



## Alabama

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

While litigation funding is not prevalent in Alabama, the same discovery tools apply to litigation funding documents as other types of relevant records including interrogatories, requests for production, non-party subpoenas, and depositions. There will likely be battles over whether the litigation funding agreement itself and any due diligence file related thereto are discoverable or protected by the work product and/or common interest privilege.

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## ALASKA

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

In Alaska personal injury litigation, uncovering third-party litigation funding and challenging inflated medical bills—especially those tied to funding networks—requires a strategic and targeted approach to discovery. Attorneys often begin with interrogatories that ask whether the plaintiff has received any financial assistance or litigation funding, and request identification of any third-party funders and the terms of those arrangements. Requests for production can then seek documents such as funding agreements, letters of protection, and communications between counsel and funders or medical providers. Subpoenas duces tecum served on medical billing companies, treating providers, or funding entities can be particularly effective in obtaining records that reveal financial relationships and billing practices. Depositions of billing administrators, physicians, or funder representatives may uncover whether treatment decisions or billing amounts were influenced by financial incentives. To challenge inflated medical bills, defense counsel often retain medical billing experts who can compare the charges to usual and customary rates in Alaska. Analyzing letters of protection is also key, as they may indicate bias or inflated pricing. All of these efforts are supported by Alaska Civil Rule 26, which allows discovery of relevant, non-privileged information, and can be leveraged to argue that funding arrangements and billing practices directly impact the damages claimed and the fairness of the litigation process.

## Arizona

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

### Change in Law – Effective December 31, 2025 – Senate Bill 1215

Title 12 of the Arizona Revised Statutes will be amended to include Chapter 28 “Litigation Financing”.

In-Camera Review: A.R.S. 12-3454 “Required Disclosures” – Allows a party, upon receipt of the disclosure(s), to make an application to the court requesting additional information about the disclosure(s), including requesting an in-camera review of the agreement.

Additional Discovery: If a party has a reasonable belief or facts that the existence of the agreement, or a financier of the agreement may negatively impact a party’s rights or interests in the litigation, or the party’s proprietary information, a party may seek discovery concerning the following:

1. Whether financier is from a foreign country or entity of concern;
2. Whether the financier is a hedge fund, or the agreement is a part of a portfolio; and
3. Whether the agreement allows for control, direction, or influence over the action.

### Change in Law – January 1, 2026 – Amendment to Arizona Code of Civil Procedure, Rule 8

Ariz. R. Civ. P. Rule 8 will be amended to include Rule 8(j) “Third-Party Litigation Funding Agreements”.

In-Camera Review: Rule 8(j)(4) – Upon a showing of good cause, the court may order additional disclosures, including an *ex parte* submission of the agreement for an in-camera review.

Discovery: Rule 8(j)(4) – only after the in-camera review, the court may order the production of the agreement if the below elements are met. Any documents produced must be maintained as confidential.

- The court determines the disclosure does not violate the work-product rule;
- The party seeking has a substantial need; and
- There is no less intrusive option available.



## California

*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

There are a variety of discovery tools defendants can use in these scenarios. First, a defendant can send written discovery (interrogatories and requests for production) to plaintiff regarding whether any medical bill has been assigned or purchased and seek production of such documents. Second, a defendant can issue subpoenas for business records to the medical facility and treating provider for any liens, payments, documents related to relationships with plaintiff's counsel, etc. We have had success in compelling responses to these requests when the doctor or facility objects. Similarly, we have had success compelling lien agreements between the doctor/facility and other plaintiffs represented by the same law firm as the subject plaintiff.

Furthermore, we regularly notice the depositions of a "Person Most Knowledgeable" ("PMK") of Billing Practices for a medical facility or particular treating physician, in addition to the physician, with document requests. We ask both the physician and the billing PMK about billing practices, medical funding companies, medical factoring companies, relationship with plaintiff's lawyer or law firm, and negotiating liens. We have also had success in compelling documents that the witness failed to produce at the time of deposition.

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## COLORADO

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

We are not allowed to obtain third party litigation funding. Colorado does not allow for us to subpoena medical records without consent of Plaintiff.

## Connecticut

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Connecticut has adopted standard pattern interrogatories, which are pre-approved. As such, objections to pattern discovery are few. Follow-up requests can be filed to ferret out TPLF payments and liens.

