



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

STATE OF ALABAMA,

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Plaintiff,

*

*

v.

CV-2025-901925

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**SOUTH ALABAMA MEDICAL &
REHAB LLC, et al.**

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**STATE’S MOTION TO ENTER PROTECTIVE ORDER,
TO COMPEL COMPLIANCE WITH PRIOR COURT ORDERS,
AND FOR ATTORNEY’S FEES**

COMES NOW, Plaintiff, the State of Alabama, by and through the undersigned Assistant District Attorney for the Thirteenth Judicial Circuit (Mobile County), and respectfully moves this Honorable Court to enter the State’s proposed Protective Order (Ex. A), compel Defendants South Alabama Medical & Rehab, LLC (“SAMR”) and Dolinsky Law Group, LLC (“DLG”) to immediately produce documents as previously ordered by this Court, and award the State its reasonable attorney’s fees. In support thereof, the State shows as follows:

I. BACKGROUND

1. On July 10, 2026, this Court ordered Defendant SAMR to produce all responsive documents to the State's requests for production within 30 days (by August 10, 2026).¹

¹ There is a long train of failure of these defendants to comply with discovery and this Court’s discovery orders. DLG the State served its Initial Interrogatories seeking the identities of individuals fitting the description of “Runner Defendants” in the Complaint and of anyone who had engaged in telemarketing for DLG's benefit on August 6, 2025 to which there has been no sworn answers. The State’s Second Set of Interrogatories, First Requests for Production, and First Requests for Admissions, served on September 18, 2025, was met by DLG’s Second Set with

2. On July 14, 2026, this Court entered an Order commanding Defendant DLG to fully respond to the State's Second Set of Interrogatories and First Requests for Production of Documents within 30 calendar days (by August 13, 2026).
3. To date, both SAMR and DLG have failed to comply with these explicit deadlines.
4. Defendants now claim they are withholding the court-ordered documents pending the entry of a protective order. However, the delay in entering a protective order is entirely attributable to the Defendants, who have insisted on overbroad, unconstitutional, and legally deficient redlines to a standard protective order. (See Ex. B, Defendants' Proposed Protective Order)

II. DEFENDANTS' PROPOSED PROTECTIVE ORDER IS LEGALLY DEFICIENT

The State has provided a standard, reasonable protective order designed to protect genuinely confidential and sensitive information. Defendants, however, have proposed severe modifications

a General Objection coupled with a motion to stay discovery remained pending before the Supreme Court of Alabama. DLG did not provide a privilege log. Requests in March, April, and May for production and/or a privilege log went unanswered.

Similarly, SAMR was order on October 22, 2025, fully respond to Plaintiff's discovery requests within 20 days. SAMR had responded to the First Set with objections only, signed by counsel as to objections. On November 12, 2025, the last day of the window, SAMR answered Interrogatory No. 1 by asserting it was "unaware of any entities that violated the Alabama Deceptive Trade Practices Act as required for them to be a 'Runner Defendant'" and named Bryan Walters, with "contact" information of "through undersigned counsel." Both responses were signed by counsel "as to objections only." SAMR separately conditioned its responses to the Second Set on the outcome of its Supreme Court stay petition, representing in each response that it would supplement upon denial. The stay was denied on November 24, 2025. No supplement was ever served. The State made written demands in December 2025. On March 11, 2026, this Court granted the State's second Motion to Compel and ordered that SAMR "provide the outstanding discovery within thirty (30) days." (Doc. 264) On April 10, 2026, the last day of that window, SAMR filed Amended Consolidated Responses again signed by counsel as to objections only. Neither was there a privilege log was produced.

that exceed the bounds of Alabama Rule of Civil Procedure 26(c) and attempt to rewrite established Alabama law. Specifically, the Defendants' proposed draft:

- **Attempts to Impose an Unconstitutional Prior Restraint (Paragraph 12):** Defendants' version includes a sweeping gag order that would ban the State from disseminating *any* discovery materials—even those not designated as confidential—to the media, press, or bloggers. This constitutes an impermissible prior restraint that has no basis under Rule 26(c).
- **Interferes with the State's Sovereign Law-Enforcement Duties (Paragraphs 10 & 18):** In an action brought under the Alabama Deceptive Trade Practices Act, the State must retain its statutory authority to share information with law enforcement and regulatory bodies. Defendants' draft attempts to strip the State's ability to make referrals to the Alabama State Bar and imposes a 10-day notice-and-objection period before the State can share information with other government agencies.
- **Lowers the Evidentiary Burden for Sealing Court Records (Paragraphs 13 & 15):** The Supreme Court of Alabama established in *Holland v. Eads* that judicial records may only be sealed upon a showing of "clear and convincing evidence". Defendants intentionally deleted this evidentiary standard from the protective order, attempting to dilute the presumption of open judicial records.
- **Eliminates Accountability for Blanket Over-Designation (Paragraph 23):** Defendants struck the State's proposed paragraph that would allow the Court to award attorney's fees against a party who engages in bad-faith, blanket over-designation of documents.

III. DEFENDANTS' FAILURE TO PRODUCE WARRANTS FEES

Defendants cannot unilaterally ignore this Court's July 10 and July 14 Orders under the guise of an unsigned protective order, particularly when they are holding discovery hostage in an attempt to force the State to agree to unconstitutional and improper terms. The State has been forced to expend unnecessary time and resources chasing these overdue documents and litigating a

protective order dispute manufactured by the defense.

IV. CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, the State of Alabama respectfully requests that this Court:

1. **Enter** the State's proposed Protective Order (attached hereto as Exhibit A);
2. **Order** Defendants SAMR and DLG to produce all outstanding documents previously ordered by this Court within forty-eight (48) hours of the entry of the Protective Order; and
3. **Award** the State its reasonable attorney's fees and costs incurred in bringing this motion pursuant to Alabama Rule of Civil Procedure 37(b).

Respectfully submitted,

/s/ Peter "Pete" F. Burns
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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of August, 2026, electronically filed the foregoing with the Clerk of Court using the Alafile system, and that I hereby certify that I have mailed by placing a copy of same in the United States Mail, first-class postage prepaid and properly addressed, or sent via email, to those Alafile participants:

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