

EXHIBIT 1

Vanessa Robertson

From: Vanessa Robertson
Sent: Friday, January 29, 2021 3:16 PM
To: pgunther@chcb.org
Cc: Harry Ryan
Subject: McDonald - Records

Dr. Gunther,

Thank you again for allowing us to serve you via email. I will have that subpoena to you by Monday. In the meantime, I wanted to give you a heads up on the types of records we will be requesting. We would like your entire file on this matter including emails, reports, draft reports, medical records, and other such documents related to this matter.

I look forward to hearing from your office to schedule a deposition date.

Best,

Vanessa Robertson



Vanessa Robertson, Esq.
Facey Goss & McPhee P.C.
71 Allen Street, Suite 401
Rutland, Vermont 05701
Mail: PO Box 578
Rutland, Vermont 05702

Direct Dial: 802 665 2673
Main Office: 802 773 3300
Fax: 802 775 1581
Email: vrobertson@fgmvt.com
Web: www.fgmvt.com

NOTICE: This message, including attachments, may contain information that is confidential and/or protected by the attorney-client privilege or work product doctrine. Any disclosure, copying, distribution or use of the contents of this message by an unintended recipient is prohibited and may be a violation of law. If you have received this email in error, please destroy it and notify the sender immediately.

WARNING: FRAUD ALERT. If you receive an e-mail appearing to be from this office requesting that you wire or transfer funds, you must confirm the request and wire instructions with us via telephone before you initiate any transfer. **VERIFY OUR TELEPHONE NUMBER FROM A SOURCE OTHER THAN THE PHONE NUMBER ACCOMPANYING THE E-MAILED WIRE INSTRUCTIONS.**

EXHIBIT 2

Chittenden County Sheriff's Department

Invoice

P.O. Box 1426
Burlington, VT 05402-1426

Date	Invoice #
2/25/2021	21-02-094

Bill To
Facey Goss & McPhee P.O. Box 578 Rutland, VT 05702

Terms	Due Date
Net 30	3/27/2021

Quantity	Description	Rate	Amount
1	Civil Papers Served	50.00	50.00
6	Civil Mileage	0.56	3.36
	Postage	0.51	0.51
	Subpoena Peter Gunther, MD		
		Total	\$53.87
There will be a \$2.00 rebilling fee for all invoices open over 30 days.		Payments/Credits	\$0.00
All checks are to be made payable to the Chittenden County Sheriff's Dept.		Balance Due	\$53.87

Phone #
802-863-4341

RECEIVED
MAR 03 2021

BY:

CHITTENDEN COUNTY SHERIFF'S OFFICE
P.O. BOX 1426
BURLINGTON, VERMONT 05402

RETURN OF SERVICE

VS.

Docket #

On the 23 day of February 2021 I made service of the
following document(s) upon the defendant Peter Gunther M.D.

- | | |
|--------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Summons | <input type="checkbox"/> Interrogatories |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Exhibit(s) |
| <input type="checkbox"/> Motion(s) | <input type="checkbox"/> Writ of Possession |
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Judgment Order |
| <input type="checkbox"/> Summons to Trustee | <input type="checkbox"/> Order _____ |
| <input type="checkbox"/> List of Exemptions | <input type="checkbox"/> Memorandum of Law |
| <input type="checkbox"/> Trustee Disclosure Under Oath | <input type="checkbox"/> Notice of Hearing _____ |
| <input type="checkbox"/> Order to Escrow Rent | <input type="checkbox"/> Writ of Attachment |
| <input type="checkbox"/> Notice to Vacate | <input type="checkbox"/> Recognizance |

☒ Subpoena - ~~Witness fees of~~ _____

- ☐ _____
- ☐ _____
- ☐ _____

☐ by delivering a copy of the same to the defendant.

☒ by delivering a copy of the same to John Peter McGinn
Office Manager

☐ a person of suitable age and discretion and then and there a resident at the usual place of abode of said defendant.

☒ At 368 Dorset St So. Burlington
Vermont, (for each of them) a copy thereof with my return endorsed thereon.

Service	<u>1</u>	Copies \$	<u>5000</u>
Travel	<u>6</u>	Miles	<u>336</u>
Postage			<u>51</u>
Copying		Copies	
Other			
TOTAL		\$	<u>5387</u>

LT DANIEL GAMELIN
DEPUTY SHERIFF

[Signature]
Sheriff/Deputy Sheriff

EXHIBIT 3

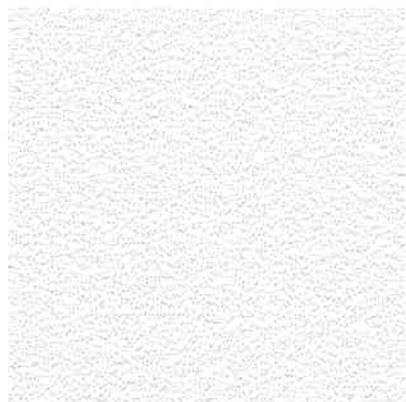
Vanessa Robertson

From: Harry Ryan
Sent: Sunday, March 7, 2021 10:48 AM
To: Katz, Sarah
Cc: Shauna Chamberlain; Vanessa Robertson
Subject: Re: Manby - Dr. Gunther Subpoena

Sarah: Thanks, I have never seen these before. Harry

hryan@fgmvt.com (Harry Ryan)
Member American Board of Trial Advocates
C: (802) 236-2129
E: hryan@fgmvt.com
W: www.fgmvt.com

From: Katz, Sarah <Sarah.Katz@vermont.gov>
Date: Saturday, March 6, 2021 at 7:29 PM
To: Harry Ryan <hryan@fgmvt.com>
Cc: Shauna Chamberlain <schamberlain@fgmvt.com>
Subject: FW: Subpoena



Hi, Harry,

I'm forwarding you this message from Dr. Gunther's counsel last week. I assumed he had been in touch with you about the authorizations it sounds like were required from the executors of the estate before the records could be released. (See below).

