

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LOIS SCHOFIELD,	:	
	:	
Plaintiff,	:	CIVIL ACTION FILE
	:	
v.	:	NO. 1:13-CV-03340-SCJ
	:	
ATLANTA WOMEN’S CENTER, INC.,	:	
	:	
Defendant.	:	

**SECOND SUPPLEMENTAL TRIAL EXHIBIT LIST OF
DEFENDANT ATLANTA WOMEN’S CENTER, INC.**

Defendant, Atlanta Women’s Center, Inc. (“AWC”), hereby submits its Second Supplemental Exhibit List, with Plaintiff’s Objections thereto, in order to correct citations to certain document identifiers, redact information pursuant to the Court’s Local Civil Rules, and identify one new trial exhibit, Trial Exhibit 66. Specific changes to AWC’s Trial Exhibit List are identified by explanatory footnotes set forth in the table below:

COURT STAMP	No.	DOCUMENT DESCRIPTION	DOCUMENT IDENTIFIER
	1.	Atlanta Women’s Medical Center Nurse Anesthetist (CRNA) Agreement, signed and dated March 18, 2008	Pl. Dep. 4/10/14, Ex. 19; D000056–61

COURT STAMP	No.	DOCUMENT DESCRIPTION	DOCUMENT IDENTIFIER
	2.	Logs of Payments and Paystubs	Pl. Dep. 4/10/14, Ex. 6; P0061-80
	3.	Forms 1099 from Defendant	Pl. Dep. 4/10/14, Ex. 8; P0006, 11-15 & 120; D000318-319 ¹
	4.	Selected Sample of CRNA Pays, 2008-2011	Pl. Dep. 4/10/14, Ex. 7; D000053
	5.	Letter from DS&P Insurance Services, Inc. confirming Medical Malpractice Insurance Coverage, dated March 25, 2014	Pl. Dep. 4/10/14, Ex. 1; P0090
	6.	Premiums Paid to PLIC by Plaintiff	Pl. Dep. 4/10/14, Ex. 2; D000001
	7.	Certificates of Liability Insurance	Pl. Dep. 4/10/14, Ex. 3; D000002-5, 7, 12, 20, 27, 30, 35, 38-39, 43, 46-47
	8.	Forms 1099 from Insurance Companies	Pl. Dep. 4/10/14, Ex. 5; P0018-23
	9.	Forms 1099 from Various Clinics	Pl. Dep. 4/10/14, Ex. 11; P0016-17, 24-25
	10.	Checks from Dunwoody Women's Medical Group, LLC to Plaintiff (redacted)	Pl. Dep. 4/10/14, Ex. 12; P0032-46
	11.	Statements and Invoices from Atlanta Center for Women's Choice	Pl. Dep. 4/10/14, Ex. 13; P0047-51

¹ Plaintiff's 1099's from AWC for the years of 2004 and 2008 are an addition to AWC's Exhibit No. 3. These documents have been bates-labeled D000318-319. AWC notified Plaintiff's counsel of these additions on January 5, 2017 via email.

COURT STAMP	NO.	DOCUMENT DESCRIPTION	DOCUMENT IDENTIFIER
	12.	2014 Forms 1099 from Dunwoody Women's Medical Group and Atlanta Center for Women's Choice, Inc.	Pl. Dep. 8/28/15, Ex. 52; Dunwoody 000005; P0127
	13.	2013 Forms 1099 from Dunwoody Women's Medical Group	Pl. Dep. 8/28/15, Ex. 53; Dunwoody 000006
	14.	2013 Forms 1099 from Summit Medical Associates	P0016
	15.	2012 Forms 1099	Pl. Dep. 8/28/15, Ex. 54; Dunwoody 000007; P0124-126
	16.	2011 Forms 1099 from Dunwoody Women's Medical Group and Blue Cross Blue Shield	Pl. Dep. 8/28/15, Ex. 55; Dunwoody 000008; P0123
	17.	2007-2010 Forms 1099 from Dunwoody Women's Medical Group	Dunwoody 000009-12
	18.	2005 & 2008 Forms 1099 from Atlanta Surgi Center, Inc. and Dunwoody Women's Medical Group	P0024-25
	19.	Nurse Anesthetist Allied Healthcare Provider Contract, dated February 8, 2014	Pl. Dep. 8/28/15, Ex. 47; Atlanta Center for Women's Choice 000010-14
	20.	Independent Contractor Agreement with Summit Medical Associates, P.C. with Summit Medical Associates, P.C., dated April 13, 2013	Pl. Dep. 8/28/15, Ex. 48; Summit 000151-157
	21.	Nurse Anesthetist Allied Healthcare Provider Contract, dated February 13, 2014	Pl. Dep. 8/28/15, Ex. 49; Summit 000021-27

