



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
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By: SUBODH CHANDRA 0069233

Confirmation Nbr. 624362

SIMPSON HUGGINS III

CV 15 856035

vs.

THE METROHEALTH SYSTEM

Judge:

MICHAEL ASTRAB

Pages Filed: 32

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OH

<p>Simpson Huggins III 4849 Donovan Street Cleveland, OH 44125,</p> <p>Plaintiff,</p> <p>vs.</p> <p>The MetroHealth System 2500 MetroHealth Drive Cleveland, OH 44109,</p> <p>Defendant.</p>	<p>Case No.</p> <p>Judge</p>
<p>COMPLAINT WITH JURY DEMAND</p>	

Nature of action

1. This is an action to recover for retaliation under Ohio's Whistleblower Statute, R.C. 4113.52. Plaintiff Simpson Huggins III was retaliated against for reporting crimes he discovered while performing his duties as Director of Internal Audit for The MetroHealth System. After reporting these crimes to the Audit Committee of the Board of Trustees—including theft of Botox injections and other services from MetroHealth's Pepper Pike Dermatology Clinic for use by senior executives and irregularities with CEO Akram Boutros's travel expenses and other reimbursements—Mr. Huggins was placed on unpaid administrative leave in retaliation for looking at records he “had no business looking at” and “overstepping his bounds” as an employee (to quote MetroHealth General Counsel Michael D.

Phillips). Rather than address the issues Mr. Huggins raised, MetroHealth chose to come after Mr. Huggins. Such actions violate Ohio law.

Parties

2. Plaintiff Simpson Huggins III is the Director of Internal Audit for The MetroHealth System. He resides in Cuyahoga County.

3. Defendant MetroHealth System is a county hospital located in Cuyahoga County. MetroHealth employees are public employees paid by the county and subject to Ohio ethics laws.

Jurisdiction and venue

4. The Court has jurisdiction because the suit concerns state-law violations and the amount in controversy exceeds \$25,000.

5. The Court has personal jurisdiction over The MetroHealth System.

6. Venue is proper here because the parties are located in this county and the events at issue took place here.

Facts

Simpson Huggins becomes Director of Internal Audit.

7. MetroHealth hired Mr. Huggins on approximately June 25, 2012 as an audit manager.

8. In approximately March or April of 2013, the Director of Internal Audit resigned. MetroHealth put Mr. Huggins in that position on an interim basis.

9. On approximately July 22, 2013, MetroHealth made Mr. Huggins the full-time Director of Internal Audit.

10. The Director of Internal Audit is responsible for a variety of duties including performing an annual financial internal-reporting control audit. The internal-audit department conducts these preliminary tests as part of preparing for the state auditors to come in and conduct their review. Within each control testing there are 10–20 individual steps that add up to that control. Part of the analysis involves reviewing accounts payable for justification as to why expenses are being reimbursed.

11. Another aspect of the Director of Internal Audit's duties is to report to MetroHealth's Audit Committee at quarterly meetings. Mr. Huggins has been reporting at these quarterly meeting since July 2013.

12. Mr. Huggins reports on an administrative basis to Chief Financial Officer Craig Richmond. Mr. Huggins reports functionally to the Board of Trustees.

Mr. Huggins uncovers felony theft crimes including receipt of free Botox injections and other services by certain senior MetroHealth employees and use of public funds to pay for lavish personal travel for the CEO.

13. As part of conducting his internal audit, Mr. Huggins uncovered a variety of improper activity and practices that constitute felony theft.

14. One of the subjects of Mr. Huggins's audit was possible fraud and theft at the MetroHealth Pepper Pike Dermatology Clinic. His audit revealed that two vice presidents and at least one employee's relative accepted free Botox injections and other services at the MetroHealth Pepper Pike Dermatology Clinic.¹

¹ Mr. Huggins knows the names of the individuals who accepted these free services. And the documentation supporting his audit (which, as described below, MetroHealth confiscated) includes their names as well. Mr. Huggins is not identifying them in this pleading due to medical-privacy concerns.

15. MetroHealth employees administered the free treatments. These employees failed to comply with proper procedures regarding recording lot numbers and expiration dates for the Botox that was administered.
16. The customary charge for or value of a single Botox treatment at the MetroHealth Pepper Pike Dermatology Clinic is at least \$729.
17. Theft of property or services valued at more than \$1,000 is a felony.
18. Botox is a dangerous drug under Ohio law.
19. Theft of a dangerous drug is a felony.
20. Mr. Huggins's audit also revealed improper expenses including evidently personal (non-business) travel expenses paid on behalf of Chief Executive Officer Akram Boutros and his wife including trips to London, New York, Venice, and Abu Dhabi. These expenditures exceeded \$1000 each.
21. Mr. Huggins's audit further revealed improper procedures regarding corporate credit-card usage and failure to enforce the written policies regarding submission of receipts to justify and document expenses.
22. Audit reports typically include one of the following ratings: Commendable, Satisfactory, Needs Improvement, Needs Significant Improvement, or Unsatisfactory.
23. Chief Financial Officer Craig Richmond instructed Mr. Huggins not to show any report ratings in his presentation to the Audit Committee.
24. Mr. Richmond also instructed Mr. Huggins to withhold any Executive Summaries for audit reports and not to present the findings in Open Forum.

