

Nelson Hardiman Successfully Defends Healthcare Factoring Company From 3rd Party Fishing Expedition



Nelson Hardiman attorney [Farooq Mir](#) secured a victory on behalf of a

[healthcare factoring](#) company that received discovery requests from a personal injury litigant that sought to discover virtually all confidential and proprietary information related to the factoring's company purchase of accounts receivable from various health care providers, including the factoring company's business relationships with various health care providers for an unlimited period of time and scope. The personal injury litigant sought the information on the grounds that the information was relevant to the personal injury claimants reasonable medical expenses and therefore important in the calculation of damages. NH attorney Farooq Mir moved to quash the deposition on the grounds that the subpoenas sought documents that were irrelevant to the subject matter of the litigation, were confidential and proprietary in nature, and the scope of the subpoenas were oppressive and overly burdensome.

The Superior Court agreed with NH's position, finding that the information sought was not relevant to prove damages in the underlying case, the amount that the factoring company's pays for accounts receivable had no bearing on the amount a personal injury claimant paid for medical services, and that the litigant failed to demonstrate that the factoring company's contract relations had any relevance to establish the reasonable amount of expenses paid by a personal injury claimant for medical services. The Court ordered monetary sanctions against the litigant and ordered it to reimburse the factoring company for its pursuit of irrelevant discovery without substantial justification.