

# **EXHIBIT D**

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

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**SUBPOENA FOR INTERROGATORY RESPONSES**

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***BY PERSONAL SERVICE AND EMAIL***

To: U.S. News & World Report, L.P.  
c/o C T Corporation System  
330 North Brand Blvd., Suite 700  
Glendale, CA 91203

This Subpoena for Interrogatory Responses (“Subpoena”) is issued to U.S. News & World Report, L.P. (“USNWR” or “you”) under the powers conferred to the City Attorney for the City and County of San Francisco by California Business & Professions Code section 16759(b) and California Government Code section 11180 *et seq.* as part of a pending investigation concerning potential violations of California Business and Professions Code section 17200, *et seq.* (the “Unfair Competition Law”). The Unfair Competition Law prohibits USNWR from engaging in any unlawful, unfair, or fraudulent business act or practice. Specifically, this Office’s investigation relates to USNWR’s advertising representations about its hospital rankings and its failure to disclose payments received from hospitals that it ranks.

YOU ARE HEREBY COMMANDED to provide, within 15 calendar days after service, a response under oath to each interrogatory in **Attachment A**. The following instructions apply to your responses:

1. Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
2. If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.
3. Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.
4. If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.
5. Your production must be accompanied by a verification in the form set forth in **Attachment B**, dated and signed under penalty of perjury under the laws of the State of California.

The time period covered by the interrogatories is January 9, 2020, through the present, unless otherwise specified.

Your responses to the enclosed interrogatories must be sent electronically via email to alexander.holtzman@sfcityatty.org and karun.tilak@sfcityatty.org or delivered on or before the deadline to the following address:

Office of the City Attorney  
Attn: Alex Holtzman  
1390 Market Street, 7th Floor  
San Francisco, CA 94102

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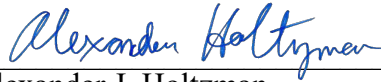
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USNWR must preserve and not modify or destroy or encourage others to modify or destroy any documents or information related to the topics described in Attachment A. The destruction or concealment by anyone subject to this Subpoena may result in our referral to law enforcement for criminal prosecution under California Penal Code section 135.

If you have questions regarding compliance with this Subpoena or need additional time to respond, please contact Deputy City Attorney Alexander Holtzman (Alexander.Holtzman@sfcityatty.org) and Deputy City Attorney Karun Tilak (Karun.Tilak@sfcityatty.org).

***Failure to comply with the commands of this Subpoena may subject you to citation for contempt or other penalties before the Superior Court of the State of California.***

Signed in the City and County of San Francisco this 9th day of January, 2024.



Alexander J. Holtzman  
Deputy City Attorney for the  
City & County of San Francisco

**ATTACHMENT A****DEFINITIONS:**

For purposes of each of Interrogatory Specification:

1. “Hospitals” means hospitals, hospital networks, and entities associated with hospital or hospital networks (e.g., affiliated nonprofits or universities).
2. “USNWR” means U.S. News & World Report, L.P. and any parent, subsidiary, or affiliate corporate entity of U.S News & World Report, L.P.. Where an Interrogatory Specification seeks information regarding payments made by Hospitals to USNWR, please identify the specific corporate entity to which the payment was made.
3. “Describe” means to provide a complete description and explanation of the facts, circumstances, analysis, opinion, and other information relating to the subject matter of the Interrogatory.
4. “Best Hospitals rankings” means Best Hospitals Honor Roll, Best Hospitals by Specialty, Best Hospitals by Medical Procedures and Conditions, Best Children’s Hospitals Honor Roll, Best Children’s Hospitals by Specialty, and any other ranking of Hospitals published by USNWR.
5. “Best Hospitals badges” means the Best Hospitals Honor Roll badge, Best Hospitals badge, Best Regional Hospitals badge, High Performing Hospitals badge, and any other badge created by USNWR in relation to a ranking of Hospitals and licensed to Hospitals.

**INTERROGATORY SPECIFICATIONS:**

1. Identify all Hospitals that paid USNWR or BrandConnex, LLC in each year for Best Hospital badge licensing and the amount paid by each Hospital for Best Hospital badge licensing;
2. Identify all Hospitals that paid USNWR in each year for access to USNWR data or data insights, including, but not limited to, USNWR’s “Hospital Data Insights” database and the amount paid by each Hospital for access to USNWR data or data insights;
3. Identify all Hospitals that paid USNWR in each year for advertising, including, but not limited to, advertising on USNWR’s website and in its Best Hospitals Guidebook and the amount paid by each Hospital for advertising;
4. Identify all Hospitals that paid USNWR in each year to be a Featured Hospital and the amount paid by each Hospital to be a Featured Hospital;
5. Identify all products or services other than those addressed in Interrogatory Specification Nos. 1–4 for which USNWR receives direct or indirect payments from Hospitals;
6. For each product or service identified in response to Interrogatory Specification No. 5, identify all Hospitals that paid for that product or service and the amount paid by each Hospital for that that product or service;
7. Describe USNWR’s basis for stating that its Best Hospitals rankings are “[h]ow to find the best medical care in 2023,” as stated on the following webpage:  
<https://health.usnews.com/best-hospitals>.

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8. Describe USNWR's basis for according 19 times greater weight to cystic fibrosis treatment than to sickle cell disease treatment in the Children's Hospital rankings;
9. Describe how, if at all, USNWR has incorporated primary and preventive care in each annual version of the Best Hospitals rankings;
10. Describe USNWR's basis for not including measures of health equity in its rankings of adult Hospitals;
11. Describe how USNWR has adjusted the Medicare fee-for-service dataset to reflect actual patient populations in each annual version of its Best Hospitals rankings;
12. Describe USNWR's basis for believing that Medicare outcomes information from at least 18 months ago accurately reflects current Hospital outcomes;
13. Describe USNWR's basis for using opinion surveys as the exclusive method for ranking Hospitals in ophthalmology, psychiatry, and rheumatology and for incorporating opinion surveys into other specialties ranked by USNWR; and
14. Describe USNWR's relationship with Doximity, Inc., including any equity interest held by USNWR in Doximity, Inc., and any change in that relationship over the last four years.

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**ATTACHMENT B**

**VERIFICATION**

State of [State]  
County of [County]

I, [Name], declare and state as follows:

1. I am employed by U.S. News & World Report, L.P. in the position of [Position];
2. I am authorized by USNWR to make this verification on its behalf;
3. I have reviewed the answers USNWR has provided to interrogatories served on it by the City Attorney for the City & County of San Francisco.
4. I declare under penalty of perjury under the laws of the State of California that the answers USNWR has provided to these interrogatories are true and correct.

Signature of Declarant: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Declarant: \_\_\_\_\_

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**PROOF OF SERVICE**

I, Christine Hoang, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Seventh Floor, San Francisco, CA 94102.

On January 9, 2024, I served the following document:

**SUBPOENA FOR INTERROGATORY RESPONSES**

on the following persons at the locations specified:

**U.S. News & World Report, L.P.  
c/o C T Corporation System  
330 North Brand Blvd., Suite 700  
Glendale, CA 91203**

in the manner indicated below:

- BY PERSONAL SERVICE:** I caused a true and correct copy of the above document to be delivered by hand at the above location by a professional messenger service.
- BY ELECTRONIC MAIL:** I sent a true and correct copy of the above document in PDF format from christine.hoang@sfcityatty.org to johnpotter@quinnemanuel.com, michaelwilliams@quinnemanuel.com, and seananderson@quinnemanuel.com.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed on January 9, 2024, at San Francisco, California.

*/s/ Christine Hoang*  
\_\_\_\_\_  
Christine Hoang