The claimant is also asked during deposition if any third party has advanced payment. Third party litigation funding is now regulated by the Banking Commission.

We require the plaintiff produce invoices from the medical providers and request production of HFCA or CMS forms will aid in understanding if the charges are inflated. This undercuts the opportunity to inflate medical fees.

Once the plaintiff discloses a medical professional as an expert, we will depose the clinician and compare the original chart and billings during the course of the deposition.

## Delaware

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Documents relating to third party funding have generally been held to be covered by Delaware's work product doctrine because they were prepared in anticipation of litigation and serve a litigation purpose. *Id.*; *Charge Injection Techs., Inc. v. E.I. DuPont De Nemours & Co.*, 2015 WL 1540520 at \*5 (Del. Super. Mar. 31, 2015). One district court judge in Delaware has required that the existence of any third-party litigation funding agreement must be disclosed, and that additional discovery can be sought if the funder has authority to make material litigation or settlement decisions. See Standing Order Regarding Third-Party Litigation Funding Arrangements (2022).

## District of Columbia

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Other than through normal discovery, the District of Columbia courts have not yet provided any other method for discovering this information.

District of Columbia District Rules Civil Rule 26(b)(4) governs discovery and allows a broad scope of discovery for nonprivileged materials, which may be used to uncover third-party funding.

Defendants can challenge medical bills where a plaintiff does not properly disclose anticipated medical expenses before trial.

Furthermore, in *Sowell v. Walker*, the court emphasized the importance of pretrial disclosure of anticipated medical expenses. In *Sowell v. Walker*, the D.C. Court of Appeals struck evidence regarding plaintiff's future hospital costs where plaintiff failed to provide expert testimony regarding anticipated medical expenses.<sup>1</sup>

## Florida

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Florida's 2023 tort reform was designed to provide greater transparency to juries and help push back on the "phantom medical damages" issue. However, courts are still working through some of the mechanics of these issues at trial and in pre-trial motions.

For discovery:

- Determining Plaintiff's insurance coverage and any applicable Medicare/Medicaid.
- Taking corporate representative depositions for medical facilities with inflated damages.
- Asking questions of the providers themselves when they are being deposed.
- Serving subpoenas for updated medical bills as the case approaches trial to ensure any write-offs are being considered.
- Engaging a medical billing expert appears to still be necessary to combat the arguments at trial, and they can also assist in the discovery process regarding coding of medical bills.

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## Georgia

*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

As stated above, Georgia’s General Assembly recently amended the Georgia Civil Practice Act to expressly state that “[a] party may obtain discovery of the existence and terms and conditions of any litigation financing agreement” with a non-party if the financing agreement is for \$25,000.00 or more.<sup>vii</sup> As a result, a plaintiff is required to disclose such third-party funding or relationships upon service of an Interrogatory or Request for Production of Documents seeking such information.<sup>viii</sup>

The General Assembly also passed legislation that permits counsel in a jury trial to submit evidence of inflated medical bills charged from funding networks as well as evidence of what was actually paid to satisfy those charges. Jurors may then determine the reasonable value of the plaintiff’s medical care with full transparency into the billed and paid value of their treatment.<sup>ix</sup> Under this statute, the following are deemed to be relevant and discoverable:

- The amounts actually necessary to satisfy such charges pursuant to an insurance contract regardless of whether the health insurance has been used, is used, or will be used to satisfy the charges;
- All charges for the plaintiff’s medical expenses, which must be itemized and coded according to generally accepted medical billing practices; and
- If the healthcare provider sells the A/R to a third party at less than invoice price, the name of the third party and the dollar amount for which the third party purchased such A/R.

As a result, a defendant may utilize any method of discovery to obtain such information and use it to support the trier of fact’s determination of the reasonable value of medically necessary care, treatment or services.

Moreover, Georgia law has always permitted defendants to challenge the reasonableness and necessity of medical bills and treatment.<sup>x</sup> Generally, defendants challenge the reasonableness of medical bills through a medical billing expert.<sup>xi</sup>

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## Idaho

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

- Interrogatories and requests for production should specifically seek information regarding financial assistance, litigation loans, lien agreements, and communications with medical providers and funding sources.
- Rule 30(b)(6) depositions of healthcare facilities (not treating providers) can elicit testimony about billing practices, financial arrangements, and incentives linked to treatment or referrals.
- Subpoenas duces tecum may be served on suspected funders and treatment providers requesting funding agreements, correspondence with counsel or the plaintiff, and billing registers to show what they charge non-litigation patients and how often they work with plaintiffs' attorneys.
- Life care planning or medical billing expert witnesses can assess the reasonableness of the claimed treatment costs and identify the market value of the services rendered.



