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**SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF MOTION; AND
EXHIBITS “A” - “B”**

TO

**DEFENDANTS
PATRICK J. O’DONNELL, M.D.; SUSAN
TAN, M.D.; AND KAPI’OLANI MEDICAL
SPECIALISTS’ SUPPLEMENTAL
MEMORANDUM IN SUPPORT OF
MOTION TO COMPEL DISCOVERY**

FILED UNDER SEAL

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JARED JAMES,

Plaintiff,

vs.

PATRICK J. O'DONNELL, M.D.; SUSAN
TAN, M.D.; SELENA PETERS, M.D.;
MERLA TAKENAKA RN; KAPIOLANI
MEDICAL SPECIALISTS; KAPIOLANI
MEDICAL CENTER FOR WOMAN AND
CHILDREN; HAWAII PACIFIC HEALTH,

Defendants.

Civil No. 1CCV-21-0000683 (SMK)

**SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF MOTION TO COMPEL**

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO COMPEL

I. INTRODUCTION

Defendants Patrick J. O'Donnell, M.D.; Susan Tan, M.D.; and Kapi'olani Medical Specialists ("KMS") (collectively, "KMS Defendants") respectfully submit this Supplemental Memorandum in support of their Motion to Compel Discovery (Dkt. 198).

Plaintiff served his answers to KMS Defendants' First Request for Answers to Interrogatories on the Court's February 25, 2026 deadline, but his responses to numerous interrogatories are materially deficient. *See* Ex. A (RAI responses). In addition, Plaintiff served his response to KMS Defendants' First Request for Production of Documents, however, he failed to provide *any* documents. *See* Ex. B (RPOD responses). Plaintiff's discovery responses are in violation of HRCF Rule 33 and Rule 34, and the Court's oral ruling granting KMS Defendants' Motion to Compel Discovery on February 11, 2026 (*see* Dkt. 218 and 219; proposed written order submitted for court approval (Dkt. 258) is still pending).

II. ARGUMENT

A. Interrogatory Nos. 8–10: Product Liability Claims Are Not Answered.

Interrogatory Nos. 8, 9, and 10 asked Plaintiff to describe with particularity all documents, things, and facts supporting his allegations of "Product Liability" against Dr. O'Donnell, Dr. Tan, and KMS, respectively, as alleged in the Amended Complaint.

Plaintiff's answer to all three is effectively identical: "Plaintiff's Amended Complaint does not assert a standalone claim denominated 'Product Liability' in the traditional products

liability sense.” Plaintiff then states that “discovery and expert analysis are ongoing” and “reserves all rights to supplement this answer and to amend the operative pleading consistent with facts developed through discovery.”

This is a non-answer. If Plaintiff’s Amended Complaint does not assert a product liability claim, Plaintiff should say so unequivocally.

B. Interrogatory No. 15: Social Media Accounts Are Incompletely Identified.

Interrogatory No. 15 asked Plaintiff to identify all social media or internet accounts and to “describe all of documents, videos, or posts uploaded to these accounts” regarding this action, the KMS Defendants, the surgical procedure, Plaintiff’s health condition, and/or his damages claims.

Plaintiff identifies accounts on Facebook, Instagram, YouTube, and Reddit, and states that he “will produce, subject to an appropriate protective order, any posts, videos, or content” that are responsive. However, Plaintiff’s answer is deficient in two critical respects.

First, Plaintiff does not describe any documents, videos, or posts as the interrogatory requires. Instead, Plaintiff merely promises future production, which is not an answer to the interrogatory. At the very least, he should describe the content of the posts.

Second, he promises to produce the documents pursuant to a protective order, however, these are public posts on social media, and not subject to a protective order. He should have described with particularity or produced his relevant posts on social media by the Court’s deadline, and has failed to do.

C. Interrogatory No. 18: Injuries and Providers are Incompletely Identified.

Interrogatory No. 18 asked Plaintiff to state what injuries he alleges resulted from KMS Defendants’ care would be permanent and describe each injury and identify each person who provided the prognosis.

For certain conditions he fails to list a physician, and simply states he believes these “injuries are permanent based on their persistence and available medical information.” Failing to identify a provider renders his response incomplete. In addition, he identifies a treating provider, “Dr. Hyman,” but fails to provide his first name.

D. Interrogatory No. 20: Medical Expenses Are Materially Incomplete.

Interrogatory No. 20 required Plaintiff to list all medical expenses in a specific format: (1) name of person to whom owed or paid, (2) nature of service or product, (3) amount and how paid, and (4) inclusive dates expenses incurred.

Plaintiff provides a table with several entries, but for every entry the amount is listed as “Unknown” and the payment source as “HMSA and/or Med-QUEST (to be confirmed).” Plaintiff states he is “in the process of compiling complete medical billing records and will supplement this answer.”

Nearly a decade has elapsed since the May 26, 2016 procedure. Plaintiff has had ample time to compile his own medical billing records. His answer does not state the amount of a single expense, rendering it non-responsive. An answer that lists “Unknown” for every dollar amount is no answer at all. Plaintiff should be sanctioned in the form of being precluded from seeking any medical expenses at this point, given his persistent failure to participate in the discovery process in good faith.

E. Interrogatory No. 21: Non-Medical Expenses Lack Specificity.

Interrogatory No. 21 requested the same itemized format for all non-medical expenses: (1) name of person to whom owed or paid, (2) nature of service or product, (3) amount and how paid, and (4) inclusive dates expenses incurred. Plaintiff provides only a generic list of five categories of expenses — humidification devices, replacement humidifiers and filters, increased household electricity costs, specialized clothing and environmental modifications, and travel expenses associated with medical appointments— without providing a single dollar amount, payee, or date.

This is not a responsive answer. HRCF Rule 33 requires answers with particularity, and Plaintiff’s failure to provide any of the specific information requested renders this answer deficient. Plaintiff should be sanctioned in the form of being precluded from seeking any non-medical expenses at this point, given his persistent failure to participate in the discovery process in good faith.

F. Interrogatory No. 22: Third-Party Payments Are Entirely Unresponsive.

Interrogatory No. 22 asked Plaintiff to identify each monetary payment received from Medicare, Medicaid, the Social Security Administration, workers’ compensation, an insurance company, or any other source in connection with the alleged injuries, including “the date of each payment, the dollar amount, the identity of each payer and recipient, and what the payment was for.”

Plaintiff objects on the basis of Hawaii’s collateral source rule and then states that “medical expenses relating to the May 26, 2016 procedure and certain follow-up care were submitted to HMSA and/or Med-QUEST” but that he “does not presently have complete

payment breakdowns” and he “will supplement this response upon receipt of complete billing and payment records.”

This answer provides no responsive information whatsoever — no dates, no dollar amounts, no payer or recipient identities, and no description of what any payment was for. Furthermore, Plaintiff’s collateral source objection is misplaced. The interrogatory seeks basic facts about payments that have been made in connection with the very injuries Plaintiff alleges.

G. Interrogatory No. 23: Lost Income and Earning Capacity Lack Any Specificity.

Interrogatory No. 23 asked Plaintiff to describe his past, present, and future loss of income and impairment of earning capacity that resulted from his alleged injuries, including “the identity of each person or entity that paid or would have paid your wages, earnings or income; the amount of each loss with an explanation of the computation; the inclusive dates of when you would have obtained the wages, earnings or income,” and the amount of sick leave payments received and by whom paid.

Plaintiff objects “that this Interrogatory calls for expert economic analysis that is ongoing” and then provides a narrative about the general nature of his impaired earning capacity — chronic sleep deprivation, cognitive impairment from PTSD, etc. — without identifying a single employer, a single dollar figure, or a single date of lost income. Plaintiff states that “[t]he specific computation of past lost income and lost earning capacity will be provided through a forensic economist expert” and that he “will identify the relevant employer(s) and income information and will supplement this answer.”

This is wholly deficient. The interrogatory does not ask for expert analysis, it asks Plaintiff to identify his employers, his lost income, and the dates of that loss — facts that are within Plaintiff’s own knowledge. In addition, Plaintiff’s expert disclosure deadline has passed without him disclosing any expert witness, economist or otherwise. For him to refuse to answer on the basis that he will be providing an expert economist report lacks good faith under the current procedural context, as his deadline to provide any expert report has come and gone without any disclosure by Plaintiff. The Court should order Plaintiff to provide the specific factual information requested, including his employment history, income levels, and periods of lost income, which do not require expert analysis to identify. If he has suffered no loss of income, he should be compelled to state that unequivocally. Under the circumstances, the Court would be within the reasonable exercise of its discretion to sanction Plaintiff in the form of

precluding him from seeking any lost earnings or loss of earning capacity at this point, given his persistent failure to participate in the discovery process in good faith.

H. Interrogatory No. 24: Future Expenses Are Categories Without Amounts.

Interrogatory No. 24 asked Plaintiff to “state the amount and nature of all future expenses and/or monetary losses” anticipated as a result of his injuries.

Plaintiff identifies seven broad categories of future expenses — ENS management, nasal reconstructive surgery, ongoing PTSD and psychological treatment, voice-related evaluation and treatment, future lost earning capacity, life care planning costs, ongoing ENT follow-up evaluations, etc. For every category, Plaintiff provides no dollar amount, stating instead that “[t]he precise amounts for each category of future expense will be provided through expert medical, economic, and life care planning analysis.”

The interrogatory asked for the “amount” of anticipated expenses, and Plaintiff has provided not even a rough estimate for any category. As noted above, Plaintiff’s expert disclosure deadline has passed without him disclosing any expert witness. For him to refuse to answer on the basis that he will be providing an expert report lacks good faith under the current procedural context, as his deadline to provide any expert report has come and gone without any disclosure by Plaintiff. At a minimum, Plaintiff should be required to state the amounts that are presently known or reasonably ascertainable to him, including the cost of treatment he has already received for each condition and any estimates for future amounts given by treating providers. A complete deferral to future expert disclosure is not an answer. Under the circumstances, the Court would be within the reasonable exercise of its discretion to sanction Plaintiff in the form of precluding him from seeking any lost earnings or loss of earning capacity and any alleged past or future expenses at this point, given his persistent failure to participate in the discovery process in good faith.

I. Plaintiff Failed to Produce Any Documents in Response to the Requests.

Plaintiff failed to produce a single document in response to the Requests. Instead, Plaintiff’s responses consist entirely of objections, vague promises to produce documents at some unspecified future date, references to documents already in the record, and boilerplate reservations of rights. *See* Exhibit “B,” Responses to Requests for Production of Documents. This pattern of non-production renders Plaintiff’s responses functionally meaningless and violates Rule 34 and this Court’s Order, which requires Plaintiff to produce responsive documents.

