

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

GOOD SAMARITAN MEDICAL CENTER,	)	
INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 9:25-CV-80526-DMM
THE LEAPFROG GROUP,	)	
	)	
Defendant.	)	

**THE LEAPFROG GROUP’S RESPONSE TO
PLAINTIFFS’ MOTION FOR PROTECTIVE ORDER**

Defendant, THE LEAPFROG GROUP (“Leapfrog”), by and through its attorneys, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, and for their response to Plaintiffs’ Motion for Protective Order, states as follows:

INTRODUCTION

The five Plaintiff Hospitals seemingly fail to recall that on April 30, 2025, they filed a 52-page Complaint compiled of 138 paragraphs of allegations against Leapfrog. (ECF 1). Plaintiffs refuse to respond to the Leapfrog Survey on the basis that it is a “brazen pay-to-play scheme.” (*Id.* at p. 2). However, the Plaintiff Hospitals refusal to produce documents to corroborate their own allegations makes it abundantly clear to Leapfrog that this litigation is not about the Survey, Safety Grades, or even the methodology. Rather, Plaintiffs seek to silence Leapfrog from unveiling the stark truth that the Plaintiff Hospitals fail to advance, promote, and develop safety measures to protect their patients and their own staff from preventable errors. Tellingly, Plaintiffs’ claim their poor Leapfrog Safety Grades harmed their reputation, but yet Plaintiffs fail to acknowledge that even the *Centers for Medicare and Medicaid (“CMS”) rate four of the five Plaintiff hospitals a “one-star overall” with the other Plaintiff Hospital only achieving a “two-star overall.*

The Plaintiff Hospitals are not seeking to protect Florida consumers. Instead, the Plaintiff Hospitals aim to protect themselves by attempting to conceal the very errors Leapfrog aims to protect patients from. And this instant Motion is a blatant tactic by the Plaintiff Hospitals to continue to stow away the real reasons why they receive “D” and “F” Safety Grades and “one-

star” and “two-star” CMS ratings while utilizing Leapfrog as their scapegoat.

BACKGROUND

On July 24, 2025, Plaintiffs tendered their responses and extensive objections to Leapfrog’s interrogatories (“ROG”) and request for production (“RFP”). (Ex. 1, Plaintiffs’ Supplemental Response to RFP that include their original responses). Plaintiffs’ asserted relevancy as an objection to forty-two (42) of Leapfrog’s RFPs and fifteen (15) of Leapfrog’s ROGs. Moreover, Plaintiffs wholly declined to respond to eight (8) ROGs and nineteen (19) requests for production (“RFP”). On July 25, 2025, Plaintiffs proposed six search terms to run on their documents. To be clear, when Plaintiffs declined to respond to over a dozen of Leapfrog’s discovery requests, Plaintiffs never represented to Leapfrog that they were considering withdrawing their claim for monetary damages. In fact, the parties participated in a 2-hour meet and confer on July 30, 2025 where Leapfrog repeatedly questioned Plaintiffs’ reasoning and intentions behind withholding documents. Plaintiffs’ true tactics became apparent on August 6, 2025, following Leapfrog’s 18-page meet and confer letter that included approximately 12-pages of search terms that mirrored Plaintiffs search terms to Leapfrog. (Ex. 2). On the same day, the parties met and conferred again for just over 1-hour regarding Plaintiffs’ discovery deficiencies. However, just before Leapfrog began to delve back into its arguments Plaintiffs advised that they planned to withdraw their claim for monetary damages and only seek relief as injunctive, declaratory, and attorney’s fees. For that reason, Plaintiffs claimed this is their actual basis for declining to produce documents rather than their previous arbitrary objections. (ECF 55 at Ex. 29). Plaintiffs Motion for Protective Order is pled under the guise that this Court has narrowed the issues and that likewise Plaintiffs narrowed their claim by filing a Notice of Withdrawal of Request for Monetary Damages and Jury Demand, seemingly without prejudice. (ECF 54). However, Plaintiffs conduct is nothing more than gamesmanship.

Importantly, Plaintiffs’ strategic decision came after Leapfrog: (1) responded to all of Plaintiffs 46 RFPs and 20 ROGs; (2) amended its answers to Plaintiffs’ ROGs twice to provide detailed narrative answers and bates labels; (3) agreed to 12 pages of Plaintiffs’ search terms; (4) produced over 1M documents to Plaintiffs; and (5) allowed Plaintiffs to inspect Leapfrog’s google analytics account on two separate occasions.

ARGUMENT

Plainly, Plaintiffs have spent significant time and resources to wear down Leapfrog with

creatively burdensome discovery requests but yet now evades Leapfrog's legitimate requests. *Referencing*, Chief Justice John Roberts, 2015 Year-End Report on the Federal Judiciary at p. 11. Leapfrog's discovery requests to Plaintiffs are wholly based on the 138 paragraphs of allegations pled in its operative Complaint and Leapfrog's defenses in response thereto. Fed. R. Civ. P. 26(b)(1). It is abundantly clear that Plaintiffs are of the impression that they are *only* required to produce documents in support of their own claims.

Indeed, "[i]t is well established that the courts must employ a liberal standard in keeping with the purpose of the discovery rules." *Consumer Fin. Prot. Bureau v. Freedom Mortg. Corp.*, 2024 U.S. Dist. LEXIS 127369 (S.D. Fla. Apr. 5, 2024) (citations omitted). Even further, Rule 26(b) "allows discovery 'through increased reliance on the commonsense concept of proportionality.'" *Id.* (citations omitted). Moreover, "to successfully sustain an objection on the basis of relevancy, [Plaintiffs] must show that the requested discovery 'has no possible bearing on the claims and defenses' in this case." *Chiorando v. Fed. Ins. Co.*, 2023 U.S. Dist. LEXIS 244180 (M.D. Fla. May 4, 2023) (citations omitted). Plaintiffs' objections on relevancy neither consider the 138 paragraphs of allegations in their Complaint nor the needs of the case from the view of Leapfrog's defenses. All of Leapfrog's requests are relevant and proportional to the needs of the very litigation that Plaintiffs filed.

As a threshold matter, on several occasions Leapfrog requested Plaintiffs amend their Complaint to provide a clear and concise statement of their claims in light of their recent representations. (Ex. 3, April 11-12 email). Instead, Plaintiffs declined and arbitrarily assert that many of its own allegations in the Complaint are no longer applicable. To be clear, now that Plaintiffs have withdrawn their claim for monetary damages, Leapfrog cannot discern what harm Plaintiffs are claiming or what specific relief is sought. Consequently, Leapfrog is forced to defend against *all* allegations contained in the Complaint as it is operative. Moreover, Plaintiffs did not withdraw their claim for monetary damages with prejudice and based on Plaintiffs conduct thus far, Leapfrog is skeptical of whether Plaintiffs would attempt to replead monetary damages to "conform the Complaint to the evidence produced in discovery" as noted in their August 11 email. (*Id.*).

It is Leapfrog's position that Plaintiffs cannot and will not be able prove causation or harm caused by Leapfrog. *Marrache v. Bacardi U.S.A., Inc.*, 17 F.4th 1084, 1097 (11th Cir. 2021). As noted in the introduction, a federal agency, CMS, rates every Plaintiff Hospital either a one or two-

star overall, which aligns with the “D” and “F” Safety Grades Leapfrog assigns each Plaintiff Hospital. Accordingly, Leapfrog seeks documents from Plaintiff to show the other ways Plaintiffs are harmed thus advancing Leapfrog’s defense that it does *not* cause the alleged harm Plaintiffs complain of. Moreover, Plaintiffs always declined to produce and/or respond to all of the RFPs and ROGs discussed below. It was not until the parties participated in a 2-hour meet and confer and Leapfrog served an 18-page meet and confer letter that Plaintiffs decided to withdraw their claim for monetary damages.

1) Leapfrog’s Request for Production

Plaintiffs request this Court exclude as irrelevant the following Leapfrog RFPs: No. 15, 24, 28, 34, 49, 57, 58, 59, 62, 63. Plaintiffs assert that Leapfrog “refused to adequately narrow its requests...” (Mot. p. 3). However, its quite the opposite. On July 24, Plaintiffs declined to produce documents in response to each of the beforementioned RFPs and Plaintiffs stood on this position even after five hours of meeting and conferring simply because Plaintiffs have just now decided to drop their monetary damages claim.

The following RFPs go directly to whether Leapfrog caused Plaintiffs alleged harm or Plaintiffs themselves cause their alleged harm: Nos. 15, 28, 57, 58, 59, 63. Notably, before filing this motion Leapfrog agreed to narrow RFP No. 28 to only include hospital patient safety data relative to the 12 measures that utilize Survey data. RFP No. 24 requests documents Plaintiffs have shared with other evaluation healthcare performance entities. Indeed, this request goes to Plaintiffs allegations that they are deemed five-star award winning hospitals by some entities but not others, including but not limited to Leapfrog and CMS. (Compl. at ¶¶24, 28, 32, 41, 45). Thus, aiding Leapfrog’s defense that its methodology is comparatively fair across the healthcare market.

In regard to RFP No. 34, Leapfrog has repeatedly advised Plaintiffs that if they fail to accurately report their CMS data, then the CMS measures Leapfrog uses in its methodology (which is 80% of the data) would have caused low Safety Grades – at the fault of Plaintiffs improperly reporting *not* Leapfrog’s methodology itself. RFP No. 49 directly goes to reputational harm. If Plaintiffs have always had low patient volume and/or market share as compared to their competitors, then there is no reputational harm. The Complaint alleges Plaintiffs collectively treated approximately 470,000 patients in 2024 and that Plaintiffs allege patients are driven away from certain hospitals based on the Leapfrog Safety Grades. (*Id.* at ¶¶4, 6, 20). Plaintiffs effectively decline to produce documents relevant to all of these allegations and the purported harm. On

August 11, at Plaintiffs request, Leapfrog narrowed this request by agreeing Plaintiffs could produce documents “sufficient to show.”

2) Leapfrog’s Interrogatories

Plaintiffs request this Court exclude as irrelevant the following Leapfrog ROGs: No. 11, 17, 18, 20, 24. Again, Plaintiffs assert that Leapfrog “refused to adequately narrow its requests...” (Mot. p. 3). Yet, on July 24, Plaintiffs declined to respond to each of the beforementioned ROGs and Plaintiffs stood on this position even after five hours of meeting and conferring simply because Plaintiffs have just now decided to drop their monetary damages claim. Leapfrog denies that it caused any and all of the harm Plaintiffs allege.

ROG No. 11 directly goes to whether Leapfrog caused Plaintiffs alleged harm or Plaintiffs themselves cause their alleged harm. The Leapfrog methodology focuses on patient safety. To the extent patients complain about Plaintiffs patient safety is relevant to whether Leapfrog’s scoring is actually misleading, causation, and the alleged harm. Moreover, Leapfrog narrowed this request by clarifying that it is not seeking any personal identifying information regarding its patients rather Leapfrog seeks the content and nature of such events. ROG Nos. 17, 20, and 24, speak to Plaintiffs’ claims of reputational harm and loss of good will. (Compl. at ¶103). In other words, whether Plaintiffs actually suffered reputational harm due to Leapfrog or if Plaintiffs always suffered from reputational harm due to its own actions. ROG No. 18 questions Plaintiffs motives behind the decision to stop participating in the Leapfrog Survey and Plaintiffs credibility. Just as Plaintiffs assert that the compensation of Leapfrog executives (which Leapfrog produced) is driving the methodology, so too is Leapfrog allowed to investigate whether this lawsuit and the claims are being driven by the Plaintiffs’ executive compensation models.

From the outset, Plaintiffs have declined to respond to all of RFPs and ROGs discussed above. Conveniently, Plaintiffs withdrew their monetary damages claim after Leapfrog insisted on they provide answers and after Leapfrog nearly complied with all of its own discovery obligations to Plaintiffs. The Complaint is operative, and Leapfrog’s requests are tailored thereto.

CONCLUSION

For all the reasons stated herein, Leapfrog requests the Court deny Plaintiffs’ request for a protective order. Leapfrog further requests the Court grant Leapfrog its reasonable fees and costs in having to respond to this motion. Fed. R. Civ. P. 37(a)(5)(A).

Date: August 14, 2025

Respectfully submitted,

s/Jura C. Zibas

Jura C. Zibas

Florida Bar ID # 124571

jura.zibas@wilsonelser.com

Shawna C. Biggs

Florida Bar ID # 1026407

shawna.biggs@wilsonelser.com

Wilson Elser Moskowitz Edelman & Dicker LLP

2063 Main Street, Suite 100

Sarasota, Florida 34237

(941) 866-8561 (Main)

(212) 915-5756 (Direct)

(917) 744-4116 (Cell)

Attorneys for Defendant, The Leapfrog Group

Kimberly E. Blair

Kimberly E. Blair (Pro Hac)

kimberly.blair@wilsonelser.com

Illinois Bar ID # 6272934

Courtney L. Wood (Pro Hac)

Courtney.wood@wilsonelser.com

Illinois Bar ID # 6344385

Wilson Elser Moskowitz Edelman & Dicker LLP

161 N. Clark, Ste. 4500

Chicago, IL 60601

312.821.6139 (Direct)

312.704.0550 (Main)

(312) 259-6414 (Cell)

Attorneys for Defendant, The Leapfrog Group

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2025, a true and correct copy of the foregoing was served via CM/ECF on all counsel or parties of record.

By: /s/ Jura C. Zibas
JURA C. ZIBAS, ESQ.

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PAL BEACH DIVISION

CASE NO. 9-25-CV-80526-DMM

GOOD SAMARITAN MEDICAL
CENTER, INC., et al.,

Plaintiffs,

v.

THE LEAPFROG GROUP,

Defendant.

**PLAINTIFFS' SUPPLEMENTAL RESPONSES AND OBJECTIONS TO
DEFENDANT'S
FIRST SET OF REQUESTS FOR PRODUCTION**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiffs Good Samaritan Medical Center, Inc., Delray Medical Center, Inc., Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center, St. Mary's Medical Center, Inc., and West Boca Medical Center, Inc. (collectively, "Plaintiffs" or "the Plaintiff Hospitals"), by and through their undersigned counsel, hereby supplement their responses and objections (the "Responses and Objections") to Defendant The Leapfrog Group's (TLG) First Set of Requests for Production, dated July 11, 2025 (the "Requests"), in the above-captioned action (the "Action").

Plaintiffs' Responses and Objections to the Requests are made solely for purposes of this Action and to the best of Plaintiffs' present knowledge, information, and belief regarding the matters about which inquiry have been made. Plaintiffs' search for documents is ongoing, and Plaintiffs reserve the right to amend, supplement, clarify, or further explain their Responses at any

time prior to the trial in this Action. Plaintiffs reserve the right to raise any additional objections deemed necessary or appropriate in light of any further review.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Plaintiffs object to the definition of terms “Plaintiffs” and “Plaintiff Hospitals” as overbroad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks to require Plaintiffs to respond on behalf of entities or individuals other than themselves.