COURT STAMP	NO.	DOCUMENT DESCRIPTION	DOCUMENT IDENTIFIER
	22.	Nurse Anesthetist Agreement with Summit Medical Associates, P.C., dated October 14, 2006	Pl. Dep. 8/28/15, Ex. 50; Summit 000071-76
	23.	Nurse Anesthetist Allied Healthcare Provider Contract, signed and dated February 8, 2014	Pl. Dep. 4/10/14, Ex. 10; P0091-95
	24.	Correspondence and Photographs	Pl. Dep. 8/28/15, Ex. 24; P0112-114
	25.	Correspondence and Photographs (redacted)	Pl. Dep. 8/28/15, Ex. 29; P0115-118
	26.	Letter to OSHA and Georgia Department of Human Resources	D000075-82
	27.	Internal Revenue Service Form 4506 - Request for Copy of Tax Return, signed by Plaintiff on April 18, 2014	
	28.	Internal Revenue Service Form 13873-I – IMF RAIVS Reject Checklist, dated May 6, 2014	
	29.	Internal Revenue Service Form 4506 - Request for Copy of Tax Return, signed by Plaintiff on May 6, 2014	
	30.	CRNA Scope of Practice, issued by American Association of Nurse Anesthetists	Pl. Dep. 4/10/14, Ex. 4
	31.	Original Form used by Defendant	Pl. Dep. 4/10/14, Ex. 14
	32.	Form created by Plaintiff for Defendant	Pl. Dep. 4/10/14, Ex. 15
	33.	GasWork.com Job Posting	Pl. Dep. 8/28/15, Ex. 30; P0083–89
	34.	Resume of Kathy L. Davison, CRNA, MS (personal contact information redacted)	P0191-193

COURT STAMP	NO.	DOCUMENT DESCRIPTION	DOCUMENT IDENTIFIER
	35.	Email exchange dated March 9, 2011 regarding CRNAs	D000219
	36.	Letter from Susan Cohen to Plaintiff enclosing a check, dated June 7, 2011 (redacted) ²	Pl. Dep. 8/28/15, Ex. 32; P0135-136
	37.	Resurgens Orthopaedics Certificate of Work Status, dated June 9, 2011	Pl. Dep. 8/28/15, Ex. 33; P0180
	38.	Phone Note dated June 18, 2011	D000095
	39.	Agreement Letter from Susan Cohen to Plaintiff, dated June 28, 2011 (redacted)	Pl. Dep. 8/28/15, Ex. 34; P0137-138
	40.	Email from Susan E. Cohen to Jen Carlson; Kate Paden	D000179
	41.	Email exchange dated December 1, 2008 through December 5, 2008	D000214-215
	42.	1099 Detail for CRNAs for January, 2011 through September, 2015	Confidential D000241-250
	43.	Physician Advanced Practice Clinician Applicants and curricula vitae for CRNAs	Confidential D000251-317

² The proposed settlement amount in AWC's Trial Exhibit 36 has been redacted.