In every response, Plaintiff incorporates his General Objections, states that he “will produce” responsive documents at some later time, and then either refers KMS Defendants to documents already in their possession or reserves the right to supplement under HRCF Rule 26(e). For example, in response to Request No. 2 regarding medical records, Plaintiff references Exhibits A-000 through A#96 (but does not attach them), and states that if KMS Defendants do not have copies of any document, “Plaintiff will provide copies upon reasonable request,” but provides nothing. In response to Request No. 3, regarding tax returns, Plaintiff states that he “will produce non-privileged documents reasonably sufficient to evidence income for any period directly relevant to a claimed loss of earning capacity” but provides nothing. In response to Request No. 6 regarding documents relied upon in calculating damages, Plaintiff again references Exhibits A-000 through A#96 (but does not attach them) and states he “will also produce” billing records and invoices, but actually produces none of them. This approach does not satisfy Plaintiff’s obligations under Rule 34 and the Court’s Order, which requires the actual production of documents, not indefinite commitments to produce them at some unidentified future point.

J. Plaintiff’s Objections to the Production Request Do Not Justify Withholding Production.

Plaintiff’s General Objections include a blanket boiler-plate assertion of attorney-client privilege and work-product protection under HRCF Rule 26(b)(3). He is proceeding *pro se*.

Plaintiff’s second General Objection asserts that the Hawai’i Constitution, Article I, Section 6, protects his “financial records, medical records beyond those directly at issue in this action, and personal information unrelated to this litigation” from disclosure. Plaintiff invokes this constitutional privacy right repeatedly to refuse production, most notably in response to Request No. 3 (tax returns from 2016 to 2025) and Request Nos. 11 through 15 (documents related to home ownership, investment income, Social Security, and worker’s compensation). In response to those requests, Plaintiff flatly refuses production “absent further order of the Court”.

A party who files a lawsuit and places his physical condition, medical treatment, emotional distress, lost earning capacity, and financial damages at issue cannot then hide behind privacy rights to prevent the opposing party from obtaining documents necessary to evaluate and defend against those very claims. Plaintiff placed these injuries and their financial consequences at issue. KMS Defendants are entitled to tax returns, income records, and benefit records

because Plaintiff is claiming lost earning capacity and ongoing medical expenses. If he is not claiming those losses, he needs to state so.

K. Plaintiff's Responses are Unreliable.

In response to Request Nos. 7 and 8 of the Request for Production of Documents (Ex. B) regarding social media and personal diaries regarding the incident, injuries, or KMS Defendants, he states "Plaintiff does not maintain social media accounts containing posts responsive to this request." However, in his response to Interrogatory No. 15 (Ex. A), Plaintiff identifies accounts on Facebook, Instagram, YouTube, and Reddit, and states that he "will produce, subject to an appropriate protective order, any posts, videos, or content" that are responsive. He explicitly said "Plaintiff maintained a Reddit account...on which Plaintiff discussed aspect of Plaintiff's medical condition and experiences related to the procedure at issue." If Plaintiff no longer maintains, but at some point did maintain these accounts that contain the information requested, he must describe them and also make a diligent effort to retrieve them as it is often as simple as reactivating an account.

L. Plaintiff Cannot Rely on Supplementation as an Answer.

Throughout all twenty-four interrogatory answers and all twenty-four document production responses, Plaintiff reserves the right to supplement under HRCF Rule 26(e). While HRCF Rule 26(e) permits supplementation, it does not excuse a party from providing a good-faith, complete answer and producing documents based on information currently available. Plaintiff's blanket "Note Regarding Time Constraints" — in which he states that he is "responding within the time period ordered by the Court" and that "certain information is based on records presently available and Plaintiff's current recollection" — does not lower the standard of completeness required by HRCF Rule 33 and Rule 34. KMS Defendants served their requests on September 29, 2025, more than five months ago. This case has been pending since 2021. Plaintiff has had ample opportunity to compile his medical records, billing records, and employment history to support his claims and asserted damages. The Court should not permit Plaintiff to withhold basic factual information and documents under the guise of future supplementation.

M. Plaintiff Has Not Carried His Burden To Avoid HRCF Rule 37(a)(4)(A) Fee Shifting.

HRCF Rule 37 requires the Court to award KMS Defendants' reasonable expenses if the Motion is granted "or if the disclosure or requested discovery is provided after the motion was

filed,” unless the failure was “substantially justified” or “other circumstances” prevented it. HRCF Rule 37(a)(4)(A). Plaintiff has failed to meet his burden of complete responses and production of documents as required by Rules 33 and 34. In addition, he provides no justification, let alone “substantial justification,” for failing to comply with KMS Defendants’ requested discovery. Given the months-long delay, the importance of the discovery to the claims and defenses, and the May 18, 2026 trial date (along with the related remaining pretrial deadlines), Plaintiffs’ lack of complete responses and failure to produce *any* documents in response to the Requests unduly prejudiced KMS Defendants. Fee-shifting is the minimum appropriate sanction for such behavior in this case. As noted above, the Court would be within the reasonable exercise of its discretion to impose significantly more by way of sanctions, given Plaintiff’s behavior to date in the course of discovery.

III. CONCLUSION

For the foregoing reasons, Plaintiff’s Answers to KMS Defendants’ First Request for Production of Documents and First Request for Answers to Interrogatories are substantively deficient. Plaintiff has failed to produce a single document in response the Requests, and his responses to the Interrogatories are also deficient. KMS Defendants respectfully request that the Court compel full and complete responses and production, and that the Court sanction Plaintiff for failure to comply with his discovery obligations and the Court’s Order.

DATED: Honolulu, Hawai‘i, March 4, 2026.

/s/ John-Anderson L. Meyer
JOHN-ANDERSON L. MEYER
JANNA WEHILANI AHU

Attorneys for Defendants
PATRICK J. O’DONNELL, M.D.;
SUSAN TAN, M.D.; and KAPI’OLANI
MEDICAL SPECIALISTS

EXHIBIT “A”

TO

DEFENDANTS

**PATRICK J. O’DONNELL, M.D.; SUSAN
TAN, M.D.; AND KAPI’OLANI MEDICAL
SPECIALISTS’ SUPPLEMENTAL
MEMORANDUM IN SUPPORT OF
MOTION TO COMPEL DISCOVERY**

FILED

UNDER

SEAL

Date: February 25, 2026

John-Anderson L. Meyer, Esq.
Janna Wehilani Ahu, Esq.
Dentons US LLP 1001 Bishop Street,
Suite 1800 Honolulu, Hawai'i 96813
Via Electronic Mail:
anderson.meyer@dentons.com;
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Re: *Jared James v. Patrick J. O'Donnell, M.D., et al.*, Civil No. 1CCV-21-0000683 (SMK) Service of Plaintiff's Answers to Defendants' First Request for Answers to Interrogatories

Dear Counsel:

Enclosed herewith, please find Plaintiff Jared James' Answers to Defendants Patrick J. O'Donnell, M.D.; Susan Tan, M.D.; and Kapi'olani Medical Specialists' First Request for Answers to Interrogatories, served herewith pursuant to **Rule 33(b)** of the Hawai'i Rules of Civil Procedure.

Plaintiff expressly reserves the right to supplement these answers pursuant to **HRCP Rule 26(e)** as discovery proceeds, as additional information becomes available, and consistent with any amendment to the operative pleading.

Please confirm receipt of this email and its attachment by return email at your earliest convenience.

Respectfully submitted,

/s/ Jared James
Jared James
Pro Se Litigant
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(808) 800-6588
Plaintiff

EXHIBIT "A"

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Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

JARED JAMES,

Civil No. 1CCV-21-0000683 (SMK)

Plaintiff,

vs.

PATRICK J. O'DONNELL, M.D.; SUSAN

TAN, M.D.; SELINA PETERS, M.D.;
MERLA TAKENAKA RN; KAPIOLANI
MEDICAL SPECIALISTS; KAPIOLANI
MEDICAL CENTER FOR WOMEN AND
CHILDREN; HAWAII PACIFIC HEALTH,
DOES 1-10; DOE CORPORATIONS;
DOE GOVERNMENT AGENCIES 1-5

Defendants.

**PLAINTIFF JARED JAMES'
ANSWERS TO DEFENDANTS
PATRICK J. O'DONNELL, M.D.;
SUSAN TAN, M.D.; AND KAPI'OLANI
MEDICAL SPECIALISTS' FIRST
REQUEST FOR ANSWERS TO
INTERROGATORIES**

JUDGE: Honorable Shirley M. Kawamura

PLAINTIFF JARED JAMES' ANSWERS TO DEFENDANTS PATRICK J. O'DONNELL, M.D.; SUSAN TAN, M.D.; AND KAP'OLANI MEDICAL SPECIALISTS' FIRST REQUEST FOR ANSWERS TO INTERROGATORIES

GENERAL OBJECTIONS

The following General Objections apply to each and every Interrogatory and are incorporated by reference into each specific answer below as if fully set forth therein. The assertion of any specific objection does not waive any General Objection.

1. Attorney-Client Privilege and Work Product. All communications between Plaintiff and counsel and all documents prepared in anticipation of litigation are protected under HRCP Rules 26(b)(3) and (b)(4). Plaintiff will produce a privilege log identifying any withheld materials.

2. Hawaii Constitutional Privacy (Art. I, § 6). Hawaii's constitutional right to privacy is broader than its federal counterpart. Financial records, medical records beyond those directly at issue in this action, and social media content implicating personal matters unrelated to this litigation are protected. Haw. Const. art. I, § 6; Cohan v. Ayabe, 2012 WL 3597437.

3. Expert Witness Protection (HRCP 26(b)(4)). Consulting experts are protected from disclosure. Draft reports and communications between Plaintiff's counsel and any testifying expert constitute protected work product.

4. Overbreadth and Disproportionality. To the extent any Interrogatory seeks information spanning from 2016 to present across all financial, personal, and medical categories, such requests are overbroad and disproportionate to the needs of this case as required by HRCP Rule 26(b)(1).

5. Contention Interrogatories Are Premature. Interrogatories 2 through 13 seek detailed factual contentions in a case where discovery — including expert discovery — is ongoing. Plaintiff reserves the right to supplement all answers following the completion of fact and expert discovery.

6. Intentional Tort Framing. Defendants define 'medical negligence' or 'negligence' to encompass all claims in the Amended Complaint. Plaintiff objects to this characterization to the extent it mischaracterizes the nature of the claims asserted, which include intentional torts — including battery, fraud, and false imprisonment — that are distinct from and more serious than negligence claims. Plaintiff's answers are provided in the context of the intentional and fraudulent conduct that is the actual basis for the operative complaint.

7. Continuing Nature of Responses. All responses are subject to supplementation under HRCF Rule 26(e) as additional information becomes available through discovery.

8. Tolling Preservation. Plaintiff's claims are subject to tolling under HRS § 657-20 (fraudulent concealment) and the pendency of the Hawaii Medical Inquiry and Conciliation Panel ('MICP') proceeding, formally terminated on or about March 21, 2018, which tolled any applicable statute of limitations during its pendency and for sixty (60) days thereafter pursuant to HRS § 671-12. This tolling objection and preservation is incorporated into each answer below.