2. Plaintiffs object to the definition of the terms “St. Mary’s,” “St. Mary’s Medical Center,” “Delray,” “Delray Medical Center,” “Good Samaritan,” “GSMC,” “Palm Beach Gardens,” “Palm Beach Gardens Medical Center,” “West Boca,” “West Boca Medical Center,” “Plaintiff,” “You,” and “Your” to the extent each term seeks to require Plaintiffs to respond on behalf of entities or individuals other than themselves, including on behalf of agents, employees, directors, or other non-party entities that are not part of this litigation. Such information is overbroad and beyond the scope of permissible discovery. Accordingly, Plaintiffs state that their Responses are on behalf of themselves only.

3. Plaintiffs object to the definition of the terms “Tenet Healthcare” and “Tenet” to the extent it seeks to require Plaintiffs to respond on behalf of entities or individuals other than themselves, including on behalf of Tenet, Tenet’s agents, employees, directors, or other non-party entities that are not part of this litigation. Such information is overbroad and beyond the scope of permissible discovery. Accordingly, Plaintiffs state that their Responses are on behalf of themselves only.

4. Plaintiffs object to the definition of the terms “Document” and “Documents” as overbroad, unduly burdensome, and beyond the scope of permissible discovery to the extent it calls for the production of documents or information protected by the attorney-client privilege, the work-product doctrine, the consulting expert privilege, and/or information to be provided by an expert

consultant. Plaintiffs also object to the definition of “Document” and “Documents” on the ground that it calls for the production of documents beyond the scope of what Plaintiffs can reasonably be expected to collect, review, and produce, including, but not limited to, “circulars, advertisements, specifications, blueprints, maps, plats, surveys, [and] drawings.” Plaintiffs further object to the definition of the term “Document” as vague, ambiguous, and overbroad insofar as it attempts to expand the scope of permissible discovery. Plaintiffs also object to the definition as overbroad and unduly burdensome to the extent it is not limited to documents within Plaintiffs’ possession, custody, and control. Plaintiffs will interpret the terms “Document” and “Documents” consistent with the Applicable Laws and Rules.

5. Plaintiffs object to the definition of “identify, when referring to a document,” as overbroad and unduly burdensome to the extent it calls for the “present location” and “custodian” for all produced documents. Such information is overbroad and beyond the scope of permissible discovery.

6. Plaintiffs object to the definition of “identify, when referring to a person,” as overbroad and unduly burdensome to the extent it calls for the “address” and “present or last-known employer” of identified individuals. Such information is overbroad and beyond the scope of permissible discovery.

7. Plaintiffs object to Defendant’s instruction regarding “information, communication, or documents for which a claim of privilege is asserted” as overbroad and unduly burdensome, to the extent the instruction calls for Plaintiffs to provide the “last known custodian of the document and present location of the document.” Such information is overbroad and beyond the scope of permissible discovery.

8. Plaintiffs object to Defendant's instruction regarding "any document or thing responsive to any Request once existed but as been destroyed" as overbroad and unduly burdensome, to the extent the instruction calls for Plaintiffs to "identify who destroyed it, why it was destroyed, and the circumstances under which it was destroyed or is no longer available." Such information is overbroad and beyond the scope of permissible discovery.

9. Plaintiffs object to the instruction that the relevant time period for the Requests begins on January 1, 2020. Plaintiffs will apply to each Request the time period of January 1, 2023 to present (the "Relevant Time Period"). Any documents produced in response to the Requests that fall outside of the Relevant Time Period should not be construed as an admission that the Relevant Time Period begins prior to January 1, 2023.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS

Subject to the foregoing Objections to the Instructions and Definitions, which are incorporated by reference into each of the specific Responses below, and without waiving any objections that may be raised in the future, Plaintiffs respond to the Requests as follows:

REQUEST FOR PRODUCTION NO. 1:

All Documents identified in Plaintiffs' initial disclosures.

RESPONSE TO REQUEST NO. 1:

Plaintiffs object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity. Plaintiffs further object to this Request to the extent it seeks documents and information that are already in the possession, custody, and/or control of Defendant, and/or equally available to Defendant.

Subject to the foregoing Objections, Plaintiffs will comply with their obligations under the Federal Rules of Civil Procedure 26(a)(1) and (e)(1).

REQUEST FOR PRODUCTION NO. 2:

All Documents (including but not limited to correspondence) You have exchanged with the individuals identified in your initial disclosures.

RESPONSE TO REQUEST NO. 2:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks “[a]ll documents.” Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks “[a]ll Documents” exchanged with “individuals identified” in Plaintiffs’ initial disclosures, without limitation to the subject matter relevant to this action. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs decline to produce documents in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 2:

Pursuant to the letter from Kimberly Blair dated August 6, 2025, TLG has narrowed this Request to “all documents you have exchanged with the individuals identified in your initial disclosures as it relates to Leapfrog Safety Grades, methodology, scoring, measures, or otherwise relates to this litigation.” Subject to the foregoing Objections, Plaintiffs agree to produce documents that can be identified following a reasonably diligent search concerning Leapfrog’s Fall 2024 Hospital Safety Grades methodology, the Plaintiff Hospitals’ Fall 2024 Leapfrog Safety

Grades, and the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

REQUEST FOR PRODUCTION NO. 3:

All Documents exchanged between You and any other Plaintiff in any way related to Leapfrog, the Hospital Safety Grade and/or the Hospital Survey.

RESPONSE TO REQUEST NO. 3:

Plaintiffs object to this Request as overly broad, unduly burdensome, and not proportional to the needs of the Action on the ground that it seeks “[a]ll documents . . . in any way related” where a subset of documents would be sufficient to provide the pertinent information. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents, that are within Plaintiffs’ custody or control (if any), exchanged between or among any Plaintiff Hospital concerning the damages or harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 3:

Subject to the foregoing Objections, Plaintiffs agree to produce documents that can be identified following a reasonably diligent search exchanged between or among any Plaintiff Hospital concerning Leapfrog’s Fall 2024 Hospital Safety Grades methodology, the Plaintiff Hospitals’ Fall 2024 Leapfrog Safety Grades, and the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

REQUEST FOR PRODUCTION NO. 4:

All Documents, including electronically stored information, that are responsive to, or which Plaintiff relied upon or consulted in providing responses to any set of interrogatories served in this Lawsuit.

RESPONSE TO REQUEST NO. 4:

Plaintiffs object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity. Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access. Plaintiffs also object to this Request to the extent it seeks documents and information that are already in the possession, custody, and/or control of Defendant, and/or equally available to Defendant.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any) on which Plaintiffs relied on or consulted in providing responses to any set of interrogatories served in this Lawsuit.

REQUEST FOR PRODUCTION NO. 5:

All Documents that You contend reflect, reference, or support any claim that Leapfrog engaged in false, deceptive, or misleading conduct.

RESPONSE TO REQUEST NO. 5:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and is not proportional to the needs of the Action, to the extent it calls for “[a]ll Documents” reflecting “any claim” that Leapfrog engaged in “false, deceptive, or misleading conduct.” Plaintiffs also object to this Request to the extent it seeks documents and information that are already in the possession, custody, and/or control of Defendant, and/or equally available to Defendant.

Plaintiffs also object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access. Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs’ custody or control, sufficient to respond to the questions of TLG’s Hospital Survey regarding the following TLG metrics: (1) Computerized Physician Order Entry (“CPOE”), (2) Bar Code Medication Administration (“BCMA”), (3) ICU Physician Staffing (“IPS”), and (4) Hand Hygiene Score. ECF 21-19 at 60, 64, 181, 220.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 5:

Subject to the foregoing objections, Plaintiffs agree to produce documents that can be identified following a reasonably diligent search that Plaintiffs contend reflect, reference, or support any claim that Leapfrog engaged in conduct that violated the Florida Deceptive and Unfair Trade Practices Act with respect to Leapfrog’s Fall 2024 Hospital Safety Grades methodology

and/or the Plaintiff Hospitals' Fall 2024 Leapfrog Safety Grades that are in the Plaintiff Hospitals' custody and control.

REQUEST FOR PRODUCTION NO. 6:

All Documents supporting Your claim that Leapfrog's published Hospital Safety Grade(s) are false, misleading, or defamatory.

RESPONSE TO REQUEST NO. 6:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll Documents" where a subset of documents would be sufficient to provide the pertinent information. Plaintiffs also object to this Request on the ground that it erroneously attributes allegations to Plaintiffs that are not found in Plaintiffs' Complaint. Plaintiffs further object to this Request as duplicative of Request No. 5 and thus incorporate their objections to that Request by reference.

Plaintiffs also object to this Request to the extent it seeks documents and information that are already in the possession, custody, and/or control of Defendant, and/or equally available to Defendant. Plaintiffs further object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendants have equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents. Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs' custody or control, sufficient to respond to the questions of TLG's Hospital Survey regarding the following TLG metrics: (1) Computerized Physician Order Entry ("CPOE"), (2) Bar Code Medication Administration ("BCMA"), (3) ICU Physician Staffing ("IPS"), and (4) Hand Hygiene Score. ECF 21-19 at 60, 64, 181, 220.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 6:

Subject to the foregoing Objections, Plaintiffs refer Defendant to Plaintiffs' Response to Request Number 5.

REQUEST FOR PRODUCTION NO. 7:

All Documents (including but not limited to correspondence) exchanged between You and employees or agents of Plaintiffs that in any way relate to the allegations contained in the Lawsuit.

RESPONSE TO REQUEST NO. 7:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the Action, to the extent it seeks, "[a]ll documents . . . exchanged between You and employees or agents that in any way relate to the allegations contained in the Lawsuit." Plaintiffs also object to this Request as vague and ambiguous, including through its use of the term "Lawsuit," which is undefined, and the term "the allegations contained in the Lawsuit." Plaintiffs will construe "Lawsuit" to refer to this Action. Plaintiffs further object to this Request as duplicative of Request Nos. 5 and 6 and thus incorporate their objections to those Requests by reference.

Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are in Plaintiffs' custody or control, that concern the damages or harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 7:

Plaintiffs further object to this Request as duplicative of Request Nos. 2, 3, 5, and 6. Subject to the foregoing Objections, Plaintiffs refer Defendant to Plaintiffs' Responses to Request Nos. 2, 3, 5, and 6.

REQUEST FOR PRODUCTION NO. 8:

All Documents, including but not limited to electronically stored information, that relate to any item of damages for which you intend to seek recovery in this Lawsuit.

RESPONSE TO REQUEST NO. 8:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the Action, to the extent it seeks "[a]ll Documents" related to "any item of damages." Plaintiffs also object to this Request as vague and ambiguous, including through its use of the term "any item of damages." Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are in Plaintiffs' custody or control, that concern the damages or harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 8:

Plaintiffs state they are no longer seeking monetary damages in this action, but only injunctive relief, declaratory relief, attorneys' fees, and costs, and therefore need not respond to this Request.

REQUEST FOR PRODUCTION NO. 9:

All Documents and recorded communications, including electronically stored information, not otherwise produced in response to these Requests, which You intend to offer as exhibits at any hearing or in support of any motion in this Lawsuit.

RESPONSE TO REQUEST NO. 9:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the Action, to the extent it seeks exhibits Plaintiffs intend to offer "at any hearing or in support of any motion." Plaintiffs also object to this Request as premature on the ground that it may encompass documents not yet identified by Plaintiff as exhibits for any hearing that may arise in this Action. Plaintiffs further object to this Request as duplicative of Request No. 1 and thus incorporate their objections to that Request by reference.

Subject to the foregoing Objections, Plaintiffs agree to produce documents that Plaintiffs intend to offer as exhibits at the trial for this Action, excluding impeachment or rebuttal, at the time required by any applicable rules and/or party stipulation as to the timing for such disclosure in advance of trial.

REQUEST FOR PRODUCTION NO. 10:

All curriculum vitae and reports of expert witnesses Plaintiffs or their counsel have retained in this case including all documents provided to or received from any expert witness who Plaintiffs or his counsel have engaged, retained, or consulted with in this proceeding.

RESPONSE TO REQUEST NO. 10:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and not proportional to the needs of the Action, to the extent it seeks “[a]ll curriculum vitae and reports” of expert witness and “all documents provided to or received from any expert witness who Plaintiffs or his counsel have engaged, retained, or consulted.” Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity. Plaintiffs further object to this Request as premature on the ground that it seeks documents other than those identified under Rule 26(a)(1) of the Federal Rules of Civil Procedure. Plaintiffs will comply with their obligations under the Federal Rules of Civil Procedure 26(a)(1) and (e)(1).

Subject to the foregoing Objections, Plaintiffs respond that they will disclose their experts and corresponding curriculum vitae on August 7, 2025, per the Court’s May 28, 2025 Pretrial Scheduling Order.

REQUEST FOR PRODUCTION NO. 11:

All internal communications or memoranda discussing Leapfrog’s Hospital Safety Grades and/or Hospital Survey, including your reactions, criticisms, and interpretations, as well as any draft or final communications circulated for consideration to be sent to Leapfrog regarding said Grades.

RESPONSE TO REQUEST NO. 11:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks “[a]ll internal communications or memoranda” where a subset of documents would be sufficient to provide the pertinent information. Plaintiffs also object to this Request to the extent

it calls for the disclosure of confidential, proprietary, or competitively sensitive information. Plaintiffs further object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control.

Plaintiffs also object to this Request as vague, including through its use of the term “interpretations.” Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs’ custody or control, that reflect Plaintiff Hospitals’ contemporaneous “reactions” and “criticisms” of Leapfrog’s Hospital Safety Grades, or that concern the damages or harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 11:

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs’ custody or control and that can be identified following a reasonably diligent search, that reflect Plaintiff Hospitals’ contemporaneous “reactions” and “criticisms” of Leapfrog’s Hospital Safety Grades, or that concern the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals. Plaintiffs will not produce documents concerning the damages the Plaintiff Hospitals claim were caused by Leapfrog and the Hospital Safety Grades on the ground that Plaintiffs are no longer seeking

monetary damages in this action, but only injunctive relief, declaratory relief, attorneys' fees, and costs.

REQUEST FOR PRODUCTION NO. 12:

All presentations, Documents, and communications You have provided to Board members, shareholders, investors or potential investors of Tenet Healthcare which discuss or reference patient safety and quality in Your hospital, including but not limited to rankings and/or grades related to Your patient safety.

RESPONSE TO REQUEST NO. 12:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll presentations, Documents, and communications You have provided to Board members, shareholders, investors or potential investors of Tenet Healthcare," as Tenet Healthcare is not a party to or participant in this Action. Plaintiffs also object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll presentations, Documents, and communications . . . which discuss or reference patient safety or quality in Your hospital," without limitation to the subject matter relevant to this action. Plaintiffs further object to this Request as vague, including through its use of the term "Board," which is undefined.