25. Mr. Richmond further instructed Mr. Huggins to present the observations, findings, and recommendations only in Executive Session.

Mr. Huggins blows the whistle on criminal activity.

26. On December 15, 2015, Mr. Huggins delivered a presentation to the Audit Committee in which he detailed a variety of concerns. Paramount in his report was his discovery regarding the Botox theft at the Pepper Pike Dermatology Clinic. He also covered improper payment of personal travel expenses for Dr. Boutros.

27. During the Audit Committee meeting on December 15, 2015, Auditor Bryan Licht, at Mr. Huggins's direction, sent a copy of the written audit report regarding the Botox and improper Boutros expenditures to Craig Richmond (Chief Financial Officer), Dan Lewis (Chief Operating Officer), Alfred Conners (Chief Quality Officer), Abel Torres (Executive Director and Chairman for Dermatology), and Brendan Patterson (Clinical Service Line Leader for Dermatology).

28. Mr. Huggins exercised due diligence and reasonable care in investigating the violations he raised in his presentation at the Audit Committee meeting and in his written audit report.

The retaliation begins while Mr. Huggins is in the midst of reporting his findings to the Audit Committee.

29. During Mr. Huggins's report to the Audit Committee, MetroHealth General Counsel Michael D. Phillips left the meeting room. Moments later, Mr. Huggins's email and system-network access was terminated.

30. Mr. Huggins typically participates in the Finance Committee meeting that follows the Audit Committee meeting.

31. At Audit Committee meeting's conclusion on December 15, 2015, Mr. Huggins was preparing to participate in the Finance Committee meeting when Chief Financial Officer Craig Richmond told Mr. Huggins that he should not participate in the Finance meeting. Mr. Huggins, initially misunderstanding because he is a regular participant in the Finance Committee meeting, assured Mr. Richmond that he would stay and that staying was not a problem. Mr. Richmond repeated several times that Mr. Huggins should not participate and that he should "just go ahead and leave."

32. Mr. Huggins followed Mr. Richmond's unusual instruction and left the meeting area.

Human Resources, the General Counsel, and a hospital detective escort Mr. Huggins to the legal department, hassle him about his audit, and place him on unpaid administrative leave.

33. After leaving the meeting area, Vice President of Human Resources Deb Warman, General Counsel Michael D. Phillips, and a hospital detective confronted Mr. Huggins in the hallway outside the boardroom. They asked Mr. Huggins to come with them to a conference room in the legal office. Mr. Huggins complied with that instruction.

34. During the meeting in the conference room in the legal office, Ms. Warman told Mr. Huggins that there had been a complaint about his work.

35. Mr. Phillips complained that Mr. Huggins was looking at records that he "had no business looking at" and "overstepping his bounds" as an employee.

36. Mr. Phillips asked Mr. Huggins questions about why he was accessing certain records about Dr. Boutros's expenses and making copies of certain files regarding those expenditures.

37. In Mr. Huggins's capacity as an auditor, he reviews financial things like expenses processed through accounts payable. Mr. Huggins explained that, under the Internal Audit Charter, the Audit Committee of the MetroHealth Board of Trustees has granted permission for his department to review all documents and records, both personal and property, within the system.

38. Mr. Phillips asked Mr. Huggins why he used a flash drive to store files when he had remote access.

39. Mr. Huggins explained that he used a flash drive because he had both a desktop and a laptop computer and the flash drive allowed him to easily transition between the two.

40. Mr. Phillips asked Mr. Huggins if he was aware of any illegal activity that Mr. Phillips should be made aware of.

41. In response, Mr. Huggins reiterated his earlier reports and also referenced Mr. Phillips's practice of signing the invoices to approve payment to his own private law firm.

42. Mr. Phillips told Mr. Huggins that he was being placed on administrative leave pending an "investigation."

43. Ms. Warman informed Mr. Huggins that the administrative leave would be unpaid.

44. Mr. Huggins asked Ms. Warman if he would use personal time off (PTO) during the leave (as he was aware other employees had been permitted to do). The head of Human Resources said that she did not know if Mr. Huggins could use PTO for this purpose.