9. Amendment Preservation. Plaintiff's responses are based on operative pleading as of date served; will supplement under HRCF 26(e). Plaintiff reserves all rights to supplement, amend, or reframe the factual basis for claims in this action consistent with any amendment to the pleadings, as discovery is ongoing and Plaintiff's legal theories continue to be developed.

Note Regarding Time Constraints: Time Constraints. Plaintiff is responding within the time period ordered by the Court. Due to the limited time available to compile historical medical, billing, and employment records dating back to 2016, certain information is based on records presently available and Plaintiff's current recollection. Plaintiff will supplement these responses pursuant to HRCF Rule 26(e) as additional records are obtained.

Plaintiff's references throughout these answers to the adenoidectomy and/or removal of adenoid tissue are made on information and belief based on Plaintiff's review of Defendants' operative records and research into this medical field. Plaintiff reserves the right to supplement all answers referencing this procedure.

Plaintiff is not currently withholding any responsive material on the basis of attorney-client privilege or work product. Therefore, no privilege log is required at this time. Plaintiff reserves the right to assert privilege and produce a log if applicable materials are later identified.

INTERROGATORY QUESTIONS/ANSWERS

INTERROGATORY NO. 1. Identify each Person(s) answering these Interrogatories, supplying information or assisting in any way with the preparation of the answers to these Interrogatories, and specify each Interrogatory that each Person answered or

assisted in answering. (Do not identify anyone who simply typed or reproduced the responses.)

ANSWER:

Jared James, Plaintiff, pro se. Mr. James answered or assisted with all Interrogatories, Nos. 1 through 24, based on his personal knowledge, his review of records in his possession, and reasonable inquiry conducted in good faith.

INTERROGATORY NO. 2: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of "Medical Malpractice" against Defendant PATRICK J. O'DONNELL, M.D. as alleged in your Amended Complaint.

ANSWER:

Plaintiff objects to the characterization of his claims as "Medical Malpractice" to the extent such framing implies negligence. The claims asserted against Defendant Dr. Patrick J. O'Donnell in Plaintiff's Amended Complaint sound primarily in intentional tort, fraud, battery, and breach of contract — not negligence. Plaintiff further objects that this Interrogatory is a premature contention interrogatory. Without waiving these objections, and subject to supplementation following completion of expert discovery, Plaintiff states as follows:

The following facts and documents support Plaintiff's claims against Dr. O'Donnell:

(a) February 26, 2016 — Pre-Operative Agreement. During Plaintiff's first and only pre-operative consultation with Dr. O'Donnell, Dr. O'Donnell agreed to perform a narrow and specific procedure: using ear cartilage exclusively to brace Plaintiff's nasal vestibules to address nostril collapse. Dr. O'Donnell expressly represented that his colleague, Dr. Susan Tan, would participate as co-surgeon, and that Plaintiff's insurance would cover the agreed procedure. The parties shook hands. Plaintiff stated, "I trust you," thereby sealing the agreement. No consent was given — express, implied, or otherwise — for any procedure other than the agreed narrow scope.

(b) February 29, 2016 — False Addendum. Dr. O'Donnell inserted a false addendum into Plaintiff's medical records misrepresenting that a clinical communication had occurred to modify the surgical plan. No such communication took place. This constitutes an affirmative falsification of medical records.

(c) March 1, 2016 — Fabricated Informed Consent Documentation. On or about March 1, 2016, Dr. O'Donnell and Rozel Cerezo fabricated an informed consent document and signed and/or caused signatures to be placed as 'witnesses' to an informed-consent process that never occurred, and to a patient signature that was not affixed by Plaintiff.

(d) May 26, 2016 — Eleven Unconsented Surgical Acts. While Plaintiff was chemically incapacitated without consent, Dr. O'Donnell performed the following unconsented surgical acts: (1) septal soft-tissue incision; (2) septal cartilage cutting; (3) removal of septal tissue and cartilage from the front of Plaintiff's nose; (4) 'fashioning' of septal cartilage; (5) insertion of cartilage into a pocket in Plaintiff's right nostril; (6) insertion of cartilage into Plaintiff's left nostril; (7) penetration and cauterization of Plaintiff's right inferior turbinate; (8) penetration and cauterization of Plaintiff's left inferior turbinate; (9) outfracture of Plaintiff's right inferior turbinate bone; (10) outfracture of Plaintiff's left inferior turbinate bone; and (11) amputation and removal of Plaintiff's adenoid tissue. None of these procedures were within the scope of the agreed procedure, and none were consented to by Plaintiff.

(e) May 26, 2016 — Ghost Surgery. Dr. O'Donnell proceeded with surgery without the agreed co-surgeon, Dr. Susan Tan. Defendants have judicially admitted in their Answer to the Second Amended Complaint (Dkt. 84, filed June 20, 2023) that Dr. Tan was not present at and had no active role in the May 26, 2016 surgical procedures. The operative record listing Dr. Tan as assisting surgeon was therefore false.

(f) Post-Operative Misrepresentations (June and August 2016). During post-operative follow-up appointments approximately seven (7) days and three (3) months after surgery, Dr. O'Donnell drew a diagram and falsely represented to Plaintiff that he had only removed cartilage from the 'back' of Plaintiff's septum. In fact, Dr. O'Donnell had removed cartilage from the front of Plaintiff's nose. This misrepresentation was made to conceal the true structural damage and minimize the apparent severity of the unconsented acts. Dr. O'Donnell also affirmatively represented during these appointments that Dr. Tan had been present for the surgery, which defendants have since admitted was false.

(g) September 16, 2016 — Medical Records, Page 257 (Admission of Standard Practice). In his own signed medical record entry dated September 16, 2016 (page 257 of Plaintiff's medical records), Dr. O'Donnell acknowledged that the consent form scanned into the EMR prior to surgery 'was not signed by the patient,' and described his 'standard practice' of pre-loading unsigned consent forms into the EMR with the expectation that patients would sign them on the morning of surgery in a private preoperative encounter with no independent witness and no institutional verification mechanism. Dr. O'Donnell further disclosed in this entry that the paper chart had 'already been shredded' as of September 16, 2016 — approximately 113 days post-surgery, while the MICP proceeding was pending or imminent — permanently destroying the only physical document that could have confirmed the state of the consent form at the time of surgery.

Supporting Documents Include: Plaintiff's medical records in their entirety (including but not limited to medical records page 257); the fabricated informed consent documentation; the false February 29, 2016 addendum; the operative record falsely listing Dr. Tan as co-surgeon; post-operative appointment records; Defendants' Answer to the Second Amended Complaint (Dkt. 84, June 20, 2023) (judicial admission of Dr. Tan's absence); and any billing records submitted to HMSA and/or Hawaii Medicaid (Med-QUEST) for the May 26, 2016 procedures and related post-operative visits. Plaintiff reserves the right to supplement this answer following expert disclosure and completion of discovery.

INTERROGATORY NO. 3: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of "Medical Malpractice" against Defendant SUSAN TAN, M.D. as alleged in your Amended Complaint.

ANSWER:

Plaintiff objects to the characterization of his claims as 'Medical Malpractice' to the extent such framing implies negligence. Plaintiff further objects that this Interrogatory is a premature contention interrogatory. Without waiving these objections, Plaintiff states as follows:

The claims against Dr. Susan Tan require explanation of their present posture. Defendants' own Answer to the Second Amended Complaint (Dkt. 84, filed June 20, 2023) constitutes a judicial admission that Dr. Susan Tan was not present at and had no active role in the May 26, 2016 surgical procedures. Prior to that judicial admission, every official source available to Plaintiff — including Defendants' own operative medical records, which listed Dr. Tan as co-surgeon, and Dr. O'Donnell's post-operative representations at the seven-day and three-month follow-up appointments — represented or implied that Dr. Tan had been present and had participated in Plaintiff's surgery.

Accordingly, the facts supporting claims against Dr. Tan are as follows:

(a) False Listing in Operative Records. Plaintiff's intraoperative record for the May 26, 2016 surgical procedure (Hospital Account No. 209322874) identifies 'Tan, Susan L, MD' as the 'Assisting' surgeon. Defendants have judicially admitted this representation was false. The false identification of Dr. Tan as a participating surgeon in the official operative documentation — which was used for billing and regulatory purposes — constitutes an act supporting fraud claims.

(b) Claims Pled in the Alternative. To the extent Dr. Tan had any role — whether in the operating room, as a supervising physician, in any advisory or

instructional capacity, or in the preparation or authorization of operative documentation — such participation in the unconsented surgical acts and/or the false documentation would support the claims asserted. Plaintiff's claims against Dr. Tan are pled in the alternative: either she was present and participated in unconsented surgical acts, or she was absent and her name was used without her knowledge or consent to falsify operative records, the latter constituting evidence of the broader fraudulent scheme.

(c) RICO Predicate Act. The false operative record listing Dr. Tan as assisting surgeon constitutes a predicate act of wire fraud and/or mail fraud to the extent that operative documentation was incorporated into fraudulent billing claims transmitted through interstate electronic networks and/or the U.S. mail to Med-QUEST (Hawaii Medicaid) and HMSA.

Supporting Documents Include: Plaintiff's medical records including the operative record; Defendants' Answer to the Second Amended Complaint (Dkt. 84) (judicial admission); billing records for the May 26, 2016 procedure. This answer will be supplemented following completion of discovery.

INTERROGATORY NO. 4: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of "Medical Malpractice" against Defendant KAPI`OLANI MEDICAL SPECIALISTS as alleged in your Amended Complaint.

ANSWER:

Plaintiff objects to the characterization of his claims as 'Medical Malpractice' to the extent such framing implies negligence. Plaintiff further objects that this Interrogatory is a premature contention interrogatory. Without waiving these objections, Plaintiff states as follows:

(a) Respondeat Superior / Vicarious Liability. At all relevant times, Defendant Dr. Patrick J. O'Donnell was employed by and/or acting as an agent of Kapi'olani Medical Specialists ('KMS'). All of the acts and omissions described in Plaintiff's answer to Interrogatory No. 2 above were committed by Dr. O'Donnell within the course and scope of his employment and/or agency relationship with KMS. KMS is therefore vicariously liable under the doctrine of respondeat superior for each and every act of Dr. O'Donnell described herein.

(b) Institutional 'Standard Practice.' Dr. O'Donnell's September 16, 2016 medical record entry (page 257) describes a 'standard practice' of pre-loading unsigned consent forms into the EMR and relying on unwitnessed, unverified morning-of-surgery encounters to claim consent. This 'standard practice' is an institutional protocol — not an individual deviation — for which KMS bears

independent institutional responsibility. The practice structurally prevents verification of whether valid consent was obtained, creating a systemic risk and institutional mechanism for consent fabrication.

(c) Billing and Administrative Acts. KMS, through its administrative and billing infrastructure, participated in the submission of billing claims to HMSA and Med-QUEST (Hawaii Medicaid) for the May 26, 2016 procedures and related post-operative visits. To the extent those billing submissions falsely represented that services were rendered pursuant to lawful, valid informed consent and accurately documented as to the surgical team, KMS bears direct responsibility for those submissions.