## Illinois

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Traditional discovery tools such as interrogatories and subpoenas are effective at discovering third-party funding information, with subpoenas being especially effective to obtain information directly from non-parties. As discussed, parties seeking to discover information are subject to the relevance and confidentiality limitations outlined in Illinois Rule of Civil Procedure 201.

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## Indiana

*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

The following discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks:

- Interrogatories
- Request for production of documents
- Third party requests

## Iowa

### *What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

The most effective discovery tool for uncovering third-party litigation funding varies depending on the facts of the case. Potential options include, but are not limited to, written discovery requests such as interrogatories, requests for production, or requests for admissions. Through these requests, a party may seek information from the plaintiff regarding:

- Any signed contracts or agreements with third parties related to the litigation, including those who have agreed to contribute in any way to the costs of prosecuting the case;
- Emails, text messages, or other communications with third parties relating to the litigation;
- The manner in which the plaintiff was referred to their medical provider;
- Whether the plaintiff's attorney or any other third party was involved in facilitating or paying for the plaintiff's medical care; and
- Whether any third party, excluding counsel, questioned the plaintiff about the lawsuit.

Another useful method of discovery involves the use of subpoenas directed to the plaintiff's medical care provider, or, if known, the third-party funding the litigation. These subpoenas may request information or documentation related to:

- Any communication related to the plaintiff's lawsuit including emails, text messages, chat logs, etc.;
- The referral process that led the plaintiff to the medical provider;
- Questions asked or paperwork given to the plaintiff related to the litigation; and
- Contracts or agreements between the medical provider and the plaintiff and/or any known litigation funding companies.

Plaintiffs will likely be reluctant to disclose whether a third-party is funding the litigation, so counsel should tailor discovery requests with that probable resistance in mind.

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## Kansas

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

There are several steps that can be taken to uncover third-party funding or relationships. First, a request for production regarding any funding relationships should be issued to plaintiff. Additionally, counsel should subpoena and/or request a deposition of the entity suspected of having a third party funding relationship.

Once the medical records of plaintiff are obtained, counsel should retain an expert to review the medical bills to see if they are inflated and/or reasonable based on plaintiff's alleged injuries.



## Kentucky

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Use of all available discovery tools under the Kentucky Rules of Civil Procedure is recommended, including CR 30 (Depositions upon oral examination); CR 33 (Interrogatories to parties); CR 34 (Production of documents and things and entry upon land for inspection and other purposes); CR 36 (Requests for admission); and CR 45 (third-party document subpoenas and witness subpoenas to providers). Use of written interrogatories and requests for production to the plaintiff in tandem with third-party discovery to the providers is most likely to yield successful results. In appropriate circumstances, retention of a consulting or testifying expert on medical billing practices, medical coding, and pricing of medical services may be warranted.

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## Louisiana

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### *What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Before issuing an order for the production of the funding agreements and/or files, the courts look to the purpose upon which the information is sought and what the information will be used for. Generally, there are a few broad reasons the court will allow the production of these documents: Impeachment, Causation, & Bias.

The Louisiana First Circuit Court of Appeal held in *Dantzler v. Delacerda*, 2020-1108 (La. App. 1 Cir. 12/30/20) 2020 WL 786443 that “evidence of the financial arrangement between [a funding company] and the plaintiff’s health care providers [is admissible] for the purpose of impeaching the credibility of the plaintiff’s treating physicians.” Most courts in the Federal Fifth Circuit are in accord, noting not only that the evidence was discoverable but also that it was admissible. The United States District Court in *Thomas v. Chambers*, No. CV 18-4373, 2019 WL 8888169, at \*4 (E.D. La. Apr. 26, 2019) noted:

[T]he financial arrangement between plaintiffs’ healthcare providers and the third-party funding companies could create an incentive for plaintiffs’ treating physicians to want plaintiffs to win their case, because a victory could result in more referrals from [the finance companies]. That incentive could lead a jury to question the treating physicians’ testimony regarding causation. This evidence is thus relevant under Rule 401 because it is probative of whether a witness at trial is biased.

