

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

HELEN POLITZ

PLAINTIFF

VERSUS

CIVIL ACTION NO.:1:08CV18-LTS-RHW

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY, ET AL

DEFENDANT'S

**NOTICE OF ISSUANCE OF SUBPOENA TO PRODUCE
DOCUMENTS, INFORMATION OR OBJECTS**

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that Plaintiff, HELEN J. POLITZ, has caused to be issued the *Subpoena to Produce Documents, Information or Objects* attached hereto as Exhibit "A" upon the following:

Dr. Mark Webb, 576 Highland Colony Parkway, Suite 100, Ridgeland, MS 39157.

Respectfully submitted,
HELEN J. POLITZ

BY: DENHAM LAW FIRM
s/Kristopher W. Carter
KRISTOPHER W. CARTER
MS Bar No. 101963

CERTIFICATE

I, KRISTOPHER W. CARTER, do hereby certify that I electronically filed the above and foregoing document with the Clerk of the Court utilizing the ECF system, which provides notification of said filing to the following:

Laura Limerick Gibbes, Esquire
Laura Louise Hill, Esquire
Watkins, Ludlam, Winter & Stennis, P.A.
Post Office Drawer 160
Gulfport, MS 39502-0160

Elizabeth Locke, Esquire
Daniel F. Attridge, P.C.
Thomas A. Clare, P.C.

Christian D.H. Schultz
Robert B. Gilmore, Esquire
Sean M. McEldowney, Esquire
Kirkland & Ellis LLP
655 15th Street, N.W., Suite 1200
Washington, DC 20005

Crockett Lindsey
U.S. Attorney's Office
1575 20th Ave.
Gulfport, MS 39501

SO CERTIFIED on this the 22nd day of June, 2009.

s/Kristopher W. Carter
KRISTOPHER W. CARTER

KRISTOPHER W. CARTER, MS Bar No. 101963
DENHAM LAW FIRM
424 Washington Avenue (39564)
Post Office Drawer 580
Ocean Springs, MS 39566-0580
228.875.1234 Telephone
228.875.4553 Facsimile

UNITED STATES DISTRICT COURT

for the Southern District of Mississippi

Helen Politz Plaintiff v. Nationwide Mutual Fire Insurance Company, et al Defendant Civil Action No. 1:08cv18-LTS-RHW (If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES

To: Dr. Mark Webb, 576 Highland Colony Parkway, Suite 100, Ridgeland, MS 39157

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Exhibit "A" attached hereto.

Place: Denham Law Firm, 424 Washington Avenue, Ocean Springs, MS 36564 Date and Time: 07/06/2009 9:00 am

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 6-22-09

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Plaintiff, Helen Politz, who issues or requests this subpoena, are:

Kristopher W. Carter, Denham Law Firm, 424 Washington Avenue, Ocean Springs, MS 36564, kris@denhamlaw.com, (228) 875-1234

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
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HELEN POLITZ

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CIVIL ACTION NO.:1:08CV18-LTS-RHW

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY, ET AL

DEFENDANT'S

EXHIBIT "A"
TO SUBPOENA IN A CIVIL CASE
ATTACHMENT TO SUBPOENA DUCES TECUM TO DR. MARK WEBB

Definitions:

"You" and "your" includes you, your clinic and/or any other corporations, partnerships, L.L.C., P.A., L.L.P. or other entities from which you derive income from your professional medical practice.

Documents to be Produced:

1. All documents indicating income generated, and the number of separate cases involving services which you rendered to or at the request of Nationwide Mutual Fire Insurance Company (including any of its subsidiaries) and/or the law firm of Watkins, Ludlam, Winter & Stennis, P.A. and/or Kirkland & Ellis, LLP (including any of their current or past attorneys while employed with said firms) in the last ten (10) years.
2. Copies of all complaints filed in any court against you alleging medical negligence, malpractice and/or violation of the standard of care in the practice of medicine in the last ten (10) years.
3. Copies of all 1099's, profits and loss statements, internal memoranda or other financial documents which indicate, address or outline the income you or your clinic have received from the following sources:
 - (a) "Independent" or "employer" medical examinations or medical record reviews, performed by you or anyone at your clinic at the instance of an employer, workers' compensation insurance carrier or attorney for either employer or carrier in a claim for work-related injuries in the last ten (10) years (identify all attorneys by name, firm name and address and, if known by you, indicate whether the attorney represented the plaintiff/claimant);

- (b) "Independent" medical examinations or medical record reviews, performed at the instance of any insurance company or any lawyer/law firm representing an insurance company, in the last ten (10) years; and
 - (c) Any other payments from liability insurance companies for any consultation work (excluding payments from auto med pay or any health insurance company for payment of medical bills) in the last ten (10) years.
4. All documents, including receipts for payment, honorariums or reimbursement for travel expenses, for any programs or conferences, sponsored by any liability, homeowners or workers' compensation insurance company or industry group, where you have spoken since January 2000 on issues involving civil justice, IME's or EME's, physical impairment or restrictions and/or rehabilitation of injured patients.
 5. All written materials you have submitted to any CLE, CME or other "educational" program, including corporate sponsored events, addressing functional capacity exams, permanent impairments and/or occupational restrictions.
 6. A list or record of all referrals for treatment or exams to you or your office from plaintiffs' or claimants' counsel since January of 2000 (identify the counsel, but there is no need to identify the patient).
 7. A list of records of all referrals for treatment or exam to you or your office from any liability, uninsured motorist or workers' compensation insurance carrier or any lawyer/law firm representing an insurance company.
 8. Any and all printouts, reports, cancelled checks, drafts or other documents evidencing, relating or pertaining to any payment of compensation to you or your clinic to review medical records and/or render opinions and/or to testify as an expert witness at any court proceeding within the past ten (10) years.
 9. Any contracts or retainer agreements to provide services or consultation for any liability, homeowners or Workers' Compensation insurance company since January of 2000.
 10. Your time sheets and copies of any and all documentation setting forth the hours for which you performed services of any kind in the above-captioned case.
 11. Any and all documentation and records of payment received for services rendered in the above-captioned case (including those billed but not yet collected, and those expected to be billed).
 12. A copy of any "learned treatise" (as per Federal Rule of Evidence 803(18)), any medical article, textbook, journal or other authoritative source referenced in any report which you have given in the above-captioned case, or upon which you have relied, or may reasonably expect to rely, in offering opinions in the above-captioned case (include a copy of the title page, table of contents, and all relevant sections of said document).

13. A copy of your prior testimony list for the last four (4) years.
14. A copy of any transcripts from any depositions you have ever given (whether as an expert, party, or other witness).

Prepared by:
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