45. At the meeting's conclusion, Ms. Warman confiscated Mr. Huggins's keys to his office and desk, his hospital ID, his silver SanDisk Cruzer flash drive, and the materials from the audit meeting that Mr. Huggins had in his possession.

46. Before being escorted off of hospital property, Mr. Huggins was not permitted to retrieve personal items from his office.

**Claim 1:
Whistleblower Retaliation under R.C. 4113.52(B)**

47. Plaintiff incorporates all previous allegations.

48. In the course of Mr. Huggins's employment, he became aware of crimes that MetroHealth had the authority to correct.

49. In the course of Mr. Huggins's employment, he became aware of violations of state law by fellow employees.

50. Mr. Huggins made reasonable and good-faith efforts to determine the accuracy of the information he reported.

51. Mr. Huggins reasonably believed that the conduct he identified during the Audit Committee meeting and in his audit report regarding the theft of Botox was a felony.

52. Mr. Huggins reasonably believed that the conduct he identified during the Audit Committee meeting and in his audit report regarding Dr. Boutros—a public employee—accepting payment for personal travel expenses was a felony.

53. On December 15, 2015, Mr. Huggins gave a presentation to the Audit Committee of the Board of Trustees in which he notified responsible officers of the violations.

54. Mr. Huggins's oral report at the Audit Committee meeting satisfied the oral-report requirements of R.C. 4113.52(A)(1)(a).

55. Mr. Huggins's oral report at the Audit Committee meeting satisfied the oral-report requirements of R.C. 4113.52(A)(3).

56. Mr. Huggins also sent a written a written report providing sufficient detail to identify and describe the violations to the following responsible officers: Craig Richmond (Chief Financial Officer); Dan Lewis (Chief Operating Officer); Al Conners (Chief Quality Officer); Abel Torres (Executive Director and Chairman for Dermatology); and Brendan Patterson (Clinical Service Line Leader for the group over Dermatology).

57. Mr. Huggins's written audit report satisfied the written-report requirements of R.C. 4113.52(A)(1)(a).

58. Mr. Huggins's written audit report satisfied the written-report requirements of R.C. 4113.52(A)(3).

59. Rather than make a good-faith effort to correct the violations Mr. Huggins reported, MetroHealth placed him on unpaid administrative leave.

60. Mr. Huggins was not permitted to use PTO during his administrative leave.
61. MetroHealth retaliated against Mr. Huggins because he reported criminal activity.
62. As a direct and proximate result of MetroHealth's illegal actions, Mr. Huggins has suffered economic and non-economic damages in an amount to be determined at trial.
63. Mr. Huggins is entitled to punitive damages based on MetroHealth's intentional and malicious acts.

Prayer for relief

For the reasons state above, Plaintiff respectfully requests the following relief from the Court:

- A. Declare that Defendants' acts and conduct constitute violations of Ohio law;
- B. Enter judgment in Plaintiff's favor as to all claims for relief;
- C. Award Plaintiff full compensatory damages, economic and non-economic, including, but not limited to, back pay, front pay, damages for pain and suffering, mental anguish, emotional distress, humiliation, and inconvenience that Plaintiff has suffered and is reasonably certain to suffer in the future;
- D. Award Plaintiff punitive damages for intentional and malicious violations of Ohio law;
- E. Award pre-judgment and post-judgment interest at the highest lawful rate;
- F. Award Plaintiff his reasonable attorneys' fees (including expert fees) and all other costs of suit;
- G. Order MetroHealth to return Mr. Huggins's personal property;
- H. Award all other relief in law or equity to which Plaintiff is entitled and that the Court deems equitable, just, or proper.

Jury demand

Plaintiff demands a trial by jury on all issues within this Complaint.

Dated: December 21, 2015

Respectfully submitted,

/s/Subodh Chandra

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*Attorneys for Plaintiff Simpson Huggins
III*

Request for Service

To the clerk:

Please issue the Summons and Complaint and serve the Complaint and accompanying discovery requests at the addresses listed above, making return according to law.

/s/Subodh Chandra

One of the attorneys for Plaintiff Simpson Huggins III

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OH

<p>Simpson Huggins III</p> <p>Plaintiff,</p> <p>vs.</p> <p>The MetroHealth System</p> <p>Defendant.</p>	<p>Case No.</p> <p>Judge</p>
<p>PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSION DIRECTED TO DEFENDANT THE METROHEALTH SYSTEM UNDER OHIO CIV.R. 36</p>	

Under Ohio Rule of Civil Procedure 36, Plaintiff requests that Defendant respond to Plaintiff's First Set of Requests for Admission within **28 days** of service. These requests are to be answered completely and fully, in writing, and under oath.

If timely responses are not received, the requests will be admitted consistent with Civ.R. 36.