Further, the Eastern District of Louisiana has determined that these documents are relevant and admissible. Despite this opinion on admissibility, one Federal Court, after reviewing the documents in an in-camera inspection, found that the funding documents were not subject to discovery. See *Dupont v. Costco Wholesale Corp.*, No. CV 17-4469, 2019 WL 5959564, at \*2 (E.D. La. Nov. 13, 2019)(affirming the Magistrate Judge’s ruling that neither the funding agreement nor the actual amounts received were relevant nor probative of any claim in the case and thus were not subject to production). The *Dupont* opinion is an outlier. See e.g., *Collins v. Benton*, No. CV 18-7465, 209 WL 6769636, at \*6 (E.D. La. Dec. 12, 2019)(applying the rationale of *Thomas* and rejecting the comparison to *Dupont*). Yet, *Dupont* is frequently the cited authority plaintiffs rely on to support their position as to why a litigation finance contract and file should not be discoverable.

The court in *Robert v. Maurice*, relying on *Thomas*, held that the documentation was not only discoverable, but also admissible. The rationale is that if the plaintiff is allowed to introduce evidence of the full amount charged to the plaintiff by a third-party funding company, then the financial arrangement between the plaintiff’s treating physicians and the third-party funding companies are relevant and admissible to the issues of causation, bias, and credibility. *Robert v. Maurice*, No. CV 18-11632, 2020 WL 9074826, at \*8 (E.D. La. Sept. 30, 2020). The rationale follows that of *Thomas* wherein the credibility of the claimed injuries and the incentive for treatment is motivated by the potential for increased profits.

## Louisiana

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Additionally, Louisiana is now combatting inflated medical bills through legislative tort reform. As of January 1, 2026, pursuant to Senate Bill 231 (Act 466), the following changes will combat egregious inflation of medical bills in the following way:

1. In cases where the medical expenses have been paid by a non-insurer, such as a third party funding company, the injured party is only permitted to recover the amounts paid to a medical provider and any remaining amounts owed to the medical provider.
2. When a claimant attorney negotiates a reduced payment with a medical provider, recovery is capped to that agreed-upon amount, and any applicable cost sharing amounts paid or owed by the claimant.

It remains unclear whether courts will treat third-party funding companies the same as health insurers when presenting medical bills to the jury. Currently, under Senate Bill 231 (Act 466), jurors are to be informed of both the amounts billed and the amounts actually paid for the claimant's medical expenses. However, the Act is silent on whether jurors will be presented with evidence of the billed amount in addition to the paid or discounted amounts.

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## Maine

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Interrogatory requests with specific reference to financing are the most effective.

## Maryland

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Maryland Rule 2-402 allows a broad scope of discovery whereby attorneys can uncover information through interrogatories, depositions, subpoenas, and expert testimony requirement.

In order to effectively challenge inflated medical bills, Maryland attorneys can use expert testimony to challenge the fairness, reasonableness, and necessity of medical bills.<sup>iv</sup> In *Desua v. Yokim*, the Maryland Court of Special Appeals held that a plaintiff motorist needed to provide expert testimony opinion on the fairness, reasonableness, and necessity of her medical bills to receive special damages.<sup>v</sup> Accordingly, parties may challenge such evidence by producing expert testimony that counters inflated medical costs.<sup>vi</sup>

## Michigan

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Effective tools to uncover third-party funding relationships are Requests for Admission and Discovery Subpoenas upon Non-Parties. There is no limit to the number of Requests for Admissions that a party may serve.

Discovery subpoenas to the third party can require the third-party to produce documents without the intent to depose. Further, the third-party's obligation to respond to the subpoena is stayed until the motion is resolved.

## Minnesota

*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Given the recency of Minnesota’s third-party litigation funding, no particular discovery tools have proven effective in uncovering third-party funding or relationships or effectively challenging inflated medical bills from funding networks. On March 24, 2025, the Minnesota state senate introduced bill SF 2929, also known as the Consumers in Crisis Protection Act, which, if passed, would require claimants to disclose third-party litigation funding “at the time a legal claim is asserted or commenced, and [] any time after a legal claim is asserted or commenced[.]”<sup>iv</sup> This legislation would thereby eliminate the need to uncover a claimant’s third-party litigation funding during discovery. The proposed legislation speaks only to a claimant’s obligation for disclosure and is silent as to any obligation by the defendant(s). This gap may end up creating a need for claimants to use discovery tools, such interrogatories and requests for production, to uncover their opponent’s funding source(s).

