<<COURT\_NAME>>

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| <<PROVIDER\_SUITNAME>>,  a/a/o <<INJUREDPARTY\_NAME>>  Plaintiff,  vs.  <<INSURANCECOMPANY\_SUITNAME>>  Defendant  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ | Case No. <<INDEXORAAA\_NUMBER>> |

**PLAINTIFF’S MOTION FOR PROTECTIVE ORDER**

**COMES NOW,** <<PROVIDER\_SUITNAME>> a/a/o <<INJUREDPARTY\_NAME>>, by and through the undersigned counsel, and hereby moves this Honorable Court pursuant to Rule 1.280 of the Florida Rule of Civil Procedure, for Protective Order Limiting the Scope of Deposition Testimony, and as grounds therefore, states:

1. Defendand has set the deposition of Plaintiff’s Corporate Representative in this matter.
2. Plaintiff has many cases against this Defendant and expects that Defense Counsel will attempt to ask questions outside the scope of this case.
3. Plaintiff requests that the Court limit the scope of the Corporate Representative’s deposition testimony to the insurance policy at issue in the subject lawsuit and services performed relating to same.
4. Plaintiff furhter asks for a protective order against any area of inquiry which requests information relating to the general business practices, trade secrets or matters directly relating to other cases, as said area of inquiry is entirely irrelevant and not in conformity with Rule 1.280(b)(1) of the Florida Rules of Civil Procedure.

**ARGUMENT**

1. Rule 1.280(b)(a) of the Florida Rules of Civil Procedure limits the scope of discovery to “any matter, not privileged, that is relevant to the subject matter of the pending action, whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party,” and is “reasonably calculated to lead to the discovery of admissible evidence.” Section 90.401 of Florida’s Evidence Code deems information relevant if it “tend[s] to prove or disprove a material fact.” As such, “[d]iscovery is limited to those matters relevant to the litigation as framed by the parties’ pleadings.” *Rousso v. Hannan*, 146 So. 3d 66 (Fla. 3d DCA 2014); *Diaz*-*Verson v. Walbridge Aldinger Co.*, 54 So. 3d 1007, 1011 (Fla. 2d DCA 2010) (“Information sought in discovery must relate to the issues involved in the litigation, as framed in all pleadings.”); *Capco Props., LLC v. Moterey Gardens of Pinecrest Condo.*, 982 So. 2d 1211, 1213-14 (Fla. 3d DCA 2008); *Richard Mulholland & Assocs v. Polverari*, 698 So. 2d 1269, 1270 (Fla. 2d DCA 1997) (“A protective order should be granted when the *pleadings* indicate that the documents requested are not related to any pending claim or defense…”) (emphasis added); *Tanchel v. Shoemaker*, 928 So. 2d 440 (Fla. 5th DCA 2006). (litigants are not entitled to carte blanche discovery of irrelevant material).
2. Rule 1.280(c) of the Florida Rules of Civil Procedure states the following:

Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense that justice requires, including one or more of the following: (1) that the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including designation of the time or place; (3) that the discovery may be had only by a method discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the court; (6) that a deposition after being sealed be opened only by order of the court; (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; and (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court. If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery.

1. Defendant’s desired areas of inquiry exceed the bounds of permissible discovery.
2. We ask this Honorable Court to enter an Order limiting the scope of Plaintiff’s Corporate Representative to areas of inquiries specifically relating to the subject insurance claim.
3. Plaintiff has or will attempt to confer with the Defendant to resolve these issues prior to a hearing on same.

**WHEREFORE**, for the foregoing reasons, Plaintiff respectfully request this Honorable Court grant this motion in its entirety.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 19, 2022, a true and correct copy of the foregoing was filed and served on the Defendant through Florida Courts E-Filing Portal.

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