Plaintiffs also object to this Request to the extent it seeks documents and communications concerning non-parties. Plaintiffs further object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control.

Plaintiffs decline to produce documents in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 12:

Plaintiffs further object to this Request as duplicative of Request Nos. 2, 3, 5, and 6. Plaintiffs refer Defendant to Plaintiffs' Responses to Request Nos. 2, 3, and 5.

REQUEST FOR PRODUCTION NO. 13:

Documents sufficient to show all litigation from the past five years against You or a physician with whom Your hospital is affiliated for medical malpractice.

RESPONSE TO REQUEST NO. 13:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks documents regarding "all litigation from the past five years against" Plaintiffs or "affiliated" physicians "for medical malpractice," as this information is beyond the scope of both Leapfrog's Hospital Survey and the "core allegations" of the Action, which concern Leapfrog's Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs also object to this Request as vague and ambiguous, including through its use of the terms "show all litigation" and "affiliated," which is undefined. Plaintiffs further object to this Request to the extent it seeks documents concerning non-parties.

Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs decline to produce documents in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 13:

Pursuant to the letter from Kimberly Blair dated August 6, 2025, TLG has narrowed this Request to “a list of medical malpractice cases where each Plaintiff hospital has been named as a defendant since January 1, 2023, including the case name, number, and venue.” Subject to the foregoing Objections, Plaintiffs agree to produce a docket search of all public lawsuits brought against the Plaintiff Hospitals from January 1, 2023 to present.

REQUEST FOR PRODUCTION NO. 14:

All Documents and communications related to any reports You have made to the National Practitioners Data Base.

RESPONSE TO REQUEST NO. 14:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll Documents and communications related to any reports” made to the “National Practitioners Data Base,” as this information is beyond the scope of both Leapfrog’s Hospital Survey and the “core allegations” of the Action, which concern Leapfrog’s Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs further object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll Documents and communications related to any reports” made to the National Practitioners Data Base, without limitation to the subject matter relevant to this action. Plaintiffs also object to this Request as vague, ambiguous, and confusing, including through its use of the term “National Practitioners Data Base,” which is not an organization recognized by Plaintiffs. Plaintiffs will construe this Request to refer to the National Practitioners Data Bank.

Plaintiffs also object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents. Plaintiffs further object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control.

Plaintiffs decline to produce documents in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 14:

Plaintiffs object to this Request as duplicative of Request No. 13, to the extent it seeks information regarding medical malpractice cases involving the Plaintiff Hospitals. Subject to the foregoing Objections, Plaintiffs refer Defendant to Plaintiffs' Response to Request No. 13.

REQUEST FOR PRODUCTION NO. 15:

All Documents and communications You have received related to patient complaints regarding the services You have provided and/or services provided by any physician, nurse, pharmacist, specialist, or any other employee or independent contractor affiliated with Your hospital.

RESPONSE TO REQUEST NO. 15:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll Documents and communications related to patient complaints," as this information is beyond the scope of both Leapfrog's Hospital Survey and the "core allegations" of the Action, which concern Leapfrog's Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs further object to this Request on the ground that it is overly broad, unduly

burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll Documents and communications” related to “patient complaints” and/or “services provided by any physician, nurse, pharmacist, specialist, or any other employee or independent contractor,” without limitation to the subject matter relevant to this action. Plaintiffs also object to this Request to the extent it seeks Documents and communications concerning third parties. Plaintiffs further object to this Request to the extent it incorporates disputed or erroneous allegations with respect to the existence of any complaints made by patients regarding the care or services received at the Plaintiff Hospitals.

Plaintiffs also object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents. Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 16:

All Documents and communications You have exchanged with any group purchasing organization (“GPO”), including but not limited to HealthTrust Performance Group relating to Leapfrog, its hospital survey, and its Hospital Safety Grades.

RESPONSE TO REQUEST NO. 16:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll Documents and communications” with “any group purchasing organization . . . relating to Leapfrog.” Plaintiffs further object to this request as vague, including through its use of the term “group purchasing organization,” which is undefined. Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs further object to this Request as duplicative of Request No. 21 and thus incorporate their objections to that Request by reference.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs’ custody or control, that concern the damages or harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 16:

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that can be identified following a reasonably diligent search and that are within Plaintiffs’ custody or control, concerning Leapfrog’s Fall 2024 Hospital Safety Grades methodology, the Plaintiff Hospitals’ Fall 2024 Leapfrog Safety Grades, and the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

REQUEST FOR PRODUCTION NO. 17:

All Documents and communications You have exchanged with the Palm Beach Health Network relating to Leapfrog, its hospital survey, and its Hospital Safety Grades.

RESPONSE TO REQUEST NO. 17:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll Documents and communication” where a subset of documents would be sufficient to provide the pertinent information.

Plaintiffs also object to this Request as vague and ambiguous, including through its use of the term “Palm Beach Health Network,” which is undefined. Plaintiffs will construe “Palm Beach Health Network” to refer to the five Plaintiff Hospitals. Plaintiffs further object to this Request as duplicative of Request No. 3 and thus incorporate their objections to that Request by reference. Plaintiffs further object to this Request as vague, including through its use of the term, “interpretations.”

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs’ custody or control, that reflect the Plaintiff Hospitals’ contemporaneous reactions and criticisms of Leapfrog’s Hospital Safety Grades, and that concern the damages or harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 17:

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents that can be identified following a reasonably diligent search and that are within Plaintiffs’ custody or control, concerning Leapfrog’s Fall 2024 Hospital Safety Grades methodology, the Plaintiff Hospitals’ Fall 2024 Leapfrog Safety Grades, and the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

REQUEST FOR PRODUCTION NO. 18:

All Documents that support Your claim that Your patients or potential patients relied on Leapfrog's statements or representations when deciding where to seek medical care.

RESPONSE TO REQUEST NO. 18:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll Documents" where a subset of documents would be sufficient to provide the pertinent information. Plaintiffs also object to this Request to the extent it seeks documents concerning third parties who are not part of this Action. Plaintiffs further object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control.

Plaintiffs object to this request as seeking protected health information that is protected from disclosure by the Health Insurance Portability and Accountability Act (HIPAA), among other statutes and regulations. Plaintiffs will only produce protected health information as needed and subject to a Protective Order entered by this Court. Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents not subject to HIPAA, among other statutes and regulations (if any), that are in Plaintiffs' custody or control, sufficient show patients and potential patients' reliance on Leapfrog's statements and representations, that can be identified after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 19:

All Documents that reflect or support the economic damages You claim to have suffered because of Defendants' Safety Grades and related websites.

RESPONSE TO REQUEST NO. 19:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll documents that reflect or support" Plaintiffs' "economic damages" where a subset of documents would be sufficient to provide the pertinent information. Plaintiffs also object to this Request as vague and ambiguous, including through its use of the term "related websites." Plaintiffs further object to this Request as duplicative of Request No. 8 and thus incorporate their objections to that Request by reference

Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are in Plaintiffs' custody or control, sufficient to show the "economic damages" sustained by Plaintiffs, as alleged in the Complaint, that can be identified after a reasonably diligent search.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 19:

Subject to the foregoing Objections, Plaintiffs state they are no longer seeking monetary damages in this action, but only injunctive relief, declaratory relief, attorneys' fees, and costs, and therefore need not respond to this Request.

REQUEST FOR PRODUCTION NO. 20:

All documents relating to your hospital's performance on publications providing ratings or evaluations of your hospital by other organizations including but not limited to ratings or evaluations of your hospital's patient safety performance and of overall quality of your hospital's healthcare services.

RESPONSE TO REQUEST NO. 20:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll Documents" related to Plaintiffs' performance on "ratings or evaluations" provided by "other organizations," as this information is beyond the scope of both Leapfrog's Hospital Survey and the "core allegations" of the Action, which concern Leapfrog's Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs also object to this Request as vague and ambiguous, including through its use of the term "other organizations." Plaintiffs further object to this Request to the extent it seeks Documents and communications concerning third parties with no relation to this Action.

Plaintiffs also object to this Request to the extent that it calls for the production of publicly available documents or information (to the extent it seeks information related to the Centers for Medicare & Medicaid Services (CMS)), or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents. Plaintiffs further object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 20:

Plaintiffs further object to this Request as duplicative of Request No. 55 and thus incorporate their Objections to that Request by reference. Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents, that are in Plaintiffs' custody or control, sufficient to show the public awards, rankings, accreditations, or recognitions received by each Plaintiff.

REQUEST FOR PRODUCTION NO. 21:

All communications You have had with, and Documents you have received from, third parties (including nonprivileged communications with attorneys, media, advocacy groups, public relations groups, or government agencies) regarding Leapfrog, its websites or this lawsuit.

RESPONSE TO REQUEST NO. 21:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll communications" and "Documents" received from "third parties" regarding Leapfrog. Plaintiffs also object to this Request to the extent it seeks Documents and communications concerning third parties with no relation to this Action.

Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged communications with third parties (if any), that are within Plaintiffs' custody or control, that concern the damages or harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 21:

Subject to the foregoing Objections, Plaintiffs agree to produce documents that can be identified following a reasonably diligent search concerning Leapfrog's Fall 2024 Hospital Safety Grades methodology, the Plaintiff Hospitals' Fall 2024 Leapfrog Safety Grades, and the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

REQUEST FOR PRODUCTION NO. 22:

All Documents You intend to rely on to support your claims in this litigation, including exhibits, charts, or summaries that show the effects of the scoring methodology on the Plaintiff hospitals patient volume, lives under management, referrals, and/or market growth.

RESPONSE TO REQUEST NO. 22:

Plaintiffs object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity. Plaintiffs also object to this Request as duplicative of Request Nos. 1 and 9 and thus incorporate their objections to those Requests by reference. Plaintiffs further object to this Request as premature, to the extent it seeks documents other than those identified under Rule 26(a)(1) of the Federal Rules of Civil Procedure.

Subject to the foregoing Objections, Plaintiffs respond that they will disclose exhibits, charts, or summaries they intend to rely on at trial, including demonstratives, excluding impeachment and rebuttal, pursuant to applicable rules or a schedule to be set by the parties in advance of trial.

REQUEST FOR PRODUCTION NO. 23:

All Documents showing complaints about patient safety or quality of healthcare services You have received from patients or potential patients.

RESPONSE TO REQUEST NO. 23:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll Documents showing complaints about patient safety or quality of healthcare services,” as this information is beyond the scope of both Leapfrog’s Hospital Survey and the “core allegations” of the Action, which concern Leapfrog’s Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs also object to this Request to the extent it seeks Documents and communications concerning third parties. Plaintiffs further object to this Request to the extent that it calls for confidential information regarding patient healthcare.

Plaintiffs also object to this Request to the extent it incorporates disputed or erroneous allegations with respect to the existence of any complaints that patients made regarding the care or services received at the Plaintiff Hospitals. Plaintiffs further object to this Request as duplicative of Request No. 15 and thus incorporate their objections to that Request by reference. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 24:

Any and all Documents that you have shared with other organizations which evaluate healthcare performance (including but not limited to Vizient, Inc., Premier, Inc., HealthTrust

Purchasing Group, The Joint Commission, HealthGrades, US News, Newsweek, Statista, Definitive Healthcare, and any other benchmarking entity).

RESPONSE TO REQUEST NO. 24:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks “[a]ny and all documents.” Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks documents Plaintiffs have “shared with other organizations which evaluate healthcare performance,” without limitation to the subject matter relevant to this action. Plaintiffs also object to this Request as vague, including through its use of the term “other organizations which evaluate healthcare performance.” Plaintiffs further object to this Request to the extent it seeks Documents and communications concerning third parties.

Plaintiffs also object to this Request as duplicative of Request No. 20 and thus incorporate their objections to that Request by reference. Plaintiffs further object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control.

Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 25:

All Documents relating to any prior complaints or legal claims made by You involving consumer products or false advertising in the past ten years.

RESPONSE TO REQUEST NO. 25:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll Documents relating to any prior complaints”

made by Plaintiffs “involving consumer products or false advertising,” as this information is beyond the scope of both Leapfrog’s Hospital Survey and the “core allegations” of the Action, which concern Leapfrog’s Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs further object to this Request to the extent it seeks Documents concerning third parties. Plaintiffs further object to this Request on the ground that it seeks documents outside the Relevant Time Period.

Plaintiffs also object to this Request to the extent it assumes unfounded allegations with respect to the existence of any complaints or legal claims made by Plaintiffs regarding consumer products or false advertising. Plaintiffs further object to this Request as vague, including through its use of the term “legal claims.”

Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs decline to produce documents in response to this Request.

SUPPLEMENT RESPONSE TO REQUEST NO. 25:

Subject to the foregoing Objections, Plaintiffs agree to produce a docket search of all public lawsuits brought by the Plaintiff Hospitals from January 1, 2023 to present.

REQUEST FOR PRODUCTION NO. 26:

All documents related to Your efforts to mitigate damages allegedly resulting from Leapfrog Safety Grade and associated websites.

RESPONSE TO REQUEST NO. 26:

Plaintiffs object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs also object to this Request as duplicative of Request No. 8 and thus incorporate their objections to that Request by reference.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs' custody or control, sufficient to show Plaintiffs' efforts to mitigate the damages caused by the Leapfrog Hospital Safety Grades issued to Plaintiffs.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 26:

Subject to the foregoing Objections, Plaintiffs state they are no longer seeking monetary damages in this action, but only injunctive relief, declaratory relief, attorneys' fees, and costs, and understand Defendant will withdraw its mitigation affirmative defense, and therefore Plaintiffs need not respond to this Request.

REQUEST FOR PRODUCTION NO. 27:

All Documents You reviewed, received, or created concerning any legal or regulatory investigation into Leapfrog or the scoring methodology, Hospital Survey, Safety Grade, and/or imputed metrics.

RESPONSE TO REQUEST NO. 27:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll Documents You reviewed, received, or created concerning any legal or regulatory investigation into Leapfrog or the scoring methodology." Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 27:

Plaintiffs object to this Request as duplicative of Request Nos. 3, 11, 17, and 21 and thus incorporate their objections to those Requests by reference. Subject to the foregoing Objections, Plaintiffs refer Defendant to Plaintiffs' Responses to Request Nos. 3, 11, 17, and 21.

REQUEST FOR PRODUCTION NO. 28:

All documents describing Your hospital's patient safety data, outcomes, or metrics for the grading period(s) at issue.

RESPONSE TO REQUEST NO. 28:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll documents describing" Plaintiffs' "patient safety data, outcomes, or metrics," without limitation to the subject matter relevant to this action. Plaintiffs also object to this Request to the extent it seeks confidential health information. Plaintiffs further object to this request as vague, including through its use of the term "grading period(s)," which is undefined. Plaintiffs will construe "grading period(s) at issue" to refer to the period from July 1, 2024 to present. Plaintiffs further object to this Request to the extent that it calls for the production of publicly available documents or information (to the extent it seeks information related to CMS), or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents.

