

IN THE CIRCUIT COURT OF THE 16TH  
JUDICIAL CIRCUIT IN AND FOR  
MONROE COUNTY, FLORIDA

JENNIFER WINDISCH,  
Plaintiff,

CIVIL DIVISION

CASE NO: 2007-CA-1174-K

v.

JOHN SUNDIN, M.D., RHODA SMITH,  
M.D., LAURRAURI & KLITENICK, P.A.,  
KEY WEST HMA, INC. d/b/a LOWER  
KEYS MEDICAL CENTER and BAPTIST  
HOSPITAL OF MIAMI, INC. d/b/a  
BAPTIST HOSPITAL OF MIAMI  
Defendants.

**PLAINTIFF'S MOTION TO COMPEL DEFENDANT LOWER KEYS MEDICAL  
CENTER'S RESPONSE TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION**

The Plaintiff, JENNIFER WINDISCH, by and through undersigned counsel, and pursuant to all applicable rules of civil procedure, including Rule 1.380 of the Florida Rules of Civil procedure, hereby files this Motion to Compel Defendant LOWER KEYS MEDICAL CENTER ("LKMC") to respond to Plaintiff's Second Supplemental Request For Production dated May 7, 2009, and as grounds therefore state as follows:

1. On May 7, 2009, Plaintiff propounded Second Supplemental Request for Production to Defendant, LKMC, a copy of which is attached hereto as Exhibit "A."
2. On July 7, 2009, Defendant, LKMC replied to the Second Request for Production with an objection in part to Requests No. 1. Defendant, LKMC's response is attached hereto as Exhibit "B."

3. Defendant, LKMC objected to Request No. 1 in part on the grounds of privilege. A copy of the Defendant's Privilege Log is attached hereto as Exhibit "C. These objections are not only untimely filed, but improper and should be overruled.

4. The information sought by the Plaintiffs is basic information which is relevant and is reasonably calculated to lead to the discovery of admissible evidence.

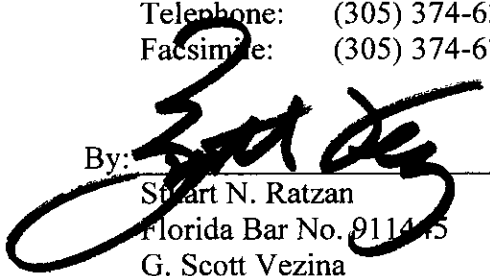
WHEREFORE, based on the foregoing, Plaintiffs' respectfully request that this Honorable Court enter an Order compelling the Defendant, LKMC, to respond to Plaintiff's Second Request for Production, and grant any and all other relief as this Court deems just and proper.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. mail and facsimile this 17 day of July, 2009 to all counsel on the attached Service list.

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By: \_\_\_\_\_

  
Stuart N. Ratzan  
Florida Bar No. 911475  
G. Scott Vezina  
Florida Bar No. 20189

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IN THE CIRCUIT COURT OF THE 16TH  
JUDICIAL CIRCUIT IN AND FOR  
MONROE COUNTY, FLORIDA

JENNIFER WINDISCH,

Plaintiff,

v.

JOHN SUNDIN, M.D., RHODA SMITH,  
M.D., LAURRAURI & KLITENICK, P.A.,  
KEY WEST HMA, INC. d/b/a LOWER  
KEYS MEDICAL CENTER and BAPTIST  
HEALTH SYSTEMS OF SOUTH  
FLORIDA, INC.,

Defendants.

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CIVIL DIVISION

CASE NO: 2007-CA-1174-K  
CONSOLIDATED WITH  
CASE NO.: 2007 CA-1181-K

**SECOND SUPPLEMENTAL REQUEST FOR PRODUCTION TO  
DEFENDANT KEY WEST HMA, INC. d/b/a LOWER KEYS MEDICAL CENTER**

Plaintiff, JENNIFER WINDISCH, by and through undersigned counsel, hereby requests Defendant KEY WEST HMA, INC., d/b/a LOWER KEYS MEDICAL CENTER, to produce for inspection and/or copying at the offices of Plaintiff's counsel, within thirty (30) days after service of this request, the following:

1. A complete copy of Jennifer Windisch's employment file, including but not limited to all correspondence, employment records, supervisory reviews, annual reviews, disciplinary and/or suspension actions, complaints written by Jennifer Windisch, written statements concerning, referencing, pertaining, and/or regarding Jennifer Windisch, earnings history, insurance information, governmental benefit information, workers' compensation claims, etc.

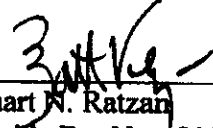
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S.

Mail and Facsimile this 7 day of May, 2009, to the attached Service list.