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## Mississippi

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Interrogatories and requests for production to the plaintiff requesting third-party funding agreements are effective tools. Additionally, subpoena duces tecum to the provider and billing administrator/coordinator followed by deposition can be used. Expert opinions are needed to challenge the reasonableness of medical bills.

## Missouri

### *What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

In Missouri, targeted written discovery and strategic depositions are the most effective tools for uncovering third-party funding relationships and challenging inflated medical bills connected to funding networks. Common approaches include:

- Subpoena Duces Tecum with Deposition Notice – Serve on billing administrators, practice managers, or custodians of records for medical providers. Request detailed billing ledgers, payment histories, third-party lien agreements, correspondence with funding companies, and internal coding or charge justification policies.
- Rule 57.03 Depositions – Depose provider billing representatives and corporate designees (Rule 57.03(b)(4) topics) on the methodology for calculating charges, usual and customary rates, write-offs, reductions, and any funding agreements affecting payment expectations.
- Interrogatories & RFPs – Direct to the plaintiff, seeking identification of all medical funding entities, lienholders, and assignments of claim proceeds; request all contracts, invoices, and communications with such entities.
- Requests for Admission – Narrow disputes on the existence of liens, assignments, or non-recourse funding arrangements; force admissions on whether bills have been sold, securitized, or discounted.
- Third-Party Subpoenas to Funding Companies – Where permitted and supported by good cause, seek contracts, payment records, and communications showing the actual amounts paid to providers.

When challenging inflated medical bills, focus on evidence of amounts actually accepted as payment in similar, non-litigation cases, CPT code-based rate comparisons, and deviations from the provider's standard charges. This can set up motions to exclude or limit damages testimony under MO. REV. STAT. §§ 490.715.5(1)–(2) and related "reasonable value" precedent. See, e.g., *Wright v. Fox-Stanley Photo Prods., Inc.*, 639 S.W.2d 407, 410 (Mo. App. E.D. 1982) ("The general rule is that charges for medical services . . . must be supported by substantial evidence that they were reasonable, and the services rendered necessary in order for them to be recoverable."). In short, Missouri law generally holds that medical bills are only recoverable if the charges and services rendered

## MONTANA

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Regular discovery tools are effective. Discovery requests to the Plaintiff for medical records and medical bills should disclose this. Further, SDT to the actual providers for the same is an effective tool.

Under Mont. Code Ann. sec. 27-1-308, an injured Plaintiff may not seek recovery of medical expenses that were written off due to contractual discount, price reduction, disallowance, gift, write off, or otherwise not paid. Stated simply, an injured Plaintiff may only recover the reimbursed amount, not the billed amount if the billed amount has been written off. These statutory amendments went into effect in 2021. Prior to the amendment the rule is the same. Gibson v. United States, 499 P.3d 1165.

The Defendant may retain a medical billing expert to dispute the reasonableness of medical expenses. However, the law is unclear whether this would be admissible in a situation where the injured party did not have medical insurance and therefore is liable for the billed amount as compared to the reimbursed amount.



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## Nebraska

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Standard discovery practices generally remain the norm for this issue, with an emphasis on requesting depositions of bill administrators where inflated bills seem apparent. Further, in some extreme cases, defense experts on medical billing have been used. Nebraska courts have not yet specifically addressed whether third party medical funding/factoring company files are discoverable, but we would expect that this matter would be addressed by our courts in the same manner as the discoverability of third party litigation funding. Given Nebraska's long-established adherence to the collateral source rule, the admissibility of third party funding would seem unlikely, but our courts have not yet addressed this issue.

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## Nevada

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### *What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks?*

#### *Subpoena Duces Tecum with Deposition Notice to Billing Administrators or Providers*

Subpoenas can compel the production of internal billing records, standard rate schedules, contracts, and correspondence showing whether a provider charges different rates for litigation-based care. When combined with a deposition, counsel can question the billing representative under oath about whether prices were raised, whether bills were adjusted post-treatment, or whether the provider has relationships with attorneys or legal funders.

#### *Depositions*

When deposing billing staff, treating physicians, or plaintiffs, attorneys can ask targeted questions about who referred the patient, whether charges were deferred or increased in anticipation of a lawsuit, and whether the provider has arrangements with law firms or funders. This can expose inflated billing practices or financial motivations that impact credibility and damages.

