

IN THE STATE COURT OF HALL COUNTY
STATE OF GEORGIA

FILED
HALL CO., GA
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CHARLES BRADLEY BOSTEDT
SUPERIOR STATE COURT
BY *[Signature]*

JENNIFER A. BOSTEDT,
Plaintiff,

CIVIL ACTION
FILE NO. 2014-SV-68-N

v.

HARLEY M. BROWN,
Defendant.

**ORDER ON NON-PARTY ML HEALTHCARE SERVICES LLC
MOTION TO QUASH AND FOR PROTECTIVE ORDER**

Before this Court for consideration is Non-Party ML Health Care Services, LLC's Motion to Quash and for Protective Order filed on the 18th day of November, 2014. With oral arguments being heard on February 13, 2015 along with a review of the entire record in the above-styled case, the Court enters the following Order. On October 17, 2014 and November 11, 2014 Defendant served upon Non-Party ML Health Care Services, LLC a Subpoena Duces Tecum and a Notice of 30(b)(6) Deposition and Notice to Produce, respectively. Defendant subsequently withdrew its Notice of 30(b)(6) Deposition, leaving the only issue before this Court to consider the Subpoena Duces Tecum. Defendant is seeking information concerning the costs which the Non-Party paid to Plaintiff's medical provider for the purchase of the physician's account receivable as it relates to treatment for Plaintiff's injuries. Defendant brought forward the business plan of the Non-Party as it relates to how they profit from such arrangements with Plaintiffs.

When the costs of medical treatments are paid in whole or in part by a third party unconnected to the Defendant, collateral source applies. The collateral source rule prevents the defendant from presenting evidence to the jury that Plaintiff previously received compensatory payments from various sources such as insurance companies, beneficent bosses, or even relatives. *Hoeflick v. Bradley*, 282 Ga. App. 123, 124 (2006). Based upon presentation during oral argument as well as briefs filed by

Defendant, Defendant's obvious intent for the introduction of such evidence is to show that a discount was received for the medical services and treatments provided. However, the effects of admitting this evidence will be to give credit to Defendant for payments from the Non-Party, which this Court believes to be a collateral source, if Defendant is found liable. "A collateral source is generally a third party which has voluntarily provided a benefit through a bargained-for agreement, such as an insurer or as a gratuity." *Olariu v. Marrero*, 248 Ga. App. 824, 826 (2001). This Court believes that the Non-Party in this case did volunteer a benefit to Plaintiff and therefore is a collateral source.

Defendant also asked for the production and usage of certain documents between the Non-Party and Plaintiff in order to show bias on the part of the medical professionals having treated Plaintiff. Certainly, the reasonableness of medical expenses may be shown at trial but the use of collateral sources is not necessarily one of the means by which such reasonableness may be shown. As pointed out in *The Medical Center, Inc. v. Bowden*, "[parties are] free to present evidence- whether through an expert, or from other medical providers or consumers- to rebut [a witness's claim] that its charge was reasonable given the market rate for medical services." 327 Ga. App. 714, 717 (2014). Consequently, Non-Party ML Healthcare LLC's Motion for Protective Order is hereby Granted and the Motion to Quash the Subpoena Duces Tecum is Granted.

SO Ordered this 22 day of April, 2015.



B. E. Roberts, III
Judge, State Court of Hall County

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