in December 2011 exceeded 25% of
20 the third party liability insurance proceeds available to pay for Christina Miesmer's damages
she suffered as a result of a traumatic accident in December 2011.

21 RESPONSE: _____ Admit X Deny

22 MultiCare's intent and understanding is that the amounts owed pursuant to the medical
23 service lien statute are subject to a statutory cap and that Hunter Donaldson's practices were
24 consistent with the statute. Accordingly, this request is denied.

1 REQUEST FOR ADMISSION 30: Admit that Jason L. Adams was a MultiCare
employee in January 2010.

2 RESPONSE: Admit Deny

3
4 REQUEST FOR ADMISSION 31: Admit that MultiCare employee, Jason L. Adams,
endorsed defendant Rebecca Rohlke's application for a Washington State Notary license.

5
6 RESPONSE: Admit Deny

7 Admit that Mr. Adams endorsed Ms. Rohlke's application for a Notary Public
8 Appointment.

9 REQUEST FOR ADMISSION 32: Admit that MultiCare employee, Jason L. Adams,
10 endorsed defendant Rebecca Rohlke's application for a Washington State Notary license,
knowing that she was not a resident of Washington State.

11 RESPONSE: Admit Deny

12
13 Admit that Mr. Adams endorsed Ms. Rohlke's application for a Notary Public
Appointment knowing that she was not a Washington resident.

14
15 REQUEST FOR ADMISSION 33: Admit that MultiCare employee, Jason L. Adams,
16 endorsed defendant Rebecca Rohlke's application for a Washington State Notary license,
17 knowing she was not a resident of his home at 3011 Wollochet Drive Northwest in Gig
Harbor, Washington.

18 RESPONSE: Admit Deny

19 Admit that Mr. Adams endorsed Ms. Rohlke's application for a Notary Public
20 Appointment knowing that she was not a resident at his home at 3011 Wollochet Drive
Northwest in Gig Harbor, Washington.

21
22 REQUEST FOR ADMISSION 34: Admit that KOLEEN KELLEY was a MultiCare
employee in January 2010.

23
24 RESPONSE: Admit Deny

1 REQUEST FOR ADMISSION 35: Admit that Susan George was a MultiCare
employee in January 2010.

2 RESPONSE: Admit _____ Deny
3

4 REQUEST FOR ADMISSION 36: Admit that MultiCare employee, KOLEEN KELLEY,
5 endorsed defendant Rebecca Rohlke's application for a Washington State Notary license,
knowing that she was not a resident of Washington State.

6 RESPONSE: _____ Admit _____ Deny
7

8 Admit that Ms. Kelly endorsed Ms. Rohlke's application for a Notary Public
Appointment knowing that she was not a Washington resident.

9
10 REQUEST FOR ADMISSION 37: Admit that MultiCare employee, Susan George,
11 endorsed defendant Rebecca Rohlke's application for a Washington State Notary license,
12 knowing that she was not a resident of Washington State.

13 RESPONSE: _____ Admit _____ Deny
14

15 Admit that Ms. George endorsed Ms. Rohlke's application for a Notary Public
Appointment knowing that she was not a Washington resident.

16
17 REQUEST FOR ADMISSION 38: Admit that Melissa A. Blackburn was a MultiCare
employee in January 2010.

18 RESPONSE: Admit _____ Deny
19

20 REQUEST FOR ADMISSION 39: Admit that MultiCare employee, Melissa A.
21 Blackburn, notarized defendant Rebecca Rohlke's signature on her application for a
Washington State Notary license, knowing that she was not a resident of Washington State.

22 RESPONSE: _____ Admit Deny
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1 REQUEST FOR ADMISSION 40: Admit that in 2011, MultiCare did not inform
2 Christina Miesmer that it did not intend to bill her health insurance at Molina Healthcare of
3 Washington, Inc. for health care services MultiCare provided to Christina Miesmer in
4 December 2011.

5 RESPONSE: _____ Admit X Deny

6 REQUEST FOR ADMISSION 41: Admit that in 2012, MultiCare did not inform
7 Christina Miesmer that it did not intend to bill her health insurance at Molina Healthcare of
8 Washington, Inc. for health care services MultiCare provided to Christina Miesmer in
9 December 2011.

