

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, STATE OF FLORIDA  
CIVIL DIVISION

THE ESTATE OF GARLAND G. HAMRICK,  
SR., by and through BETTY JANE HAMRICK,  
Personal Representative,

Plaintiff,

vs.

CASE NO: 2011-1698-CI-21

MANOR CARE OF DUNEDIN FL, LLC and  
HCR MANOR CARE, INC. a/k/a MANOR  
CARE, INC. (as to MANOR CARE HEALTH  
SERVICES OF DUNEDIN a/k/a MANOR  
CARE NURSING CENTER - DUNEDIN),

Defendants.

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**PLAINTIFF'S RESPONSES TO DEFENDANTS' FIRST  
REQUEST FOR PRODUCTION**

Plaintiff, THE ESTATE OF GARLAND G. HAMRICK, SR., by and through, BETTY JANE HAMRICK, Personal Representative, and by and through the undersigned attorney, hereby gives responses to Defendants' First Request for Production, said Request having been served by Defendants on September 26, 2011, and numbered one (1) through twenty (20), and that copies of said Responses have been furnished to all parties pursuant to the Florida Rules of Civil Procedure as follows:

1. Copies of the Plaintiff's Federal Income Tax Returns for all years for which income tax were filed between 2006 to present; or, in the alternative, written authorization to obtain same.

**RESPONSE:**

Plaintiff objects to this Request to the extent that this Request seeks personal financial information. Plaintiff further objects on the basis that this Request is irrelevant and not reasonably calculated to lead to admissible evidence. Subject to and without waiving the foregoing objection, Plaintiff is not making a claim for lost wages.

2. Proof of all earned income and proof of all non-earned income for any year that a Federal Income Tax return has been filed.

**RESPONSE:**

Please see response to Request for Production #1 above.

3. Photographs, video tapes or films in the possession, custody or control of the Plaintiff and/or Plaintiff's agents, servants or attorneys relative to the subject matter of this lawsuit including but not limited to any photographs, video tapes or films recording GARLAND G. HAMRICK, SR. during her period residency.

**RESPONSE:**

None in Plaintiff's possession.

4. Copies of all medical bills, nursing bills, drug bills, and any and all other bills relating to the plaintiff and the claims for damages resulting from the incident(s) alleged in the Plaintiff's Complaint, together with all existing medical, dental, hospital records and reports of the Plaintiff's condition. If any, claimed to be related to the incident which is the subject matter of this cause of action; or, in the alternative, written authorization to obtain same.

**RESPONSE:**

Special damages in this cause are undetermined at this time. Please see bills currently in Plaintiff's possession for:

- Mease Dunedin Hospital
- Radiology Associates of Clearwater
- Curlew Hills Funeral Home

Further information may be revealed, as discovery is ongoing.

5. Complete copies of reports prepared by each physician that examined and/or treated the Plaintiff for the years 2001 to the present; or, in the alternative, written authorization to obtain same.

**RESPONSE:**

**Plaintiff objects to this Request to the extent that this Request is overly broad and unduly burdensome. Plaintiff further objects on the basis that it is Plaintiff position that Plaintiff is not required to execute authorizations. Subject to and without waiving the foregoing objection, other than Defendants' facility's medical records, please see medical records currently in Plaintiff's possession for:**

- **Bay Pines VA**
- **Morton Plant Hospital**
- **Mease Dunedin Hospital**
- **Suncoast Hospice**
- **Dr. Colbassi and Dr. Truman Report from Mease Dunedin Hospital**

**Further information may be revealed, as discovery is ongoing.**

6. Complete hospital records pertaining to the Plaintiff for the years 2001 to the present; or in the alternative, written authorization to obtain same.

**RESPONSE:**

**Please see response to Request for Production #5 above.**

7. Complete nursing home or assisted living facility records pertaining to the plaintiff for the last ten (10) years; or, in the alternative, written authorization to obtain same.

**RESPONSE:**

**Plaintiff objects to this Request to the extent that this Request is overly broad and unduly burdensome. Subject to and without waiving the foregoing objection, other than the Defendants' facility's medical records for GARLAND G. HAMRICK, SR., none currently in Plaintiff's possession. Further information may be revealed, as discovery is ongoing.**

8. Complete records from all home health care agencies and/or services pertaining to the plaintiff; or, in the alternative, written authorizations to obtain same.