COURT STAMP	NO.	DOCUMENT DESCRIPTION	DOCUMENT IDENTIFIER
	44.	Saint Joseph's Hospital Operative Report, dated March 30, 2011	Pl. Dep. 8/28/15, Ex. 36; P0169-171
	45.	Resurgens Orthopaedics Accident Report	Pl. Dep. 8/28/15, Ex. 27; Resurgens 000112-113
	46.	Chastain Resurgens Orthopaedics Medical Report for May 10, 2011 Encounter	Pl. Dep. 8/28/15, Ex. 37; P0153
	47.	Chastain Resurgens Orthopaedics Medical Report for February 1, 2013 Encounter	Pl. Dep. 8/28/15, Ex. 40; P0148-150
	48.	Resurgens Orthopaedics History of Present Illness/ Injury, dated February 1, 2013	Pl. Dep. 8/28/15, Ex. 41; Resurgens 000031-32
	49.	Resurgens Orthopaedics Medical Report for February 26, 2013 Encounter	Pl. Dep. 8/28/15, Ex. 42; Resurgens 000007-8
	50.	Chastain Resurgens Orthopaedics Medical Record for May 17, 2013 Encounter	Pl. Dep. 8/28/15, Ex. 21; P0145
	51.	Chastain Resurgens Orthopaedics Medical Report for May 17, 2013 Encounter	Pl. Dep. 8/28/15, Ex. 46; P0144-145
	52.	Chastain Resurgens Orthopaedics Medical Report for September 3, 2013 Encounter	Pl. Dep. 8/28/15, Ex. 44; P0142-143
	53.	Resurgens Orthopaedics History of Present Illness/ Injury, dated September 3, 2013	Pl. Dep. 8/28/15, Ex. 45; Resurgens 000027-28

COURT STAMP	NO.	DOCUMENT DESCRIPTION	DOCUMENT IDENTIFIER
	54.	Resurgens Orthopaedics Patient Intake Form, dated September 8, 2008	Pl. Dep. 8/28/15, Ex. 26; Resurgens 000122–123
	55.	Medical Record	Pl. Dep. 8/28/15, Ex. 28; Resurgens 000149
	56.	Resurgens Orthopaedics Medical Record, dated August 8, 2009	Pl. Dep. 8/28/15, Ex. 51; Resurgens 000037
	57.	Chastain Resurgens Orthopaedics Medical Report for September 22, 2009 Encounter	Pl. Dep. 8/28/15, Ex. 35; P0155–156
	58.	Plaintiff's Response to Defendant's First Set of Interrogatories, dated July 12, 2015	
	59.	Plaintiff's Response to Defendant's First Set of Requests for Production of Documents, dated April 7, 2014	
	60.	Plaintiff's Supplemental Response to Defendant's First Set of Requests for Production of Documents, dated June 1, 2015	
	61.	Plaintiff's Response to Defendant's Second Set of Requests for Production of Documents, dated July 12, 2015	
	62.	Plaintiff's Tax Returns (to be provided by Plaintiff)	

COURT STAMP	No.	DOCUMENT DESCRIPTION	DOCUMENT IDENTIFIER
	63.	Deposition Transcript of Lois Schofield, Volume 1, taken April 10, 2014	
	64.	Deposition Transcript of Lois Schofield, Volume 2, taken August 28, 2015	
	65.	Internal Revenue Service Form 13873-I – IMF RAIVS Reject Checklist, dated August 5, 2014	
	66.	U.S. Equal Employment Opportunity Commission Dismissal and Notice of Rights, dated December 2, 2011 ³	EEOC 0049-50

³ On January 5, 2017, the Court denied AWC’s Motion *in Limine* to Preclude Plaintiff from Offering any Testimony or Other Evidence Concerning the EEOC’s Letter of Determination Dated May 6, 2013. (ECF No. 103.) Accordingly, the Court will permit the EEOC’s determination “as to age discrimination” at trial “upon proper foundation and redaction to exclude any language about [Plaintiff’s dismissed] Americans with Disabilities (ADA) claim.” (*Id.*, p. 6.) Consistent with the Court’s January 5th Order, AWC may use Trial Exhibit 66, which is the EEOC’s Dismissal and Notice of Rights upon finding lack of jurisdiction because of independent contractor status, in its defense of Plaintiff’s age discrimination claim. Because Trial Exhibit 66 was not previously disclosed in the parties’ Proposed Pretrial Order (ECF No. 73) or AWC’s Supplemental Exhibit List (ECF No. 85) (although it was produced during discovery), AWC files the instant Second Supplemental Exhibit List to amend its prior disclosures.