Supporting Documents Include: Same as Interrogatory No. 2 above, plus any KMS employment, credentialing, and agency agreements with Dr. O'Donnell; KMS billing records; KMS institutional policies and procedures regarding informed consent documentation. This answer will be supplemented following completion of discovery.

INTERROGATORY NO. 5: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of intentional infliction of emotional distress against Defendant PATRICK J. O'DONNELL, M.D., as alleged in your Amended Complaint.

ANSWER:

Plaintiff objects that this Interrogatory is a premature contention interrogatory. Without waiving this objection, Plaintiff states as follows:

Under Hawaii law, IIED requires conduct that is intentional or reckless, outrageous, and that causes extreme emotional distress. *Hac v. Univ. of Haw.*, 102 Haw. 92, 106-07, 73 P.3d 46, 60-61 (2003). Conduct is outrageous when it is without just cause or excuse and beyond all bounds of decency. The following acts of Dr. O'Donnell meet and exceed this standard:

(a) Fabrication of informed consent documentation before surgery, creating a false official record of authorization for procedures Plaintiff never agreed to (February 29 and March 1, 2016);

(b) Performing eleven (11) separate, distinct, and invasive unconsented surgical acts on Plaintiff's anesthetized, helpless body — including amputating an organ (adenoid) and fracturing bilateral turbinate bones — in the complete absence of valid consent;

(c) Proceeding with surgery without the agreed co-surgeon (Dr. Tan), whose absence Dr. O'Donnell then actively concealed from Plaintiff during post-operative appointments by falsely representing that Dr. Tan had participated;

(d) During post-operative appointments (approximately seven days and three months after surgery), actively deceiving Plaintiff about the nature, location, and extent of the surgical alterations performed — specifically, drawing a false diagram claiming cartilage was removed from the 'back' of Plaintiff's septum when Dr. O'Donnell had in fact removed cartilage from the front — to minimize the apparent severity of the unconsented conduct and prevent Plaintiff from understanding what had been done to his body;

(e) Destroying (or allowing the destruction of) the paper chart — the only physical document that could have confirmed the true state of the consent form at the time of surgery — within 113 days of the surgery while the MICP proceeding was pending or imminent (as disclosed in medical records page 257);

(f) Operating through a deliberately designed 'standard practice' (medical records page 257) that structurally prevents any patient from detecting fabricated consent by creating a record environment where unsigned consent forms appear authenticated, while the physical evidence that could verify or refute them is routinely destroyed.

As a direct result of Dr. O'Donnell's conduct, Plaintiff has suffered: persistent PTSD and its functional consequences; recurring feelings of horror, violation, and bodily betrayal; chronic and compounding sleep deprivation from Empty Nose Syndrome caused by the unconsented turbinate destruction; extreme deterioration of mood and capacity for emotional engagement; physical pain from ordinary daily expressions such as smiling, talking, and kissing; permanent impairment of the capacity for intimate and relational connection; and loss of relationships. These injuries are described with greater particularity in Plaintiff's answer to Interrogatory No. 17 below.

Supporting Documents Include: Same as Interrogatory No. 2 above. This answer will be supplemented following completion of discovery.

INTERROGATORY NO. 6: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of intentional infliction of emotional distress against Defendant SUSAN TAN, M.D., as alleged in your Amended Complaint.

ANSWER:

Plaintiff objects that this Interrogatory is a premature contention interrogatory. Without waiving this objection, Plaintiff states as follows:

As described in Plaintiff's answer to Interrogatory No. 3 above, Defendants have judicially admitted that Dr. Tan was not present at the May 26, 2016 surgery. The claims against Dr. Tan are therefore pled in the alternative and the IIED factual basis against Dr. Tan is correspondingly framed:

(a) Alternative 1 — Dr. Tan Was Present. To the extent Dr. Tan participated in any of the unconsented surgical acts described in Plaintiff's answer to Interrogatory No. 5, she is equally responsible for the outrageous conduct described therein and for the resulting emotional distress.

(b) Alternative 2 — Dr. Tan Was Absent and Her Identity Was Used to Falsify Records. The false listing of Dr. Tan as co-surgeon in the operative records — which Plaintiff relied upon for years as the official account of who performed his surgery — independently caused Plaintiff severe and distinct psychological injury: the years-long deception about who had operated on his body; the shock of learning through Defendants' own 2023 judicial admission that the surgeon Plaintiff had believed participated had in fact never been present; and the further psychological harm of having been systematically deceived about the identity of the person who performed eleven unconsented surgical acts on Plaintiff's body while he was anesthetized and helpless.

Supporting Documents Include: Medical records; operative record falsely listing Dr. Tan; Defendants' Answer to the Second Amended Complaint (Dkt. 84). This answer will be supplemented following completion of discovery.

INTERROGATORY NO. 7: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of intentional infliction of emotional distress against Defendant KAPI`OLANI MEDICAL SPECIALISTS, as alleged in your Amended Complaint.

ANSWER:

Plaintiff objects that this Interrogatory is a **premature contention interrogatory**. Without waiving this objection, Plaintiff states as follows:

(a) Vicarious Liability. KMS is vicariously liable under respondeat superior for the IIED conduct of Dr. O'Donnell as described in Plaintiff's answer to Interrogatory No. 5 above, as Dr. O'Donnell committed those acts within the course and scope of his employment and/or agency with KMS.

(b) Independent Institutional Liability. KMS bears independent institutional responsibility for the 'standard practice' described in Dr. O'Donnell's September 16, 2016 medical record entry (page 257) — a systemic institutional protocol that structurally enabled the fabrication of consent documentation and prevented Plaintiff from discovering what had been done to him. This institutional design is independently outrageous and constitutes ratification or facilitation of the outrageous conduct by KMS.

Supporting Documents Include: Same as Interrogatories Nos. 2, 4, and 5 above. This answer will be supplemented following completion of discovery.

INTERROGATORY NO. 8: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of “Product Liability” against Defendant PATRICK J. O'DONNELL, M.D., as alleged in your Amended Complaint.

ANSWER:

Plaintiff's Amended Complaint does not assert a standalone claim denominated 'Product Liability' in the traditional products liability sense (i.e., manufacturing defect, design defect, or failure to warn asserted against a product manufacturer or distributor). To the extent any allegation in Plaintiff's Amended Complaint could be characterized as relating to a product, instrument, or device used in the surgical procedure — or to the extent this Interrogatory is construed to encompass any aspect of the claims asserted — **discovery and expert analysis are ongoing**. Plaintiff reserves all rights to supplement this answer and to amend the operative pleading consistent with facts developed through discovery.

INTERROGATORY NO. 9: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of “Product Liability” against Defendant SUSAN TAN, M.D., as alleged in your Amended Complaint.

ANSWER:

See Plaintiff's answer to Interrogatory No. 8 above, incorporated herein by reference. Plaintiff's Amended Complaint does not assert a standalone 'Product Liability' claim. Plaintiff reserves all rights to **supplement** this answer and to amend the operative pleading consistent with facts developed through discovery.

INTERROGATORY NO. 10: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of “Product Liability” against Defendant KAPI`OLANI MEDICAL SPECIALISTS, as alleged in your Amended Complaint.

ANSWER:

See Plaintiff's answer to Interrogatory No. 8 above, incorporated herein by reference. Plaintiff's Amended Complaint does not assert a standalone 'Product Liability' claim. Plaintiff reserves all rights to **supplement** this answer and to amend the operative pleading consistent with facts developed through discovery.

INTERROGATORY NO. 11: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of "Breach of Contract" against Defendant PATRICK J. O'DONNELL, M.D., as alleged in your Amended Complaint.

ANSWER:

Plaintiff objects that this Interrogatory is a premature contention interrogatory. Without waiving this objection, Plaintiff states as follows:

The Contract. On February 26, 2016, during Plaintiff's first and only pre-operative consultation with Dr. O'Donnell, the parties entered into a specific, express oral agreement for medical services. The terms were strictly defined: Plaintiff requested a highly narrow procedure consisting only of using ear cartilage to brace Plaintiff's nasal vestibules to address nostril collapse. Dr. O'Donnell expressly agreed to this specific and narrow scope.

Material Conditions. As a material condition of the agreement, Dr. O'Donnell represented and agreed that: (1) the procedure would be performed by himself and his colleague Dr. Susan Tan as a two-surgeon operation; and (2) Plaintiff's medical insurance would cover the agreed procedure. These were not peripheral representations — they were conditions on which Plaintiff's willingness to undergo any procedure expressly depended. Following these explicit mutual agreements, the parties shook hands, and Plaintiff stated, 'I trust you,' making an agreement. Plaintiff fully performed his obligations by submitting to preoperative intake on May 26, 2016 and tendering his insurance and payment information.

First Breach — Personnel Condition. Dr. O'Donnell breached the personnel condition of the agreement by failing to have Dr. Susan Tan participate as co-surgeon. Defendants have judicially admitted in their Answer to the Second Amended Complaint (Dkt. 84, June 20, 2023) that Dr. Tan was not present at and had no active role in the May 26, 2016 surgical procedures.

Second Breach — Scope Condition. Dr. O'Donnell entirely abandoned the agreed narrow procedure. Instead of using ear cartilage to brace Plaintiff's nasal vestibules, Dr. O'Donnell — while Plaintiff was chemically incapacitated without consent — performed eleven (11) completely different, unauthorized, and highly invasive surgical procedures including septal cartilage mutilation, bilateral turbinate penetration, cauterization, and outfracture, and the amputation of Plaintiff's adenoid. None of these procedures were within the scope of the agreed procedure. None were consented to.

Supporting Documents Include: Plaintiff's medical records; the operative report; billing records; Defendants' Answer to the Second Amended Complaint (Dkt. 84). This answer will be supplemented following completion of discovery.

INTERROGATORY NO. 12: Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of "Breach of Contract" against Defendant SUSAN TAN, M.D., as alleged in your Amended Complaint.

ANSWER:

To the extent Plaintiff's Amended Complaint asserts a breach of contract claim against Dr. Susan Tan, Plaintiff states as follows: The contract described in Plaintiff's answer to Interrogatory No. 11 above was formed between Plaintiff and Dr. O'Donnell on February 26, 2016. Dr. Tan was identified as a material condition of that contract — her participation as co-surgeon was an express term on which Plaintiff's agreement to proceed depended. Defendants have judicially admitted (Dkt. 84, June 20, 2023) that Dr. Tan was not present and had no active role in the surgery.

To the extent Dr. Tan had any role in agreeing to participate as co-surgeon and then failed to appear, or had any role in authorizing the false listing of her name in the operative records, such conduct is relevant to the breach of contract claims and to the broader fraud and battery claims. Plaintiff reserves all rights to supplement this answer following completion of discovery.

INTERROGATORY NO 13. Describe with particularity all Documents and/or Things and/or any and all facts which support your allegations of "Breach of Contract" against Defendant KAPI`OLANI MEDICAL SPECIALISTS, as alleged in your Amended Complaint.