10 RESPONSE: _____ Admit X Deny

11 REQUEST FOR ADMISSION 42: Admit that in 2011, MultiCare did not inform
12 Christina Miesmer that it intended to file a lien for health care services MultiCare provided to
13 Christina Miesmer in December 2011.

14 RESPONSE: _____ Admit X Deny

15 REQUEST FOR ADMISSION 43: Admit that the 2011 lien for medical services
16 recorded on behalf of MultiCare against Christina Miesmer for health care services MultiCare
17 provided to Christina Miesmer in December 2011 for traumatic injuries, was limited to
18 twenty-five percent (25%) of the amount of any award, verdict, report, decision, decree,
19 judgment, or settlement that Christina Miesmer is entitled to from the tort-feasor and/or
20 insurer of such tort-feasor.

21 RESPONSE: _____ Admit _____ Deny

22 Admit that the amount that health care providers can recover from third parties is
23 limited to 25% of the settlement or award. Otherwise deny.

24 REQUEST FOR ADMISSION 44: Admit that the 2012 lien for medical services
25 recorded on behalf of MultiCare against Christina Miesmer for health care services MultiCare
provided to Christina Miesmer in December 2011 for traumatic injuries, was limited to
twenty-five percent (25%) of the amount of any award, verdict, report, decision, decree,
judgment, or settlement that Christina Miesmer is entitled to from the tort-feasor and/or
insurer of such tort-feasor.

RESPONSE: _____ Admit _____ Deny

1 Admit that the amount that health care providers can recover from third parties is
2 limited to 25% of the settlement or award. Otherwise deny.

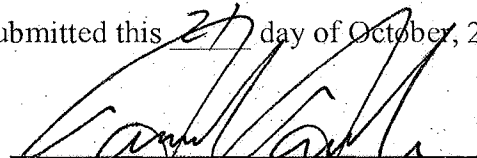
3 REQUEST FOR ADMISSION 45: Admit that at the time MultiCare provided health
4 care services to Christina Miesmer in December 2011 for traumatic injuries she received,
5 MultiCare's Hospital Services Agreement with Molina Healthcare of Washington, Inc.
6 prohibited MultiCare from billing, charging, seeking compensation from or seeing
remuneration from persons with health care insurance coverage through Molina Healthcare of
Washington, Inc., other than deductibles, co-payments, coinsurance or non-covered services.

7 RESPONSE: _____ Admit Deny

8 REQUEST FOR ADMISSION 46: Admit that at the time MultiCare provided health
9 care services to Christina Miesmer in December 2011 for traumatic injuries she received,
10 MultiCare's Hospital Services Agreement with Molina Healthcare of Washington, Inc.
11 required MultiCare to notify Molina Healthcare of Washington, Inc. in the event MultiCare
believed that a Molina Healthcare of Washington, Inc. insured was entitled to payment from a
third party for medical care received from MultiCare.

12 RESPONSE: _____ Admit Deny

13
14 ANSWERS submitted this 27 day of October, 2013.

15
16 
17 By: Michael Madden WSBA #8747
18 Attorney for Defendant MultiCare
19
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STATE OF WASHINGTON)
)
) ss.
COUNTY OF PIERCE)

_____, being first duly sworn on oath, deposes and states:

That I am the _____ of defendant MultiCare Health Systems, Inc.; that I have read and understood the foregoing Requests For Admissions with Answers thereto, and believe the same to be true and accurate.

SUBSCRIBED AND SWORN TO before me this _____ day of October, 2013.

NOTARY PUBLIC in and for the
State of Washington
Residing at
My Commission Expires:

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify under penalty of perjury under the laws of the State of Washington, that I am now, and at all times material hereto, a resident of the State of Washington, over the age of 18 years, not a party to, nor interested in, the above-entitled action, and competent to be a witness herein. I caused a true and correct copy of the foregoing pleading to be served this date, in the manner indicated, to the parties listed below:

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- CM/ECF
- Email

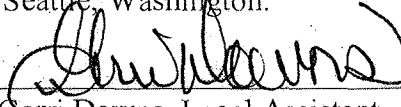
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- Email

Attorneys for Defendants Hunter
Donaldson, LLC, Rebecca Rohlke and
Ralph Wadsworth

Dated this 21st day of October, 2013, at Seattle, Washington.


Gerri Downs, Legal Assistant

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