



251 S. LAWRENCE STREET
MONTGOMERY, AL. 36104

USPS CERTIFIED MAIL



9214 8901 7301 4103 2100 0635 40

03-CV-2020-901429.00

To: WARHAWK HEALTH SERVICES - AUM
7461 EAST DRIVE
MONTGOMERY, AL 36117

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NORA A. ALSHAGAA ET AL V. MICHAEL LEWIS FORSHEY
03-CV-2020-901429.00

The following subpoena was FILED on 9/9/2021 1:39:23 PM

Notice Date: 9/9/2021 1:39:23 PM

GINA J. ISHMAN
CIRCUIT COURT CLERK
MONTGOMERY COUNTY, ALABAMA
251 S. LAWRENCE STREET
MONTGOMERY, AL 36104

334-832-1260

*Copy of subpoena + office notes
Sent to Legal Counsel Grant Garbee
on 10/7/2021
J. Bonden, Clerk*

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

**ORDER TO APPEAR
(SUBPOENA)**

Case Number:
03-CV-2020-901429.00

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ **NORA A. ALSHAGAA ET AL V. MICHAEL LEWIS FORSHEY**

(For Juvenile cases only):

☐ In the Matter of _____

WARHAWK HEALTH SERVICES - AUM

7461 EAST DRIVE
MONTGOMERY, AL 36117

W010

A. Issued at the request of :

1. ☐ Plaintiff/State

2. ☒ Defendant

3. ☐ Grand Jury

B. Special Instructions

You are ordered to:

1. ☐ Appear at trial

2. ☒ Produce records or documents-See attached schedule(s)

3. ☐ Appear at deposition

4. ☐ Other _____

You may contact: JOSEPH ELLIOTT STOTT 2637 VALLEYDALE ROAD, SUITE 100 BIRMINGHAM, AL 35244 (205) 573-0500

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and/or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE: 9/27/2021 5:00:00 PM

ROOM: _____

ADDRESS: STOTT & HARRINGTON, P.C.
2637 VALLEYDALE ROAD, SUITE 100
Birmingham, AL 35244

DATE ISSUED: 9/9/2021

/s/ GINA J. ISHMAN
Signature of Court Clerk

MTJ
Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

TO ANY SHERIFF OF THE STATE OF ALABAMA You are ordered to serve this order on the above named person and make return to this court.
OR ANY AUTHORIZED PERSON:

RETURN ON SERVICE

I certify that I personally delivered a copy of this order to _____

on _____

Signature and Title of Server



03-CV-2020-901429.00-W010

(For Criminal cases only)

☐ Served By Mail

Date Mailed _____

Sheriff _____

Deputy Sheriff _____

SERVICE RETURN COPY



ELECTRONICALLY FILED
9/9/2021 1:38 PM
03-CV-2020-901429.00
CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
GINA J. ISHMAN, CLERK

State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 4/18

ORDER TO APPEAR (SUBPOENA)

Cas
03-1

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

☐ State of Alabama

☐ Municipality of _____

☒ NORA A. ALSHAGAA ET AL V. MICHAEL LEWIS FORSHEY

(For Juvenile cases only):

☐ In the Matter of _____

WARHAWK HEALTH SERVICES - AUM

7461 EAST DRIVE
MONTGOMERY, AL 36117

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ADDITIONAL INSTRUCTIONS

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DATE: 09/27/2021 05:00 PM

ROOM: _____

ADDRESS: STOTT & HARRINGTON, P.C.

2637 VALLEYDALE ROAD, SUITE 100

Birmingham, AL 35244

DATE ISSUED: 9/9/2021

/s/ GINA J. ISHMAN

Signature of Court Clerk

Deputy Clerk Initials *MT*

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I certify that I personally delivered a copy of this order to _____

on _____

(For Criminal cases only)

☐ Served By Mail

Date Mailed _____

Signature and Title of Server _____

Sheriff _____

Deputy Sheriff _____

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala.R.Civ.P. 45(a) (3) (C), the production of documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c) (2) (B), which is set out below.

Rule 45, Ala. R.Civ.P., Paragraphs (c) & (d)

(c) Protection of person 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 from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty on appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, document 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 at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. 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, 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 expenses 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) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

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

(iv) subjects a person to undue burden.

(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, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, 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.

(3) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(4) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(5) A person responding to a subpoena need not provide discovery of electronically stored information from sources the person identifies to the requesting party as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(B). The court may specify conditions regarding the production of the discovery.

(6) If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the person or party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. Any party or the producing person may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.



ELECTRONICALLY FILED
9/9/2021 1:38 PM
03-CV-2020-901429.00
CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
GINA J. ISHMAN, CLERK

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NORA A. ALSHAGAA, individually;)
NORA A. ALSHAGAA, as mother &)
next friend of FATIMA ALSHAGAA,)
a minor,)

Plaintiffs,)

vs.)