ANSWER:

Plaintiff objects that this Interrogatory is a premature contention interrogatory. Without waiving this objection, Plaintiff states as follows:

(a) Respondeat Superior. KMS is vicariously liable for the breach of contract by Dr. O'Donnell as described in Plaintiff's answer to Interrogatory No. 11 above, as those acts were committed within the course and scope of Dr. O'Donnell's employment and/or agency with KMS.

(b) Receipt of Benefit. KMS and/or its institutional affiliates received insurance reimbursement, Medicaid (Med-QUEST) payments, and/or other compensation for the unauthorized procedures that were performed in breach of the parties' agreement, rather than for the contracted procedure. Plaintiff is entitled to

restitutionary relief and/or disgorgement of all amounts obtained by Defendants through the breach.

Supporting Documents Include: Medical records; operative records; billing records; KMS employment/agency records for Dr. O'Donnell; insurance payment records. This answer will be **supplemented following completion of discovery**.

INTERROGATORY NO. 14: Identify each person who has information relating to the care and treatment you received from Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI`OLANI MEDICAL SPECIALISTS that is the subject of your claims and/or the injuries you contend resulted from an act and/or omission by Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI`OLANI MEDICAL SPECIALISTS, and describe the substance of their information.

ANSWER:

Without waiving any objections, the following persons are known or believed to have information relating to the care and treatment at issue and/or the injuries claimed:

1. Jared James (Plaintiff). Personal knowledge of all events: the February 26, 2016 pre-operative agreement with Dr. O'Donnell; the May 26, 2016 preoperative experience including early chemical incapacitation; the post-operative representations made by Dr. O'Donnell; Plaintiff's physical and psychological injuries and their ongoing impact.

2. Dr. Patrick J. O'Donnell (Defendant). Knowledge of: the February 26, 2016 pre-operative consultation and the terms of the agreement; the consent documentation and its fabrication; the February 29, 2016 addendum; the surgical plan and procedures performed; the operative record and the false listing of Dr. Tan; the post-operative misrepresentations regarding the location and nature of surgical alterations; and the shredding of the paper chart (disclosed in medical records page 257).

3. Dr. Susan Tan (Defendant). Knowledge of: whether she was present at or had any role in the May 26, 2016 surgery; how and why her name appears in the operative record as co-surgeon; any communications with Dr. O'Donnell regarding Plaintiff's procedure.

4. Dr. Selena Peters (Defendant). Knowledge of: the administration of anesthesia to Plaintiff on May 26, 2016, including the timing of anesthesia administration (alleged to have occurred approximately 2.5 hours before the scheduled procedure); the preoperative sequence of events on May 26, 2016.

5. Merla Takenaka, RN (Defendant). Knowledge of: the alteration of Plaintiff's recorded check-in time in the official medical records from approximately 8:00 a.m. to 9:00 a.m.; the preoperative events on May 26, 2016, including Plaintiff's isolation, deprivation of belongings, and early anesthesia. Knowledge of the fraudulent signature on the anesthesia/sedation consent form.

6. Rozel Cerezo. Knowledge of: the fabricated informed consent documentation; the witness attestation affixed to the consent form representing that a lawful informed-consent process occurred; the events surrounding consent documentation on or about March 1, 2016.

7. All clinical and nursing staff present at Kapi'olani Medical Center for Women and Children on May 26, 2016, including all persons in or near the operating room, the preoperative room, and the recovery area during Plaintiff's procedure. The identities of all such personnel are to be determined through discovery.

8. RICO Investigator Wendy T. Yamashita (formerly, DCCA RICO). Knowledge of: Plaintiff's complaint against Dr. Susan Tan, confirmed received and closed in official written correspondence dated September 13, 2017 and September 15, 2017; the regulatory review process; the subsequent disappearance of the complaint record from RICO's database.

9. RICO Investigations Manager Sean J. Kinilau (DCCA RICO). Knowledge of: the August 2, 2023 written communication stating that RICO's database contained no record of Plaintiff's complaint against Dr. Tan; the circumstances under which that record was destroyed, purged, or rendered inaccessible.

10. All treating, evaluating, and consulting physicians who have provided care to Plaintiff following the May 26, 2016 surgery, including but not limited to physicians treating Plaintiff for Empty Nose Syndrome, PTSD, nasal reconstruction, and related conditions. The identities of all such providers will be supplemented as **medical records are compiled**.

11. Any expert witnesses retained or to be retained by Plaintiff. Names and areas of expertise will be disclosed consistent with the Court's scheduling order.

Plaintiff reserves the right to supplement this answer as additional **witnesses are identified through discovery**.

INTERROGATORY NO. 15: Identify all social media or internet accounts you have created and/or maintain, including but not limited to, Facebook, Instagram, Twitter, X, TikTok, Reddit, and/or YouTube, and describe all of documents, videos, or posts uploaded to these accounts, regarding this action, any of the Defendants, the procedure that is the subject of this action, your health condition, and/or your damages claims.

ANSWER:

Plaintiff objects to this Interrogatory to the extent it seeks disclosure of private social media content not related to this action, as such disclosure would violate Plaintiff's right to privacy under **Article I, Section 6 of the Hawaii Constitution**, and is overbroad and disproportionate to the needs of this case to the extent it seeks all content on all accounts regardless of relevance.

Plaintiff objects to this Interrogatory to the extent it seeks information that is not relevant to any claim or defense in this action or is not proportional to the needs of the case under HRCF Rule 26(b)(1), including private social media content unrelated to the May 26, 2016 procedure, alleged injuries, damages, or Defendants. Subject to and without waiving this objection, Plaintiff responds as follows:

Without waiving these objections, Plaintiff states: Plaintiff has maintained and/or currently maintains accounts on the following social media and internet platforms: Facebook, Instagram, YouTube, Reddit. Plaintiff will produce, subject to an appropriate protective order, any posts, videos, or content on any such accounts that specifically relate to: this action; any of the named Defendants; the surgical procedures that are the subject of this action; Plaintiff's health condition as affected by those procedures; or Plaintiff's damages claims.

Plaintiff further states that Plaintiff maintained a Reddit account at some point following the May 26, 2016 procedures, on which Plaintiff discussed aspects of Plaintiff's medical condition and experiences related to the procedures at issue. Plaintiff does not currently recall the precise account username, and has been unable to locate or access the account despite reasonable inquiry. Plaintiff believes the username contained terms related to Empty Nose Syndrome, but cannot confirm the exact handle. Plaintiff is unable to confirm whether the account remains active, has been deleted, or has been archived. To the extent any such account or content is located through discovery or through Plaintiff's continued inquiry, Plaintiff will promptly produce all relevant content. Plaintiff reserves the right to supplement this answer.

Plaintiff will produce responsive, non-privileged social media content relevant to the claims and defenses in this case. To the extent production implicates personal identifying information or third-party privacy interests, Plaintiff requests that such production be subject to an appropriate protective order.

Plaintiff will supplement this response pursuant to HRCP Rule 26(e) as additional responsive information is identified.

INTERROGATORY NO. 16: For each verbal communication that you had with Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and/or KAPI`OLANI MEDICAL SPECIALISTS and/or any physician, nurse, or any other person working with Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and/or KAPI`OLANI MEDICAL SPECIALISTS regarding the care and treatment that is the subject of your claims and/or the injuries you contend resulted from an act and/or omission by Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI`OLANI MEDICAL SPECIALISTS, identify each person with whom you spoke, date and time of the contact, the substance of what was said, and each person who heard or may have heard any part of what was said.

ANSWER:

Plaintiff responds as follows: The communications identified below reflect those verbal communications presently recalled by Plaintiff after reasonable inquiry. Because the events occurred on May 26, 2016 and involved anesthesia and perioperative medications affecting consciousness and memory, Plaintiff cannot presently identify every verbal communication, the exact time of each communication, or the full identities of all individuals involved. In addition, the identities of certain clinical and support staff remain within Defendants' possession, custody, or control and have not yet been fully disclosed. Plaintiff therefore provides the communications presently recalled and will supplement this response pursuant to HRCP Rule 26(e) upon receipt of staff rosters, operative reports, anesthesia records, perioperative nursing documentation, scheduling logs, and related discovery.

Plaintiff objects that this Interrogatory is compound and overbroad. Without waiving these objections, Plaintiff states the following verbal communications, to the best of Plaintiff's present recollection. Plaintiff reserves the right to supplement this answer:

Communication 1 — February 26, 2016 (Pre-Operative Consultation).

Person(s): Plaintiff Jared James and Defendant Dr. Patrick J. O'Donnell.

Substance: Dr. O'Donnell and Plaintiff discussed the proposed surgical procedure. Plaintiff requested a narrow, specific procedure: using ear cartilage exclusively to brace Plaintiff's nasal vestibules to address nostril collapse. Dr. O'Donnell agreed to this specific scope. Dr. O'Donnell represented that his colleague Dr. Susan Tan would participate as co-surgeon. Dr. O'Donnell represented that Plaintiff's medical insurance would cover the agreed procedure. The parties shook hands. Plaintiff stated, 'I trust you.'

Other Persons Present: Unknown at this time; to be determined **through discovery**.

Communication 2 — May 26, 2016 (Pre-Operative Period).

Person(s): Plaintiff and various clinical staff at Kapi'olani Medical Center for Women and Children, identities to be determined **through discovery**.

Substance: Plaintiff was brought to a preoperative area. Plaintiff's recollection of specific verbal exchanges from this period is limited by the fact that Plaintiff was chemically incapacitated — intravenous anesthesia was administered approximately 2.5 hours before his scheduled surgery, rendering him unconscious and incapable of communication or participation. Any communications that occurred after administration of anesthesia were not perceived or consented to by Plaintiff.

Communication 3 — Approximately June 2, 2016 (Seven-Day Post-Operative Follow-Up).

Person(s): Plaintiff Jared James and Defendant Dr. Patrick J. O'Donnell.

Substance: During a post-operative follow-up appointment approximately seven (7) days after surgery, Dr. O'Donnell drew a diagram and represented to Plaintiff that he had only removed cartilage from the 'back' of Plaintiff's septum. This representation was false — Dr. O'Donnell had removed cartilage from the front of Plaintiff's nose. Dr. O'Donnell also represented during this appointment that Dr. Susan Tan had been present at and participated in the surgery. This representation was likewise false, as Defendants have since judicially admitted.

Other Persons Present: Unknown at this time; to be determined **through discovery**.

Communication 4 — Approximately August 26, 2016 (Three-Month Post-Operative Follow-Up).

Person(s): Plaintiff Jared James and Defendant Dr. Patrick J. O'Donnell.

Substance: During a post-operative follow-up appointment approximately three (3) months after surgery, Dr. O'Donnell made further affirmative representations regarding the nature and location of the surgical alterations consistent with the false narrative described in Communication 3 above, and again misrepresented that the procedure had been performed as agreed. Dr. O'Donnell again represented that Dr. Tan had participated in the procedure.

Other Persons Present: Unknown at this time; to be determined **through discovery**.