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Florida Bar No.: 911445  
G. Scott Vezina  
Florida Bar No.: 20189

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SCANNED  
Date: 7/19/09  
Initials: JPM

IN THE CIRCUIT COURT OF THE 16<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR MONROE COUNTY, FLORIDA

JENNIFER WINDISCH,

GENERAL JURISDICTION DIVISION

Plaintiff

CASE NO. 2007-CA-1174K  
CONSOLIDATED WITH  
CASE NO. 2007-CA-1181-K

vs.

RHODA SMITH, M.D. AND  
LAURRAURI & KLITENICK, P.A.,  
KEY WEST HMA d/b/a LOWER  
KEYS MEDICAL CENTER, and  
BAPTIST HEALTH SYSTEMS OF  
SOUTH FLORIDA, INC. d/b/a  
BAPTIST HOSPITAL OF MIAMI,

Defendant.

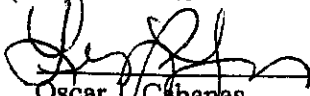
**DEFENDANT LOWER KEYS MEDICAL CENTER'S RESPONSE TO  
PLAINTIFF'S SECOND SUPPLEMENTAL REQUEST FOR PRODUCTION**

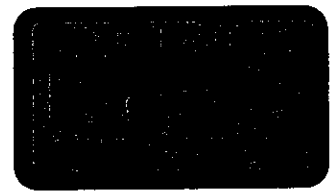
Defendant, Lower Keys Medical Center, by and through the undersigned attorneys, and pursuant to the applicable Fla. R. Civ. P., responds to Plaintiff's Second Supplemental Request for Production dated May 7, 2009, as follows:

1. Objection in part; attached in part.

WE HEREBY CERTIFY that a true copy of the foregoing was mailed this 7th day of July, 2009, to all parties on the attached service list.

WICKER, SMITH, O'HARA, MCCOY &  
FORD, P.A.  
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By:   
Oscar J. Cibaras  
Florida Bar No. 503495  
Liana Perez Loughlin  
Florida Bar No. 639621



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Miami, FL 33131



SCANNED  
Date: 2/10/09  
Initials: [Signature]

60191-4

IN THE CIRCUIT COURT OF THE 16<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
MONROE COUNTY, FLORIDA

JENNIFER WINDISCH,

GENERAL JURISDICTION DIVISION

Plaintiff

CASE NO. 2007-CA-1174K  
CONSOLIDATED WITH  
CASE NO. 2007-CA-1181-K

vs.

RHODA SMITH, M.D. AND  
LAURRAURI & KLITENICK, P.A.,  
KEY WEST HMA d/b/a LOWER  
KEYS MEDICAL CENTER, and  
BAPTIST HEALTH SYSTEMS OF  
SOUTH FLORIDA, INC. d/b/a  
BAPTIST HOSPITAL OF MIAMI,

Defendant

DEFENDANT'S, LOWER KEYS MEDICAL CENTER, PRIVILEGE LOG

COMES NOW the Defendant, Lower Keys Medical Center, by and through the undersigned counsel, and pursuant to Rule 1.280(b)(5), Florida Rules of Civil Procedure, hereby files this Privilege Log in response to Plaintiff's Request to Produce and would state as follows:

1. Nursing Test Competency documents and forms contained in the personnel file of Jennifer Windisch, RN, amount to approximately 208 pages of documents. These nursing test competency forms and documents are privileged in accordance with Florida Statutes, Florida Rules of Civil Procedure and well settled Florida case law. See §766 et. seq., Fla. Stat.; Tenet Healthsystem Hospitals, Inc vs. Taitel, 855 So. 2d 1257 (Fla 4<sup>th</sup> DCA 2003); Cruger vs. Love, 599 So.2d 111 (Fla. 1992); Holly vs. Auld, 450 So.2d 217 (Fla. 1984); Boca Raton Community



Hospital vs. Jones, 584 So.2d 220 (Fla. 4<sup>th</sup> DCA 1991); Tarpon Springs General

Hospital vs. Hudak, 556 So.2d 831 (Fla. 2<sup>nd</sup> DCA 1990).

WE HEREBY CERTIFY that a true copy of the foregoing was mailed this 8th day of July, 2009, to all parties on the attached service list.

WICKER, SMITH, O'HARA, MCCOY &  
FORD, P.A.

Attorney for Lower Keys Medical Center

Grove Plaza, 5th Floor

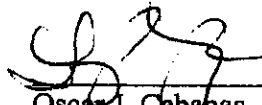
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By:



Oscar J. Cabanas

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Miami, FL 33131

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KEY WEST, FL  
 330406521  
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54th Floor  
 Miami, FL  
 33131  
 US  
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Tracking number: 797773810216  
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 Estimated shipping charges: 16.35

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TOTAL : 12M 15S PAGES: 44

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