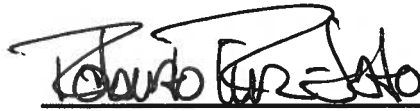


completed or as otherwise provided by *Fed. R. Civ. P. 30(d)(1)*.

In addition, Defendant is hereby requests the production of documents pursuant to *Fed. R. Civ. P. 30(b)(2)* and *Fed. R. Civ. P. 34*, as set forth in Appendix A to this Notice. Defendant should produce the documents on or before May 26, 2016 at the above-indicated office of Ballard Spahr LLP.

Respectfully submitted,



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*Attorneys for plaintiff/counterclaim defendant
American Board of Internal Medicine and third-
party defendants the ABIM individuals*

DATED: May 9, 2016

APPENDIX A

APPENDIX A

Pursuant to Federal Rules of Civil Procedure 30 and 34, plaintiff American Board of Internal Medicine (“ABIM”), by its undersigned counsel, hereby requests that you produce the documents and tangible things described herein in accordance with the Definitions and Instructions set forth below at the address set forth in the Notice on or before May 26, 2016.

DEFINITIONS

1. “Defendant,” “Dr. Salas Rushford,” “You” and “Your” shall mean Jamie Salas Rushford, M.D., his agents, legal representatives, and employees.
2. “Plaintiff” and “ABIM” shall mean the American Board of Internal Medicine, its agents, legal representatives, predecessor(s), assigns, as well as its divisions, parent and subsidiary entities, affiliates, and its officers, directors, employees, and agents.
3. “ABR” shall mean Arora Board Review, Dr. Rajender Arora, and their agents, legal representatives, predecessor(s), and assigns, as well as Arora Board Review’s divisions, parent and subsidiary entities, affiliates, and its officers, directors, and employees.
4. “Action” shall mean the case captioned in the United States District Court for the District of New Jersey as American Board of Internal Medicine v. Jamie A. Salas Rushford, M.D., Civil Action No. 14-cv-06428-KSH-CLW.
5. “Counterclaims” shall mean the counterclaims and third-party complaint filed by defendant dated September 22, 2015, Dkt. No. 33.
6. “Document” shall be defined as synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft or non-identical copy is a separate document within the meaning of this term.
7. “Concerning” shall mean relating to, referring to, describing, evidencing or constituting.

8. The terms “all” and “each” shall be construed as all and each.
9. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
10. The words “person” or “persons” shall mean natural persons as well as firms, partnerships, associations, institutions, joint ventures, corporations, and every other form of business enterprise, legal entity and organization or whatever sort and means both the singular and plural.
11. The word “communication” shall refer to any transmittal of information in the form of facts, ideas, inquires or otherwise, whether written, typed, electronic, or oral.
12. “Identify,” “state the identity of,” or any other similar phrase:
 - (a) When used with reference to a natural person, means to state in each instance that person’s: (i) full name, (ii) present or last known address, and (iii) present employer and position (occupation or business if self-employed).
 - (b) When used with reference to a corporation, partnership, joint venture, firm or other business enterprise of legal entity means to state in each instance the full name and address of that entity.
 - (c) When used in connection with a document or writing, means to state in each instance: (i) the date of the document; (ii) the type of document (e.g., letter, memorandum, computer printout, estimate, etc.); (iii) the author and addressee; (iv) any filing or identifying

number associated with the document; and (v) the present or last known location or custodian of the document.

(d) When used in connection with an oral communication, means to state in each instance: (i) the date, time and place where the communication was made; (ii) the person(s) communicating; (iii) the recipient(s) and intended recipient(s) of the communication; (iv) the identity of any document that embodies, contains, describes, refers to, discusses, or relates in any way to the communication; and (v) the substance of the communication.

(e) When used in connection with a computer, means to state in each instance: (i) the type of computer (e.g., PC, laptop, smartphone, etc.); (ii) any brand name or model name and number sufficient to identify the computer; (iii) the present or last known location of the computer; and (iv) the present or last known custodian of the computer.

13. If You are unable to comply fully with any request, You shall comply to the extent possible and provide an explanation as to why full compliance is not possible.

14. Whenever necessary to bring within the scope of a request any information, document or subject matter which might otherwise be deemed non-responsive, the singular form shall be interpreted as including the plural.