Plaintiffs object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs also object to this request as seeking protected health information that is protected from disclosure by HIPAA, among other statutes and regulations. Plaintiffs will only produce protected health information as needed and subject to a Protective Order entered by this Court.

Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 29:

All communications between You and any Leapfrog representative regarding the Safety Grade and/or the Hospital Survey.

RESPONSE TO REQUEST NO. 29:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll documents” between Plaintiffs and “any Leapfrog representative.” Plaintiffs also object to this Request on the ground that it seeks documents already in Defendant’s possession to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged communications between the Plaintiff Hospitals and Leapfrog (if any), that are within Plaintiffs’ custody or control, concerning the Safety Grade and/or the Hospital Survey.

REQUEST FOR PRODUCTION NO. 30:

All public statements (including press releases, web pages, or social media posts) made by You in response to Leapfrog's Safety Grade.

RESPONSE TO REQUEST NO. 30:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll public statements (including press releases, web pages, or social media posts) made by You." Plaintiffs also object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents. Plaintiffs further object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 30:

Subject to the foregoing Objections, Plaintiffs agree to produce documents that are responsive to this Request (if any) that can be identified after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 31:

All Documents You contend show that patients or potential patients relied on Leapfrog's Safety Grades when making a decision to receive or not receive healthcare services at one or more of Plaintiffs' hospitals.

RESPONSE TO REQUEST NO. 31:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll Documents" that show patients' reliance on

Leapfrog's Safety Grades. Plaintiffs also object to this Request to the extent it seeks Documents and communications concerning third parties with no relation to this Action. Plaintiffs further object to this Request as duplicative of Request No. 18 and thus incorporate their objections to that Request by reference.

Plaintiffs object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs also object to this request as seeking protected health information that is protected from disclosure by HIPAA, among other statutes and regulations. Plaintiffs will only produce protected health information as needed and subject to a Protective Order entered by this Court.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents not subject to HIPAA, among other statutes and regulations (if any), that are in Plaintiffs' custody or control, sufficient show patients and potential patients' reliance on Leapfrog's Safety Grades when making a decision to receive or not receive healthcare services at one or more of the Plaintiff hospitals, that can be identified after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 32:

All communications with third-party analysts of consumer harm, consumer groups, or accreditation agencies relating to Leapfrog or its grading system.

RESPONSE TO REQUEST NO. 32:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to

the needs of the Action, to the extent it seeks “[a]ll communications with third-party analysts . . . relating to Leapfrog or its grading system,” as this information is beyond the scope of both Leapfrog’s Hospital Survey and the “core allegations” of the Action, which concern Leapfrog’s Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs also object to this Request to the extent it seeks Documents and communications concerning third parties with no relation to this Action. Plaintiffs further object to this Request as vague, including through its use of the terms “third-party analysts of consumer harm, consumer groups, or accreditation agencies,” which are undefined and not identified by Defendant.

Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity. Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 32:

Plaintiffs further object to this Request as duplicative of Request No. 21 and thus incorporate their Objections to that Request by reference. Subject to the foregoing Objections, Plaintiffs refer Defendant to Plaintiffs’ Response to Request No. 21.

REQUEST FOR PRODUCTION NO. 33:

All documents showing patient admissions, revenues, and quality ratings You claim were harmed as a result of Leapfrog’s Safety Grade publication.

RESPONSE TO REQUEST NO. 33:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll documents showing patient admissions, revenues, and quality ratings,” as this information is beyond the scope of both Leapfrog’s Hospital Survey and the “core allegations” of the Action, which concern Leapfrog’s Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs also object to this Request as duplicative of Request Nos. 8, 9 and 16 and thus incorporate their objections to those Requests by reference. Plaintiffs further object to this Request as vague, ambiguous, and confusing, including through its use of the term “patient admissions.” Plaintiffs will construe “patient admissions” to refer to patient admission rates at the Plaintiff Hospitals.

Plaintiffs further object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents. Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs also object to this request as seeking protected health information that is protected from disclosure by HIPAA, among other statutes and regulations. Plaintiffs will only produce protected health information as needed and subject to a Protective Order entered by this Court.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents not subject to HIPAA, among other statutes and regulations (if any), that are within Plaintiffs' custody or control, that concern the damages or harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 33:

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents not subject to HIPAA, among other statutes and regulations (if any), that are within Plaintiffs' custody or control, that concern the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals. Plaintiffs will not produce documents concerning the damages the Plaintiff Hospitals claim were caused by Leapfrog and the Hospital Safety Grades on the ground that Plaintiffs are no longer seeking monetary damages in this action, but only injunctive relief, declaratory relief, attorneys' fees, and costs.

REQUEST FOR PRODUCTION NO. 34:

All documents and communications with accreditor, state and/or federal agency, the Centers for Medicare & Medicaid Services (CMS), or any other regulatory agencies (e.g., Centers for Disease Control & Prevention, state health departments/agencies, local health departments/agencies, The Joint Commission), Vizient and/or Premier relating to patient safety at Your hospital, including but not limited to state or federal actions and sanctions for violations of the conditions of participation and any documents from any of these organizations comparing Your hospital on patient safety outcomes with other hospitals nationally, statewide and/or among similar cohort of hospitals.

RESPONSE TO REQUEST NO. 34:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll documents and communications with accreditor, state and/or federal agency, the Centers for Medicare & Medicaid Services, or any other regulatory agencies . . . relating to patient safety” as this information is beyond the scope of both Leapfrog’s Hospital Survey and the “core allegations” of the Action, which concern Leapfrog’s Hospital Safety Grade. ECF No. 41 at 2.

Plaintiffs also object to this Request as duplicative of Request No. 24 which calls for, “[a]ny and all Documents that you have shared with other organizations which evaluate healthcare performance (including but not limited to Vizient, Inc., Premier, Inc., HealthTrust Purchasing Group, The Joint Commission, HealthGrades, US News, Newsweek, Statista, Definitive Healthcare, and any other benchmarking entity),” and thus incorporate their objections to that Request by reference.

Plaintiffs further object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents. Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 35:

All communications with the public, media, or internal staff concerning plans to contest, clarify, or discredit Leapfrog's Safety Grade for Your hospital.

RESPONSE TO REQUEST NO. 35:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll communications with public, media, or internal staff concerning plans to contest . . . Leapfrog's Safety Grade for Your hospital."

Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 35:

Plaintiffs further object to this Request as duplicative of Request Nos. 3 and 21 and thus incorporate their Objections to those Requests by reference. Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents that can be identified following a reasonably diligent search concerning Leapfrog's Fall 2024 Hospital Safety Grades methodology, the Plaintiff Hospitals' Fall 2024 Leapfrog Safety Grades, and the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

REQUEST FOR PRODUCTION NO. 36:

All Documents reflecting any formal or informal grievance or complaint process You initiated in response to Leapfrog's Safety Grade for Your hospital, as well as any draft or final outcomes, mitigation plans, future process changes, root cause analyses, etc.

RESPONSE TO REQUEST NO. 36:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll Documents reflecting any formal or informal grievance or complaint process You initiated in response to Leapfrog's Safety Grade . . . as well as any draft or final outcomes, mitigation plans, future process changes, root cause analyses, etc." Plaintiffs also object to this Request as vague, ambiguous, and confusing. Plaintiffs further object to this Request on the ground that it assumes Plaintiffs "initiated" a "formal or informal grievance or complaint process in response to Leapfrog's Safety Grade."

Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 36:

Plaintiffs further object to this Request as duplicative of Request Nos. 3 and 29 and thus incorporate their Objections to those Requests by reference. Subject to the foregoing Objections, Plaintiffs refer Defendant to Plaintiffs' Responses to Requests Nos. 3 and 29.

REQUEST FOR PRODUCTION NO. 37:

All drafts, final versions, and redlines of any the complaint in this case to the extent such documents were shared with any third party prior to the complaint's filing, and all communications regarding the same, including but not limited to the sharing of any non- filed complaint with any media outlet by You or any agent of Yours.

RESPONSE TO REQUEST NO. 37:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll drafts, final versions, and redlines of any complaint in this case." Plaintiffs further object to this Request as vague and ambiguous on the ground that it does not define or specify the actions for the "complaint" referenced nor does it define or specify "any third party."

Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 37:

Subject to the foregoing Objections, Plaintiffs represent that, following a diligent search, they are not aware of any non-privileged draft, redline, or final version of Plaintiffs' Complaint in this Action that was shared with any third parties prior to filing.

REQUEST FOR PRODUCTION NO. 38:

All Documents You contend support Your claim that Leapfrog's Safety Grade has caused you reputational harm or economic injury.

RESPONSE TO REQUEST NO. 38:

Plaintiffs object to this Request as duplicative of Request Nos. 8, 18, 19, and 33 and thus incorporate their objections to those Requests by reference. Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs' custody or control, that concern the "reputational harm or economic injury" the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 38:

Plaintiffs state they are no longer seeking monetary damages in this action, but only injunctive relief, declaratory relief, attorneys' fees, and costs, and therefore need not produce documents concerning the "economic injury." Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that can be identified following a reasonably diligent search and that are within Plaintiffs' custody or control, that concern the "reputational harm" the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

REQUEST FOR PRODUCTION NO. 39:

All Documents reflecting Your efforts to change or correct Leapfrog's Safety Grade (including but not limited to appeals, data submissions, or correspondence regarding the same).

RESPONSE TO REQUEST NO. 39:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks “[a]ll documents reflecting” Plaintiffs’ “efforts to change or correct Leapfrog’s Safety Grade.” Plaintiffs also object to this Request as vague and ambiguous, including through its use of the term “efforts to change or correct.” Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 39:

Plaintiffs further object to this Request as duplicative of Request Nos. 29 and 36 and thus incorporate their Objections to those Requests by reference. Subject to the foregoing Objections, Plaintiffs refer Defendant to Plaintiffs’ Response to Request Nos. 29 and 36.

REQUEST FOR PRODUCTION NO. 40:

All Documents that You contend show that third parties (including but not limited to patients, staff, and hospital stakeholders) are, were, or have been deceived, misled, or confused due to Leapfrog’s Safety Grade publication.

RESPONSE TO REQUEST NO. 40:

Plaintiffs object to this Request as duplicative of Request Nos. 18, 31, and 38 and thus incorporate their objections to those Requests by reference. Plaintiffs further object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this

Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents.

Plaintiffs also object to this Request to the extent it seeks documents already in Defendant's possession. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are in Plaintiffs' custody or control, concerning any third parties that are, were, or have been deceived, misled, or confused due to Leapfrog's Safety Grades.

REQUEST FOR PRODUCTION NO. 41:

All data sets, charts, patient records, or internal evaluations showing Your hospital's performance on the following patient safety measures:

- A. Computerized Physician Order Entry
- B. Bar Code Medication Administration
- C. ICU Physician Staffing
- D. Hand Hygiene

RESPONSE TO REQUEST NO. 41:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, and is not proportional to the needs of the Action, to the extent it seeks "[a]ll data sets, patient records, or internal evaluations" regarding the imputed performance metrics, as this information is beyond the scope of both Leapfrog's Hospital Survey and the "core allegations" of the Action,

which concern Leapfrog's Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs also object to this request as seeking protected health information that is protected from disclosure by HIPAA, among other statutes and regulations. Plaintiffs will only produce protected health information as needed and subject to a Protective Order entered by this Court.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents not subject to HIPAA, among other statutes and regulations (if any), that are within Plaintiffs' custody or control, sufficient to respond to the questions of TLG's Hospital Survey regarding the following TLG metrics: (1) Computerized Physician Order Entry ("CPOE"), (2) Bar Code Medication Administration ("BCMA"), (3) ICU Physician Staffing ("IPS"), and (4) Hand Hygiene Score. ECF 21-19 at 60, 64, 181, 220.

REQUEST FOR PRODUCTION NO. 42:

Documents sufficient to indicate all adverse patient events at Your hospital where the cause of the adverse event was found to be related to one or more of the following:

- A. Computerized Physician Order Entry
- B. Bar Code Medication Administration
- C. ICU Physician Staffing
- D. Hand Hygiene

RESPONSE TO REQUEST NO. 42:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to the needs of the Action, to the extent it seeks documents concerning "adverse patient events," as

this information is beyond the scope of both Leapfrog's Hospital Survey and the "core allegations" of the Action, which concern Leapfrog's Hospital Safety Grade. ECF No. 41 at 2.

Plaintiffs object to this Request as vague, including through its use of the terms "adverse patient event" and "cause of the adverse event was found to be related to." Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs also object to this request as seeking protected health information that is protected from disclosure by HIPAA, among other statutes and regulations. Plaintiffs will only produce protected health information as needed and subject to a Protective Order entered by this Court.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents not subject to HIPAA, among other statutes and regulations (if any), that are within Plaintiffs' custody or control, sufficient to respond to the questions of TLG's Hospital Survey regarding the following TLG metrics: (1) Computerized Physician Order Entry ("CPOE"), (2) Bar Code Medication Administration ("BCMA"), (3) ICU Physician Staffing ("IPS"), and (4) Hand Hygiene Score. ECF 21-19 at 60, 64, 181, 220.

REQUEST FOR PRODUCTION NO. 43:

All Documents You contend support the statement by Your attorney, Mary Beth Maloney, in the media that Leapfrog is "a brazen pay-for-play scheme designed to line the pocket of its leaders."

RESPONSE TO REQUEST NO. 43:

Plaintiffs object to this Request on the ground that it is overly broad, unduly burdensome, seeks information irrelevant to the claims and defenses in this Action, and is not proportional to

the needs of the Action, to the extent that it seeks documents beyond the scope of Plaintiffs' Complaint and is unrelated to the "core allegations" of the Action, which concern Leapfrog's Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs also object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents.

Plaintiffs decline to produce documents in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 43:

Subject to the foregoing Objections, Plaintiffs refer Defendant to Plaintiffs' Responses to Request Nos. 5 and 64.

REQUEST FOR PRODUCTION NO. 44:

All Documents You contend show that Leapfrog offers consulting services in exchange for better Safety Grades.

RESPONSE TO REQUEST NO. 44:

Plaintiffs object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents. Plaintiffs further object to this Request to the extent it seeks documents already in Defendant's possession, including Defendant's website. ECF No. 21-14 ("Become a Leapfrog Certified Coach," <https://www.leapfroggroup.org/JBEI/leapfrog-certified-coach-training>).

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs' custody or control, sufficient to show Defendant's offer of consulting services to hospitals.

REQUEST FOR PRODUCTION NO. 45:

Any and all Board presentations, Board Committee presentations, tax returns, financial statements, or other financial documents showing Your revenue from 2020 to present.