In addition to the communications specifically identified above, Plaintiff recalls that verbal communications occurred in the following contexts, though further exact details are unknown and subject to supplementation:

- 1) Pre-surgical scheduling discussions;
- 2) Pre-operative intake and preparation;
- 3) Consent-related discussions;
- 4) Post-anesthesia care unit (PACU) and recovery discussions (Merla Takenaka);
- 5) Billing and insurance-related communications.

Plaintiff will identify additional individuals and details as discovery progresses.

Plaintiff reserves the right to **supplement** this answer as additional recollections are confirmed and as discovery reveals further communications with Defendants or their staff.

INTERROGATORY NO. 17: Describe all of the injuries that you allege resulted from an act and/or omission by Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI`OLANI MEDICAL SPECIALISTS.

ANSWER:

Plaintiff alleges the following injuries, all of which are permanent unless otherwise noted, as a direct and proximate result of Defendants' acts and omissions:

A. PHYSICAL INJURIES

(1) Empty Nose Syndrome ('ENS'). Plaintiff developed symptoms consistent with Empty Nose Syndrome following the surgeries performed on May 26, 2016 and contends the condition resulted from those surgical acts performed without consent. ENS produces: a constant and unrelenting sensation of suffocation and airway obstruction despite objectively patent nasal passages; chronic and compounding sleep deprivation that accumulates nightly and does not resolve; inability to obtain restorative sleep; extreme and debilitating fatigue; and continuous difficulty breathing that is exacerbated by physical exertion, environmental conditions, and emotional stress.

(2) Permanent Structural Mutilation and Disfigurement of Nasal Anatomy. Including: removal of septal cartilage and tissue from the front of Plaintiff's nose; irreversible alteration of the nasal septum; destruction of bilateral inferior turbinate tissue; and outfracture of bilateral inferior turbinate bones, producing sharp cartilaginous and bony edges that cause physical pain upon ordinary facial movements including smiling, talking, and kissing.

(3) Physical Pain from Ordinary Daily Activities. Including but not limited to smiling, talking, and kissing, caused by the sharp structural edges left at the site of anterior cartilage and tissue removal and the interaction of normal facial musculature with those surgically created edges.

(4) Persistent Voice and Resonance Changes. Plaintiff experienced persistent voice and resonance changes following the surgeries performed on May 26, 2016. Since the procedure, Plaintiff has experienced altered vocal tone, changes in resonance quality, and difficulty projecting or sustaining normal vocal sound. These changes were not present prior to the surgery and have continued thereafter.

B. PSYCHOLOGICAL AND EMOTIONAL INJURIES

(5) Post-Traumatic Stress Disorder ('PTSD'). Including its functional sequelae: persistent hypervigilance and trauma responses triggered by medical environments and related stimuli; impaired executive function and memory consolidation; reduced capacity for sustained cognitive effort; and recurring intrusive memories and feelings of horror, violation, and bodily betrayal arising from having been rendered unconscious and subjected to multiple invasive surgical acts without consent.

(6) Severe and Persistent Emotional and Psychological Injury. Including: extreme psychological distress arising from (i) the chronic, disabling symptoms of Empty Nose Syndrome; (ii) the knowledge that surgery was performed against Plaintiff's will while Plaintiff was chemically incapacitated; (iii) the shock and horror of learning, after the fact, that multiple unauthorized procedures were performed including the amputation of Plaintiff's adenoid tissue without consent; (iv) the discovery that the surgeon Plaintiff believed had participated was in fact absent; (v) the discovery that the official records upon which Plaintiff had relied to understand and investigate his own injuries had been fabricated; and (vi)

profound deterioration of mood, emotional capacity, and the ability to engage in positive, kind, and loving interactions with others.

C. RELATIONAL AND HEDONIC INJURIES

(7) Permanent Impairment of Capacity for Intimate and Affectionate Relationships. The violation of Plaintiff's bodily autonomy has produced enduring psychological insecurity, diminished capacity for trust, emotional withdrawal, and material impairment of Plaintiff's ability to form and sustain meaningful intimate and interpersonal bonds. Physical pain from ordinary expressions of affection (smiling, talking, kissing) further compounds this relational impairment.

(8) Loss of Relationships. Loss of relationships with acquaintances, friends, close personal friends, and family members attributable to the social and relational burden created by Plaintiff's physical symptoms, psychological injury, and the nature of the unconsented acts.

(9) Loss of Enjoyment of Life (Hedonic Damages). Permanent diminishment of Plaintiff's capacity to experience the ordinary pleasures of human existence — physical comfort, social ease, affectionate interaction, undisturbed sleep, and bodily well-being. The chronic, compounding, and unrelenting physical and psychological burden imposed by Defendants' acts has permanently altered the quality and range of Plaintiff's daily experience.

D. DIGNITARY AND AUTONOMY INJURIES

(10) Dignitary Harm. surgical procedures were performed by persons whose full identity and participation was concealed from Plaintiff before, during, and after the procedure, without valid consent.

E. ECONOMIC INJURIES

(11) Loss of Past and Future Earning Capacity. Resulting from the physical and neurological consequences of Defendants' acts, including the chronic sleep deprivation and cognitive impairment caused by ENS and PTSD.

(12) Ongoing Corrective Medical Expenses. Including all costs associated with treatment of ENS, nasal reconstruction, PTSD treatment, voice-related evaluation and treatment, and future life-care planning.

This list is not exhaustive. Plaintiff reserves the right to supplement this answer as additional injuries are identified and as **expert analysis** is completed.

INTERROGATORY NO. 18: If any of the injuries that you allege resulted from an act and/or omission by Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI'OLANI MEDICAL SPECIALISTS will probably be permanent, describe each injury and identify each person who provided the prognosis.

ANSWER:

Based on the nature of the injuries described in Plaintiff's answer to Interrogatory No. 17 above, the following injuries are permanent:

(1) Empty Nose Syndrome (ENS) — The inferior turbinate structures destroyed in the unconsented procedure cannot be fully regenerated. Plaintiff contends the following injuries are permanent based on their persistence and available medical information. Prognosis provided by: Plaintiff's treating physician(s) for ENS to be **Dr. Tam**.

(2) Structural Mutilation and Disfigurement of Nasal Anatomy — The removal of septal cartilage and tissue, destruction of inferior turbinate tissue, and outfracture of bilateral turbinate bones are permanent alterations. Plaintiff contends the these injuries are permanent based on available medical information.

(3) Permanent Alteration of Voice — Permanent alteration of voice and speech resonance is irreversible. Plaintiff contends the following these are permanent based on their persistence and available medical information.

(4) PTSD and Psychological Injury — The severity, duration, and circumstances of Plaintiff's trauma, including the ongoing nature of the physical triggers (ENS symptoms, daily physical pain), support a prognosis of persistent psychological injury. Prognosis provided by: Plaintiff's treating mental health professional(s) — **Dr. Hyman**.

(5) Relational and Hedonic Impairments — Arising from and compounding the permanent physical and psychological injuries above. Prognosis by: treating mental health professional(s) and/or expert(s) — **Dr. Hyman**.

Plaintiff will supplement this answer with the names, addresses, and contact information for all treating providers upon completion of compilation of medical records and identification of all treating professionals.

INTERROGATORY NO. 19: If any of the injuries that you allege resulted from an act and/or omission by Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI`OLANI MEDICAL SPECIALISTS detrimentally affected your performance at work or your non-work activities, describe how your performance or activity has been detrimentally affected and state the inclusive dates when your performance at work or your non-work activities were affected.

ANSWER:

Work Performance: As a direct result of the physical and psychological injuries described in Plaintiff's answer to Interrogatory No. 17 above, Plaintiff's capacity for employment and productive economic activity has been materially and continuously impaired from May 26, 2016 to the present and continuing into the future. The chronic and compounding sleep deprivation caused by Empty Nose Syndrome — which does not resolve nightly and accumulates over time — has produced extreme and debilitating fatigue and cognitive impairment that directly and materially reduces Plaintiff's capacity for sustained work performance, complex cognitive tasks, focused effort, and reliable attendance. PTSD-related impairments, including reduced executive function, impaired memory consolidation, and hypervigilance, further reduce Plaintiff's vocational capacity. Plaintiff has suffered past and future loss of income and earning capacity as a result. The precise computation of this loss will be provided through **expert economic analysis** and will be **supplemented**.

Non-Work Activities: From May 26, 2016 to the present and continuing, Plaintiff has been substantially limited in the following non-work activities and life functions that were part of Plaintiff's life prior to the unconsented procedures: (a) restorative sleep, which is now consistently and significantly disrupted and rarely if ever undisturbed; (b) physical activity, which Plaintiff can engage in only at a greatly reduced level due to serious and recurring breathing symptoms that were not present before; (c) ordinary expressions of human emotion and affection — including smiling, talking, and kissing — which Plaintiff can engage in only with significant physical pain and discomfort; (d) social interactions, intimate relationships, and relational engagement, which Plaintiff can maintain only in a markedly diminished capacity compared to before; (e) the ordinary pleasures of daily life that constitute Plaintiff's hedonic enjoyment of existence, which Plaintiff continues to experience only in a greatly reduced measure. These impairments have been continuous since May 26, 2016 and are expected to continue permanently.

INTERROGATORY NO. 20: “If you claim any medical expenses resulting from or directly chargeable to any physical and/or mental injury or condition which you claim

you have suffered as a result of the care and treatment provided by Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI'OLANI MEDICAL SPECIALISTS, list the following information in the format set forth below;

ANSWER:

1. Name of Person(s) To Whom Owed or Paid
2. Nature of Service or Product
3. Amount and How Paid
4. Inclusive Dates Expenses Incurred"

ANSWER:

Plaintiff claims medical expenses as a result of the injuries described herein. **Plaintiff is in the process of compiling complete medical billing records and will supplement this answer.** To the extent Plaintiff currently has information regarding medical expenses incurred, a responsive table is provided below. This list is expressly not exhaustive and will be supplemented.

Provider	Date(s))	Service	Amount	Billed To	Paid By
Kapi'olani Medical Center / KMS	May 26, 2016	Numerous Nose and Sinus surgeries	Unknown (itemized billing requested)	HMSA and/or Med-QUEST (to be confirmed)	Unknown
KMS / Dr. O'Donnell	May 26, 2016	Surgical professional fees	Unknown (itemized billing requested)	HMSA and/or Med-QUEST (to be confirmed)	Unknown
KMS / Dr. O'Donnell	7-day and 3 month follow-up	Post-operative follow-up visit	Unknown (itemized billing requested)	HMSA and/or Med-QUEST (to be confirmed)	Unknown
Dr. Tam	After May 26, 2016	Consultation relating to ENS symptoms	Unknown	HMSA and/or Med-QUEST (to be confirmed)	Unknown

Dr. Hyman	After May 26, 2016	Mental health evaluation/therapy relating to PTSD/emotional distress	Unknown	HMSA and/or Med-QUEST (to be confirmed)	Unknow n
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NOTE: Plaintiff will **supplement this answer** with a complete accounting of all medical expenses upon compilation of medical billing records from all treating providers. This list is continuing.

