

SUBPOENA – RESPONSE CHART

CATEGORY	EXAMPLES OF DOCUMENTS	PRODUCE?	BASIS FOR OBJECTION/ MOTION TO QUASH
Medical Documents	Medical-legal reports, treater reports, subpoenaed medical records, correspondence to treating physicians and AMEs, medical bills, bill review documents, Utilization Review documents. (Do not produce letters to QMEs, unless the applicant’s attorney has already been copied.)	Yes	None
Rehabilitation Documents	Rehabilitation reports, job analyses, vocational assessments, letters to counselors and/or consultants, and any correspondence to or from the Rehabilitation Unit. (Do not produce any correspondence from legal counsel or internal memoranda regarding rehabilitation.)	Yes	None
Workers’ Compensation Appeals Board Documents	Correspondence and documents filed with the WCAB, including: pleadings, notices of conferences or hearings, minutes, awards, settlement documents, findings, orders, stipulations, and liens; correspondence from any party to the WCAB; and deposition transcripts.	Yes	None
Records of Benefits Paid	Benefit printouts, Payment History. (Note: redact expenses, including legal expenses)	Yes	None

Documents Relating to Communications with Your Attorneys	Correspondence, memoranda, phone messages, notes regarding discussions, email messages, any other written documents relating to confidential communication between the insurance carrier/administrator and its attorneys, and attorney’s legal billings.	No	Attorney-Client Privilege
Investigation Reports and Materials	Investigation reports, (including employer’s investigation), correspondence to or from investigators, notes of discussions with investigators, surveillance reports, videos, photographic materials, and index reports.	Depends on facts of each case; production is usually required after deposition, or no later than MSC. Produce transcribed statement of applicant, not investigative summaries, unless ordered to do so.	Work product doctrine should apply to documents obtained by, or at request of, an attorney in anticipation of litigation. Includes investigation undertaken by employer and claims examiner before assigning defense counsel.
Documents Relating to Reserves and Internal Communications within the Insurance Company/Administrator/ Risk Management or Claims Department of Employer	Examiner’s worksheets, and documents regarding reserves/changes in reserves; internal communications, including: telephone messages; notes regarding telephone discussions, internal memoranda, diary entries, file notes, claim notes and any other documents produced internally.	No	These documents are proprietary in nature and are protected from disclosure by various constitutional, statutory, and case law guarantees regarding the right to privacy. Further, these documents are protected by the work product doctrine.
Other “General” Correspondence	Correspondence not otherwise covered above, including benefit notices.	Yes, assuming not covered above.	None

Note: This chart is intended only as a general guideline. For questions and further information, contact us at **LFLM.com**.