INSTRUCTIONS

- A. Definitions. In answering each request, use the following definitions:
1. The word "MetroHealth" refers to Defendant The MetroHealth System.
 2. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside its scope.
 3. "Any" includes the word "all," and "all" includes the word "any."

B. These requests for admission shall be deemed continuing in nature and are to be supplemented as additional information pertinent to any request is obtained, including, but not limited to, additional information that adds to a previous response, corrects a previous response, and/or clarifies a previous response.

C. If objection is made, the reasons for your objection shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify your answer, or deny only a part of the matter of which an admission is requested, you shall specify so much of it as is true and qualify or deny the remainder. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made reasonable inquiry and that the information known or readily obtainable by you is insufficient to enable you to admit or deny. If you consider that a matter of which an admission has been requested presents a genuine issue for trial, you may not, on that ground alone, object to the request; you may, subject to the provisions of Civ.R. 37(C), deny the matter or set forth reasons why you cannot admit or deny it.

REQUESTS FOR ADMISSION

1. Admit that Simpson Huggins as of December 15, 2015 was the Director of Internal Audit for MetroHealth.

RESPONSE:

2. Admit that in December 2015, MetroHealth General Counsel Michael D. Phillips told Simpson Huggins that he had “no business looking at” records regarding expenditures for MetroHealth Chief Executive Officer Akram Boutros.

RESPONSE:

3. Admit that in December 2015, MetroHealth General Counsel Michael D. Phillips told Simpson Huggins that he had “overstepped his bounds” regarding his audit of expenditures for MetroHealth Chief Executive Officer Akram Boutros.

RESPONSE:

4. Admit that on December 15, 2015, MetroHealth placed Simpson Huggins on unpaid administrative leave.

RESPONSE:

5. Admit that MetroHealth promoted Simpson Huggins to the position of Director of Internal Audit on approximately July 22, 2013.

RESPONSE:

6. Admit that one of Simpson Huggins’s duties as the Director of Internal Audit is performing an annual financial internal reporting control audit.

RESPONSE:

7. Admit that one of Simpson Huggins’s duties as the Director of Internal Audit is reporting to the Audit Committee of the Board of Trustees regarding the results of his auditing activity.

RESPONSE:

8. Admit that on December 15, 2015, Simpson Huggins made a presentation to the Audit Committee of the Board of Trustees.

RESPONSE:

9. Admit that on December 15, 2015, Simpson Huggins reported to Michael Phillips, Dan Lewis, Alfred Connors, Craig Richmond, Abel Torres, Brendan Patterson, and Mary Legerski that he had uncovered theft at the MetroHealth Pepper Pike Dermatology Clinic.

RESPONSE:

10. Admit that on December 15, 2015, Simpson Huggins reported to Michael Phillips, Dan Lewis, Alfred Connors, Craig Richmond, Abel Torres, Brendan Patterson, and Mary Legerski that he had uncovered theft at the MetroHealth Pepper Pike Dermatology Clinic, including the fact that two MetroHealth vice presidents had received free Botox injections.

RESPONSE:

11. Admit that on December 15, 2015, Simpson Huggins reported to Michael Phillips, Dan Lewis, Alfred Connors, Craig Richmond, Abel Torres, Brendan Patterson, and Mary Legerski that he had uncovered theft at the MetroHealth Pepper Pike Dermatology Clinic, including the fact that a relative of a MetroHealth resident had received free Botox injections.

RESPONSE:

12. Admit that on December 15, 2015, Simpson Huggins reported to Michael Phillips, Dan Lewis, Alfred Connors, Craig Richmond, Abel Torres, Brendan Patterson, and Mary Legerski and that he had uncovered theft at the MetroHealth Pepper Pike Dermatology Clinic, including the fact that the MetroHealth employee administering free Botox injections had failed to record the lot number and expiration dates for the vials used.

RESPONSE:

13. Admit that the standard charge for a single Botox treatment at MetroHealth Pepper Pike Dermatology Clinic is approximately \$729.

RESPONSE:

14. Admit that theft of property or services valued at more than \$1,000 is a felony.

RESPONSE:

15. Admit that Botox is a “dangerous drug” as that term is used in Ohio’s theft statute, R.C. 2913.02.

RESPONSE:

16. Admit that theft of a “dangerous drug” (as that term is used in Ohio’s theft statute, R.C. 2913.02) could be considered a felony.

RESPONSE:

17. Admit that Dr. Boutros's knowing receipt of public hospital funds to pay for personal travel expenses could be considered a felony.

RESPONSE:

18. Admit that during Simpson Huggins's presentation to the Audit Committee of the Board of Trustees on December 15, 2015, Simpson Huggins reported that he had uncovered improper controls by MetroHealth executives.

