



MICHIGAN LEGISLATURE

SUBPOENA

Order to Produce Documents

IN THE NAME OF THE SENATE OVERSIGHT COMMITTEE

Pursuant to the authority provided to the Legislature and the Senate Oversight Committee by Michigan law, including but not limited to Sections 16 and 17 of Article IV of the 1963 Constitution of the State of Michigan, MCL 4.541, Senate Resolution 23 of 2021, and the rules of the Michigan Senate:

To:
Michigan Department of Health and Human Services
c/o Director Elizabeth Hertel
333 S. Grand Ave.
P.O. Box 30195
Lansing, MI 48909

You are ordered to produce, for the Committee’s examination, the documents and communications listed in Appendix A to this Subpoena, under “Document Requests.”

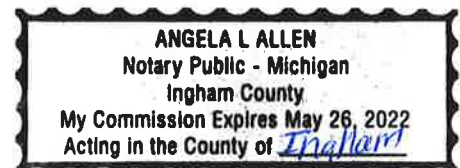
Provide the requested documents and communications either in person, by certified mail, or by electronic mail submission no later than **5 p.m. on Thursday, May 27, 2021**, to:

Chairman Senator Ed McBroom
201 Townsend Street Suite #7200
Lansing, MI 48933
EMcBroom@senate.michigan.gov

Failure to obey the commands of this Subpoena may be punished as contempt of the Legislature, in addition to any other remedy available by law.

Sen. Ed McBroom, Chairman
Senate Oversight Committee

Signed or attested before me on the 13 day of May, 2021.
Signature Angela L. Allen
Printed Name Angela L. Allen
Notary Public, State of Michigan, County of Ingham
My Commission Expires 2022



APPENDIX A

DEFINITIONS AND INSTRUCTIONS

1. The term “communication” shall be interpreted in its broadest sense and means the transmittal of information by any means including oral, written, or electronic.
2. The term “documents” means and includes, without limitation, all written or graphic matter of every kind and description, however produced or reproduced, whether draft or final, original or reproduction, internal or otherwise, whether stored in tangible, electric, mechanical, or electronic form or representation of any kind.
3. “Relating to” or “related to” mean referring to, reflecting, concerning, or pertaining to in any manner, logically, factually, indirectly, or directly to the matter discussed.
4. Requests that reference specific bills or emergency orders must be construed to encompass all documents or communications in any way related to the policies contained in any such bill or order, including, without limitation, the development, implementation, and/or the enforcement of any such policy.
5. Documents, communications, and records must be produced in a form that is reasonably usable, such as fully unitized and text-searchable PDFs or native files, and in native format for Excel / spreadsheets and database files.
6. The requests below do not seek, and should not be construed as seeking, the production of documents subject to a valid claim of privilege. If you object to a request on the ground of privilege, please produce (with redaction if appropriate) any portion of such document or its attachments over which you do not claim privilege. Please also produce a privilege log that uniquely identifies each document withheld in whole or part, along with its author and each recipient, date, subject matter, and the privilege asserted.

DOCUMENT REQUESTS

1. All documents and communications related to the U.S. Department of Justice’s request for information to Governor Gretchen Whitmer dated August 26, 2020, including, without limitation, all documents and communications provided to the Executive Office of the Governor related to such a request.
2. All written communications to or from Robert Gordon, Elizabeth Hertel, Sarah Esty, Jonathan Warsh, and/or Dr. Joneigh S. Khaldun between February 1, 2020 and March 2, 2021, related to skilled nursing facilities, homes for the aged, adult foster care facilities, assistant living facilities, residential care facilities, and/or congregate care facilities.
3. All communications from or to Robert Gordon, Elizabeth Hertel, Sarah Esty, Jonathan Warsh, and/or Dr. Joneigh S. Khaldun, related to Governor Whitmer’s Executive Order 2020-07: Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.

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4. All communications from or to Robert Gordon, Elizabeth Hertel, Sarah Esty, Jonathan Warsh, and/or Dr. Joneigh S. Khaldun, related to Governor Whitmer's Executive Order No. 2020-37: Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.
5. All communications from or to Robert Gordon, Elizabeth Hertel, Sarah Esty, Jonathan Warsh, and/or Dr. Joneigh S. Khaldun, related to Governor Whitmer's Executive Order No. 2020-50: Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic.
6. All communications from or to Robert Gordon, Elizabeth Hertel, Sarah Esty, Jonathan Warsh, and/or Dr. Joneigh S. Khaldun, related to Governor Whitmer's Executive Order No. 2020-95: Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic.
7. All communications from or to Robert Gordon, Elizabeth Hertel, Sarah Esty, Jonathan Warsh, and/or Dr. Joneigh S. Khaldun, related to Governor Whitmer's Executive Order No. 2020-96: Temporary requirement to suspend certain activities that are not necessary to sustain or protect life; and any of its predecessor orders.
8. All communications from or to Robert Gordon, Elizabeth Hertel, Sarah Esty, Jonathan Warsh, and/or Dr. Joneigh S. Khaldun between February 2, 2020 and March 1, 2021 related to Senate Bill 956 of 2020.
9. All communications from or to Robert Gordon, Elizabeth Hertel, Sarah Esty, Jonathan Warsh, and/or Dr. Joneigh S. Khaldun between February 1, 2020 and March 2, 2021 related to Senate Bill 1024 of 2020.