RESPONSE TO REQUEST NO. 45:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ny and all Board presentations, Board Committee presentations, tax returns, financial statements, or other financial documents." Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks "Board presentations, Board Committee presentations, tax returns, financial statements, or other financial documents" showing Plaintiffs' revenue from 2020 to present. Plaintiffs further object to this Request as vague, including through its use of the term "Board Committee," which is undefined.

Plaintiffs also object to this Request to the extent it calls for the disclosure of confidential, proprietary, or competitively sensitive information. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 45:

Subject to the foregoing Objections, Plaintiffs state they are no longer seeking monetary damages in this action, but only injunctive relief, declaratory relief, attorneys' fees, and costs, and therefore need not respond to this Request.

REQUEST FOR PRODUCTION NO. 46:

All Documents You relied upon in drafting the allegations set forth in Your Complaint against Leapfrog.

RESPONSE TO REQUEST NO. 46:

Plaintiffs object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents. Plaintiffs direct Defendant to Plaintiffs' Complaint, which identifies and quotes from documents that are publicly available and in Defendant's possession, including TLG's websites. Plaintiffs refer Defendant to ECF No. 1 ¶¶ 52-54, 75-102.

Plaintiffs object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs decline to produce documents in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 46:

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are in Plaintiffs' custody or control that are quoted or cited in Plaintiffs' Complaint.

REQUEST FOR PRODUCTION NO. 47:

All internal communications, reports, or memoranda discussing your hospital's market share or position relative to competitors.

RESPONSE TO REQUEST NO. 47:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll internal communications, reports, or memoranda." Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks documents and information concerning Plaintiffs' "position relative to competitors," without limitation to the subject matter relevant to this action.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 47:

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs' custody or control, sufficient to show the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals, including loss of market share to the extent Plaintiffs claim loss of market share as such a harm. Plaintiffs will not produce documents concerning the damages the Plaintiff Hospitals claim were caused by Leapfrog and the Hospital Safety Grades on the ground that Plaintiffs are no longer seeking monetary damages in this action, but only injunctive relief, declaratory relief, attorneys' fees, and costs.

REQUEST FOR PRODUCTION NO. 48:

All business plans, marketing plans, strategic plans, or presentations to investors, presentations to the board, presentations to Tenet Healthcare or presentations to any organization executives that reference or analyze your competitors or your hospital's competitive positioning.

RESPONSE TO REQUEST NO. 48:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll business plans, marketing plans, strategic plans, or presentations." Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks "business plans, marketing plans, strategic plans, or presentations to investors, presentations to the board, presentations to Tenet Healthcare or presentations to any organization executives that reference or analyze your competitors or your hospital's competitive positioning," without limitation to the subject matter relevant to this action. Plaintiffs further object to this Request as vague, including through its use of the term "organization executives."

Plaintiffs also object to this Request to the extent it seeks documents in the custody or control of Tenet Healthcare, a non-party in this Action. Plaintiffs further object to this Request as duplicative of Request No. 47 and thus incorporate their objections to that Request by reference. Plaintiffs further object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO 48:

Subject to the foregoing Objections, Plaintiffs refer Defendant to Plaintiffs' Response to Request No. 47.

REQUEST FOR PRODUCTION NO. 49:

All documents relating to patient volume, market share, or patient demographics that include any comparison between your hospital and any competitor.

RESPONSE TO REQUEST NO. 49:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll documents." Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks "documents relating to patient volume, market share, or patient demographics that include any comparison between your hospital and any competitor," without limitation to the subject matter relevant to this action. Plaintiffs also object to this Request as vague and ambiguous, including through its use of the terms "patient volume," "market share," "patient demographics," and "any comparison." Plaintiffs further object to this Request as duplicative of Request Nos. 47 and 48 and thus incorporate their objections to those Requests by reference.

Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity. Plaintiffs further object to this request as seeking protected health information that is protected from disclosure by HIPAA, among other statutes and regulations. Plaintiffs will only produce protected health information as needed and subject to a Protective Order entered by this Court.

Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 50:

All documents reflecting or analyzing the pricing of your services in comparison to those of your competitors.

RESPONSE TO REQUEST NO. 50:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks “[a]ll documents.” Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks “documents reflecting or analyzing the pricing of your services in comparison to those of your competitors,” without limitation to the subject matter relevant to this action. Plaintiffs further object to this Request as duplicative of Request Nos. 47, 48, and 49 and thus incorporate their objections to those Requests by reference. Plaintiffs further object to this Request as vague, including through its use of the term “pricing of your services.”

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 50:

Plaintiffs further object to this Request as overly broad and unduly burdensome on the ground that it seeks a volume of documents that would be unduly burdensome for Plaintiffs to identify, collect, and produce. Pricing varies for patients based on health insurance coverage, Medicaid status, etc., and, as a result, this Request would require Plaintiffs to obtain documentation for millions of patients. Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 51:

All consumer perception surveys, brand studies, or market research reports concerning how the consuming public views your hospital and how it compares to other hospitals in the region.

RESPONSE TO REQUEST NO. 51:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks “[a]ll consumer perception surveys, brand studies, or market research reports.” Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks documents “concerning how the consuming public views your hospital and how it compares to other hospitals in the region,” without limitation to the subject matter relevant to this action. Plaintiffs further object to this Request as vague, including through its use of the terms “consuming public,” “views,” and “how it compares.”

Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 51:

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents that are within Plaintiffs' custody or control, that concern the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

REQUEST FOR PRODUCTION NO. 52:

All communications, reports, studies or analyses concerning your hospital's reputation or brand image in the marketplace.

RESPONSE TO REQUEST NO. 52:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll communications, reports, studies or analyses." Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks documents "concerning your hospital's reputation or brand image in the marketplace," without limitation to the subject matter relevant to this action. Plaintiffs also object to this Request as vague, including through its use of the terms "brand image" and "marketplace." Plaintiffs further object to this Request as duplicative of Request No. 51 and thus incorporate their objections to that Request by reference.

Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents. Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 52:

Subject to the foregoing Objections, Plaintiffs refer Defendant to Plaintiffs' Response to Request No. 51.

REQUEST FOR PRODUCTION NO. 53:

All documents concerning efforts to enhance or protect your hospital's reputation or public image, including public relations strategies, media outreach, or reputation management plans whether related to this this Lawsuit or not.

RESPONSE TO REQUEST NO. 53:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll documents." Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks "documents concerning efforts to enhance or protect your hospital's reputation or public image, including public relations strategies, media outreach, or reputation management plans whether related to this [] Lawsuit or not," without limitation to the subject matter relevant to this Action. Plaintiffs also object to this Request as vague and ambiguous, including through its use of the terms "reputation management plans" and "public image."

Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 53:

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs' custody or control, that concern the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals. Plaintiffs further object to this Request as duplicative of Request Nos. 51 and 52 and refer Defendant to Plaintiffs' Supplemental Response to Request No. 51.

REQUEST FOR PRODUCTION NO. 54:

All communications with public relations firms, marketing agencies, or consultants related to the hospital's image, reputation, or consumer perception.

RESPONSE TO REQUEST NO. 54:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll communications." Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks "communications with public relations firms, marketing agencies, or consultants related to the hospital's image, reputation, or consumer perception," without limitation to the subject matter relevant to this action. Plaintiffs also object to this Request as duplicative of Request Nos. 51 and 52 and thus incorporate their objections to those Requests by reference.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 54:

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs' custody or control, that concern the harm the Plaintiff Hospitals

claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals. Plaintiffs refer Defendant to Plaintiffs' Supplemental Response to Request No. 51.

REQUEST FOR PRODUCTION NO. 55:

All documents concerning any awards, rankings, or ratings received by your hospital, and any comparisons between such recognition and that of your competitors.

RESPONSE TO REQUEST NO. 55:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll documents" where a subset of documents would be sufficient to provide the pertinent information. Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks "documents concerning any awards, rankings, or ratings received by your hospital, and any comparisons between such recognition and that of your competitors," without limitation to the subject matter relevant to this action. Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents.

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are in Plaintiffs' custody or control, sufficient to show public-facing awards, rankings, or recognitions received by each Plaintiff and any comparisons between such recognitions and those of each Plaintiff's competitors.

REQUEST FOR PRODUCTION NO. 56:

All documents relating to or evidencing any reputational harm you allege resulted from Defendant's conduct, including internal reports, meeting minutes, or correspondence.

RESPONSE TO REQUEST NO. 56:

Plaintiffs object to this Request as duplicative of Request Nos. 8, 18, 19, 31, and 38 and thus incorporate their objections to those Requests by reference. Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs' custody or control, that concern reputational harm the Plaintiff hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals.

REQUEST FOR PRODUCTION NO. 57:

All documents relating to any decrease in patient volume, revenue, referrals, or public engagement caused by any and all legal issues impacting Tenet Healthcare including but not limited to accusations of fraudulent billing practices, criminal and civil claims for defrauding Medicaid by paying kickbacks for patient referrals, and false claims act violations.

RESPONSE TO REQUEST NO. 57:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ll documents." Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks documents related to Tenet Healthcare and "accusations of fraudulent billing practices, criminal and civil claims for defrauding Medicaid by paying kickbacks

for patient referrals, and false claims act violations,” as Tenet Healthcare is not a party to or participant in this Action. Documents concerning “any decrease in patient volume, revenue, referrals, or public engagement caused by any and all legal issues impacting Tenet Healthcare” are beyond the scope of both Leapfrog’s Hospital Survey and the “core allegations” of the Action, which concern Leapfrog’s Hospital Safety Grade. ECF No. 41 at 2.

Plaintiffs also object to this Request to the extent it assumes unfounded allegations with respect to the existence of “legal issues impacting Tenet Healthcare” related to “accusations of fraudulent billing practices, criminal and civil claims for defrauding Medicaid by paying kickbacks for patient referrals, and false claims act violations.” Plaintiffs further object to this Request to the extent it seeks documents in the custody or control of Tenet Healthcare, a non-party in this Action.

Plaintiffs also object to this Request as vague, ambiguous, and confusing as written, including through its use of the terms “referrals,” “public engagement,” and “legal issues.” Plaintiffs further object to this Request to the extent it calls for a legal conclusion. Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 57:

Subject to the foregoing Objections, Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 58:

All documents, including but not limited to press releases, public statements, or media responses issued in relation to lawsuits, investigations, or negative media reports concerning any lawsuits filed against your hospital within the past ten (10) years that received media coverage or were likely to affect public perception.

RESPONSE TO REQUEST NO. 58:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks “[a]ll documents.” Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks documents concerning “negative media reports concerning any lawsuits filed against your hospital within the past ten (10) years that received media coverage or were likely to affect public perception.” Documents concerning lawsuits unrelated to this Action are beyond the scope of both Leapfrog’s Hospital Survey and the “core allegations” of the Action, which concern Leapfrog’s Hospital Safety Grade. ECF No. 41 at 2.

Plaintiffs also object to this Request as vague, including through its use of the terms “negative media reports” and “were likely to affect public perception.” Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs further object on the ground that any relevant documents responsive to this Request, i.e., documents concerning this Action, are publicly available.

Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 59:

All media coverage (including online, print, broadcast, and social media) referring to alleged misconduct, litigation, or regulatory scrutiny involving your hospital.

RESPONSE TO REQUEST NO. 59:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks “[a]ll media coverage.” Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks “media coverage (including online, print, broadcast, and social media) referring to alleged misconduct, litigation, or regulatory scrutiny involving your hospital,” without limitation to the subject matter relevant to this action. Plaintiffs also object to this Request to the extent it assumes unfounded allegations with respect to “alleged misconduct, litigation, or regulatory scrutiny involving” the Plaintiff Hospitals.

Plaintiffs also object to this Request to the extent that it calls for the production of publicly available documents or information, or documents or information to which Defendant has equal or better access, and for which the burden on Plaintiffs is thus equal to or greater than that on Defendant in obtaining the requested documents.

Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 60:

All documents provided to or received from any public relations firm, consultant, or crisis management expert regarding the hospital’s response to any negative publicity, whether related to this Lawsuit or not.

RESPONSE TO REQUEST NO. 60:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks “[a]ll documents.” Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks documents “regarding the hospital’s response to any negative publicity, whether related to this Lawsuit or not,” without limitation to the subject matter relevant to this action. Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request as duplicative of Request Nos. 51 and 52 and thus incorporate their objections to those Requests by reference.

Subject to the foregoing Objections, Plaintiffs agree to meet and confer in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 60:

Subject to the foregoing Objections, Plaintiffs agree to produce non-privileged documents (if any), that are within Plaintiffs’ custody or control, that can be identified following a reasonably diligent search and that concern the harm the Plaintiff Hospitals claim was caused by Leapfrog and the Hospital Safety Grades of the Plaintiff Hospitals. Plaintiffs also refer Defendant to Plaintiffs’ Response to Request No. 51.

REQUEST FOR PRODUCTION NO. 61:

All expert reports, studies, or analyses prepared by or for you quantifying or assessing any reputational damage allegedly sustained as a result of Defendant’s conduct.

RESPONSE TO REQUEST NO. 61:

Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking

information protected by the attorney-client privilege, work-product doctrine, or other immunity. Plaintiffs further object to this Request because it is premature, to the extent it seeks documents other than those identified under Rule 26(a)(1) of the Federal Rules of Civil Procedure.

Subject to the foregoing Objections, Plaintiffs respond that they will submit expert reports on August 7, 2025, per the Court's May 28, 2025 Pretrial Scheduling Order.

REQUEST FOR PRODUCTION NO. 62:

Any and all documents in any way reflecting any employee surveys at Your hospital or at the Tenet Healthcare corporate level that were conducted or commissions to assess perceptions of patient safety at Your hospital.

RESPONSE TO REQUEST NO. 62:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks "[a]ny and all documents in any way reflecting and employee surveys." Plaintiffs also object to this Request on the ground that seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks documents "reflecting employee surveys at Your hospital or at the Tenet Healthcare corporate level that were conducted or commissions to assess perceptions of patient safety at Your hospital," without limitation to the subject matter relevant to this action. Documents concerning "employee surveys" conducted at the "corporate level" are beyond the scope of both Leapfrog's Hospital Survey and the "core allegations" of the Action, which concern Leapfrog's Hospital Safety Grade. ECF No. 41 at 2. Plaintiffs also object to this Request to the extent it seeks documents in the custody or control of Tenet Healthcare, a non-party in this Action.

Plaintiffs also object to this Request as vague, including through its use of the terms "employee surveys," "Tenet Healthcare corporate level," and "commissions." Plaintiffs further

object to this Request to the extent it seeks documents concerning non-parties with no relation to this Action.

Plaintiffs further object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control.

Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 63:

Any and all documents related in any way to union actions and/or collective bargaining reflecting patient safety concerns.