RESPONSE:

19. Admit that during Simpson Huggins's presentation to the Audit Committee of the Board of Trustees on December 15, 2015, Simpson Huggins reported that he had uncovered improper procedures regarding corporate credit-card usage.

RESPONSE:

20. Admit that during Simpson Huggins's presentation to the Audit Committee of the Board of Trustees on December 15, 2015, Simpson Huggins reported that he had uncovered failure to enforce written policies regarding submission of receipts to justify and document expenses.

RESPONSE:

21. Admit that on December 15, 2015, Bryan Licht, at Simpson Huggins's direction, emailed a copy of Mr. Huggins's written audit report regarding Botox theft and improper expenditures on behalf of Dr. Boutros to Craig Richmond, Dan Lewis, Al Conners, Abel Torres, and Brendan Patterson.

RESPONSE:

22. Admit that Simpson Huggins exercised due diligence and reasonable care in investigating the violations he raised in his presentation at the Audit Committee meeting on December 15, 2015 and in his written audit report provided that same day.

RESPONSE:

23. Admit that during the Audit Committee meeting on December 15, 2015, MetroHealth terminated Simpson Huggins's email access.

RESPONSE:

24. Admit that during the course of his employment with MetroHealth, Simpson Huggins typically attended the Finance Committee meeting that follows the Audit Committee meeting.

RESPONSE:

25. Admit that on December 15, 2015, Chief Financial Officer Craig Richmond repeatedly told Simpson Huggins that he should not participate in the Finance Committee meeting that day.

RESPONSE:

26. Admit that following the Audit Committee meeting on December 15, 2015, Chief Financial Officer Craig Richmond told Simpson Huggins that he should “just go ahead and leave” and not participate in the Finance Committee meeting that day.

RESPONSE:

27. Admit that following the Audit Committee meeting on December 15, 2015, Vice President for Human Resources Deb Warman and General Counsel Michael Phillips met with Simpson Huggins.

RESPONSE:

28. Admit that during the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, Mr. Phillips questioned Mr. Huggins about why he was accessing certain records.

RESPONSE:

29. Admit that during the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, Mr. Phillips questioned Mr. Huggins about why he was copying certain files.

RESPONSE:

30. Admit that during the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, Mr. Phillips questioned Mr. Huggins about why he was using a flash drive.

RESPONSE:

31. Admit that during the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, Mr. Phillips and/or Ms. Warman confiscated Mr. Huggins's flash drive.

RESPONSE:

32. Admit that during the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, Mr. Phillips and/or Ms. Warman confiscated Mr. Huggins's hospital identification card.

RESPONSE:

33. Admit that during the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, Mr. Phillips and/or Ms. Warman confiscated Mr. Huggins's keys to his office filing cabinet.

RESPONSE:

34. Admit that during the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, Mr. Phillips and/or Ms. Warman confiscated documents Mr. Huggins had received during the Audit Committee meeting.

RESPONSE:

35. Admit that during the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, Mr. Phillips asked Mr. Huggins if there was any illegal activity of which Mr. Phillips should be aware.

RESPONSE:

36. Admit that during the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, in response to Mr. Phillips's question about whether there was any illegal activity of which he should be aware, Mr. Huggins responded by referencing the Botox theft and Mr. Phillips's practice of signing the invoices to approve payment to his own law firm.

RESPONSE:

37. Admit that during the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, Mr. Phillips and/or Ms. Warman told Mr. Huggins that he was being placed on unpaid administrative leave.

RESPONSE:

38. Admit that on December 15, 2015, MetroHealth placed Simpson Huggins on unpaid administrative leave.

RESPONSE:

39. Admit that following the meeting with Simpson Huggins, Deb Warman, and Michael Phillips on December 15, 2015, Mr. Huggins was escorted from the building without being permitted to retrieve his personal items from his office.

RESPONSE:

40. Admit that Simpson Huggins conducted internal audits at MetroHealth in the course of his employment.

RESPONSE:

41. Admit that during the course of Simpson Huggins's employment, he became aware of crimes that MetroHealth had the authority to correct.

RESPONSE:

42. Admit that during the course of Simpson Huggins's employment, he became aware of violations by state law by fellow employees.

RESPONSE:

43. Admit that Simpson Huggins made reasonable and good-faith efforts to determine the accuracy of the information that he reported to MetroHealth on December 15, 2015.

RESPONSE:

44. Admit that it was reasonable for Simpson Huggins to believe that the theft of Botox and other services from the MetroHealth Pepper Pike Dermatology Clinic was a felony.

RESPONSE:

45. Admit that it was reasonable for Simpson Huggins to believe that the use of public hospital funds to pay for Dr. Boutros's personal travel expenses was a felony.