#### *Requests for Production*

Requests for production can be an effective tool for uncovering inflated medical bills. Defendants may request documents such as itemized billing statements, letters of protection, and communications between the plaintiff and medical providers, which may reveal whether treatment was funded in anticipation of litigation and billed at elevated rates. These documents can help demonstrate that medical charges are excessive or tailored to litigation rather than typical medical care.

#### *Interrogatories*

Interrogatories can be useful for uncovering details about medical billing practices—such as asking the plaintiff to identify all medical providers, whether treatment was received under a lien, whether providers billed health insurance, or whether any medical services were referred by counsel. These questions help build the foundation for challenging the reasonableness and necessity of medical expenses.

#### *Requests for Admissions*

Requests for admissions can be effective for narrowing disputes related to medical billing. Defendants may ask plaintiffs to admit facts such as whether they were treated under a lien, whether the providers commonly bill higher rates in litigation, or whether insurance was available. These admissions can later support arguments that the claimed medical damages are excessive or artificially inflated.

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## New Hampshire

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

While there are no specific rules or procedures for obtaining discovery of third-party funding or relationships, such discovery could theoretically be obtained by deposition and notice procedure if relevant to any issue in the underlying litigation. With respect to inflated medical bills, while the relevant information might be discoverable, there is split in the New Hampshire trial courts regarding whether the “billed” amount or “paid” amount is admissible. Although the New Hampshire Supreme Court has not provided definitive guidance on this issue, parties are unlikely to have much success in obtaining the amounts actually charged and accepted by a healthcare provider for certain procedures, outside of a particular personal injury. Seeking such documents as insurance contracts with healthcare providers often attracts the objection of those third parties and, particularly with respect to trial judges who do not allow evidence of the amount of medical bills actually paid, courts may find such discovery not relevant to a given action.

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## New Jersey

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New Jersey practitioners rely on traditional discovery mechanisms, including interrogatories, requests for production, and requests for admission to probe the existence of funding arrangements. Depositions of billing administrators and treating physicians can reveal whether funding influenced medical decision-making or inflated charges. Subpoenas to third-party funders or medical providers can uncover financial arrangements, including accepted payments for comparable services. Courts have also recognized the importance of collateral source and lien information to challenge inflated claims



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## New Mexico

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

The most effective discovery tools, in our view, are all of them. Establishing goalposts with interrogatories and requests for admission, followed up with requests for production and depositions, are effective at uncovering the funding mechanisms and relationships, and for understanding the impact of same on the case.

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## North Carolina

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Written discovery requests continue to be the most utilized discovery tool third-party funding agreements and relationships.

Cross-examination of the physicians that perform the medical treatments paid for by a third-party funding source continues to be the most effective tool for challenging inflated medical bills.

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## North Dakota

### *What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks?*

The most effective discovery tools for identifying third-party litigation funding and examining potentially inflated medical bills are interrogatories, requests for production of documents and notices of depositions, used together.

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#### *Interrogatories*

- Interrogatories compel the plaintiff to identify all entities with a financial interest in the case, including funders and medical funding companies.
- They require detailed disclosure of funding amount, purpose, and repayment terms of funding received.
- It can explore relationships between the plaintiff, attorney, medical provider, and third-party funders.
- They can ask the plaintiff to describe how they were referred to the treating physician or network.

#### *Requests for Production of Documents*

- Requests for production can secure evidence of plaintiff financing agreements including all exhibits and schedules, with licensed funders required to disclose key information.
- Marketing materials from medical providers may reveal relationships with attorneys or funding networks
- Electronic records and communications: Emails, chats logs, and practice, management records referencing funding and communication with counsel, may be requested.
- Lien documents, such as arrangements, letters of protection, or liens from funders or medical providers, can be obtained through document requests.
- Referral documents showing how the plaintiff was directed to a medical provider can be requested.

#### *Notices of Deposition*

- Depositions of the plaintiff can address their knowledge of the funding arrangement, referral sources and understanding of medical billing.
- Deposition of medical providers can examine billing practices, relationships with funders or law firms and whether bills were general through a network.
- Deposition of funding network representatives can yield direct information about the funding model and related relationships.

