

Downs & Stanford, P.C.

ATTORNEYS AND COUNSELORS

DALLAS | AUSTIN | HOUSTON

Charles E. Morse
Attorney at Law

5316 HWY 290 WEST, SUITE 340, AUSTIN, TEXAS 78735
512.891.7771 T 512.891.7772 F
www.downsstanford.com

Board Certified / Workers' Compensation Law
Texas Board of Legal Specialization
cmorse@downsstanford.com

December 4, 2025

Via Facsimile: (512) 804-4011

Administrative Law Judge
Texas Department of Insurance
Division of Workers' Compensation
1601 Congress Ave.
Austin, TX 78701

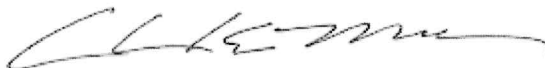
Re: Claimant: Raul Saldana
Employer: United Parcel Service, Inc.
D/Injury: 01/30/20245
Claim No.: WC949-G53503
DWC No.: 25189253
Our File No.: 53854

Dear Administrative Law Judge:

Please find enclosed Carrier's Amended Request for Subpoena Duces Tecum in the above-referenced matter. When it has been approved, please provide the order to my legal assistant, Audrie Ruedas, at aruedas@downsstanford.com.

Thank you for your attention to this matter and should there be any questions please do not hesitate to give me a call.

Sincerely,



Charles Morse

CEM/ar
Enclosures



INTERNATIONAL SOCIETY OF PRIMERUS LAW FIRMS

December 4, 2025

Page 2

cc: **Via Email: mlewis@mlflegal.com**

Matthew Lewis
MLF Legal, PLLC
702 S. Beckley Ave.
Dallas, TX 75203-2804

cc: **Via Regular Mail**

Raul Saldana
6712 Marble Creek Loop
Austin, TX 78747

Bcc: **Via Email: Brenda.Kemph@libertymutual.com**

Brenda Marshall
Senior Claims Specialist II
Liberty Mutual Insurance
P. O. Box 259015
Plano, TX 75025

**TEXAS DEPARTMENT OF INSURANCE
DIVISION OF WORKERS' COMPENSATION
AUSTIN FIELD OFFICE
AUSTIN, TEXAS**

RAUL SALDANA,

Claimant

VS.

LM INSURANCE CORPORATION

Carrier

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DWC NO. 25189253

CARRIER'S AMENDED REQUEST FOR SUBPOENA DUCES TECUM

COMES NOW LM INSURANCE CORPORATION, Carrier herein, by and through its attorney of record, Charles E. Morse, and respectfully requests the Administrative Law Judge presiding over the above-entitled cause to issue a Subpoena Duces Tecum pursuant to Tex. Lab. Code. § 410.158 and 28 Tex. Admin. Code Chap. 142.2(1), for the following:

The Subpoena is to be directed to:

Concentra Medical Center
9333 Research Blvd. Ste. 400
Austin, TX 78759

Limitation on Scope:

For the medical and diagnostic records in the healthcare provider's custody and control related to the lumbar spine from January 1, 2017 through the present.

Good Cause for Records:

The disputed issues at the BRC concern MMI and impairment rating. Claimant had diagnostic testing of the lumbar spine which occurred in March of 2025. Such testing referenced pre-injury MRIs performed in 2017 and 2018 to the lumbar spine pre-injury. Medical records to the lumbar spine are relevant as to determination whether the injury of 01/30/2025, caused or aggravated any of the pre-existing conditions noted on the medical records and diagnostic tests. The prior records in existence are necessary to Carrier's defense in this case.

This request is made within the time required by Chapter 142 §142.12(c) and (d). Notice has been sent to all parties pursuant to Chapter 142 §142.4.

DATE, TIME AND PLACE OF SERVICE OF SUBPOENA. With approval of this subpoena, same would be transmitted to deponent by a certified court reporter or reporting firm to effectuate service as prescribed by Rule 178, Texas Rules of Civil Procedure. Since the request is for documents in the possession of the deponent, the reporting service would arrange a mutually convenient time with the deponent to secure the requested documents.

WHEREFORE, Carrier respectfully requests a Subpoena Duces Tecum to issue compelling the production of Claimant's records developed by the **Custodian of Records** for **Concentra Medical Center** within ten (10) days of the granting of this request.