INTERROGATORY NO. 21: “If you claim any non-medical expenses resulting from or directly chargeable to the physical and/or mental injury or condition which you claim you suffered as a result of the care and treatment provided by Defendants PATRICK J. O’DONNELL, M.D., SUSAN TAN, M.D., and KAPI`OLANI MEDICAL SPECIALISTS other than the medical expenses listed in your answer to Interrogatory No. 34 above, list them in the format set forth below:

ANSWER: (Assumption: Defendants meant to reference Interrogatory No. 20)

1. Name of Person(s) To Whom Owed or Paid
2. Nature of Service of Product
3. Amount and How Paid
4. Inclusive Dates Expenses Incurred”

ANSWER:

Note: Defendants' Interrogatory references 'Interrogatory No. 34,' which does not exist in this set. Plaintiff assumes the intended reference is to Interrogatory No. 20 and answers accordingly.

Plaintiff claims non-medical expenses as a result of the injuries described herein.

Plaintiff is in the process of compiling complete records and will supplement this answer. To the extent Plaintiff currently has information regarding non-medical expenses, a responsive table is provided below. This list is expressly not exhaustive and will be supplemented.

1. Humidification devices;
2. Replacement humidifiers and filters;
3. Increased household electricity costs associated with continuous humidifier use;

4. Specialized clothing and environmental modifications necessary to manage cold air sensitivity and respiratory discomfort;
5. Travel expenses associated with medical appointments.

Non-medical expenses may include but are not limited to: transportation costs to and from medical appointments; costs associated with adaptive accommodations required by Plaintiff's injuries; and lost income and economic losses described in Plaintiff's answer to Interrogatory No. 23 below. **This answer will be supplemented.**

INTERROGATORY NO. 22: For each monetary payment received by you or anyone on your behalf (e.g., a medical provider) from Medicare, Medicaid, the Social Security Administration, worker's compensation, an insurance company, or any other person or entity in connection with the injuries that you contend were the result of an act and/or omission by Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI'OLANI MEDICAL SPECIALISTS, identify the date of each payment, the dollar amount, the identity of each payer and recipient, and what the payment was for.

ANSWER:

Plaintiff objects to this Interrogatory to the extent it seeks information for purposes inconsistent with Hawaii's collateral source rule, which provides that compensation or benefits received by a plaintiff from sources independent of the defendant do not reduce the defendant's liability. The identification of third-party payments does not affect Defendants' obligation to pay full compensatory damages for the injuries they caused.

Based on records presently available and Plaintiff's recollection, medical expenses relating to the May 26, 2016 procedure and certain follow-up care were submitted to HMSA and/or Med-QUEST. Plaintiff does not presently have complete payment breakdowns. Plaintiff will supplement this response upon receipt of complete billing and payment records.

Without waiving this objection, Plaintiff states: To the extent Plaintiff has received any payments from Medicare, Medicaid (Med-QUEST), Social Security, workers' compensation, any insurance company, or any other source in connection with the injuries alleged herein, **Plaintiff will provide responsive information.** Plaintiff is in the process of compiling this information and will supplement this answer.

Plaintiff further notes that, to the extent Defendants or their institutional affiliates received reimbursement from HMSA, Med-QUEST, or any other payor for the unauthorized procedures performed on May 26, 2016, or for related post-operative visits on approximately June 2, 2016 and August 26, 2016, such payments constitute funds received in exchange for services falsely represented to have been authorized by valid

informed consent, and Plaintiff contends that Defendants are not entitled to retain such payments.

INTERROGATORY NO. 23: Describe your past, present, and future loss of income and/or impairment of earning capacity that resulted from the injuries that you contend were the result of an act and/or omission by Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI`OLANI MEDICAL SPECIALISTS, including the identity of each person or entity that paid or would have paid your wages, earnings or income; the amount of each loss with an explanation of the computation; the inclusive dates of when you would have obtained the wages, earnings or income if not for the injuries that you contend were the result of an act and/or omission by Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI`OLANI MEDICAL SPECIALISTS, and the amount of each sick leave payment you received and by whom paid.

ANSWER:

Plaintiff objects that this Interrogatory calls for expert economic analysis that is ongoing. Without waiving this objection, Plaintiff states as follows:

As a direct result of the physical and psychological injuries described in Plaintiff's answer to Interrogatory No. 17 above — specifically the chronic and compounding sleep deprivation caused by Empty Nose Syndrome, the cognitive and functional impairments caused by PTSD, and the permanent physical injuries including pain from ordinary activities — Plaintiff's capacity for employment and income-generating activity has been materially and continuously impaired from May 26, 2016 to the present and is expected to remain impaired into the future.

Past Loss of Earning Capacity: Plaintiff has experienced diminished earning capacity from May 26, 2016 to the present due to the above-described physical and psychological injuries. The specific computation of past lost income and lost earning capacity will be provided through a **forensic economist expert**. Plaintiff will identify the relevant employer(s) and income information and will supplement this answer.

Future Loss of Earning Capacity: Given the permanent nature of Plaintiff's injuries (ENS, PTSD, structural nasal mutilation), Plaintiff's earning capacity is expected to remain impaired for the remainder of Plaintiff's working life. The present value of this future loss will be calculated and provided through expert economic analysis and will be supplemented.

This answer will be supplemented upon completion of expert economic analysis and in accordance with the Court's scheduling order.

INTERROGATORY NO. 24: State the amount and nature of all future expenses and/or monetary losses you anticipate will be incurred by you as a result of the injuries that you contend were the result of an act and/or omission by Defendants PATRICK J. O'DONNELL, M.D., SUSAN TAN, M.D., and KAPI`OLANI MEDICAL SPECIALISTS.

ANSWER:

Plaintiff objects that this Interrogatory calls for expert medical and economic analysis that is ongoing. Without waiving this objection, Plaintiff states that the following categories of future expenses and monetary losses are anticipated as a direct result of the injuries described herein:

(1) Future Medical Expenses for ENS Management. Empty Nose Syndrome is a permanent, chronic condition with no definitive cure. Plaintiff anticipates ongoing lifetime costs for ENS management including specialist consultations, nasal irrigations, humidification devices, potential surgical interventions, and related treatment. The projected lifetime cost will be provided through life care planning and medical expert analysis.

(2) Nasal Reconstructive Surgery. Corrective surgical procedures to address the structural mutilation of Plaintiff's nasal anatomy. The anticipated cost, number of procedures, and surgical plan will be provided through expert medical analysis.

(3) Ongoing PTSD and Psychological Treatment. Continued psychiatric and psychological treatment, including therapy and medication management. Estimated ongoing lifetime costs to be provided through treating provider and expert analysis.

(4) Voice-Related Evaluation and Treatment. Evaluation and ongoing management of the permanent voice alteration caused by surgeries on May 26, 2016.

(5) Future Lost Earning Capacity. As described in Plaintiff's answer to Interrogatory No. 23 above.

(6) Life Care Planning Costs. Future life care planning expenses necessitated by the permanent nature and scope of Plaintiff's injuries, including all long-term medical management, adaptive needs, and related economic losses.

(7) Ongoing ENT follow-up evaluations (anticipated periodically, approximately annually or as medically indicated);

(8) Continued mental health therapy for psychological distress (ongoing);

(9) Potential specialized evaluation or treatment for empty nose syndrome symptoms;

(10) Replacement of humidification equipment and related environmental control devices as needed;

(11) Future diagnostic imaging or specialist consultations as recommended.

The precise amounts for each category of future expense will be provided through expert medical, economic, and life care planning analysis. Plaintiff will supplement this answer in accordance with the Court's scheduling order for expert disclosures.

VERIFICATION

I, Jared James, declare under penalty of perjury under the laws of the State of Hawai'i that the foregoing Answers to Defendants Patrick J. O'Donnell, M.D.; Susan Tan, M.D.; and Kapi'olani Medical Specialists' First Request for Answers to Interrogatories are true and correct to the best of my knowledge, information, and belief.

I further declare that these answers are based upon my personal knowledge, my review of records in my possession, and reasonable inquiry conducted in good faith.

I reserve the right to supplement or amend these answers pursuant to Rule 26(e) of the Hawai'i Rules of Civil Procedure as additional information becomes available.

Executed on this 25 day of February, 2026, in Honolulu, Hawai'i.

/s/ Jared James
JARED JAMES
Pro Se Litigant
2421 Tusitala St. 402
Honolulu, HI 96815
jaredjames23@gmail.com
(808) 800-6588 Plaintiff

EXHIBIT “B”

TO

DEFENDANTS

**PATRICK J. O’DONNELL, M.D.; SUSAN
TAN, M.D.; AND KAPI’OLANI MEDICAL
SPECIALISTS’ SUPPLEMENTAL
MEMORANDUM IN SUPPORT OF
MOTION TO COMPEL DISCOVERY**

**FILED
UNDER
SEAL**

Date: February 25, 2026

John-Anderson L. Meyer, Esq.
Janna Wehilani Ahu, Esq.
Dentons US LLP 1001 Bishop Street,
Suite 1800 Honolulu, Hawai'i 96813
Via Electronic Mail:
anderson.meyer@dentons.com;
janna.ahu@dentons.com

Re: *Jared James v. Patrick J. O'Donnell, M.D., et al.*, Civil No. 1CCV-21-0000683 (SMK)
Service of Plaintiff's Answers to Defendants' First Request for Production of Documents

Dear Counsel:

Enclosed herewith, please find Plaintiff Jared James' Answers to Defendants Patrick J. O'Donnell, M.D.; Susan Tan, M.D.; and Kapi'olani Medical Specialists' First Request for Production of Documents, served herewith pursuant to Rule 34 of the Hawai'i Rules of Civil Procedure.

Plaintiff expressly reserves the right to supplement these documents pursuant to **HRCP Rule 26(e)** as discovery proceeds, as additional information becomes available, and consistent with any amendment to the operative pleading.

Please confirm receipt of this email and its attachment by return email at your earliest convenience.

Respectfully submitted,

/s/ Jared James
Jared James
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(808) 800-6588
Plaintiff

EXHIBIT "B"

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Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

JARED JAMES,

Civil No. 1CCV-21-0000683 (SMK)

Plaintiff,

vs.

PATRICK J. O'DONNELL, M.D.; SUSAN

TAN, M.D.; SELINA PETERS, M.D.;
MERLA TAKENAKA RN; KAPIOLANI
MEDICAL SPECIALISTS; KAPIOLANI
MEDICAL CENTER FOR WOMEN AND
CHILDREN; HAWAII PACIFIC HEALTH,
DOES 1-10; DOE CORPORATIONS;
DOE GOVERNMENT AGENCIES 1-5

Defendants.

