

STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH

IN RE STEPHEN T. SKOLY, JR., DMD

**DEPARTMENT OF HEALTH RESPONSE TO REQUEST
FOR PRODUCTION BY RESPONDENT**

The Rhode Island Department of Health provides the following response to Respondent's Request for Production of Documents:

1. All documents relied upon by the Director in her issuance of the Notice of Violation and Compliance Order dated October 1, 2021.

<https://www.providencejournal.com/story/news/local/2021/09/30/cranston-dentist-defy-ri-vaccination-mandate/5934167001/>

<https://oceanstatecurrent.com/doctor-puts-it-all-on-the-line/>

2. All documents of the Department of Health referencing Respondent from October 1, 2021 to present.

Answer: The Department objects to this request on the grounds that it is not relevant to the subject matter involved in the pending action, it is unduly burdensome, and cannot lead to the discovery of admissible evidence in this case. Without waiving this objection, the Department states that after internal inquiry, all documents and communications regarding Respondent after issuance of the Notice of Violation and Compliance Order were related to the legal proceeding and either generated by or directed to counsel. These materials are protected by the work product and/or attorney-client privilege. Without waiving this objection, Respondent is directed to the following:

<https://www.providencejournal.com/story/news/local/2021/10/01/ri-dentist-nurse-who-defied-vaccine-mandate-still-had-jobs-friday/5948625001/>

<https://oceanstatecurrent.com/breaking-news-quick-pitch-update-doc-skoly-seeks-legal-action-on-ridoh-tyranny/>

<https://oceanstatecurrent.com/inthedugout-when-cancel-culture-intersects-with-politicized-pandemic-science/>

3. All documents of the RI Department of any instance in which a person contracted and recovered from Covid, became re-infected with Covid, and, while reinfected, transmitted Covid to another person.

Answer: The Department objects to this request on the grounds that it is not relevant to the subject matter involved in the pending action, it is unduly burdensome, and cannot lead to the discovery of admissible evidence in this case.

4. All documents of the RI Department of Health of any instance in which a person received a Covid vaccine approved by the Department of Health, and, after receiving the vaccine, contracted Covid and transmitted Covid to another person.

Answer: The Department objects to this request on the grounds that it is not relevant to the subject matter involved in the pending action, it is unduly burdensome, and cannot lead to the discovery of admissible evidence in this case.

5. All documents of the RI Department of Health of any instance in which a person received a Covid vaccine approved by the RI Department of Health, and, subsequent to the vaccination, exhibited symptoms of Bells' Palsy or Guillain Barre.

Answer: The Department objects to this request on the grounds that it is not relevant to the subject matter involved in the pending action, it is unduly burdensome, and cannot lead to the discovery of admissible evidence in this case. Without waiving this objection, the Department is not aware of any Rhode Island resident reporting such symptoms to the

Department after vaccination.

6. All documents of the RI Department of Health, of anyone in Rhode Island been given a religious exemption from a Rhode Island Covid-vaccine mandate.

Answer: The Department objects to this request on the grounds that it is not relevant to the subject matter involved in the pending action, it is unduly burdensome, and cannot lead to the discovery of admissible evidence in this case. Without waiving this objection the Department states that Landmark Medical Center sought to allow unvaccinated health care workers into its facility and ceased doing so upon service of a Compliance Order by the Department.

7. All documents referencing compliance actions taken against any other health care worker or facility pursuant to the Emergency Regulation.

Answer: The Department objects to this request on the grounds that it is not relevant to the subject matter involved in the pending action, it is unduly burdensome, and cannot lead to the discovery of admissible evidence in this case. Furthermore, it calls for internal communications related to disciplinary actions, all of which include consultation with legal counsel and are protected by attorney client privilege. Without waiving this objection, see attached Notices of Violation and Compliance Orders.

8. All documents upon which you rely in denying an exemption for natural immunity to the vaccine mandate contained in the Emergency Regulation.

Answer: The Department objects to this request on the grounds that it is not relevant to the subject matter involved in the pending action, it is unduly burdensome, and cannot lead to the discovery of admissible evidence in this case. Without waiving this objection, the Department attaches the CDC MMWR Release of August 6, 2021, which provides evidence of the increased efficacy of vaccination as opposed to “acquired immunity.”

9. All documents on the Department reflecting the infection rate of COVID-19 in dental

offices. Specifically included should be all documents relied upon by the Director to support her public statement that dental practices were lower priority on the vaccination list under the phase one of vaccination, and there was no significant spread in dental offices.

Answer: The Department objects to this request on the grounds that it is not relevant to the subject matter involved in the pending action, it is unduly burdensome, and cannot lead to the discovery of admissible evidence in this case. Specifically, the circumstances in August 2021 (no shortage of vaccines and the anticipated surge of the Delta variant) render any prior statements irrelevant.

10. All documents referencing the “Advisory Committee on Immunization Practices (ACIP) guidelines and determined as acceptable by the facility,” as reference in the Emergency Regulation.

Answer: The Department objects to this request on the grounds that it is not relevant to the subject matter involved in the pending action, it is unduly burdensome, and cannot lead to the discovery of admissible evidence in this case. Without waiving this objection, Respondent is referred to the Covid-19 Vaccination Guidance set forth at <https://www.immunize.org/acip/#covid> , all of which was consulted and adopted by the Department.

Rhode Island Department of Health
By its Attorney,

Bruce Todesco 12-31-21

Bruce D. Todesco, RIBA #3552
Rhode Island Department of Health
Three Capitol Hill, Cannon Building
Providence, RI 02908
Tel: (401) 497-2836
Fax: (401) 222-6548
bruce.todesco@health.ri.gov

CERTIFICATION OF SERVICE

I hereby certify that I transmitted the within document to Christy B. Durant, Esq., cdurant@gdlawri.com and Gregory P. Piccirilli, Esq., gregory@splawri.com on this 31st day of December, 2021.

Bruce Todesco