15. All requests are directed to information within Your possession, custody or control, or within the possession, custody or control of Your agents, servants, employees, related companies and Your attorneys. They also are directed to those firms, corporations,

partnerships, or trusts that You control, and to information in the possession, custody or control or employees, agents, next friends, trustees, guardians and representatives of such entities.

16. These requests shall be deemed to be continuing. Your attention is also called to Rule 26(e)(1) of the Federal Rules of Civil Procedure, which provides in part:

A party who has made a disclosure under Rule 26(a) – or who has responded to an interrogatory, request for production, or request for admission – must supplement or correct its disclosure or response . . .

in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing

INSTRUCTIONS

A. These requests are to be considered continuing, and supplemental responses must be produced by You upon discovering or becoming aware of information rendering prior answers, production or any part thereof inaccurate, incomplete or untrue.

B. If You contend that any request seeks information which is privileged, please so state, and for any such request where the privilege pertains to a document state: (i) its date; (ii) the privilege claimed; (iii) the identity of the person who prepared the document; (iv) the identity of all persons to whom the document was sent or who have otherwise seen the document; (v) the length of the document; (vi) the subject matter of the document; (vii) the nature of the privilege or reason for withholding that You contend applies; (viii) the factual basis for Your assertion of privilege or the reason for withholding; (ix) the name, title and address of the document's present custodian.

C. Whenever necessary to bring within the scope of a request any information, document or subject matter which might otherwise be deemed non-responsive, the singular form shall be interpreted as including the plural.

D. In the event that any document called for by any request has been destroyed or discarded, such document shall be identified by stating all of the information requested in subparagraphs (iii) through (ix) of Instruction B and, in addition: (i) its date of destruction or discard, manner of destruction or discard and reason for destruction or discard; (ii) the person who authorized and carried out such destruction or discard; (iii) whether any copies of the document presently exist and, if so, the name of the custodian of each copy.

E. If any request requires production of a document that contains discoverable information that can only be seen in electronic form, such document shall be produced in native format (i.e., .doc, .jpg, .xls, .pdf) along with all prior versions and metadata preserved in addition to any printed copies of such document.

F. If any request cannot be complied with in full, it shall be complied with to the extent possible, and an explanation shall be given as to why full compliance is not possible.

REQUESTS

1. All documents concerning or contradicting any damages claimed by You in this Action.
2. All documents concerning any revenue received by You from 2004 to the present, including but not limited to any tax returns filed by You.
3. All of Your accounting records from 2004 to the present.
4. All documents concerning or contradicting the “irreparable damages to [Your] personal and professional reputation, injuries and profound mental anguish and anxiety” alleged in paragraph 75 of Your Counterclaims.

5. All medical records concerning or contradicting any damages You claim to have suffered as a result of the allegations made in Your Counterclaims.

6. All employment agreements between You and any hospital or other medical practice You have been affiliated with from 2004 until the present.

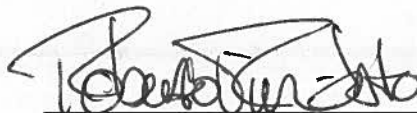
7. All communications between You and any of Your actual or potential patients concerning Your Board Certification status in Internal Medicine from 2009 to present.

8. All communications between You and any physician concerning your Board Certification status in Internal Medicine from 2009 to present.

9. All documents concerning any actual business relationship You allegedly lost as a result of any of ABIM's actions related to Your Board Certification status.

10. All document concerning any prospective business relationship You allegedly lost as a result of any of ABIM's actions related to Your Board Certification status.

11. All documents concerning the "several study groups" in which You participated while taking the ABR course, as alleged in paragraph 38 of Your Counterclaims, including all communications between You and any members of such study groups.



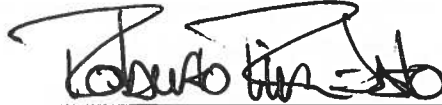
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*Attorneys for Plaintiff
American Board of Internal Medicine*

DATED: May 9, 2016

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing notice of deposition of defendant Jaime A. Salas Rushford, M.D., with request for production of documents, to be served electronically on defendant's counsel via the email address contained in the Court's CM/ECF system.



Roberto A. Rivera-Soto

DATED: May 9, 2016