**RESPONSE:**

**Plaintiff objects to this Request on the basis that it is Plaintiff position that Plaintiff is not required to execute authorizations. Subject to and without waiving the foregoing objection, none currently in Plaintiff's possession. Further information may be revealed, as discovery is ongoing.**

9. All medical bills incurred as a result of the incident which is the subject matter of this litigation; or, in the alternative, written authorization to obtain same.

**RESPONSE:**

**Please see response to Request for Production #4 above.**

10. All statements of the Defendant, including, but not limited to, statements taken from agents, servants and/or employees of the Defendant in this lawsuit.

**RESPONSE:**

**Plaintiff objects to this Request to the extent that this Request seeks information protected by attorney work product privileges. Subject to and without waiving the foregoing objection, other than the deposition of Betty J. Hamrick, in which Defendants were present, no other statements as defined by the Florida Rules of Civil Procedure have been taken in this matter to date. Further information may be revealed, as discovery is ongoing.**

11. All statements which Plaintiff intends to use at trial.

**RESPONSE:**

**Plaintiff objects to this Request to the extent that this Request is overly broad and unduly burdensome. Subject to and without waiving the foregoing objection, undetermined at this time.**

12. All statements pertaining to the issues in this litigation, the substantial equivalent of which cannot be obtained by the Defendant without undue hardship.

**RESPONSE:**

**Please see response to Request for Production #10 and #11 above.**

13. All statements not produced in response to the preceding three paragraphs.

**RESPONSE:**

**Not applicable.**

14. All documents supporting the claim for money damages in this lawsuit and not produced in response to the preceding paragraphs.

**RESPONSE:**

**Please see response to Request for Production #4 above.**

15. A report and curriculum vitae (CV) of each person whom the Plaintiff expects to call as an expert at the trial of this cause.

**RESPONSE:**

**Expert witnesses are undetermined at this time.**

16. As to each type of insurance in force in favor of the Plaintiff, including, but not limited to, life insurance, medical insurance, hospitalization insurance, Medicare, Medicaid, disability insurance, medical payments insurance, personal injury protection insurance, health insurance and accident insurance:

- a. A copy of each such contract or policy;
- b. The identification Card of each such contract or policy;
- c. The Declarations Sheet of each such contract or policy;
- d. Each and every application for benefits made by the Plaintiff under any of the policies, whether pertaining to the incident which is the subject matter of this litigation or not; and
- e. All records of payments, checks, check stubs, memos and correspondence relating to payments made under any of the policies referred to above.

**RESPONSE:**

**Plaintiff objects to this Request to the extent that this Request is irrelevant and not reasonably calculated to lead to admissible evidence.**

17. Letter authorizing the Social Security Administration as a collateral source to provide complete information and disclosure of any and all claims, disabilities or payments received by the plaintiff. Such letter should specify that the Social Security Administration is to release all documents protected under 5 U.S.C. § 552 (a); 42 U.S.C. § 1306 (a) and 20 F.R. § 401.300.

**RESPONSE:**

**Please see response to Request for Production #16 above.**

18. A copy of the Death Certificate, if applicable, showing cause of death.

**RESPONSE:**

**Please see enclosed death certificate for GARLAND G. HAMRICK, SR.**

19. A copy of any autopsy report, including photographs, if applicable, relative to GARLAND G. HAMRICK, SR.

**RESPONSE:**

**Please see enclosed the autopsy report for GARLAND G. HAMRICK, SR.**

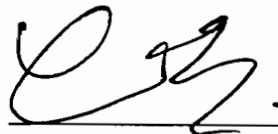
20. Copies of all Power(s)-of-Attorney the responsible party for GARLAND G. HAMRICK, SR. health care decisions, etc.

**RESPONSE:**

**Please see enclosed Durable Power of Attorney of GARLAND G. HAMRICK, SR.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **Sally L. Slaybaugh, Esquire**, Cole, Scott & Kissane, P.A., 4301 W. Boy Scout Blvd., Suite 400, Tampa, FL 33607, this 28<sup>th</sup> day of October, 2011.



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