

## SUPERIOR COURT OF THE STATE OF DELAWARE

EFiled: Feb 24 2025 11:34AM EST

Transaction ID 75697589

Case No. N25M-02-142

OUT OF STATE



## SUBPOENA IN A CIVIL CA

v.

New York State Department of Health, James  
 v. McDonald, Michael Lewandowski, and  
 Public Partnerships LLC

Index No. 601181/2025

Civil Action No.: Justice Jerome C. Murphy

**TO:** Linden SCF Aggregator LLC  
 c/o National Registered Agents, Inc.  
 1209 Orange Street  
 Wilmington, DE 19801

... **YOU ARE COMMANDED** to appear in the Delaware Superior Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

... **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATES
Benesch, Friedlander, Coplan & Aronoff LLP 1155 Avenue of the Americas, 26th Floor New York, New York 10036	04/07/2025 at 10:00 EST

... **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATES
Benesch, Friedlander, Coplan & Aronoff LLP 1155 Avenue of the Americas, 26th Floor New York, New York 10036	Within 20 days of service

... **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES	DATES

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Delaware Superior Court Civil Rule 30 (b) (6).

REQUESTING PARTY'S NAME, ADDRESS AND PHONE NUMBER	Kate Harmon, Benesch, Friedlander, Coplan & Aronoff LLP, 1313 N. Market St., Suite 1201, Wilmington, DE 19801, (302) 442-7057
---	--

SIGNATURE (FOR DELAWARE COURT USE ONLY) CLERK OF COURT	DATE
---	------

2/5/25



<b>PROOF OF SERVICE</b>		
<b>SERVED</b>	<b>DATE</b>	<b>PLACE</b> Transaction ID 75697589 Case No. N25M-02-142
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	
<b>DECLARATION OF SERVER</b>		

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_

DATE

SIGNATURE OF SERVER

---



---

ADDRESS OF SERVER

### Superior Court Civil Rule 45, Parts C, D & E:

#### (c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the Court shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iii) subjects a person to undue burden.

#### (B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the Court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

#### (d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

#### (e) Contempt.

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of court.



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## **EXHIBIT A**

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SUPREME COURT of the STATE of NEW YORK  
COUNTY of NASSAU

CARING PROFESSIONALS, INC. and CONSUMER )  
DIRECTED PERSONAL ASSISTANCE ) Index No.: 601181/2025  
ASSOCIATION OF NEW YORK STATE, )  
)

*Plaintiffs,* )  
)

v. )  
)

NEW YORK STATE DEPARTMENT OF HEALTH, )  
JAMES V. MCDONALD, in his official capacity as )  
Commissioner of the New York State Department of )  
Health, MICHAEL LEWANDOWSKI, in his official )  
capacity as a representative of the New York State )  
Department of Health's Office of Health Insurance )  
Programs, and PUBLIC PARTNERSHIPS LLC, )  
)

*Defendants.* )  
)

**SUBPOENA DUCES TECUM**  
**AND AD TESTIFICANDUM**

-----X  
FROM THE PEOPLE OF THE STATE OF NEW YORK

To: **Linden SCF Aggregator LLC**  
c/o National Registered Agents, Inc.  
1209 Orange Street  
Wilmington, DE 19801

**WE COMMAND YOU**, pursuant to Article 23 and 31 of the CPLR, to lay aside all your business and excuses and appear for an oral deposition on **April 7, 2025** commencing at 10:00 AM ET or any adjourned date thereof or such other date and time as mutually agreed upon, and continuing from day to day until completed, before a person authorized to administer oaths, at the following address:

Benesch, Friedlander, Coplan & Aronoff LLP  
1155 Avenue of the Americas, 26th Floor  
New York, New York 10036

The deposition will be videotaped.

TAKE FURTHER NOTICE that the circumstances and reasons such information sought is required from you is that you are in possession, custody or control of documents and information related to and materially relevant to the outcome of this action. A copy of the Complaint in this action is being served herewith for your convenience.

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the CPLR, that all business and excuses being laid aside, to produce for inspection and copying, at **Benesch, Friedlander, Coplan & Aronoff LLP, 1155 Avenue of the Americas, 26<sup>th</sup> Floor, New York, NY 10036** or via email to [ewipper@beneschlaw.com](mailto:ewipper@beneschlaw.com), the documents or electronically stored information specified in Schedule A and in accordance with the Definitions and Instructions set forth therein, within twenty (20) days of the service of this notice, or at any adjourned date thereof. The documents requested herein are material and necessary for the prosecution of the claims asserted by Plaintiffs in the above-captioned matter. Attorneys of record are identified in Schedule A.