COURT STAMP	No.	DOCUMENT DESCRIPTION	DOCUMENT IDENTIFIER
	67.	Notices of Federal Tax Liens ⁴	IRS 000001-02

⁴ AWC adds Trial Exhibit 67, which are two Notices of Federal Tax Liens entered against Plaintiff, because they are relevant to, *inter alia*, the issue of Plaintiff's independent contractor status (*i.e.* it shows that Plaintiff was solely responsible for reporting her income at AWC, and she failed to do so). AWC respectfully refers the Court to its substantive arguments in its Response in Opposition to Plaintiff's Motion *in Limine* to Exclude Evidence Regarding Plaintiff's Personal Taxes. (ECF No. 106.) Because Trial Exhibit 67 was not previously disclosed in the parties' Proposed Pretrial Order (ECF No. 73) or AWC's Supplemental Exhibit List (ECF No. 85), AWC files the instant Second Supplemental Exhibit List to amend its prior disclosures. These documents have been bates-labeled IRS 000001 and IRS 00002. AWC notified Plaintiff's counsel of these additions on January 6, 2017 via email.

Plaintiff's listed Objections to Defendant's Exhibits⁵

Exhibit No.	Objections
5, 6, 7	Documents are irrelevant and cumulative, Plaintiff will stipulate she paid for her own malpractice coverage.
19	The document is immaterial and irrelevant as it is dated 2-8-14, almost 3 years after the action of which the Plaintiff complains
20	Again, the document is dated approximately two years after the Plaintiff was discharged and is thus immaterial to this case.
21	Same objection as for 19 and 20 above
23	Plaintiff objects on the same basis as for 19, 20 and 21 above. The document is immaterial, because it was executed approximately 3 years after the termination of the Plaintiff.
26	Plaintiff objects to this document because it is irrelevant and immaterial to this action, and the document sets forth a matter of public health concern and it would be against public interest to permit a criticism about a matter of public health concerns to be used against the propounder of the statement.
27, 28, 29	These IRS documents relating to Plaintiff's tax filings are irrelevant and immaterial and their prejudice outweighs any probative value in this case.
45	Plaintiff objects because this document is dated 9-3-13,

⁵ AWC hereby reproduces Plaintiff's objections to AWC's Trial Exhibits *in toto* and without any annotations.

	over two years after the Plaintiff was terminated from AWC. It is irrelevant to the present case
47	Plaintiff objects because the incident mentioned in in form apparently occurred in January of 2013 almost two years after Plaintiff's termination. It is too remote to be relevant to this matter.
48	Plaintiff objects on the grounds of materiality and relevance. The form recites an incident where Plaintiff hurt her shoulder in January 2013, long after she was terminated from the AWC, and there is no indication the incident had anything to do with her work.
49	Plaintiff objects because this form relates to the Plaintiff seeking medical attention because of a auto collision which occurred in February of 2013. Again it is irrelevant and immaterial to this case and too remote in time.
50	This document relates directly to the auto collision referenced in Exhibit 48 and is a follow up visit that occurred in May, 2013 and is irrelevant and immaterial to this case since Plaintiff was terminated in June of 2011
51	Plaintiff objects to this document on the same basis as previously. It reflects a follow up visit in May of 2013 and the injury happened as the result of a car wreck. It is irrelevant and immaterial to this action
52	Plaintiff objects to this document which reflects a doctor's visit for knee pain in September of 2013. It is irrelevant to the present case.
53	Plaintiff objects on same basis as for exhibit 52. The document reflects a visit in Setember of 2013

AWC reserves the right to use any document necessary for rebuttal or impeachment purposes. AWC also reserves the right to amend this trial exhibit list to include documents produced by Plaintiff after the filing of the parties' proposed Pretrial Order.

/s/ Catherine T. Barbieri

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Dated: January 10, 2017

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ATLANTA DIVISION**

LOIS SCHOFIELD,	:	
Plaintiff,	:	
v.	:	CIVIL ACTION FILE
	:	
ATLANTA WOMEN’S	:	NO. 1:13-CV-03340-SCJ
MEDICAL CENTER, INC.,	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2017, I electronically filed the SUPPLEMENTAL EXHIBIT LIST OF DEFENDANT ATLANTA WOMEN’S CENTER, INC. with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Nicholas G. Dumich, Esq. ndumich@bellsouth.net	George M. Weaver, Esq. gweaver@hw-law.com	John C. Jones, Esq. Jcjones1234@bellsouth.net
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Attorneys for Plaintiff

/s/ Franz Español

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