

IN THE CIRCUIT COURT OF THE 13th
JUDICIAL CIRCUIT IN AND FOR
HILLSBOROUGH COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION

CASE NO: Case No: 18-CA-004350
Division J

CAROLE GOLDBERG, as
Personal Representative of the Estate of
DAVID GOLDBERG,

Plaintiff,

vs.

SENIOR LIVING IV SUN CITY, LLC d/b/a INSPIRED
LIVING AT SUN CITY CENTER, VALIDUS GROUP
PARTNERS, LTD., SENIOR HOUSING PROPERTIES,
LLC and any other entity or related entity that owned,
managed, or operated the facility known as
INSPIRED LIVING AT SUN CITY CENTER,

Defendants.

PLAINTIFF'S AMENDED NOTICE OF TAKING VIDEOTAPED DEPOSITION,
PURSUANT TO FLA. R. CIV. PRO. 1.310

PLEASE TAKE NOTICE that the undersigned will take the videotaped deposition of:

NAME(s): Melissa Rogers, Regional Health and Wellness Director

DATE/TIME: August 28, 2019 @ 1:00 p.m.

LOCATION: Quintairos, Prieto, Wood & Boyer, P.A.
1410 North Westshore Boulevard, Suite 200
Tampa, Florida 33607
Tele: 1-813-286-8818

UPON oral examination(s) before U.S. Legal Support, in and for the State of Florida, or some other officer duly authorized by law authorized to take depositions. The video deposition is being taken for the purpose of discovery, for use at trial, or both of the

foregoing, or for such other purposes as are permitted under the applicable and governing rules.

Pursuant to Fla. R. Civ. Pro.1.310, Defendant is required to designate and fully prepare one or more officers, directors, managing agents or other persons who consent to testify on behalf of Defendants and whom Defendants will fully prepare to testify regarding the following designated matters and as to such information that is known or reasonably available to Defendant's organization:

AREAS OF INQUIRY

1. The identity of all individuals (current or former) at the facility or corporate management who were/are responsible for the maintenance and management of the Company's records, including but not limited to resident's chart, administrative file, ledgers, 24-hour charts, Daily Communication Logs, Treatment Administration Records (TAR), Shower Plans, Care Plans and any other records that may be associated with the care of the resident.
2. The defendants use of consultants, contractors, and the like for managing and maintaining records of residents, described above in Number 1.
3. Policies, Procedures, Guidelines, State and Federal Regulations, and practices, for managing and maintaining records of residents, described above in Number 1.
4. The document management and communication tools and system, application software and tools on the computers, devices, and networks provided or used by the Defendants in connection with Company's records, including but not limited to resident's chart, administrative file, ledgers, 24-hour charts, Daily Communication Logs, Treatment Administration Records (TAR), Shower Plans, Care Plans and any other records that may be associated with the care of the resident.
5. The Defendants retention and destruction plans, policies, and procedures of documents.
6. Any and all training, memorandums, manuals related to falls, fall prevention, showering, toileting, reporting, and documenting falls.

PLEASE TAKE NOTICE that this Request is continuing to and through trial of this case. Should you in the future discover any items relating to any of the above matters, you are required to notify Plaintiff's counsel of said information or an objection will be made at trial for the use of information not revealed.

Pursuant to FLA. R. CIV. P. 1.310, Defendant is asked to produce the following materials at the time and place of deposition for inspection and/or copying:

EXHIBIT "A"

Deponent(s):

1. Deponent's most current resume/curriculum vitae;
2. Deponent's job description;
3. Documents deponent has reviewed to refresh recollection or to prepare for this deposition, including but not limited to documents reviewed for the sixteen (16) Areas of Inquiry noted herein;
4. Documents created by or at the request of deponent in preparation for this deposition;
5. Communications, including electronic communications, sent by deponent or received by deponent pertaining to the topics described in the notice of deposition.

Documents Responsive to the Areas of Inquiry

1. All documents, correspondence, communications, notes, or other evidence or documentation in support, related to, evidencing, or reflecting to the Areas of Inquiry, as stated above.
2. The complete facility chart for David Goldberg and any record evidencing, reflecting, or associated with the care, communication, assistance, or contact with David Goldberg.
3. Any and all training, memorandums, manuals related to falls, fall prevention, showering, toileting, reporting, and documenting falls.

Respectfully submitted,

Jon M. Herskowitz, Esquire
Attorney for Plaintiff
BARON & HERSKOWITZ
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By: /s/ Jon M. Herskowitz
Florida Bar No.: 0814032
And

Scott B. Babbitt, Esquire
Scott B. Babbitt, P.A.
Florida Bar No.: 376779
Attorney for Plaintiff
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E-mail: scott@babbittlaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically filed through the Florida Courts E-Filing to Michael J. Rivero, Esquire and Ryan Allen Lossius, Esquire, Quintairos, Prieto, Wood, & Boyer, P.A., 1410 North Westshore Boulevard, Suite 200, Tampa, Florida 33607, michael.rivero@qpwbllaw.com, rlossius@qpwbllaw.com, lisa.cribbs@qpwbllaw.com, and shellie.richards@qpwbllaw.com on this 9th day of July, 2019.

/s/ Jon M. Herskowitz
JON M. HERSKOWITZ, ESQUIRE
Florida Bar No.: 0814032