**PLEASE TAKE FURTHER NOTICE, that pursuant to Rule 3111 of the Civil Practice Law and Rules, you are required to produce at the deposition all books, correspondence, records, documents, notes, papers, and other things that you have in your possession, custody, or control including, but not limited to, documents you or your agent have the legal right or ability to obtain, which relate to or refer to any matter in controversy in this action.**

**PLEASE TAKE FURTHER NOTICE** that failure to comply with this subpoena is punishable as a contempt of court and shall make you liable for a penalty not to exceed \$150 and all damages sustained by reason of your failure to comply.

\* \* \*

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Dated: New York, New York  
February 21, 2025

*/s/ Edward C. Wipper*

---

Edward C. Wipper  
Benesch, Friedlander, Coplan & Aronoff LLP  
1155 Avenue of the Americas, 26<sup>th</sup> Floor  
New York, NY 10036  
Telephone: 646.593.7050  
Email: ewipper@beneschlaw.com

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## SCHEDEULE A

### DEFINITIONS

Notwithstanding any definitions set forth below, each term or word used in these Requests is intended to have the broadest meaning permitted under the New York Civil Procedure Law and Rules. Unless the context indicates otherwise, the following words and phrases shall be defined and used in the following Requests as follows:

1. “ACTION” shall mean the above-captioned lawsuit presently pending in Nassau County Supreme Court, Index No. 601181/2025.
2. “And” and “or” shall mean “and/or” and shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of this Request any answer which would otherwise not be brought within its scope.
3. “Any” and “all” shall mean “any and all.”
4. “CARING PROFESSIONALS” shall mean Caring Professionals Inc., its predecessors in interest, parents, subsidiaries, divisions, and affiliates, as well as any officers, directors, employees, or agents acting on behalf of these entities, and all others who have purported to act on their behalf or obtained information on their behalf.
5. “Communications” shall mean the recording, conveyance, exchange, or transmittal of information (in the form of facts, ideas, inquiries or otherwise) of any kind by or with any person or entity for any purpose by any written, verbal, or electronic means or method, including, without limitation, notes, complaints, diaries, journals, datebooks, reports, calendars, telephone messages, letters, email messages, cell phone text messages (SMS messages and MMS messages), voicemail messages, internal messaging system Communications, social media Communications or posting

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on sites including but not limited to Facebook, Twitter, Instagram, Rumble, Reddit, Gab, or Pi (including any direct messages), website postings, internet chat-room postings, lists, correspondence, drawings, designs, telegrams, manuals, summaries or records of personal conversations, logs, minutes or records of meetings, minutes of any other type, transcripts of oral testimony or statements, affidavits, or summaries of investigations. For avoidance of doubt, the term "Communications" includes internal Communications and Communications with third parties.

6. "CDPAANYS" shall mean Plaintiff Consumer Directed Personal Assistance Association of New York State and its predecessors in interest, parents, subsidiaries, divisions, and affiliates, as well as any officers, directors, employees, or agents acting on behalf of these entities, and all others who have purported to act on their behalf or obtained information on their behalf.

7. "CDPAP" shall mean the Consumer Directed Personal Assistance Program provided by New York State.

8. "CONSUMER" shall mean any individual receiving CDPAP services.

9. "CONSUMER DIRECTED SERVICES" shall mean any Medicaid funded services where consumers choose their own healthcare givers, including but not limited to CDPAP, Consumer Directed Service ("CDS"), Consumer Direct Care ("CDC"), Home Service Program ("HSP"), Personal Preference Program ("PPP"), and Personal Care Attendant ("PCA").

10. "COMPLAINT" shall mean the complaint filed by Caring Professionals and CDPAANYS in this ACTION and any amended complaint filed subsequently in this ACTION.

11. "Concerning" shall mean without limitation, containing, reflecting, referring to, discussing, relating to, describing, evidencing, supporting, or constituting.

