

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT OF THE  
STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY  
CIVIL DIVISION**

ST. JOSEPH'S HOSPITAL, INC.

Plaintiff/Counter-Defendant,

Case No.: 09-CA-017514

v.

Division: C

MICHAEL J. TRENTALANGE,

Defendant/Counter-Plaintiff,

**NOTICE OF TAKING DIGITAL VIDEOTAPE DEPOSITION DUCES TECUM**

**TO: ALL COUNSEL OF RECORD**

**PLEASE TAKE NOTICE** that the Defendant/Counter-plaintiff, by and through the undersigned attorneys pursuant to the Florida Rules of Civil Procedure 1.130 will take the videotaped depositions of the Corporate Representative(s) of Plaintiff/Counter-defendant, St. Joseph's Hospital, Inc. The Plaintiff/Counter-defendant shall designate the corporate representative(s) with the most knowledge concerning the subject matter of this lawsuit, including, without limitation, all issues and topics listed in **Exhibit A** attached hereto. The Deponent is requested to produce the documents identified in **Exhibit B**:

**DEPONENT**

**DATE/TIME**

**LOCATION**

Corporate Representative,  
St. Joseph's Hospital, Inc.

**TO BE DETERMINED**

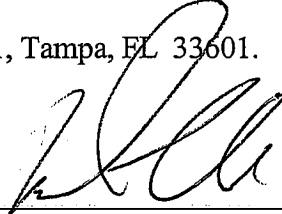
**TO BE DETERMINED**

(TO BE PRODUCED)

or as soon thereafter as counsel may be heard and shall be digitally recorded by Best Evidence, Inc., 320 W. Kennedy Boulevard, Suite 400, Tampa, Florida and recorded stenographically by Richard Lee Reporting, 100 N. Tampa Street, Suite 2060, Tampa, FL 33602 or before their duly designated representative, who is not of counsel to the parties or interested in the event of the cause for the purpose of discovery, for use at trial, or for such purposes as are permitted under the Florida Rules of Civil Procedure and the Florida Statutes, and you are hereby notified of such proceeding and will govern yourself accordingly.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of foregoing document was served upon the following parties by U.S. Mail on this 12th day of August, 2009: **Andrew S. Bolin, Esq.**, Macfarlane Ferguson & McMullen, P.O. Box 1531, Tampa, FL 33601.



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J. Daniel Clark, Esq. FBN 0106471  
CLARK & MARTINO, P.A.  
3407 W. Kennedy Boulevard  
Tampa, FL 33609  
Telephone: (813) 879-0700  
Facsimile: (813) 879-5498

**Attorneys For Defendant/Counter-Plaintiff**

**EXHIBIT A**  
**(Scope of Deposition)**

1. The subject matter of the lawsuit, including all allegations made by Plaintiff/Counter-defendant in its Complaint filed July 10, 2009, and the Answer and Affirmative Defenses and Counterclaim served by Defendant/Counter-plaintiff on July 27, 2009.
2. The Plaintiff/Counter-defendant's policies and procedures since November 2, 2004 for facilitating patient access to adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution, including, without limitation, any and all procedures, reports, computer programs or other mechanisms that report or compile data that track adverse medical incidents of any type at the Plaintiff/Counter-defendant's hospital and the method and manner in which such data is accessed.
3. Any actions taken by the Plaintiff/Counter-defendant to identify, analyze, review, consider, or otherwise determine its obligations since November 2, 2004 for complying with request for access to adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution.
4. The identification of all employee(s), agent(s), contractor(s), consultant(s), or other personnel who participated in and/or assisted with the development of the Plaintiff/Counter-defendant's policies and procedures for facilitating patient access to adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution.
5. The steps taken by the Plaintiff/Counter-defendant to comply with the Defendant/Counter-plaintiff's request for adverse medical incident records that is the subject matter of this action, including, without limitation, the compilation of costs and expenses to be incurred for complying with such request.
6. The identification of each and every request received by the Plaintiff/Counter-defendant for adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution since November 2, 2004, including, without limitation, the response made by the Plaintiff/Counter-defendant to such request(s) and the outcome of such request(s), *i.e.*, whether records were produced; the cost of such production; whether a lawsuit was filed; whether the request was made as part of on-going litigation, etc.
7. Any lawsuits filed by the Plaintiff/Counter-defendant in the State of Florida that are similar to this action.
8. The identification of each civil case, by style, county, and case number, in which the Plaintiff/Counter-defendant has been ordered to produce records pursuant to Article X, Section 25 of the Florida Constitution, including, without limitation, the identification of the individual or party who calculated the cost for such production and the identification by date and type of document(s) that were produced in such case.
9. Any documents referenced and identified in **Exhibit B** attached hereto.