**North Dakota House Bill 1372 (HB1372)** requires plaintiff litigation funders to be licensed and allows discovery to challenge non-compliant contracts. Also, under **Rule 26 of the North Dakota Rules of Civil Procedure**, discovery may include any non-privilege matter relevant to a claim or defense, including funding relationships and medical pricing.

## Ohio

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

The question of which discovery tools are most effective is largely speculative because the issue of the discoverability of third-party litigation financing has not been directly addressed by Ohio courts. As discussed, Civ. R. 26 allows parties to obtain discovery regarding any nonprivileged matter relevant to a party's claim or defense, provided the discovery is proportional to the needs of the case. This would likely include information about third-party litigation funding arrangements, which may be relevant to assessing the financial interests behind a claim or defense. Civ. R. 26 allows for discovery through depositions, interrogatories, and document production requests, among other methods. Civ.R. 45 subpoenas would also be effective in obtaining information from non-parties. But it is an open question how either form of discovery would fare on a motion to quash or in a discovery dispute.



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## Oklahoma

*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Currently, the most effective tool for uncovering third-party funding is a subpoena duces tecum with deposition notice directed to the provider's billing administrator, which can elicit both the funding agreements and documentation of how charges were calculated. This approach not only exposes the existence of third-party funding but also sheds light on potential relationships between funders and medical providers that may inflate charges. Once HB 2619 takes effect, however, parties will also be able to use written discovery to the plaintiff—such as interrogatories and requests for production—to obtain litigation funding agreements directly, streamlining the process and reducing reliance on third-party subpoenas.

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## Oregon

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

The best tools to uncover third-party funding are a Request for Production requesting all documents relating to liens. We have found opposing counsel has produced documents showing the lien information, and a court would also deem that information discoverable. This topic would also be open to discovery during plaintiff's deposition.

To challenge inflated medical bills from funding networks, we typically retain an expert who can testify as to the fair and customary charges in the same geographic area. We have had success dispute inflated charges when a plaintiff seeks medical treatment outside of Oregon state in order to increase their medical bills. The practice of deposing billing administrators is uncommon in Oregon but would certainly be allowed under Oregon law.

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## Pennsylvania

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

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While the normal discovery tools, requests for admissions, interrogatories, requests for production of documents, ect., should be utilized, they should be specifically tailored towards the information sought and not generalized. Additionally, any issued subpoenas should be comprehensive and specifically targeted, as well. Thirdly, one could consider developing non-party requests that specifically lay out categories of documents being sought.

When considering depositions, after a provider has been identified, specific categories of inquiry should be considered such as the (1) the practice's billing procedures; (2) protocols and the specific provider's knowledge of such billing practices; (3) the practice management software being utilized; (4) kinds of information recorded; (5) and the individuals responsible for inputting such information and/or data. If a representative or physician claims to have no knowledge of such information, the deposition of a corporate designee is vital.

## Rhode Island

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Generally, the discovery tools that may be most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks are:

- Subpoena duces tecum (SDT) to medical providers and/or SDT with notice of deposition to medical billing administrators and keepers of records for the medical providers.
- During the deposition of plaintiff, specifically inquiring about their knowledge, if any, any litigation funding.
- Interrogatories to plaintiff specifically inquiring about third-party litigation funding, or source of payments.

As discussed in the preceding section, a court may limit the discoverability of litigation funding in the event plaintiff were to file a motion for protective order in response to a SDT or objection to the interrogatories. However, under Rhode Island law a plaintiff must answer all deposition questions unless the question seeks information that is privileged.

## South Carolina

*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Discovery tools such as subpoenas duces tecum (SDT) with deposition notices to billing administrators are effective for uncovering third-party litigation funding relationships and challenging inflated medical bills from funding networks in South Carolina. The state's discovery rules provide broad access to relevant information including financial records and billing practices, which can be instrumental in addressing these issues. In South Carolina, the following tools are most effective:

- STD w/ Deposition Notice
- Requests for Production (RFPs) to Plaintiff
- Interrogatories
- Depositions of Treating Physicians and Billing Staff

SDTs can be used to compel the production of financial records, billing statements, and other documentation from third parties, such as billing administrators, to investigate the relationships between medical providers and litigation funding networks.<sup>vii</sup> Deposition notices can be served alongside subpoenas to require individuals to testify under oath about their knowledge of billing practices and third-party funding arrangements.<sup>viii</sup> Additionally, the other tools listed above may be useful in obtaining documents and non-privileged communications, identifying the names of funders and other relevant individuals, disclosing any third-party relationships, challenging the reasonableness of medical bills and exposing inflated or non-customary charges, and discovering the terms of funding agreements, influences on litigation decisions, or other communications regarding treatments.<sup>ix</sup>



