

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL  
CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO. 2022-CA-005043-O

LEYDI MARDULANDA ISAZA,

PLAINTIFF,

V.

DUBY HERNANDEZ,

DEFENDANT.

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**DEFENDANT'S REQUEST FOR ADMISSIONS TO PLAINTIFF**

Defendant, by and through the undersigned counsel, pursuant to Florida Rule of Civil Procedure 1.370, requests Plaintiff to admit, in this action, that each of the following statements are true:

1. Plaintiff received benefits from a collateral source, as defined by Florida Statute 768.76, for medical bills alleged to have been incurred as a result of the incident described in the Complaint.

2. Plaintiff is entitled to receive benefits from a collateral source, as defined by Florida Statute 768.76, for medical bills alleged to have been incurred as a result of the incident described in the Complaint.

3. Plaintiff received benefits from a collateral source, as defined by Florida Statute 768.76, for loss of wages or income alleged to have been sustained as a result of the incident described in the Complaint.

4. Plaintiff is entitled to receive benefits from a collateral source, as defined by Florida Statute 768.76, for loss of wages or income alleged to have been sustained as a result of the incident described in the Complaint.

5. Plaintiff received benefits under the Personal Injury Protection portion of an automobile policy for medical bills alleged to have been incurred as a result of the incident described in the Complaint.

6. Plaintiff is entitled to receive benefits under the Personal Injury Protection portion of an automobile policy for medical bills alleged to have been incurred as a result of the incident described in the Complaint.

7. Plaintiff received benefits under the Personal Injury Protection portion of an automobile insurance policy for loss of wages or income alleged to have been sustained as a result of the incident described in the Complaint.

8. Plaintiff is entitled to receive benefits under the Personal Injury Protection portion of an automobile insurance policy for loss of wages or income alleged to have been sustained as a result of the incident described in the Complaint.

9. Plaintiff received benefits under the medical payments provisions of an automobile insurance policy for medical bills alleged to have been incurred as a result of the incident described in the Complaint.

10. Plaintiff is entitled to receive benefits under the medical payments provisions of an automobile insurance policy for medical bills alleged to have been incurred as a result of the incident described in the Complaint.

11. Plaintiff is subject to a deductible under the Personal Injury Protection portion of an automobile insurance policy.

12. Plaintiff received benefits pursuant to personal or group health insurance policy, for medical bills alleged to have been incurred as a result of the incident described in the Complaint.

13. Plaintiff is entitled to receive benefits pursuant to personal or group health insurance policy, for medical bills alleged to have been incurred as a result of the incident described in the Complaint.

14. Plaintiff received benefits pursuant to a personal or group wage continuation plan or policy, for loss of wages or income alleged to have been sustained as a result of the incident described in the Complaint.

15. Plaintiff is entitled to receive benefits pursuant to a personal or group wage continuation plan or policy, for loss of wages or income alleged to have been sustained as a result of the incident described in the Complaint.

16. Plaintiff, at the time and place of the incident described in the Complaint, had available a functional and operational seat belt/shoulder harness restraint system.

17. Plaintiff, at the time and place of the incident described in the Complaint, was/were not using the available functional and operational seat belt/shoulder harness restraint system.

18. Plaintiff use of the available functional and operational seat belt/shoulder harness restraint system, at the time and place of the incident described in the Complaint, would have prevented or lessened the injury and damage alleged by Plaintiff.

19. This action is subject to the Florida Motor Vehicle No-Fault Law, Florida Statute Sections 627.730 - 627.7405.

20. At the time and place of the incident described in the Complaint, Defendant complied with the provisions and security requirements set forth in Florida Statute 627.733.

21. Plaintiff is insured person(s) under the Personal Injury Protection portion of an automobile insurance policy which was in force on the date of the incident described in the Complaint which provides payment of benefits of eighty (80%) percent of all reasonable and necessary medical expenses incurred and sixty (60%) percent of loss of income or earning capacity from inability to work as a result of injury sustained from the incident described in the Complaint to a maximum of Ten Thousand (\$10,000.00) Dollars.

22. The Plaintiff is 62.5 years of age or older.

23. The Plaintiff is currently collecting Medicare benefits for any reason.

24. The Plaintiff is within the 24 month waiting period between Social Security Disability Benefits approval and Medicare eligibility.

25. The Plaintiff is awaiting approval of a Social Security Disability application.

26. There is a pending appeal of a denial of the Plaintiff's application for Social Security Disability benefits.

27. The Plaintiff has been deemed permanently and totally disabled by Social Security.

28. The Plaintiff has a "reasonable expectation" of collecting Medicare Benefits within 30 months of the resolution of the instant lawsuit.

### **CERTIFICATE OF SERVICE**

The document contains no confidential or sensitive information or that any such confidential or sensitive language has been properly protected by complying with the provisions of Rule 2.420 and 2.425. I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic filing to Dane Jordan, Esquire, 20 N. Orange Avenue, Orlando, Florida 32802, [djordan@forthepeople.com](mailto:djordan@forthepeople.com); [smolder@forthepeople.com](mailto:smolder@forthepeople.com); [joannem@forthepeople.com](mailto:joannem@forthepeople.com), on this 5th day of July, 2022.

/s/ Melinda Merced

MELINDA MERCED, ESQUIRE

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