RESPONSE TO REQUEST NO. 63:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks “[a]ny and all documents related in any way” to union actions or collective bargaining. Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks “documents related in any way to union actions and/or collective bargaining reflecting patient safety concerns,” without limitation to the subject matter of this action. Plaintiffs further object to this Request as vague, including through its use of the term “patient safety concerns.”

Plaintiffs also object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs decline to produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 64:

Any and all documents and communications in any way reflecting allegations and/or claims by Your hospital or against Your hospital related in any way to allegations of violations of the Florida Unfair and Deceptive Trade Practices Act.

RESPONSE TO REQUEST NO. 64:

Plaintiffs object to this Request as overly broad and unduly burdensome on the ground that it seeks “[a]ny and all documents and communications.” Plaintiffs also object to this Request on the ground that it seeks information irrelevant to the claims and defenses in this Action and is not proportional to the needs of the Action, to the extent it seeks “documents and communications in any way reflecting allegations and/or claims by Your hospital or against Your hospital related in any way to allegations of violations of the Florida Unfair and Deceptive Trade Practices Act,” without limitation to the subject matter relevant to this action.

Plaintiffs also object to this Request to the extent it purports to impose upon Plaintiffs a duty to search for and produce documents that Plaintiffs do not have in their possession, custody, or control. Plaintiffs further object to this Request to the extent it seeks documents and information that are subject to a claim of privilege or otherwise protected from disclosure, including seeking information protected by the attorney-client privilege, work-product doctrine, or other immunity.

Plaintiffs further object on the ground that any relevant document responsive to this Request is publicly available.

Plaintiffs decline to produce documents in response to this Request.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 64:

Subject to the foregoing Objections, Plaintiffs agree to produce a docket search of all public lawsuits brought against the Plaintiff Hospitals from January 1, 2023 to present.

Dated: August 8, 2025

/s/ Lee R. Crain

GIBSON, DUNN & CRUTCHER LLP

Lee R. Crain (pro hac vice)
Mary Beth Maloney (pro hac vice)
200 Park Avenue
New York, NY 10166
Telephone: 212.351.4000
Facsimile: 212.351.4035
Email: lcrain@gibsondunn.com
Email: mmaloney@gibsondunn.com

Betty X. Yang (pro hac vice)
Scott K. Hvidt (pro hac vice)
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900
Email: byang@gibsondunn.com
Email: shvidt@gibsondunn.com

MARCUS NEIMAN RASHBAUM & PINEIRO LLP

Michael Pineiro, Bar # 41897
Daniel Rashbaum, Bar # 75084
Brandon S. Floch, Bar # 125218
2 South Biscayne Boulevard
Suite 2530
Miami, Florida 33131
Telephone: 305-400-4268
Facsimile: 954-688-2492
Email: mpineiro@mnrlawfirm.com
Email: drashbaum@mnrlawfirm.com
Email: bfloch@mnrlawfirm.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that true and correct copies of Plaintiffs' Supplemental Responses & Objections to Defendant's First Set of Requests for Production have been served on counsel for Defendant by electronic transmission.

/s/ Lee R. Crain
Lee R. Crain

Exhibit 2



August 6, 2025

Kimberly E. Blair
312.821.6139(direct)
Kimberly.Blair@wilsonelser.com

VIA ELECTRONIC MAIL

Scott K. Hvidt
Gibson, Dunn & Crutcher LLP
2001 Ross Ave., Ste. 2100
Dallas, TX 75201
mmaloney@gibsondunn.com

Lee Crain
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166
lcrain@gibsondunn.com

Re: *Good Samaritan Medical Center, Inc., et al, v. The Leapfrog Group;*
U.S. District Court, Southern District of Florida; Case No. 25-CV-80526

Dear Mr. Hvidt:

Please allow this correspondence to serve as the second meet and confer regarding Plaintiffs' deficient interrogatory answers, responses to request for production, and document production. This correspondence does not include the deficiencies Leapfrog already discussed with you on July 30, 2025 with regard to other specific responses Plaintiffs provided to Leapfrog's request for production. We look forward to your responses to those requests separately.

As a threshold matter, Plaintiffs assert relevancy as an objection to forty-two (42) of Leapfrog's requests for production and fifteen (15) of Leapfrog's interrogatories. In addition, Plaintiffs' declined to respond to eight (8) interrogatories and nineteen (19) requests for production. It is Leapfrog's position that none of these objections are proper based on the content requested in each applicable interrogatory or request for production.

The Federal Rules state "[p]arties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense...[i]nformation within this scope of discovery need not be admissible in evidence to be discoverable." Fed. R. Civ. P. 26(b)(1). Indeed, just last year, Judge Matthewman highlighted "[i]t is well established that the courts must employ a liberal standard in keeping with the purpose of the discovery rules." *Consumer Fin. Prot. Bureau v. Freedom Mortg. Corp.*, 2024 U.S. Dist. LEXIS 127369 (S.D. Fla. Apr. 5, 2024) (citations omitted). Even

55 West Monroe Street, Suite 3800 • Chicago, IL 60603 • p 312.704.0550 • f 312.704.1522

Alabama • Albany • Atlanta • Austin • Baltimore • Beaumont • Boston • Chicago • Dallas • Denver • Edwardsville • Garden City • Hartford • Houston
Indiana • Kentucky • Las Vegas • London • Los Angeles • Miami • Michigan • Milwaukee • Mississippi • Missouri • Nashville • New Jersey • New Orleans
New York • Orlando • Philadelphia • Phoenix • San Diego • San Francisco • Sarasota • Stamford • Virginia • Washington, DC • Wellington • White Plains

wilsonelser.com

further, Judge Matthewman reminds the parties that Rule 26(b) “allows discovery ‘through increased reliance on the commonsense concept of proportionality.’” *Id.* (citations omitted).

“[T]o successfully sustain an objection on the basis of relevancy, [Plaintiffs] must show that the requested discovery ‘has no possible bearing on the claims and defenses’ in this case.” *Chiorando v. Fed. Ins. Co.*, 2023 U.S. Dist. LEXIS 244180 (M.D. Fla. May 4, 2023) (citations omitted). Plaintiffs’ objections on relevancy neither consider the 138 paragraphs of allegations in their Complaint nor the needs of the case from the view of Leapfrog’s defenses. All of Leapfrog’s requests are relevant and proportional to the needs of the very litigation that Plaintiffs filed.

I. Plaintiffs’ Answers to Leapfrog’s Interrogatories

Plaintiffs declined to respond to eight (8) interrogatories propounded by Leapfrog. For the reasons stated above, this is improper and highly prejudicial. Leapfrog requests Plaintiffs promptly amend their answers to the following interrogatories to include substantive answers: Nos. 4, 11, 13, 16, 17, 18, 20, 25. Leapfrog addresses these interrogatories in addition to others below.

Interrogatory No. 2, please confirm there are no additional witness disclosures at this time, including but not limited to former employees of Leapfrog.

Interrogatory No. 4, Plaintiffs declined to answer, which is deficient. Plaintiffs allege Leapfrog’s methodology, scoring, and Safety Grades are false, deceptive and unfair. Thus, Leapfrog requests an answer on how Plaintiffs believe they would not be harmed, if the methodology or scoring were different. This is relevant to Leapfrog’s defenses that the methodology and scoring is not false, deceptive, or unfair.

Interrogatory No. 5, Plaintiffs’ answers are non-responsive. Leapfrog is requesting an answer as to when, if ever, Plaintiffs ever submitted data, corrections, or appeals to Leapfrog regarding the Safety Grade each Plaintiff Hospital received back to January 1, 2020. Further, if Plaintiffs did, in fact, submit data, corrections, or appeals, who was involved in the submission and what was the content to the submission. This is relevant to Leapfrog’s defenses and Plaintiffs damages.

Interrogatory No. 10, Plaintiffs’ answer is non-responsive. Leapfrog is requesting a basis for each, and every category of damages claimed. Specifically, Plaintiffs allege they were harmed “through loss of goodwill, reputation, and revenue.” (Compl. at ¶123). Plaintiffs must answer this interrogatory in its own view. The interrogatory does not ask what Plaintiffs’ expert will opine.

Interrogatory No. 11, Plaintiffs declined to answer. To the extent Plaintiffs declined to answer on the basis of HIPPA, Leapfrog is not seeking personal patient information. In response to Interrogatory No. 14, Plaintiffs admit they have received “reports that patients considered or decided not to use Plaintiffs’ facility because of Leapfrog grades.” Thus, the information Leapfrog is seeking exists and Plaintiffs must answer. Leapfrog will accept an answer that does not contain personal identifying information as it relates to HIPPA protections.



Interrogatory No. 13, Plaintiffs declined to answer. Leapfrog's Safety Grades are centered around patient safety. Thus, whether the Plaintiff Hospitals make any improvements to their patient safety measures is wholly relevant to Plaintiffs' claims and Leapfrog's defenses. Plaintiffs must provide a substantive response.

Interrogatory No. 14, Leapfrog requests Plaintiffs supplement this answer based on their documents to provide a substantive response. Leapfrog is not requesting for personal identifying information that is protected by HIPPA.

Interrogatory No. 16, Plaintiffs declined to respond. Whether the Plaintiff Hospitals complete any due diligence to ensure the accuracy of its own publicly reported safety data is wholly relevant to Plaintiffs' claims and Leapfrog's defenses. Leapfrog's Safety Grades in-part relies on Centers for Medicare & Medicaid Services ("CMS") data. To the extent that data is accurate or not is relevant to this litigation. Plaintiffs must provide a substantive response.

Interrogatory No. 17, Plaintiffs declined to respond. This interrogatory goes to Plaintiffs' claim for reputational damages. Leapfrog is entitled to know information regarding how the Plaintiff's communicate their good or bad safety grades to the parent company and the comments made by the Plaintiffs and/or the parent company about the legitimacy or accuracy of the healthcare safety ratings discussed. These issues go directly to your claims that the methodology is faulty and/or deceptively communicated. In addition, for example, if unions are recommending people do not go to the Plaintiff Hospitals, either for treatment or employment, then Leapfrog is entitled to know that, in addition to how Plaintiffs are remedying that situation. Interrogatory No. 17 likewise goes to Leapfrog's affirmative defense of mitigation of damages.

Interrogatory No. 18, Plaintiffs declined to respond. Just as you assert that the compensation of Leapfrog executives is driving the methodology, so too are we allowed to discovery and investigate whether this lawsuit and the claims are being driven by the Plaintiffs' executive compensation models. Especially in light of the fact that some of these hospitals were receiving C and D grades for years with no communication from the hospitals to Leapfrog taking issue at any time with the methodology or the reporting of the safety grades.

Interrogatory No. 20, Plaintiffs declined to respond. The Complaint pleads reputational harm and damages relating to patients going to competitor hospitals for treatment. Certainly, any market analysis, competitive analysis, or consumer perception survey Plaintiffs may have conducted is relevant to damages and Leapfrog's defenses that no such damages exist.

Interrogatory No. 21, Plaintiffs fail to identify any third-parties that have raised concerns about their reputation and/or public perception on issues in any way involving patient safety or satisfaction. This question goes directly to the issue of damages and the proximate cause of those damages. Leapfrog requests Plaintiffs amend this answer to provide a sufficient answer to the same.

Interrogatory No. 22, Plaintiffs fail to identify and describe any complaints, concerns, or comments from patients, community members, or referring physicians that relate to each hospital's reputation or comparisons to other hospitals in their region. Your answer is vague by simply stating that

“Plaintiff has received reports that patients and physicians considered or decided not to use Plaintiff’s facility because of misleading grades.” Your answer unnecessarily limits the interrogatory to just Leapfrog and despite Plaintiff’s rewriting of the interrogatory provides a wholly unresponsive answer. This interrogatory goes directly to Plaintiff’s own claims of damage as well as Leapfrog’s defenses. Leapfrog requests Plaintiff amend its answer.

Interrogatory No. 24, Plaintiffs declined to respond. This interrogatory is relevant to Plaintiffs’ reputational damages and Leapfrog’s defenses.

II. Plaintiffs’ Responses to Leapfrog’s Request for Production

Plaintiffs declined to produce documents in response to nineteen (19) requests for production propounded by Leapfrog. Specifically, Plaintiffs declined to produce documents in response to the following requests for production: Nos. 2, 12, 13, 14, 15, 23, 24, 25, 28, 30, 34, 43, 46, 49, 58, 59, 62, 63, 64.

RFP #2: Leapfrog narrows this request to all documents you have exchanged with the individuals identified in your initial disclosures as it relates to Leapfrog Safety Grades, methodology, scoring, measures, or otherwise relates to this litigation.

RFP #13: Leapfrog narrows this request to only include a list of medical malpractice cases where each Plaintiff hospital has been named as a defendant since January 1, 2023, including the case name, number, and venue.

RFP #46: This requests states, “All Documents You relied upon in drafting the allegations set forth in Your Complaint against Leapfrog.” The Complaint is composed of 138 paragraphs of allegations that Plaintiffs now decline to produce documents to support. Leapfrog reminds Plaintiffs that they filed this Complaint pursuant to Fed. R. Civ. P. 11. Plaintiffs must produce all documents they relied upon when drafting the Complaint.

RFP #58: Leapfrog narrows this request to January 1, 2023 to present.

For the remaining seventeen requests that Plaintiffs’ declined to produce documents in relation to, please see the chart below as to why each request is discoverable by Leapfrog, relevant to the claims and/or defenses, and proportionate to the needs of this case.

Reasoning for Relevance and Proportionality	Applicable Requests
<i>Requests related to patient safety at the Plaintiff Hospitals.</i> The crux of this litigation is patient safety. The Leapfrog Safety Grades, scoring, and methodology are all based on patient safety. Thus, Leapfrog any information related to patient safety at the Plaintiff Hospitals is relevant and proportional to the needs of this case.	RFP # 12, 23, 28, 30, 34, 62, 63
<i>Requests that relate to Plaintiffs’ alleged damages.</i>	RFP #

Plaintiffs allege reputational harm, loss of goodwill and revenue. To the extent there are other reasons why Plaintiffs suffer reputational harm, etc. is relevant to Leapfrog's defenses.	13, 14, 15, 34, 43, 49, 63
<i>Requests that relate to causation and liability.</i> Again, to the extent that any other actions or inactions by Plaintiffs have caused their alleged damages, such information is relevant to whether Leapfrog caused the alleged damages. Further, Plaintiffs actions or inactions may affect Leapfrog's Safety Grades and scoring. For example, if Plaintiffs fail to accurately report their own CMS data, Leapfrog's scoring of the Plaintiff Hospitals would be affected, and Plaintiffs may be liable for the very damages they allege against Leapfrog.	RFP # 13, 14, 15, 23, 34, 49, 59, 62
<i>Requests that relate to Leapfrog defenses.</i> Leapfrog's applicable affirmative defenses include speculative damages and avoidable consequences/failure to mitigate damages. Leapfrog also asserts that their Safety Grades, scoring, and methodology as it relates to the Plaintiff Hospitals is consistent with other ratings and scorings of the Plaintiff Hospitals. Further, Leapfrog asserts that the Plaintiff Hospitals lack credibility.	RFP # 24, 25, 30, 58, 59, 64

III. Leapfrog's Proposed Search Terms

Please see Leapfrog's proposed search terms below. All requests shall be searched back to January 1, 2023. Leapfrog requests Plaintiffs' produce documents with reference to what document is responsive to each request for production. Further, to the extent Plaintiffs' withhold documents that they deem "non-responsive" but the document hit on the search term, Leapfrog requests a log reflecting the same.