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12. "Describe" shall mean to describe specifically and in detail.
13. "Documents" shall mean documents in its broadest sense and shall mean and include all written, printed, typed, recorded, or graphic data or matter of every kind and description, both originals and copies, and all attachments and appendices thereto. The terms "Document" and "Documents" shall include, without limitation, all agreements, contracts, correspondence, letters, telegrams, telexes, messages, e-mail, memoranda, records, reports, books, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations, minutes or summaries or other records of meetings and conferences, summaries or other records of negotiations, diaries, diary entries, calendars, appointment books, visitor records, time records, instructions, work assignments, forecasts, statistical data, statistical statements, worksheets, work papers, drafts, graphs, maps, charts, tables, analytical records, consultants' reports, appraisals, notes, marginal notations, notebooks, statements, lists, recommendations, files, printouts, compilations, tabulations, confirmations, analyses, studies, surveys, transcripts of hearings, transcripts of testimony, microfilm, microfiche, articles, speeches, tape or disk recordings, sound recordings, video recordings, film, tape, photographs, data compilations from which information can be obtained (including but not limited to matter used in data processing), and any other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer-stored, or electronically stored matter, however and by whomever produced, prepared, reproduced, disseminated or made.
14. "Electronically-Stored Information" or "ESI" shall mean all electronically stored information in its broadest sense and shall mean and include, but is not limited to: (i) information or data that is generated, received, processed, and recorded by computers and other electronic devices, including metadata; (ii) internal or external web sites; (iii) output resulting from the use

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of any software program, including, without limitation, word processing Documents, spreadsheet database files, charts, graphs and outlines, electronic mail, instant messages, bulletin board programs, operating systems, source code, PRF files, PRC files, batch files, ASCII files, and all miscellaneous media on which they reside and regardless of whether said electronic data exists in an active file, a deleted file, or file fragment; (iv) activity listings of electronic mail receipts and/or transmittals; and (v) any and all items stored on computer memories, hard disks, floppy disks, CD-ROM or other discs, flash or jump drives, online cloud storage, magnetic tape, microfiche, or on any other media for digital data storage or transmittal, such as, but not limited to, a personal digital assistant, hand-held wireless device, and file folder tabs, or containers and labels appended to, or relating to, any physical storage device associated with each original or copy of all Documents requested herein.

15. “**FACILITATOR**” shall mean all FIs selected and/or subcontracted by PPL to assist with PPL’s role as New York State’s exclusive FI, including but limited to the entities listed as facilitators on PPL’s website.

16. “**FI**” shall mean a fiscal intermediary in the CDPAP program, as described more fully in pages 8 and 9 of Plaintiff’s Motion for a Temporary Restraining Order (ECF No. 38).

17. “**Including**” shall mean “including, but not limited to.”

18. “**LEWANDOWSKI**” refers to Defendant Michael Lewandowski, as well as any officers, directors, employees, or agents acting on his behalf, and all others who have purported to act on his behalf or obtained information on his behalf.

19. “**LINDEN**” shall mean Linden SCF Aggregator LLC and its predecessors in interest, parents, subsidiaries, divisions, and affiliates, as well as any officers, directors,

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employees, or agents acting on behalf of these entities, and all others who have purported to act on their behalf or obtained information on their behalf.

20. “MANAGED CARE ORGANIZATION” shall mean any company, insurer, entity, or Person that provides authorization and/or payment for services relating to CDPAP.

21. “MCDONALD” refers to Defendant James V. McDonald, as well as any officers, directors, employees, or agents acting on his behalf, and all others who have purported to act on his behalf or obtained information on his behalf.

22. “Meeting” shall mean any type of meeting, including those held in-person, via telephone, online, or via another medium.

23. “NY DOH” shall mean Defendant New York State Department of Health, its predecessors in interest, parents, subsidiaries, divisions, and affiliates, as well as any officers, directors, employees, or agents acting on behalf of these entities, and all others who have purported to act on their behalf or obtained information on their behalf.

24. “PERSONAL ASSISTANT” shall mean any individual providing CDPAP services funded by Medicaid to a CONSUMER.

25. “Person” refers to all natural persons and all forms of business organizations, including corporations, partnerships, limited partnerships, unincorporated associations, trusts, governmental bodies, and/or all other identifiable entities.

26. “PHI” shall mean Protected Health Information as defined in 45 CFR § 160.103.

27. “PPL” refers to Defendant Public Partnerships LLC and its predecessors in interest, parents, subsidiaries, divisions, and affiliates, as well as any officers, directors, employees, or agents acting on behalf of these entities, and all others who have purported to act on their behalf or obtained information on their behalf. This definition expressly includes the individuals and

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entities who own membership interest in PPL, such as Public Consulting Group ("PCG")

entities with common officers, such as Staffing Solutions Organization LLC ("SSO").