Respectfully submitted,

Downs Stanford, P.C.
5316 Hwy 290 West, Suite 340
Austin, TX 78735
Tel: 512-891-7771
Fax: 512-891-7772

By:



Charles E. Morse
State Bar No. 14547900

CERTIFICATE OF CONFERENCE

A Letter of Certificate of Conference was sent to opposing counsel, Matthew Lewis, via email as well as regular mail to the Claimant on November 13, 2025 regarding this subpoena. A response to Carrier's request for subpoena DT has not been received as of the filing of this motion.



Charles E. Morse

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December 2025, a correct copy of the foregoing document was forwarded to the following parties via the method(s) indicated below:

Via Regular Mail

Raul Saldana
6712 Marble Creek Loop
Austin, TX 78747

Via Email: mlewis@mlflegal.com

Matthew Lewis
MLF Legal, PLLC
702 S. Beckley Ave.
Dallas, TX 75203-2804



Charles E. Morse

TEXAS DEPARTMENT OF INSURANCE
DIVISION OF WORKERS' COMPENSATION
AUSTIN FIELD OFFICE
AUSTIN, TEXAS

RAUL SALDANA,

Claimant

VS.

LM INSURANCE CORPORATION

Carrier

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DWC NO. 25189253

ORDER

BE IT REMEMBERED that on this day came on to be considered the Carrier's request for Subpoena Duces Tecum to be served upon **Custodian of Records for Concentra Medical Center**. The Division Administrative Law Judge has found that the motion has merit.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Carrier be allowed to serve a Subpoena Duces Tecum regarding the above-referenced Claimant upon **Custodian of Records for Concentra Medical Center**.

Signed this the _____ day of _____, 2025.

ADMINISTRATIVE LAW JUDGE PRESIDING

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF TEXAS

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§ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF _____

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BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared _____, who being by me duly sworn deposed as follows:

"My name is _____. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

I am the custodian of the business records of **Concentra Medical Center**. Attached hereto are _____pages of records from the file of **Concentra Medical Center**, regarding **Raul Saldana**, Social Security No. 637-24-8923. Said pages of records are kept by our office in the regular course of business, and it was the regular course of business of our office for an employee or representative of my office, with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The records attached hereto are the originals or exact duplicates of the originals."

Custodian of Records

SUBSCRIBED AND SWORN to before me this the ____day of _____, 2025.

Notary Public in and for the
State of Texas
My Commission Expires:

SUBPOENA DUCES TECUM

Division No.: 25189253, Claimant: Raul Saldana



This Subpoena is issued in the name of the State of Texas.

To:	Any Sheriff or Constable of the State of Texas or any other person authorized to serve and execute subpoenas under Rule 176.5(a), Texas Rules of Civil Procedure (TRCP)
Instructions:	You are hereby commanded to produce and permit inspection and copying of the documents and/or tangible things in the possession, custody, or control of the person summoned.
Summoned Person:	Concentra Medical Center, 9333 Research Blvd. Ste. 400, Austin, TX 78759.
Required Action:	To produce and permit inspection and copying of the designated documents or tangible things in the possession, custody or control of the deponent.
Documents and/or Tangible Things to be Produced:	<u>ALL medical and diagnostic records relating to the lumbar spine from January 1, 2017 through the present concerning Raul Saldana</u> , 6712 Marble Creek Loop, Austin, TX 78747 SSN: 637-24-8923, DOB: 06/19/1983.
Date of Deposition:	Within fifteen (15) days from the signing of the within Order.
Time:	
Location:	
Style of Case:	<i>Raul Saldana v. LM Insurance Corporation</i> ; Division No. 25189253, in the Texas Department of Insurance, Division of Workers' Compensation
Requested by:	Charles E. Morse , Attorney for the Carrier, Texas Bar No. 14547900 Downs Stanford P.C., 5316 W. Hwy. 290, Suite 340, Austin, TX 78735 Phone: (512) 891-7771, Fax: (512) 891-7772
Sanctions Notice	Failure of any person to comply with a subpoena may result in sanctions under Section 415.021(a)(3) of the Texas Labor Code. A subpoena may be enforced through the provisions of Section 2001.201 of the Texas Government Code.

HEREIN FAIL NOT to serve said subpoena and make due return hereof showing what action you have taken.

WITNESS my official signature on this ____ day of _____, 2025.

Administrative Law Judge
Texas Department of Insurance,
Division of Workers' Compensation

RETURN

I hereby acknowledge receipt of the above subpoena at _____ and executed in _____, Texas on _____, _____, delivering a copy hereof to said witness _____.

Signature of Serving Officer