

STATE OF MICHIGAN  
IN THE MICHIGAN SUPREME COURT

In the Matter of the Petition of the  
Attorney General for Subpoenas,

Case No. 159690

Court of Appeals #342680

30<sup>th</sup> Circuit Court #17-00021-PZ

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Michele M. Wagner-Gutkowski P44654  
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**RESPONDENT/APPELLEE'S APPENDIX TO SUPPLEMENTAL BRIEF**

TABLE OF CONTENTS

Respondent/Appellee's Affidavit submitted to the trial court

1 – 2

STATE OF MICHIGAN  
IN THE 30<sup>TH</sup> CIRCUIT COURT

In the Matter of the Petition of the  
Attorney General for Subpoenas

Docket 1721-PZ

Hon. Joyce A. Draganchuk  
Circuit Court Judge.

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STATE OF MICHIGAN            )  
  ) ss:  
COUNTY OF LAKE            )

**AFFIDAVIT**

Vernon Proctor, upon his oath, states:

1. Affiant is an adult and competent to make the following assertions on personal knowledge.
2. On or about December 20, 2017, affiant received the subpoena and order authorizing the subpoena December 13, 2017.
3. The version received by affiant had the names of eleven patients in a column identified as "Fictitious Names" along with respective dates of birth in a separate column labeled "Patient Names and Dates of Birth."
4. Affiant assumed this was a typographical or clerical error and was able to locate the patient records for the eleven names given.
5. Upon examining the records, Affiant asserts that all eleven patients were receiving substance abuse treatment from affiant during the time frames indicated in the subpoena.

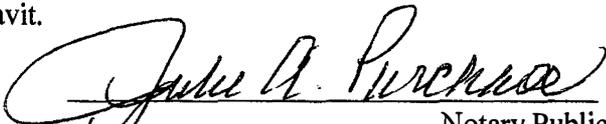
6. Affiant asserts that these records for this time frame are protected by the provisions of 42 U.S.C. §290dd-2 and 42 C.F.R. 2.1.

Further your affiant sayeth not.

  
\_\_\_\_\_  
Vernon Proctor  
Affiant

On the 31st day of January, 2018, Vernon Proctor appeared personally before me and swore to the facts contained in the above affidavit.

1-31-18  
Date

  
\_\_\_\_\_  
, Notary Public  
Lake County, Michigan  
My commission expires: 4-23-23  
Acting in the County of: Lake

**JULIE A. PURCHASE, Notary Public**  
County of Lake  
Acting in Lake County  
My Commission Expires 4/23/2023