**PLAINTIFF JARED JAMES'
ANSWERS TO DEFENDANTS
PATRICK J. O'DONNELL, M.D.;
SUSAN TAN, M.D.; AND KAPI'OLANI
MEDICAL SPECIALISTS' FIRST
REQUEST FOR PRODUCTION OF
DOCUMENTS**

JUDGE: Honorable Shirley M. Kawamura

Trial: May 18, 2026

PLAINTIFF JARED JAMES' ANSWERS TO DEFENDANTS PATRICK J. O'DONNELL,
M.D.; SUSAN TAN, M.D.; AND KAPI'OLANI MEDICAL SPECIALISTS' FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS.

Plaintiff Jared James, appearing pro se, hereby responds to the First Request for Production of Documents propounded by Defendants Patrick J. O'Donnell, M.D., Susan Tan, M.D., and Kapi'olaani Medical Specialists. These responses are served pursuant to Rule 34 of the Hawai'i Rules of Civil Procedure.

GENERAL OBJECTIONS

The following General Objections apply to each and every Request for Production and are incorporated by reference into each specific response below as if fully set forth therein. The assertion of any specific objection does not waive any General Objection.

1. Attorney-Client Privilege and Work Product. To the extent applicable, communications protected by the attorney-client privilege and materials prepared in anticipation of litigation are protected under HRCP Rule 26(b)(3). Plaintiff will produce a privilege log if any materials are withheld on that basis.

2. Hawai'i Constitutional Privacy (Art. I, §6). Hawai'i's constitutional right to privacy is broader than its federal counterpart. Financial records, medical records beyond those directly at issue in this action, and personal information unrelated to this litigation are protected. Haw. Const. art. I, § 6; Cohan v. Ayabe, 2012 WL 3597437.

3. Overbreadth and Disproportionality. To the extent any Request seeks documents spanning broad time periods or across financial, personal, and medical categories without nexus to the claims and injuries at issue, such requests are overbroad and disproportionate to the needs of this case as required by HRCP Rule 26(b)(1).

4. Intentional Tort Framing. Plaintiff's claims sound primarily in intentional tort, fraud, battery, and breach of contract, not merely negligence. Plaintiff's responses are provided in the context of the intentional and fraudulent conduct at the core of the operative complaint. Plaintiff objects to any characterization of claims that misrepresents their nature.

5. Continuing Nature of Responses. All responses are subject to supplementation under HRCF Rule 26(e) as additional information becomes available through discovery. Plaintiff expressly reserves the right to supplement or amend these responses.

6. Time Constraints. Plaintiff is responding within the time period ordered by the Court. Due to the time available to compile records dating back to 2016, certain responses are based on records presently available and Plaintiff's current recollection. Plaintiff will supplement pursuant to HRCF Rule 26(e) as additional records are obtained. Production will occur on a rolling basis as records are gathered and organized.

7. Privilege Log. Plaintiff is not currently withholding any responsive material on the basis of attorney-client privilege or work product. Plaintiff reserves the right to assert privilege and produce a log if applicable materials are later identified.

SPECIFIC RESPONSES

REQUEST NO. 1: Copies of any statements made by You, Defendants, and/or any witness to the care and treatment provided by Defendants to you.

RESPONSE: Subject to the General Objections incorporated herein, Plaintiff will produce all responsive, non-privileged written statements in his possession. Plaintiff states that he possesses no formal written statements from witnesses separate from what is already contained in the pleadings, the MICP filings, and the medical records already identified herein. Plaintiff will supplement this response if additional responsive materials are identified.

REQUEST NO. 2: Any and all medical records and reports, including, but not limited to, all clinical and nursing notes.

RESPONSE: Subject to the General Objections, Plaintiff has compiled and possesses his KMCWC medical records. Plaintiff points to his previously filed Exhibits A-000 through A#96, which contain the relevant medical records and addendums in his possession. Plaintiff will produce copies of any additional responsive medical records not already in Defendants' possession. Defendants, as the providers and custodians of the underlying records, are already in possession of

the originals. If Defendants contend they do not have copies of any document within Exhibits A-000 through A#96, Plaintiff will provide copies upon reasonable request.

REQUEST NO. 3: Any and all of your federal and state tax returns from 2016 to 2025.

RESPONSE: Objection. This Request seeks highly private financial information protected under Article I, §6 of the Hawai'i Constitution and is overbroad and not proportional to the needs of the case under HRCF Rule 26(b)(1). Without waiving this objection, Plaintiff will produce non-privileged documents reasonably sufficient to evidence income for any period directly relevant to a claimed loss of earning capacity, if any, subject to a mutually agreeable confidentiality or protective order.

REQUEST NO. 4: Copies of any photographs, films, videotapes, or other visual or audio recording related to the care and treatment.

RESPONSE: Subject to the General Objections, Plaintiff will produce the diagram drawn by Dr. Patrick O'Donnell from the 7-day post-surgery follow-up (Exhibit A#89). Plaintiff further notes that a Stryker video recording device was present during the surgery, but Defendants have claimed in this litigation that no surgical video exists. Plaintiff possesses no surgical video recording and no other recordings of the procedure. Plaintiff will produce all responsive non-privileged visual or audio materials in his possession.

REQUEST NO. 5: Any and all documents pertaining to temporary disability, unemployment, worker's compensation, settlement, insurance, or any other payments made to You.

RESPONSE: Subject to the General Objections and Hawai'i's constitutional privacy protections, Plaintiff will produce responsive, non-privileged documents in his possession that are relevant to his damages claims in this action. To the extent any responsive documents relate to collateral sources that are not admissible or relevant, Plaintiff will produce only those responsive, non-privileged documents that are relevant and proportional to the damages claims at issue, and reserves all objections.

REQUEST NO. 6: Any and all documents relied upon in calculating damages claimed.

RESPONSE: Subject to the General Objections, Plaintiff relies on the medical records evidencing his injuries, including the development of Empty Nose Syndrome (ENS), chronic sleep deprivation, permanent voice alteration, PTSD, and the unconsented removal and/or fracture of his nasal structures (Exhibits A-000 through A#96). Plaintiff will also produce all billing records, invoices, and receipts in his possession related to ongoing medical costs, corrective procedures, and treatment for Empty Nose Syndrome and related conditions resulting from Defendants' unconsented surgical acts. **Expert analysis** regarding future damages, life care planning, and lost earning capacity will be provided pursuant to the Court's scheduling order.

REQUEST NO. 7 & 8: Personal diaries, calendars, journals, reports; and social media posts regarding the incident, injuries, or Defendants.

RESPONSE: Objection. These Requests are overbroad, unduly intrusive, and not proportional under HRCP Rule 26(b)(1) to the extent they seek private diaries, journals, or personal writings beyond matters directly concerning the Incident, alleged injuries, or claimed damages. Subject to and without waiving the objection, Plaintiff will produce any non-privileged personal writings in his possession that directly concern the May 26, 2016 procedure and the specific injuries alleged in this action. Plaintiff does not maintain social media accounts containing posts responsive to this request.

REQUEST NO. 9 & 10: Documents related to fringe benefits and private health insurance records.

RESPONSE: Subject to the General Objections, Plaintiff will produce documents related to the health insurance coverage applicable to the May 26, 2016 surgery. Plaintiff possesses no other documents responsive to these requests.

REQUEST NO. 11, 12, 13, 14, & 15: Documents related to home ownership/rent, investment income, Social Security, and Worker's Compensation.

RESPONSE: Objection. These Requests seek private financial information that is irrelevant and not proportional to the claims and defenses in this action under HRCP

Rule 26(b)(1) and implicate Hawai'i constitutional privacy protections. Plaintiff is not asserting claims for Social Security benefits, investment income, or worker's compensation benefits in this action. Accordingly, Plaintiff will not produce documents responsive to these Requests absent further order of the Court.

REQUEST NO. 16: Any and all documents evidencing expenses incurred or losses suffered as a result of injuries.

RESPONSE: Subject to the General Objections, Plaintiff will produce all billing records, invoices, and receipts in his possession related to his ongoing medical costs, corrective procedures, and treatment for Empty Nose Syndrome and related injuries resulting from Defendants' unconsented surgical acts. Plaintiff will supplement this response as additional records are compiled.

REQUEST NO. 17 & 18: Opinions and documents to/from any expert or consultant.

RESPONSE: Subject to General Objection No. 1 (Work Product) and HRCP Rule 26(b)(4), consulting expert materials are protected from disclosure. Plaintiff has not yet retained a testifying expert for trial. Plaintiff will supplement this response and produce responsive documents in accordance with the Court's scheduling order for expert disclosures if an expert is retained.

REQUEST NO. 19: Any and all documents and exhibits that you have prepared or caused to be prepared for this lawsuit.

RESPONSE: Objection. This request seeks documents protected by the work-product doctrine, as it requests materials prepared by Plaintiff in anticipation of litigation. HRCP Rule 26(b)(3). Without waiving this objection, Plaintiff refers Defendants to his filed exhibits (Exhibits A-AAA through A#96), which are already in Defendants' possession.

REQUEST NO. 20: Any and all documents related to your criminal record.

RESPONSE: Plaintiff has no criminal record. Accordingly, no documents responsive to this request exist and no production is possible.

REQUEST NO. 21: All exhibits you intend to introduce into evidence at trial.

RESPONSE: Subject to the General Objections, Plaintiff intends to introduce Exhibits A-AAA through A#96, the Table of Contents for which has already been provided to the Court and Defendants. Plaintiff reserves the right to supplement this response as discovery continues and as additional exhibits are identified consistent with the Court's pretrial order.

REQUEST NO. 22 & 23: All other documents relating to the care and treatment; and documents witnesses will rely upon.

RESPONSE: Subject to the General Objections, see Plaintiff's responses to Requests 2 and 21, incorporated herein by reference. Plaintiff will produce any additional, non-privileged documents as they are identified pursuant to HRCF Rule 26(e).

REQUEST NO. 24: Documents evidencing communications with any non-party concerning this action.

RESPONSE: Objection to the extent this Request seeks privileged communications, work product, or communications unrelated to the May 26, 2016 procedure and the claims asserted in this action. Subject to and without waiving the objection, Plaintiff will produce non-privileged written communications in his possession with non-parties that directly concern the Incident and the injuries alleged herein.

RESERVATION OF RIGHTS: Plaintiff expressly reserves the right to supplement or amend these responses pursuant to HRCF Rule 26(e) as discovery proceeds, as additional information becomes available, and consistent with any amendment to the operative pleading. Nothing in these responses constitutes a waiver of any right, privilege, objection, or defense available to Plaintiff.

VERIFICATION

I, Jared James, declare under penalty of perjury under the laws of the State of Hawai'i that the foregoing Responses to Defendants' First Request for Production of Documents are true and correct to the best of my knowledge, information, and belief.

I further declare that these responses are based upon my personal knowledge, my review of records in my possession, and reasonable inquiry conducted in good faith.

I reserve the right to supplement or amend these responses pursuant to Rule 26(e) of the Hawai'i Rules of Civil Procedure as additional information becomes available.

Executed on this 25th day of February, 2026, in Honolulu, Hawai'i.

/s/ Jared James

JARED JAMES

Pro Se Litigant

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Honolulu, HI 96815

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(808) 800-6588

Plaintiff