Case No.: CV-2020-901429

MICHAEL LEWIS FORSHEY;)

Defendant.)

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER
RULE 45 OF THE ALABAMA RULES OF CIVIL PROCEDURE

TO: Warhawk Health Services – AUM
7461 East Drive
Montgomery, AL 36117

You are hereby commanded, at the instance of the Defendant, within fifteen (15) days after service of this subpoena, to produce and permit said party to inspect and to copy any and all of the following documents relative to **Nora A. Alshagaa, DOB: 3/16/1984:**

- 1. Medical records**
- 2. Radiology reports**
- 3. Consultation reports**
- 4. Nurses' notes**
- 5. Doctors' notes**
- 6. Doctors' orders**
- 7. Physical therapy records**
- 8. Clinical notes**
- 9. Invoices issued relative to the care and treatment of the above individual**
- 10. Emergency Room records**
- 11. X-rays and radiological reports**
- 12. Medical Bills**
- 13. Any and all records regarding the above individual**

Such production and inspection is to take place where the documents are regularly kept or at some other reasonable place designated by you.

For your information, Alabama law restricts the charges for medical records as follows: Retrieval fee, \$5.00; Pages 1-25, \$1.00 per page; Pages 26 and over, \$.50 per page; X-rays and other radiographic images are limited to the actual cost of reproduction. Should compliance with this Subpoena result in charges in excess of \$300.00, please contact Joseph E. Stott, the issuing attorney, to discuss costs prior to compliance. Charges in excess of \$300.00 will not be paid without prior approval.

You have the option to deliver or mail legible copies of documents to the party causing the issuance of this subpoena, but you may condition such activity on your part upon the payment in advance by the party causing the issuance of this subpoena of the reasonable costs of the making of such copies. The said party agrees to pay all reasonable expense incurred by you in the reproduction of the requested documents.

Rule 45 of the Alabama Rules of Civil Procedure provides, in part, as follows:

Protection of Persons subject to subpoenas:

A person commanded to produce and 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.

Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection of and copying at any time before the time specified for compliance may 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. "Serve" as used herein, means mailing to the party or attorney. 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, move at any time for an order to compel 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.

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 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.

(3) **Contempt.** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for the failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

You are further advised that other parties to the action in which this subpoena has been issued have the right to be present at the time of such production or inspection.

Should you choose to deliver or mail copies of the requested documents, please send them to: JOSEPH E. STOTT at STOTT & HARRINGTON, P.C., 2637 VALLEYDALE ROAD, SUITE 100, BIRMINGHAM, ALABAMA 35244; (205) 573-0500, joe@stottharrington.com within 30 days of service of this subpoena.

CERTIFICATE OF CUSTODIAN OF RECORDS

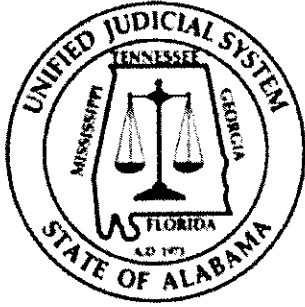
I, _____, hereby certify and affirm in writing that I am of the offices of _____ located at _____, Alabama, that I am custodian of the records of said individuals and that the within copy of said records are an exact, full, true and correct copy of said records pertaining to _____. All of which I hereby certify and affirm this _____ the day of _____, 2021.

Name

Official Title: _____

STATE OF _____)

COUNTY OF _____)



AlaFile E-Notice



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03-CV-2020-901429.00
CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
GINA J. ISHMAN, CLERK

03-CV-2020-901429.00

Judge: J. R. GAINES

To: STOTT JOSEPH ELLIOTT
joe@stottharrington.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

NORA A. ALSHAGAA ET AL V. MICHAEL LEWIS FORSHEY
03-CV-2020-901429.00

A court action was entered in the above case on 4/28/2021 9:10:13 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JRG
Notice Date: 4/28/2021 9:10:13 AM

GINA J. ISHMAN
CIRCUIT COURT CLERK
MONTGOMERY COUNTY, ALABAMA
251 S. LAWRENCE STREET
MONTGOMERY, AL, 36104

334-832-1260



ELECTRONICALLY FILED
4/28/2021 9:10 AM
03-CV-2020-901429.00
CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
GINA J. ISHMAN, CLERK

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ALSHAGAA NORA A.,	)	
ALSHAGAA FATIMA A.,	)	
Plaintiffs,	)	
	)	
V.	)	Case No.: CV-2020-901429.00
	)	
FORSHEY MICHAEL LEWIS,	)	
Defendant.	)	

HIPAA ORDER IN A CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any individual who is a party to this case, or of any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama and Federal law, the sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. This Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family. Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than an agent or employee or the attorney or party. This order prohibits the parties from using or disclosing the Protected

Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request of an individual whose Protected Health Information has been disclosed or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 28th day of April, 2021.

/s/ J. R. GAINES
CIRCUIT JUDGE