RFP #1	("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("grad*" OR "methodology" OR "harm" OR "hospital" OR "good samaritan" OR "delray" OR "west boca" OR "palm beach gardens" OR "st. mary's" OR "tenet" OR "palm beach health network" OR "PBHN" OR "market*" OR "behavior" OR "profit" OR "government" OR "sponsor" OR "member" OR "material" OR "chang*" OR "revenue" OR "cost" OR "loss" OR "harm" OR "reputation" OR "goodwill") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR
---------------	--

	method* OR "model" OR "survey" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #2	("Erik" w/5 "Cazares" OR "Jerad" w/5 "Hanlon" OR "Heather" w/5 "Havericak" OR "Cynthia" w/5 "McCauley" OR "Sheri" w/5 "Montgomery" OR "Leah" w/5 "Binder" OR "Kush" w/5 "Banerjee" OR "Missy" w/5 "Danforth" OR "Lauren" w/5 "Bailey" OR "Katie" w/5 "Stewart") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #3	("good samaritan" OR "delray" OR "west boca" OR "palm beach gardens" OR "st. mary's" OR "tenet" OR "palm beach health network" OR "PBHN" OR "hospital") AND ("hospital survey" OR "safety grade" OR "input*" OR "metric" OR "method* OR "Leapfrog" OR "Leap Frog" OR "TLG") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #4	("good samaritan" OR "delray" OR "west boca" OR "palm beach gardens" OR "st. mary's" OR "tenet" OR "palm beach health network" OR "PBHN" OR "hospital") AND ("hospital survey" OR "safety grade" OR "input*" OR "metric" OR "method* OR "Leapfrog" OR "Leap Frog" OR "TLG") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #5	("input*" OR "invent" OR "bad" OR "create" OR "wors*" OR "made up" OR "make up" OR "concoct" OR "fals*" OR "mislead" OR "decept*" OR "feedback" OR "complain*" OR "nonresponding" OR "non-responding" OR "doesn't respond" OR "not respond" OR "average" OR "mean" OR "benefit" OR "unfair" OR "imput*" OR "Lowest" OR "wors*" OR "5" OR "15" OR "upset" OR "critic*" OR frustrat* OR "disagree*" OR "not agree" OR "n't agree" OR annoy* OR wrong OR "participate" OR "inaccura*" OR "bad" OR "lie" OR "lying" OR "confus*" OR "compar*" OR "wrong" OR "pay-for-play" OR "scheme") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR

	method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #6	("Input*" OR "invent" OR "bad" OR "create" OR "wors*" OR "made up" OR "make up" OR "concoct" OR "fals*" OR "mislead" OR "decept*" OR "feedback" OR "complain*" OR "nonresponding" OR "non-responding" OR "doesn't respond" OR "not respond" OR "average" OR "mean" OR "benefit" OR "unfair" OR "imput*" OR "Lowest" OR "wors*" OR "5" OR "15" OR "upset" OR "critic*" OR frustrat* OR "disagree*" OR "not agree" OR "n't agree" OR annoy* OR wrong OR "participate" OR "inaccura*" OR "bad" OR "lie" OR "lying" OR "confus*" OR "compar*" OR "wrong" OR "pay-for-play" OR "scheme") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #7	("Input*" OR "invent" OR "bad" OR "create" OR "wors*" OR "made up" OR "make up" OR "concoct" OR "invent" OR "fals*" OR "mislead" OR "decept*" OR "feedback" OR "complain*" OR "nonresponding" OR "non-responding" OR "doesn't respond" OR "not respond" OR "average" OR "mean" OR "benefit" OR "unfair" OR "Lowest" OR "wors*" OR "5" OR "15" OR "upset" OR "critic*" OR frustrat* OR "disagree*" OR "not agree" OR "n't agree" OR annoy* OR wrong OR "participate" OR "inaccura*" OR "bad" OR "lie" OR "lying" OR "confus*" OR "compar*" OR "wrong" OR "pay-for-play" OR "scheme") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #8	("impact*" OR "patient" OR "profit" OR "harm" OR "report*" OR "hir*" OR "care" OR "hospital" OR "relationship" OR "physician" OR "doctor" OR "staff" OR "consumer" OR "market" OR "loss" OR "damage*" OR "investor" OR "board" OR "admission" OR "reputation" OR "brand") AND ("Leapfrog" OR "Leap Frog" OR "TLG" OR "grad*" OR "rating" OR "rank" OR "scor*" OR imput* OR "survey" OR "hospital survey" OR "safety grade" OR "metric" OR "method*") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #9	

	No search terms.
RFP #10	No search terms.
RFP #11	(“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #12	(“presentation” OR “investor” OR “shareholder” OR “board” OR “member” OR “report*” OR “investigat*” OR “grad*” OR “rank*” OR “scor*” OR “survey” OR “model”) AND (“patient safety” OR “patient” OR “safety” OR “quality”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #13	(“good samaritan” OR “delray” OR “west boca” OR “palm beach gardens” OR “st. mary’s” OR “tenet” OR “palm beach health network” OR “PBHN” OR “hospital” OR “doctor” OR “medical malpractice” OR “malpractice”) AND (“lawsuit” OR “litigation” OR “pleading” OR “sue”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #14	(“National Practitioners Data Base” OR “National Practitioners”) (“Leapfrog” OR “Leap Frog” OR “TLG”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”) OR “invent” OR “investigat*” OR “rank*” OR “hospital”)
RFP #15	(“complain*” OR “critic*” OR “feedback” OR “comment”) AND (“physician” OR “hospital” OR “nurse” OR “doctor” OR “staff” OR “pharmacist” OR “specialist” OR “employee” OR “independent contractor” OR “hospital” OR “good samaritan” OR “delray” OR “west boca” OR “palm beach gardens” OR “st. mary’s” OR “tenet” OR “palm beach health network” OR “PBHN”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)

RFP #16	("safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "hospital survey" OR "hospital rank" OR "hospital rat*" OR "hospital scor*" OR "hospital grad*") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #17	("palm beach health network" OR "PBHN") AND ("Leapfrog" OR "Leap Frog" OR "LFG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #18	("patient" OR "customer" OR "client" OR "complaint" OR "report" OR "comment" OR "feedback") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #19	("impact*" OR "patient" OR "profit" OR "harm" OR "report*" OR "hir*" OR "care" OR "hospital" OR "relationship" OR "physician" OR "doctor" OR "staff" OR "consumer" OR "market" OR "loss" OR "damage*" OR "investor" OR "board") AND ("Leapfrog" OR "Leap Frog" OR "TLG" OR "grad*" OR "rating" OR "rank" OR "scor*" OR "Imput*" OR "survey" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #20	("performance" OR "rat*" OR "rank" OR "grad*" OR "evaluat*") AND ("hospital" OR "good samaritan" OR "delray" OR "west boca" OR "palm beach gardens" OR "st. mary's" OR "tenet" OR "palm beach health network" OR "PBHN" OR "care" OR "service" OR "healthcare" OR "physician" OR "hospital" OR "nurse" OR "doctor" OR "staff" OR "pharmacist" OR "specialist" OR "employee" OR "independent contractor") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5

	(“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #21	(“media” OR “advocacy group” OR “public relations” OR “statement” OR “public” OR “social media” OR “story” OR “publicity” OR “government” OR “online” OR “publish”) AND (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #22	No search terms.
RFP #23	(“complain*” OR “critic*” OR “feedback” OR “comment”) AND (“safety” OR “quality” OR “healthcare” OR “services” OR “physician” OR “hospital” OR “nurse” OR “doctor” OR “staff” OR “pharmacist” OR “specialist” OR “employee” OR “independent contractor” OR “hospital” OR “good samaritan” OR “delray” OR “west boca” OR “palm beach gardens” OR “st. mary’s” OR “tenet” OR “palm beach health network” OR “PBHN”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #24	(“evaluat*” OR “grad*” OR “rank” OR “rat*” OR “performance” OR “survey” OR “safety grad*”) (“Vizient” OR “Premier” OR “HealthTrust” OR “Purchasing Group” OR “The Joint Commission” OR “HealthGrades” OR “US News” OR “Newsweek” OR “Statista” OR “Definitive Healthcare”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #25	(“complaint” OR “critic*” OR “feedback” OR “comment”) AND (“consumer products” OR “false advertising”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)

RFP #26	("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #27	("hospital survey" OR "safety grade" OR "input*" OR "metric" OR "method*" OR "Leapfrog" OR "Leap Frog" OR "TLG") AND ("investigat*" OR "report" OR "study") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #28	("patient") AND ("safety" OR "data" OR "outcomes" OR "metrics") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #29	("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #30	("public statement" OR "statement" OR "social media" OR "press" OR "release" OR "post" OR "media" OR "public relations" OR "story" OR "publicity" OR "online" OR "publish") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #31	("patient" OR "customer" OR "client" OR "complaint" OR "report" OR "comment" OR "feedback" OR "reliance" OR "relied" OR "rely" OR "decision" OR "determin*") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")

RFP #32	("consumer harm" OR "consumer groups" OR "accreditation" OR "better business bureau" OR "analysts") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #33	("admission" OR "impact*" OR "patient" OR "profit" OR "harm" OR "report*" OR "hir*" OR "care" OR "hospital" OR "relationship" OR "physician" OR "doctor" OR "staff" OR "consumer" OR "market" OR "loss" OR "damage*" OR "investor" OR "board") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #34	("federal agency" OR "state agency" OR "accredit*" OR "Centers for Medicare & Medicaid Services" OR "CMS" OR "regulator" OR "Centers for Disease Control & Prevention" OR "the joint commission" OR "Vizient" OR "Premier" OR "agency" OR "health department") AND ("patient safety" OR "sanctions" OR "violat*" OR "violation" OR "patient outcomes" OR "action" OR "lawsuit" OR "litigation" OR "breach") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #35	("public statement" OR "statement" OR "social media" OR "press" OR "release" OR "post" OR "media" OR "public relations" OR "story" OR "publicity" OR "online" OR "publish") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")

RFP #36	("grievance" OR "complain*" OR "process" OR "response" OR "appeal") AND ("Leapfrog" OR "Leap Frog" OR "TLG" OR "grad*" OR "rating" OR "rank" OR "scor*" OR "Imput*" OR "survey") ("outcome*" OR "mitigation" OR "plan" OR "future process" OR "root cause analyses" OR "chang*") AND ("Leapfrog" OR "Leap Frog" OR "TLG" OR "grad*" OR "rating" OR "rank" OR "scor*" OR "Imput*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #37	("draft complaint" OR "complaint" OR "pleading" OR "draft pleading" OR "lawsuit" OR "suit") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #38	("admission" OR "impact*" OR "patient" OR "profit" OR "harm" OR "report*" OR "hir*" OR "care" OR "hospital" OR "relationship" OR "physician" OR "doctor" OR "staff" OR "consumer" OR "market" OR "loss" OR "damage*" OR "investor" OR "board") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #39	("grievance" OR "complain*" OR "process" OR "response" OR "appeal" OR "data submi*" OR "chang*") AND ("Leapfrog" OR "Leap Frog" OR "TLG" OR "grad*" OR "rating" OR "rank" OR "scor*" OR "Imput*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #40	("admission" OR "impact*" OR "patient" OR "profit" OR "harm" OR "report*" OR "hir*" OR "care" OR "hospital" OR "relationship" OR "physician" OR "doctor" OR

	“staff” OR “consumer” OR “market” OR “loss” OR “damage*” OR “investor” OR “board” OR “stakeholder”) AND (“Leapfrog” OR “Leap frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*” OR “rating” OR “scor*” OR “rank” OR “grad*” OR “survey”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #41	(“data sets” OR “charts” OR “patient records” OR “evaluat*”) AND (“computerized physician order entry” or “bar code medication administration” or “ICU physician staff*” or “hand hygiene”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #42	(“event” OR “patient” OR “adverse” OR “emergen*” OR “negative” OR “cause”) AND (“computerized physician order entry” or “bar code medication administration” or “ICU physician staff*” or “hand hygiene”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #43	(“pay-for-play” OR “scheme” OR “line the pocket” OR “brazen” OR “Mary Beth” w/5 “Maloney”) AND (“Leapfrog” OR “Leap frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*” OR “rating” OR “scor*” OR “rank” OR “grad*” OR “survey”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #44	(“consult*” OR “consult* servic*”) AND (“Leapfrog” OR “Leap frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*” OR “rating” OR “scor*” OR “rank” OR “grad*” OR “survey”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR

	method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #45	("board" OR "committee" OR "advisory") AND ("presentation*" OR "tax return" OR "financial statements" OR "financial") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #46	("Input*" OR "invent" OR "bad" OR "create" OR "wors*" OR "made up" OR "make up" OR "concoct" OR "fals*" OR "mislead" OR "decept*" OR "feedback" OR "complain*" OR "nonresponding" OR "non-responding" OR "doesn't respond" OR "not respond" OR "average" OR "mean" OR "benefit" OR "unfair" OR "imput*" OR "Lowest" OR "wors*" OR "5" OR "15" OR "upset" OR "critic*" OR frustrat* OR "disagree*" OR "not agree" OR "*n't agree" OR annoy* OR wrong OR "participate" OR "inaccura*" OR "bad" OR "lie" OR "lying" OR "Confus*" OR "compar*") AND ("Leapfrog" OR "Leap frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*" OR "rating" OR "scor*" OR "rank" OR "grad*" OR "survey") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #47	("market share" OR "position" OR "finance" OR "market") AND ("compar*" OR "competitor" OR "competition") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #48	("investor" OR "shareholder" OR "board" OR "member" OR "Tenet Healthcare" OR "executive") AND ("presentation" OR "report*" OR "investigat*" OR "grad*" OR "rank*" OR "scor*" OR "survey" OR "position*" OR "competitor*") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #49	("patient volume" OR "market share" OR "patient demographic") AND ("compar*" OR "competitor" OR "competition")