RESPONSE:

46. Admit that on December 15, 2015, Simpson Huggins orally notified responsible officers at MetroHealth of potential felony criminal activity.

RESPONSE:

47. Admit that Simpson Huggins's presentation to the Audit Committee on December 15, 2015 satisfied the oral-report requirements of R.C. 4113.52(A)(1)(a).

RESPONSE:

48. Admit that Simpson Huggins's presentation to the Audit Committee on December 15, 2015 satisfied the oral-report requirements of R.C. 4113.52(A)(3).

RESPONSE:

49. Admit that Simpson Huggins's written audit report transmitted on December 15, 2015 satisfied the written-report requirements of R.C. 4113.52(A)(1)(a).

RESPONSE:

50. Admit that Simpson Huggins's written audit report transmitted on December 15, 2015 satisfied the written-report requirements of R.C. 4113.52(A)(3).

RESPONSE:

51. Admit that General Counsel Michael D. Phillips is a "responsible officer" of MetroHealth as that term is used in R.C. 4113.52(A)(1)(a) and R.C. 4113.52(A)(3).

RESPONSE:

52. Admit that Chief Operating Officer Dan Lewis is a "responsible officer" of MetroHealth as that term is used in R.C. 4113.52(A)(1)(a) and R.C. 4113.52(A)(3).

RESPONSE:

53. Admit that Chief Quality Officer Alfred Connors is a "responsible officer" of MetroHealth as that term is used in R.C. 4113.52(A)(1)(a) and R.C. 4113.52(A)(3).

RESPONSE:

54. Admit that Chief Financial Officer Craig Richmond is a “responsible officer” of MetroHealth as that term is used in R.C. 4113.52(A)(1)(a) and R.C. 4113.52(A)(3).

RESPONSE:

55. Admit that Executive Director and Chairman for Dermatology Abel Torres is a “responsible officer” of MetroHealth as that term is used in R.C. 4113.52(A)(1)(a) and R.C. 4113.52(A)(3).

RESPONSE:

56. Admit that Clinical Services Line Leader Brendan Patterson is a “responsible officer” of MetroHealth as that term is used in R.C. 4113.52(A)(1)(a) and R.C. 4113.52(A)(3).

RESPONSE:

57. Admit that Chief Compliance Officer Mary Legerski is a “responsible officer” of MetroHealth as that term is used in R.C. 4113.52(A)(1)(a) and R.C. 4113.52(A)(3).

RESPONSE:

58. Admit that Simpson Huggins’s written audit report on December 15, 2015 provided sufficient detail to identify and describe the potential felony criminal activity he had uncovered during his audit.

RESPONSE:

59. Admit that MetroHealth retaliated against Simpson Huggins because he reported felony criminal activity.

RESPONSE:

60. Admit that MetroHealth did not notify Simpson Huggins, in writing, of any effort of MetroHealth to correct the violations he had reported.

RESPONSE:

December 21, 2015

Respectfully submitted,

/s/ Subodh Chandra
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*Counsel for Plaintiff Simpson Huggins
III*

Certificate of Service

I certify that the above discovery requests were submitted to the Clerk's Office to be served with the Summons and Complaint.

/s/ Subodh Chandra
One of the attorneys for Plaintiff Simpson Huggins III

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OH

<p>Simpson Huggins III</p> <p>Plaintiff,</p> <p>vs.</p> <p>The MetroHealth System</p> <p>Defendant.</p>	<p>Case No.</p> <p>Judge</p>
<p>PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT THE METROHEALTH SYSTEM UNDER OHIO CIV.R. 36</p>	

Under Ohio Rule of Civil Procedure 34, Plaintiff requests that Defendant respond to Plaintiff's First Requests for Production of Documents within 28 days of service.

INSTRUCTIONS

A. Definitions. In answering each request, use the following definitions:

1. The words "you" or "MetroHealth" refer to Defendant The MetroHealth System, the party responding to these requests, and/or its agents, employees, attorneys, representatives, and/or assigns.

2. The terms "document," "documents," "record," or "records" mean the original and a copy, regardless of origin or location, of any writing or records of any type or description, whether official or unofficial, including, but not limited to, the original and any copy of any book, pamphlet, periodical, letter, memorandum, telegram, report, record, study, inter- or intra-office communication, handwritten or

other note, working paper, publication, permit, ledger and/or journal, whether general or special, chart, paper, graph, survey, index tape, disk, data sheet, or data-processing card, or any other written, recorded, transcribed, filed, or graphic matter, however produced or reproduced, to which Defendant had access or now has access. "Document" or "documents" also includes any magnetically, mechanically, and/or electronically stored, maintained, and/or recorded data, whether the data consists of words, symbols, numbers, graphs, or other matters, including but not limited to email.

3. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside its scope.

4. "Any" includes the word "all," and "all" includes the word "any."

5. "Regarding" means relating to, concerning, containing, consisting of, referring to, reflecting, supporting, demonstrating, showing, identifying, mentioning, contradicting, prepared in connection with, used in preparation for, pertaining to, having any relationship to, evidencing, constituting evidence of, or being in any way legally, logically, or factually connected with the matter discussed.

B. These requests seek electronic communications not only from work email addresses but also personal email addresses.

C. For each request or part of a request that Defendant refuses to answer on grounds of burdensomeness, state:

1. The number of files and/or documents needed to be searched;

2. The location of such files; and
3. The approximate time it would take to conduct a search for the requested information.

D. These requests for production shall be deemed continuing in nature and Defendant's responses are to be supplemented as additional information or documents pertinent to a request is obtained or created, including, but not limited to, additional information that adds to a previous response, corrects a previous response, and/or clarifies a previous response.

E. Privileges

1. For each request or part of a request that Defendant refuses to answer on grounds of privilege, state:

- a. The specific privilege asserted;
- b. The basis for the privilege; and
- c. The identity of the documents and/or information claimed to be privileged.

F. Information requested is any and all information within the knowledge of Defendant responding to these requests and/or its agents, employees, attorneys, representatives, and/or assigns.

G. Plaintiff requests that, to preserve paper and reduce copying costs, where feasible, documents responsive to the requests below be provided on CD, not in a hard-copy paper format. Plaintiff requests that, with the exceptions noted below, each page of each document be Bates-stamped for identification.

H. Some of these requests are directed to electronically stored information, including emails and word-processing documents stored on Defendant's computers, where practical, responsive information should be produced in native format, not converted to images or printouts. Plaintiff does not require that such documents be produced with Bates-stamps, provided each document has a unique file name. In the event of high costs of production costs (exceeding \$250), Plaintiff requests that Defendant's counsel approach Plaintiff's counsel to confer regarding cost-saving or cost-sharing measures (including narrowing the below requests) before going forward with production.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Please produce the following:

1. For each request for admission that you denied, provide all documents that tend to support your denial.

RESPONSE:

2. The internal auditing control report prepared by Simpson Huggins and transmitted by email from Bryan Licht to Craig Richmond, Dan Lewis, Al Conners, Adel Torres, and Brendan Patterson at approximately 1:00 p.m. on December 15, 2015.

RESPONSE:

3. Records Simpson Huggins relied on, reviewed, or referenced to prepare the internal auditing control report referenced in Request No. 2 above.

RESPONSE:

4. Records confiscated from Simpson Huggins by Deb Warman (Vice President of Human Resources) yesterday during the meeting where he was put on unpaid administrative leave including the following:
 - a. Contents of Simpson Huggins's flash drive (a silver Sandisk attached to his lanyard with his hospital ID);

- b. Reports for audit committee, report for finance committee, report that RMS (external auditors) gave, compliance department update; and HIPAA privacy update.

RESPONSE:

5. Records regarding the theft of Botox and/or services relating to Botox injections (or other injectables) provided without charge to MetroHealth employees or relatives of MetroHealth employees (patient-identifying information may be redacted; dates of service, providing physician, and location are not exempted and must be made available).

RESPONSE:

6. Records regarding trips taken by Dr. Akram Boutros and/or his wife that were funded by MetroHealth or the MetroHealth Foundation (including trips to Venice, London, New York, and Abu Dhabi).

RESPONSE:

7. Records regarding any expenditures by MetroHealth on Dr. Boutros's behalf related to his New York medical license (including expenses for monthly trips to New York to meet the requirements to maintain his out-of-state medical license).

RESPONSE:

8. Records regarding any other expenditures by MetroHealth on Dr. Boutros's behalf.

RESPONSE:

9. Records regarding misuse of MetroHealth credit cards by MetroHealth employees from July 2013–the present.

RESPONSE:

10. Records regarding failure to follow MetroHealth procedures regarding payment of credit-card bills without proper receipts or documentation that the expenditures were appropriate from July 2013–the present.

RESPONSE:

11. Records regarding the Audit Committee meeting held yesterday at noon including notes taken by any participant.

RESPONSE:

12. Records regarding the decision to curtail Simpson Huggins's email or computer access and the implementation of that decision (including all communications such as emails or text messages).

RESPONSE:

13. Records regarding the decision to exclude Simpson Huggins from the Finance Committee meeting that immediately followed yesterday's Audit Committee meeting (including all communications such as emails or text messages).