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## South Dakota

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Given that third-party litigation funding is not prevalent in South Dakota, no particular discovery tools have proven effective in uncovering third-party funding or relationships, or effectively challenging inflated medical bills from funding networks. Earlier in 2025, the South Dakota legislature introduced a bill that if passed, would require claimants to disclose third-party litigation funding. The bill did not pass but we expect the legislature will continue to attempt to have such legislation passed which would eliminate the need to uncover a claimant's third-party litigation funding during discovery. In the meantime, standard discovery tools, such as interrogatories and requests for production, can be used to uncover an opponent's funding source(s).

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## Tennessee

*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

- Tailored Interrogatories to identify the funding source,
- Requests for Production of Documents to obtain details about the funding agreement and payments made on behalf of the Plaintiff,
- Requests for Admissions to confirm the funding agreement and verify billing,
- Depositions of plaintiffs, corporate representatives of the funding network, and treating physicians to gather information about the relationship between the parties
- Subpoenas duces tecum to billing managers and financial record custodians to verify amounts billed vs. amounts paid and by whom, and
- Expert testimony involving the use of medical experts or medical billing experts to challenge the necessity of specific treatments and testify as to the reasonableness of the charges.

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## Texas

*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Due to the practical obstacles in obtaining LOP agreements through discovery, inflated medical bills may escape meaningful scrutiny. To address this, one of the most effective strategies is to retain a medical billing expert. These experts can conduct a detailed review of the plaintiff's medical charges and provide a jury with an alternative damages model, potentially revealing excessive or unreasonable charges.

In addition to expert review, practitioners should consider using a Subpoena Duces Tecum with deposition notice directed at billing administrators and medical providers. This approach can be instrumental in uncovering relationships between providers and litigation funding networks, as well as obtaining underlying billing records and agreements that may not be disclosed voluntarily.

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## UTAH

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

A variety of methods may be used. For instance, after opposing parties have made their initial disclosures, thorough investigation of everything they provide may often reveal what document requests or non-party subpoenas duces tecum are worthwhile to expose any inflations, funding, or liens, etc. Additionally, third-party billing experts are generally useful for identifying inconsistencies and providing expert opinions on the reasonableness of medical billings.

## Vermont

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

As mentioned above, it is unlikely that 3rd party litigation funding-related materials would generally be discoverable in litigation. That being said, subpoenas duces tecum to billing administrators or those with likely knowledge of the funding arrangements can be effective, as can requests for the production of documents, specific interrogatories, and/or including the request in the request for admissions.

Another method, especially for challenging inflated medical bills from funding networks, is to retain a qualified medical billing and coding specialist and/or an expert of healthcare financing who can provide testimony on the reasonableness of the medical charges and practices, offer insight on industry standards, and identify any instances of overcharging, upcoding, or other irregularities in the billing.

## Virginia

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

- The first avenue for uncovering third-party litigation funding should be issuing subpoena duces tecums to medical providers for billing records in order to discover third-party financiers.
- Interrogatories and requests for production should be issued to require a party to answer questions provide documents regarding any third-party litigation funding arrangements.
- If a party believes that third-party litigation funding is occurring, they should send deposition duces tecums to billing custodians.

## Wisconsin

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

A party has a duty to disclose third-party funding regardless of discovery requests. Wis. Stat. § 804.01

- Good practice: issue discovery requests; issue subpoenas for documents relating to disclosed third party funding; issue subpoenas/notices of depositions for persons/companies sourcing fundings and/or for billing administrators for medical bills from funding providers in order to show bias.
- Hire billing expert to challenge inflated medical bills.

## Wyoming

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*What discovery tools are most effective for uncovering third-party funding or relationships and effectively challenging inflated medical bills from funding networks? SDT w/depo notice to billing administrators, etc.*

Wyoming has no specific statute or rules about third-party litigation funding or its disclosure. Discovery of third-party litigation funding will be case specific and at the discretion of the presiding judge. Written discovery to Plaintiffs and Subpoena Duces Tecum to third party funders have had mixed results in Wyoming.

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