Perhaps contact Whit and try to schedule directly with him first and if the first available is past March 15 then we'll just have to go with that. I'd rather you try first to meet the deadline if possible since we still have time to meet it potentially.

Thanks



Sarah Katz
Disciplinary Counsel

Professional Responsibility Program
Costello Courthouse
32 Cherry St., Suite 213
Burlington, VT 05401
(802) 859-3000
sarah.katz@vermont.gov

From: Whit Smith <whit@mickdunn.com>
Sent: Wednesday, March 3, 2021 3:47 PM
To: Katz, Sarah <Sarah.Katz@vermont.gov>; Kurt Hughes <khughes@mhttpc.com>
Subject: RE: Subpoena from Manby's attorney

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Sarah & Kurt,

Our office represents the Community Health Centers of Burlington, Inc. Peter Gunther, M.D., is an employee of CHCB.

I have attached two subpoenas issued to Peter in regard to the pending licensing matter.

State and federal law bar CHCB from disclosing protected health information about a deceased patient without an authorization executed by an appropriate personal representative. An estate's executor would meet that definition.

I have attached CHCB's standard authorization form. If the Executor for the deceased's estate is willing, could he or she complete this form, sign it, and then return it to me? Then CHCB could provide the subpoenaed records.

Let me know if you have any questions.

Thanks.

Whit Smith

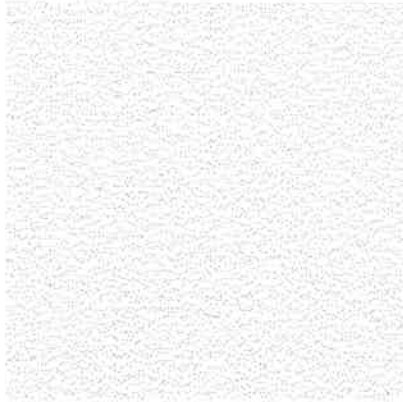
O. Whitman Smith
Mickenberg, Dunn & Smith, PLC
29 Pine Street
P.O. Box 406
Burlington, VT 05402-0406
802-658-6951
(fax) 802-660-0503
whit@mickdunn.com
www.mickdunn.com

This message contains information that may be confidential and/or subject to the attorney/client privilege. Unless you are an intended recipient of this message, you may not use, copy or disclose to anyone any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message.

From: Katz, Sarah <Sarah.Katz@vermont.gov>
Sent: Wednesday, March 3, 2021 11:47 AM
To: Kurt Hughes <khughes@mhttpc.com>

Cc: Whit Smith <whit@mickdunn.com>

Subject: RE: Subpoena from Manby's attorney



Kurt,

Thanks for the update. Whit, I can arrange to get that copy however is most convenient for you and Dr. Gunther. Much appreciated. Direct line rings cell if you have any questions.



Sarah Katz

Disciplinary Counsel

Professional Responsibility Program

Costello Courthouse

32 Cherry St., Suite 213

Burlington, VT 05401

(802) 859-3001

sarah.katz@vermont.gov

From: Kurt Hughes <khughes@mhttpc.com>

Sent: Tuesday, March 2, 2021 10:27 AM

To: Katz, Sarah <Sarah.Katz@vermont.gov>; P&G Sundberg <gsundberg1@gmail.com>; Gail Welch <welch.gail19@gmail.com>

Cc: Whit Smith <whit@mickdunn.com>; Kurt Hughes <khughes@mhttpc.com>

Subject: Subpoena from Manby's attorney

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning everyone,

Whit Smith, Esq. represents Dr. Gunther. He received a subpoena from Harry Ryan, Esq. for Eleanor's medical records. Sarah, I would imagine these would have to be released with Dr. Gunther testifying, and they will only be helpful to the case. We have no objection to the records being released as long as you get an identical copy. Anything we can do to help facilitate this process we are happy to do. If an authorization is necessary, Norm Blais, Esq. is the court appointed administrator.

Sincerely,

Kurt

Kurt M. Hughes, Esq.

khughes@mhttpc.com

MURDOCH HUGHES TWAROG TARNELLI

Attorneys at Law, P. C.

131 Main Street, P. O. Box 363

Burlington, VT 05402-0363

Tel: (802) 864-9811 - Fax (802) 864-4136

www.mhttpc.com – www.vtsurrogacy.com



CONFIDENTIALITY NOTICE: This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, is confidential and is legally privileged information. This electronic email transmission may contain attorney/client privileged and confidential information intended only for the individual or entity named above. Any dissemination, use, distribution, copying or disclosure of this communication by any other person or entity is strictly prohibited. Should you receive this transmission in error, please notify the sender by telephone (802-864-9811) and return the original transmission to khughes@mhttpc.com

THIS EMAIL DOES NOT CREATE AN ATTORNEY CLIENT RELATIONSHIP, nor is this a confidential attorney-client communication unless you are a current client of MURDOCH, HUGHES & TWAROG, Attorneys at Law, under a written fee agreement.