	("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #50	("pric* of servic*" OR "price") AND ("compar*" OR "competitor" OR "competition") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #51	("consumer perception survey" OR "consumer brand" OR "brand studies" OR "market research" OR "report") AND ("hospital" OR "compar*" OR "competitor" OR "competition" OR "good samaritan" OR "delray" OR "west boca" OR "palm beach gardens" OR "st. mary's" OR "tenet" OR "palm beach health network" OR "PBHN") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
Request #52	("report" OR "stud*" OR "analys*" OR "investigat*") AND ("reputation" OR "brand" OR "image" or "public image" OR "perception") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
Request #53	("enhance" OR "protect" OR "public relation*" OR "media" OR "outreach" OR "management") AND ("reputation" OR "brand" OR "image" or "public image" OR "perception") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "input*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
Request #54	("market*" OR "agenc*" OR "public relation*" OR "media" OR "outreach" OR "management" OR "consultant") AND ("reputation" OR "brand" OR "image" or "public image" OR "perception" OR "consumer") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR

	“methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #55	(“award” OR “rank*” OR “rate” OR “rating” OR “recogni*”) AND (“compar*” OR “competitor” OR “competition”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #56	(“admission” OR “impact*” OR “patient” OR “profit” OR “harm” OR “report*” OR “hir*” OR “care” OR “hospital” OR “relationship” OR “physician” OR “doctor” OR “staff” OR “consumer” OR “market” OR “loss” OR “damage*” OR “investor” OR “board”) AND (“Leapfrog” OR “Leap frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*” OR “rating” OR “scor*” OR “rank” OR “grad*” OR “survey”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #57	(“patient volume” OR “admission” OR “revenue” OR “referral*” OR “engagement” OR “decrease” OR “patient” OR “hospital”) AND (“fraudulent billing” OR “criminal” OR “civil” OR “defraud” OR “fraud” OR “defrauding Medicaid” OR “pay* kickback*” OR “false claim act violation*”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #58	(“press” OR “release” OR “press release” OR “statement” OR “public statement” OR “media” OR “response”) AND (“lawsuit” OR “litigation” OR “investigat*” OR “negative press” OR “negative media” OR “negative coverage”) (“Leapfrog” OR “Leap Frog” OR “TLG” OR “safety grad*” OR “hospital survey” OR “hospital safety grad*”) AND (“lawsuit” OR “litigation” OR “survey” OR “methodolog*” OR “safety” OR “grad*” OR “Leah” w/5 “Binder” OR “input*” w/5 (“metric OR “data” OR “response” OR “method” OR “model”) OR “patient” OR method* OR “model” OR “scor*” OR “rating” OR “investigat*” OR “rank*” OR “hospital”)
RFP #59	(“media coverage” OR “press” OR “media” OR “statement” OR “social media” OR “print” OR “story”) AND (“misconduct” OR “litigation” OR “lawsuit” OR “sue*” OR “scrutiny” OR “regulatory scrutiny”) AND (“hospital” OR “good samaritan” OR “delay”)

	OR "west boca" OR "palm beach gardens" OR "st. mary's" OR "tenet" OR "palm beach health network" OR "PBHN") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")
RFP #60	("press" OR "release" OR "press release" OR "statement" OR "public statement" OR "media" OR "response" OR "consultant" OR "public relations" OR "crisis management expert" OR "crisis management") AND ("lawsuit" OR "litigation" OR "investigat*" OR "negative press" OR "negative media" OR "negative coverage" OR "press" OR "media" OR "coverage") ("Leapfrog" OR "Leap Frog" OR "TLG" OR "safety grad*" OR "hospital survey" OR "hospital safety grad*") AND ("lawsuit" OR "litigation" OR "survey" OR "methodolog*" OR "safety" OR "grad*" OR "Leah" w/5 "Binder" OR "imput*" w/5 ("metric OR "data" OR "response" OR "method" OR "model") OR "patient" OR method* OR "model" OR "scor*" OR "rating" OR "investigat*" OR "rank*" OR "hospital")

Leapfrog welcomes a written response to this correspondence as applicable. Otherwise, Leapfrog looks forward to a meaningful meet and confer on August 6, 2025 and any subsequent meet and confers that may be necessary to resolve Plaintiffs' deficiencies discussed above.

Very yours truly,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP



Kimberly E. Blair

Exhibit 3

Wood, Courtney L.

From: Blair, Kimberly E.
Sent: Tuesday, August 12, 2025 1:29 PM
To: Crain, Lee R.; Wood, Courtney L.; Zibas, Jura C.; Biggs, Shawna
Cc: Maloney, Mary Beth; Yang, Betty X.; Hvidt, Scott K.; Scott, Sydney; Cardone, Emily; Rashbaum Daniel; mpineiro@mnrlawfirm.com; bfloch@mnrlawfirm.com; Zibas, Jura C.; Modi, Kavi V.; Dibadj, Abigail; Wood, Courtney L.
Subject: RE: Good Samaritan Medical Center v. The Leapfrog Group - Damages Stipulation & Berger Deposition

Follow Up Flag: Follow up
Flag Status: Flagged

Lee:

I have now had the opportunity to review your email from this morning for which you gave me until 1PM today to respond. My apologies for being 30 minutes late but I had other cases to attend to this morning as I previously advised.

First, we stand by our position. You are free to file a Notice withdrawing your request for monetary damages. However, because of your refusal to amend the complaint to provide a clear and concise statement of your claims, we cannot stipulate to your request that we immediately: (a) withdraw our jury demand; (b) withdraw our affirmative defenses; and (c) agree that the discovery requests you set forth below are now irrelevant.

Second, Section G of your Complaint is entitled "TLG's Deceptive and Misleading 'Safety' Grades Have Severely Harmed Plaintiffs, Their Patients and the Public." That section includes four and a half pages of allegations dedicated to the damages that have been suffered by the five plaintiffs allegedly as a result of the Leapfrog Hospital Safety Grade. The discovery goes directly to those allegations as well as others. Moreover, contrary to your statements below only RFP No. 8, 19 and 26 request documents related to monetary damages. The other RFPs you indicate below have nothing to do with monetary damages and we continue to demand a response to these document requests. With depositions less than 2 weeks away, declining to produce documents for these categories is unacceptable. Moreover, we have had multiple meet and confers related to the RFPs. Just yesterday I agreed to narrow the requests for No. 8, 19 and 26 to "harm" suffered by the Plaintiffs in light of the fact that an element of the FDUPTA claim is harm; apparently, Plaintiff's are unwilling to so narrow the request per your email below. My position remains the same with respect to the 30(b)(6) topics. Moreover, as you know, our meet and confer yesterday was done in consideration of your representations that you would be withdrawing your request for monetary damages – not all damages.

Last, as I indicated, I will most definitely consider withdrawing the jury demand and any affirmative defenses upon receiving an amended complaint so that we know exactly what allegations we are defending against.

Kim

Kimberly E. Blair
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
161 N Clark - Suite 4500
Chicago, IL 60601
312.821.6139 (Direct)
312.259.6414 (Cell)
312.704.0550 (Main)

312.704.1522 (Fax)

kimberly.blair@wilsonelser.com

We have moved! Our NEW address is 161 N. Clark, Suite 4500, Chicago, IL 60601

From: Crain, Lee R. <LCrain@gibsondunn.com>

Sent: Tuesday, August 12, 2025 8:58 AM

To: Blair, Kimberly E. <Kimberly.Blair@wilsonelser.com>; Wood, Courtney L. <Courtney.Wood@wilsonelser.com>; Zibas, Jura C. <Jura.Zibas@wilsonelser.com>; Biggs, Shawna <Shawna.Biggs@wilsonelser.com>

Cc: Maloney, Mary Beth <MMaloney@gibsondunn.com>; Yang, Betty X. <BYang@gibsondunn.com>; Hvidt, Scott K. <SHvidt@gibsondunn.com>; Scott, Sydney <SAScott@gibsondunn.com>; Cardone, Emily <ECardone@gibsondunn.com>; Rashbaum Daniel <drashbaum@mnrlawfirm.com>; mpineiro@mnrlawfirm.com; bfloch@mnrlawfirm.com; Zibas, Jura C. <Jura.Zibas@wilsonelser.com>; Modi, Kavi V. <Kavi.Modi@wilsonelser.com>; Dibadj, Abigail <Abigail.Dibadj@wilsonelser.com>; Wood, Courtney L. <Courtney.Wood@wilsonelser.com>

Subject: RE: Good Samaritan Medical Center v. The Leapfrog Group - Damages Stipulation & Berger Deposition

EXTERNAL EMAIL This email originated from outside the organization.

Thanks, Kim – given your refusal accept a stipulation regarding damages followed by an amended complaint after the close of fact discovery, we will be filing a notice to withdraw our damages claim. That is all that is required. Please confirm following that notice whether you will stipulate to a bench trial. You have previously acknowledged that where a plaintiff is seeking only injunctive/declaratory relief, no jury right attaches. We hope we can avoid costly and unnecessary motion practice on that issue, but absent prompt agreement, we will be moving to strike Leapfrog's jury demand.

Withdrawal of the monetary damages claim will result in a substantial narrowing of Leapfrog's discovery because numerous categories of discovery are no longer relevant to any remaining claim or defense, including but not limited to RFP Nos. 8, 15, 19, 23, 24, 26, 28, 34, 45, 49, 57, 58, 59, 62, and 63, and analogous interrogatories and Rule 30b6 topics. We therefore expect Leapfrog to withdraw or narrow those requests and topics promptly to avoid further prejudice to our client, including the burden of disproportionate and irrelevant discovery as well as costly and unnecessary motion practice. Please confirm by 1PM today or we will be forced to seek court intervention.

Lee

Lee R. Crain

Partner

T: +1 212.351.2454 | M: +1 347.924.2815

LCrain@gibsondunn.com

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue, New York, NY 10166-0193

From: Blair, Kimberly E. <Kimberly.Blair@wilsonelser.com>

Sent: Monday, August 11, 2025 8:39 PM

To: Crain, Lee R. <LCrain@gibsondunn.com>; Wood, Courtney L. <Courtney.Wood@wilsonelser.com>; Zibas, Jura C. <Jura.Zibas@wilsonelser.com>; Biggs, Shawna <Shawna.Biggs@wilsonelser.com>

Cc: Maloney, Mary Beth <MMaloney@gibsondunn.com>; Yang, Betty X. <BYang@gibsondunn.com>; Hvidt, Scott K. <SHvidt@gibsondunn.com>; Scott, Sydney <SAScott@gibsondunn.com>; Cardone, Emily <ECardone@gibsondunn.com>; Rashbaum Daniel <drashbaum@mnrlawfirm.com>; mpineiro@mnrlawfirm.com; bfloch@mnrlawfirm.com; Zibas, Jura C. <Jura.Zibas@wilsonelser.com>; Modi, Kavi V. <Kavi.Modi@wilsonelser.com>; Dibadj, Abigail

<Abigail.Dibadj@wilsonelser.com>; Wood, Courtney L. <Courtney.Wood@wilsonelser.com>

Subject: RE: Good Samaritan Medical Center v. The Leapfrog Group - Damages Stipulation & Berger Deposition

Lee:

Thank you for your email. Based on the below, we cannot stipulate on the terms that you propose.

In short, we cannot to your withdrawal of monetary damages without an amended complaint based on the confusion that would cause without a cleaned-up complaint. As I noted, we would have no objection to you filing the amended complaint and we would agree to answer within 7 days. However, as your email indicates that is not acceptable to your side.

Therefore, we will continue discovery based on the complaint that is on file and will continue to work amicably with you on the meet and confer process. However, based on the depositions that are occurring in two weeks and your position on several of the matters discussed that you are declining to respond to, we will act accordingly.

Kim

Kimberly E. Blair
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
161 N Clark - Suite 4500
Chicago, IL 60601
312.821.6139 (Direct)
312.259.6414 (Cell)
312.704.0550 (Main)
312.704.1522 (Fax)
kimberly.blair@wilsonelser.com

We have moved! Our NEW address is 161 N. Clark, Suite 4500, Chicago, IL 60601

From: Crain, Lee R. <LCrain@gibsondunn.com>

Sent: Monday, August 11, 2025 5:35 PM

To: Blair, Kimberly E. <Kimberly.Blair@wilsonelser.com>; Wood, Courtney L. <Courtney.Wood@wilsonelser.com>; Zibas, Jura C. <Jura.Zibas@wilsonelser.com>; Biggs, Shawna <Shawna.Biggs@wilsonelser.com>

Cc: Maloney, Mary Beth <MMaloney@gibsondunn.com>; Yang, Betty X. <BYang@gibsondunn.com>; Hvidt, Scott K. <SHvidt@gibsondunn.com>; Scott, Sydney <SAScott@gibsondunn.com>; Cardone, Emily <ECardone@gibsondunn.com>; Rashbaum Daniel <drashbaum@mnrlawfirm.com>; mpineiro@mnrlawfirm.com; bfloch@mnrlawfirm.com

Subject: Good Samaritan Medical Center v. The Leapfrog Group - Damages Stipulation & Berger Deposition

EXTERNAL EMAIL This email originated from outside the organization.

Kim and Courtney – thanks for the call today. We are open to amending the Complaint per stip as you suggested but would like to do it at the close of discovery to conform to the evidence produced in discovery. To your point of having up to date pleadings in advance of trial, we think it's most efficient to do this once after close of discovery. Please let us know your views on the attached stipulation. This would still withdraw the damages claims now.

Please let us know if you're in agreement or have edits. Once this is resolved, we're glad to pick up promptly the discussion on the discovery requests we tabled pending resolution of the damages withdrawal.

Finally, we wanted to flag re Professor Berger—he cannot be deposed in Florida; it would have to be in New York as we proposed. It sounded like that was your preference as well. Please let us know which date would work for you.

Lee R. Crain
Partner

T: +1 212.351.2454 | M: +1 347.924.2815
LCrain@gibsondunn.com

GIBSON DUNN
Gibson, Dunn & Crutcher LLP
200 Park Avenue, New York, NY 10166-0193

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.

IMPORTANT NOTICE: Beware of Cyber Fraud.
You should NEVER wire money to any bank account that Wilson Elser Moskowitz Edelman & Dicker LLP provides to you either in the body of this or any email or in an attachment without first speaking with the attorney in our office who is handling your transaction. Further, DO NOT accept emailed wire instructions from anyone else without voice verification. Even if an email looks like it has come from this office or someone involved in your transaction, CALL US FIRST AT A NUMBER YOU KNOW TO BE CORRECT FOR THIS OFFICE to verify the information before wiring any money. Failure to do so is at your own risk. Be particularly wary of any request to change wire instructions you have already received.

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

For further information about Wilson, Elser, Moskowitz, Edelman & Dicker LLP, please see our website at www.wilsonelser.com or refer to any of our offices.

Thank you.

This message may contain confidential and privileged information for the sole use of the intended recipient. Any review, disclosure, distribution by others or forwarding without express permission is strictly prohibited. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Please see our website at <https://www.gibsondunn.com/> for information regarding the firm and/or our privacy policy.