RESPONSE:

14. The entire contents of Simpson Huggins's MetroHealth "H drive."

RESPONSE:

15. Simpson Huggins's emails (current and archived) from July 2013 to the present including emails between or among Mr. Huggins and each of the following:
- a. General Counsel Michael Phillips;
 - b. Vice President of Clinical Integrated Operations Dean Robertson;
 - c. Executive Director/Chairman Dermatology Abel Torres;
 - d. Audit Committee Chairman J.B. Silvers;
 - e. former Audit Committee Chairman Ron Fountain;
 - f. Senior Vice President and Chief Financial Officer Craig Richmond; and
 - g. Associate General Counsel Sonja Rajki.

RESPONSE:

16. Any internal audit charter applicable to Simpson Huggins' work at MetroHealth.

RESPONSE:

17. Job description for Director, Internal Audit.

RESPONSE:

18. Governance rules and regulations regarding the functions of the Board of Trustees.

RESPONSE:

19. Finalized Internal Audit reports and management plans from January 2012 to the present.

RESPONSE:

20. All employee expense files submitted to Simpson Huggins by Amanda Gibson (Director, Accounting for Disbursements) and/or David Cort (Staff Accountant) from 2012–2015 for Financial Reporting Controls testing.

RESPONSE:

21. Daily visit summaries for Pepper Pike Dermatology Clinic from 2013–the present.

RESPONSE:

22. Listing and schedule of residents for Pepper Pike Dermatology Clinic from 2013–the present.

RESPONSE:

23. All records regarding the decision to place Simpson Huggins on unpaid administrative leave (including all communications such as emails or text messages).

RESPONSE:

24. Dr. Akram Boutros's compensation contracts (including any drafts).

RESPONSE:

25. Dr. Akram Boutros's employment contracts (including any drafts).

RESPONSE:

26. Employee expense reimbursements for Akram Boutros.

RESPONSE:

27. Relocation expenses paid by MetroHealth for Akram Boutros (both moves).

RESPONSE:

28. Records regarding any policies on employee use of MetroHealth credit cards.

RESPONSE:

29. Simpson Huggins's personnel records including his personnel file and any records that would typically be kept in a personnel file (whether Metro keeps such records in an employee's personnel file or not).

RESPONSE:

30. Personnel records including personnel files and any records that would typically be kept in a personnel file (whether Metro keeps such records in an employee's personnel file or not) for any employee placed on paid or unpaid administrative leave from January 2012 to the present.

RESPONSE:

31. All credit-card statements from PNC related to corporate cards for all approved MetroHealth employees (from July 2013–December 2014).

RESPONSE:

32. Records regarding discipline of any employee for failing to comply with MetroHealth policies regarding credit-card use.

RESPONSE:

33. Records regarding discipline of any employee for theft of Botox or other injectables.

RESPONSE:

34. Records regarding payment for legal services related to Simpson Huggins including but not limited to the decision to place him on unpaid administrative leave.

RESPONSE:

35. The competitive sealed proposal that created the three-year service contract between MetroHealth and the Advisory Board Company.

RESPONSE:

36. All contracts and amendments between MetroHealth and the Advisory Board Company from 2013–the present.

RESPONSE:

37. Records sent to the Ohio Attorney General's office regarding delegating signatory authority from Akram Boutros to Walter Jones, Senior Vice President, Campus Transformation.

RESPONSE:

38. All contracts signed by Walter Jones from October 1, 2014 to October 31, 2015.

RESPONSE:

39. Records from the Lawson system listing all direct reports to Craig Richmond (including race, job pay grade, annual salary (excluding benefits), and annual performance bonus).

RESPONSE:

40. Records from the Lawson system listing all MetroHealth employees with pay grade 36 (including race, job pay grade, annual salary (excluding benefits), and annual performance bonus).

RESPONSE:

41. Code of Conduct Statements for 2013–2015 for Akram Boutros, Mary Weir-Boylan, Elizabeth Allen, and Michael Phillips.

RESPONSE:

42. Conflict of Interest Statements for 2013–2015 for Akram Boutros, Mary Weir-Boylan, Elizabeth Allen, and Michael Phillips.

RESPONSE:

43. Ethics Statements for 2013–2015 for Akram Boutros, Mary Weir-Boylan, Elizabeth Allen, and Michael Phillips.

RESPONSE:

44. Records of any reports submitted to the Ohio Ethics Commission regarding receipt of free Botox injections by any MetroHealth employee or relative of a MetroHealth employee.

RESPONSE:

December 21, 2015

Respectfully submitted,

/s/ Subodh Chandra
Subodh Chandra (0069233)
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*Counsel for Plaintiff Simpson Huggins
III*

Certificate of Service

I certify that the above discovery requests were submitted to the Clerk's Office to be served with the Summons and Complaint.

/s/ Subodh Chandra
One of the attorneys for Plaintiff Simpson Huggins III