28. "PROPOSAL" shall mean all proposals and/or bids submitted by PPL in response to the RFP, including all versions, iterations, and amendments thereto.

29. "Regarding" shall mean referring to, discussing, describing, evidencing, concerning, comprising, constituting, referencing, reflecting, supporting, or relating to in any manner.

30. "Relate to" or "relating to" shall mean consisting of, referring to, reflecting, or being in any way legally, logically, or factually connected with the matter discussed.

31. "RFP" shall mean New York State Fiscal Intermediary Services Request for Proposals #20524 issued by NY DOH on June 17, 2024, including all versions, iterations, and amendments thereto such as the Amended Request for Proposal published by NY DOH on August 7, 2024.

32. The Terms "SEIU 1199" and "the UNION" shall mean New York State Public Employees' Union SEIU 1199, and its predecessors in interest, parents, subsidiaries, divisions, and affiliates, as well as any officers, directors, employees, or agents acting on behalf of these entities, and all others who have purported to act on their behalf or obtained information on their behalf.

33. "SFI" shall mean statewide FI.

34. "SUBCONTRACTOR" shall mean any company, entity, or Person that PPL has entered into a contract with relating to the provision of CDPAP services, including but not limited to technology, health assessment, education, and billing services. Examples of SUBCONTRACTORS include: HHAEExchange Homecare Software, Mobile Health, and Nevvon.

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35. "State" shall mean to state specifically and in detail.

**INSTRUCTIONS**

1. Unless otherwise specified, the relevant time period for each Document Request is January 1, 2018 to present.

2. These Document Requests are continuing in nature, and any Document identified subsequent to the service of these Requests that would have been included in the responses had it been known of shall promptly be supplied by supplemental responses whenever You find, locate, acquire, or become aware of such Documents, up until the time of trial. Supplemental responses are to be served as soon as reasonably possible after identification of such Documents.

3. Documents shall be produced as they are kept in the usual course of business, or shall be organized and labeled to correspond to the paragraphs of the Document Request to which they are responsive.

4. If any Document responsive to these Document Requests is withheld under a claim of privilege, You shall identify with respect to each Document: (i) the author or originator; (ii) the addressee(s) or recipient(s); (iii) the type of Document (letter, report, etc.); (iv) the general subject matter of the Document; (v) the date of the Document; (vi) the specific privilege claimed; and (vii) the factual basis for Your assertion of privilege or the reason for withholding.

5. If a portion of any Document responsive to these Document Requests is withheld under a claim of privilege or any other objection, any non-privileged portion of such Document must be produced with the portion claimed to be privileged redacted.

6. All responsive Documents, wherever located, that are in Your possession, custody, or control, or that of any of Your agents, attorneys, or representatives, shall be produced in response to these Requests. If You are unable to respond in full to a Document Request after exercising due

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diligence to obtain all Documents requested, so state; furnish the Documents that are available and indicate in writing Your inability to provide the rest of the Documents that are responsive to the Request, setting forth whatever information, knowledge, or belief You have concerning the unavailable Documents.

7. All ESI shall be produced either on portable storage media (CD/DVD, USB Flash Drive, or USB portable hard drive), or by electronic file transfer (FTP or equivalent). Documents stored in electronic form or format of any kind are to be rendered in 300 dpi single-page image format and produced as either black and white TIFF or color JPG images, accompanied by their corresponding Document-level extracted text, a Concordance-formatted (.dat) load file containing related Document-level metadata, and an Opticon-formatted (.opt) image load file. Each TIFF image must convey all the information the Document contains, disclosing all track changes, hidden content, notes, and any hidden slides, rows, or columns, subject to any redactions. Images should be uniquely and sequentially Bates numbered in both the filename and as an endorsement on each image. Documents should be properly unitized and shall not be combined. Documents such as spreadsheets, proprietary databases, access databases, and enterprise management systems shall be produced in their native format.

8. Excel files, audio files, and video files shall be produced in the native format that is referenced in their Native Link field, along with a TIFF placeholder image that is named by the beginning bates number of the file, associated Document-level text files, image load files (.DII, LFP, and OPT) indicating appropriate Document and family breaks, as well as metadata load files in delimited text format containing the fields required by Paragraph 7. You shall maintain family groups together in one production and shall not break family groups apart in separate production volumes.