**EXHIBIT B**  
**(Documents to be Produced)**

1. All summaries, statistical reports, data compilations, reports, documents or otherwise that identify the following:
  - a. The Plaintiff/Counter-defendant's policies and procedures since November 2, 2004 for facilitating patient access to adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution.
  - b. Any actions taken by the Plaintiff/Counter-defendant to identify, analyze, review, consider, or otherwise determine its obligations for complying with request for access to adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution.
  - c. The identification of all employee(s), agent(s), contractor(s), consultant(s), or other personnel who participated in and/or assisted with the development of the Plaintiff/Counter-defendant's policies and procedures for facilitating patient access to adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution.
  - d. The steps taken by the Plaintiff/Counter-defendant to comply with the Defendant/Counter-plaintiff's request for adverse medical incident records that is the subject matter of this action, including, without limitation, the compilation of costs and expenses to be incurred for complying with such request.
  - e. The identification and determination of each and every request received by the Plaintiff/Counter-defendant for adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution since November 2, 2004, including, without limitation, the response made by the Plaintiff/Counter-defendant to such request(s) and the outcome of such request(s), *i.e.*, whether records were produced; the cost of such production; whether a lawsuit was filed; whether the request was made as part of on-going litigation, etc.
  - f. Any lawsuits filed by the Plaintiff/Counter-defendant in the State of Florida that are similar to this action.
  - g. The identification of each civil case, by style, county, and case number, in which the Plaintiff/Counter-defendant has been ordered to produce records pursuant to Article X, Section 25 of the Florida Constitution, including, without limitation, the identification of the individual or party who calculated the cost for such production and the identification by date and type of document(s) that were produced in such case.
  
2. Similar to Request For Production Nos. 1(a)-(g), and in addition to any summaries, statistical reports, data compilations, reports, documents or otherwise requested in No. 1 above, please also produce the following:
  - a. Any and all documents that reference or concern the Plaintiff/Counter-defendant's policies and procedures since November 2, 2004 for facilitating patient access to

adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution.

- b. Any and all documents that reference or concern actions taken by the Plaintiff/Counter-defendant to identify, analyze, review, consider, or otherwise determine its obligations for complying with request for access to adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution.
  - c. Any and all documents that reference or concern the identification of all employee(s), agent(s), contractor(s), consultant(s), or other personnel who participated in and/or assisted with the development of the Plaintiff/Counter-defendant's policies and procedures since November 2, 2004 for facilitating patient access to adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution.
  - d. Any and all documents that reference or concern steps taken by the Plaintiff/Counter-defendant to comply with the Defendant/Counter-plaintiff's request for adverse medical incident records that is the subject matter of this action, including, without limitation, the compilation of costs and expenses to be incurred by the Plaintiff/Counter-defendant for complying with such request.
  - e. Any and all documents that reference or concern the identification and determination of each and every request received by the Plaintiff/Counter-defendant for adverse medical incident records as defined by Article X, Section 25 of the Florida Constitution since November 2, 2004, including, without limitation, the response made by the Plaintiff/Counter-defendant to such request(s) and the outcome of such request(s), *i.e.*, whether records were produced; the cost of such production; whether a lawsuit was filed; whether the request was made as part of on-going litigation, etc.
  - f. Any and all documents that reference or concern any lawsuits filed by the Plaintiff/Counter-defendant in the State of Florida that are similar to this action.
  - g. Any and all documents that reference or concern the identification of each civil case, by style, county, and case number, in which the Plaintiff/Counter-defendant has been ordered to produce records pursuant to Article X, Section 25 of the Florida Constitution, including, without limitation, the identification of the individual or party who calculated the cost for such production and the identification by date and type of document(s) that were produced in such case.
3. Any records made or received in the course of business by the Plaintiff/Counter-defendant previously produced to anyone relating to adverse medical incidents occurring in the care and treatment by the Plaintiff/Counter-defendant of any patient including, but not limited to, those incidents that are required by state or federal law to be reported to any governmental agency or body, and incidents that are reported to or reviewed by any health care facility peer review, risk management, quality assurance, credentials, or similar committee, or any representative of any such committees.
  4. All affidavits submitted to any court by the Plaintiff/Counter-defendant estimating the cost of compliance with a request or an order for records of adverse medical incidents.

5. All motions, memoranda, or other papers submitted to any court by the Plaintiff/Counter-defendant with respect to the scope of records which must be produced in response to a request for records of adverse medical incidents.
6. The Plaintiff/Counter-defendant's written, measurable quality improvement criteria and norms, as required by 59A-3.271 of the Florida Administrative Code.
7. Any and all documents that reference, concern, or describe the Plaintiff/Counter-defendant's quality improvement methods used for assessing problems, determining priorities for investigation, and resolving problems, as required by 59A-3.271 of the Florida Administrative Code.
8. Any and all documents that reference, concern, or describe the Plaintiff/Counter-defendant's patient safety plan, adopted as required by Fla. Stat., §395.1012.
9. All other documents relied on by the Plaintiff/Counter-defendant in responding to the Defendant/Counter-plaintiff's discovery requests served in this action.
10. A "privilege log" setting forth all information required by Florida Rule of Civil Procedure 1.280(b)(5) concerning any and all documents, materials, and/or items requested above to which the Plaintiff/Counter-defendant objects or denies production.