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9. Non-responsive family members must be produced together with responsive family members. In instances where You do not assert a privilege with respect to the entire family of Documents, the producing party should replace any subset of privileged Documents within the family for which it is claiming a privilege with slipsheets stating "Document Withheld as Privileged." The slipsheet shall contain the "Document Withheld as Privileged" language in the center of the page, with confidential branding bottom left, and bates branding bottom right of the page.

10. A Request for Documents shall be deemed to include a Request for each Document in its entirety with all transmittal sheets, cover letters, exhibits, enclosures, and attachments to the Document in addition to the Document itself, without redaction, abbreviation, or expurgation.

11. If you have questions regarding these Requests, please contact Edward C. Wipper at [ewipper@beneschlaw.com](mailto:ewipper@beneschlaw.com) or (646) 593-7051.

#### **DOCUMENT DEMANDS**

1. All Documents and Communications concerning the value of PPL, including but not limited to any valuations provided to LINDEN and any other investors or potential investors.

2. All Documents and Communications transmitted to LINDEN, including meeting notes, presentations, and spreadsheets, in an effort to solicit an investment in PPL.

3. All Documents and Communications referencing CDPAP and/or CONSUMER DIRECTED SERVICES that were provided to PPL's investors and potential investors in connection with efforts to secure and/or solicit investments in PPL.

4. All Document and Communications regarding any contributions, donations, or other investments LINDEN made to The UNION, NY DOH, and any other elected or appointed

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New York State official, including any individual or entity purporting to work on behalf or under the direction of the NY DOH or any other elected or appointed New York State official.

5. All Documents and Communications relating to PPL serving as New York State's exclusive SFI.
6. All Documents and Communications relating to LINDEN's involvement in PPL's preparation to serve as New York State's exclusive SFI.
7. All Documents and Communications relating to the decision to award PPL the contract as New York State's exclusive SFI on September 30, 2024.
8. All Documents and Communications relating to CDPAP, the decision to transition the New York CDPAP program to a single Statewide FI, and the decision to select PPL as the SFI.
9. All Documents and Communications concerning PPL's relationship with the UNION.
10. All Documents and Communications concerning PPL's relationship with NY DOH.
11. All Documents and Communications concerning PPL's relationship with Rona Shapiro, Helen Schaub, Erin Kate Calicchia, Blake Washington, Angel Profeta, Kathryn Garcia, Sean O'Keefe, Philip Fields, Jen Best, Susan Montogomery, Amir Bassiri, Amanda Lathrop, and any other elected or appointed New York State official, including any individual or entity purporting to work on behalf or under the direction of the NY DOH or any other elected or appointed New York State official.
12. All Documents and Communications relating to the RFP.
13. All Documents and Communications relating to the bid PPL submitted in response to the RFP.

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14. All Documents and Communications relating to the allegation that the RFP pro was rigged, including but not limited to the allegations set forth in the COMPLAINT (**Exhibit A**) and in *Freedom Care LLC v. NYS Dept of Health et al.*, Index No. 161036/2024 (**Exhibit B**).

15. All Documents and Communications that reflect the corporate structure and organization of LINDEN, including but not limited to ownership agreements and organization charts.

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ATTORNEYS OF RECORD

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(646) 593-7050  
[ewipper@beneschlaw.com](mailto:ewipper@beneschlaw.com)

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*Attorneys for Caring Professionals, Inc.*

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*Attorney for Defendants New York State Department of Health, James v. McDonald, and Michael Lewandowski*

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*Attorney for Defendant Public Partnership LLC*

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## EXHIBIT B

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*Attorneys for Caring Professionals, Inc.*

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Case No. N25M-02142



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February 27, 2025

**VIA FILE & SERVE EXPRESS  
AND HAND DELIVERY**

Colleen Redmond, Prothonotary  
Superior Court of the State of Delaware  
Leonard L. Williams Justice Center  
500 N. King Street, Lower Level  
Wilmington, DE 1801

Re: *Caring Professionals, Inc. v. New York Department of Health, et al.*;  
C.A. No. N25M-02-142

Dear Ms. Redmond:

I write on behalf of Plaintiff Caring Professionals, Inc., in the above-referenced matter to request the issuance of Out of State Subpoena filed on February 24, 2025 (Transaction ID 75697589). Once these documents are ready, please contact Renee Moody at 302-442-7087 and we will have our courier service retrieve them from the Court.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

**BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF LLP**

/s/ Kate Harmon  
Kate Harmon (# 5343)

KH/rm

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