

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

ST. JOSEPH'S HOSPITAL, INC.

Plaintiff/Counterdefendant,

v.

Case No. 09-17514  
Division: C

MICHAEL J. TRENTALANGE ,

Defendant/Counterplaintiff

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**VERIFIED MOTION TO STRIKE AS SHAM**

Pursuant to Fla. R. Civ. P. 1.150, Defendant MICHAEL J.

TRENTALANGE ("TRENTALANGE") respectfully moves this Court for entry of an order striking the Count IV of St. Joseph's Hospital's Complaint for Declaratory Relief filed against him as a sham pleading.

In support, TRENTALANGE would show as follows:

1. TRENTALANGE is a former patient of ST. JOSEPH'S HOSPITAL, INC. who requested certain records to which he is Constitutionally entitled.

2. In response to his lawful request, ST. JOSEPH'S HOSPITAL, INC., commenced this action by filing a Complaint for Declaratory Relief, naming TRENTALANGE as a defendant, and claiming uncertainty about its obligations under Art. X. §25 of the Florida Constitution. The first three counts of the complaint are without merit, but do not rise to the level of constituting a sham.

3. In Count IV of its complaint, ST. JOSEPH'S HOSPITAL, INC. seeks to have this Court declare that TRENTALANGE be disqualified from representing clients against ST. JOSEPH'S HOSPITAL, INC. in any case in which documents obtained pursuant to his request for adverse incident records generates a document relevant to that case.

4. This count is a sham, as there is no basis for such disqualification. Counsel for ST. JOSEPH'S HOSPITAL, INC. knows that this Count is a sham, and has brought it notwithstanding such knowledge.

WHEREFORE TRENTALANGE respectfully requests that this Court enter an order finding that the subject count is a Sham; striking the same; and awarding attorneys fees and costs as a sanction.

**VERIFICATION**

I, MICHAEL J. TRENTALANGE, declare as follows:

1. I am the defendant/counterplaintiff in the above entitled action.
2. I have personal knowledge of the factual matters described in this motion, and if called upon would competently testify as to the matters stated herein.
3. I verify under penalty of perjury under the laws of the State of Florida that the factual statements contained in the above motion are true and correct.

  
**MICHAEL J. TRENTALANGE**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by facsimile and U.S. Mail to: **Andrew Steven Bolin, Esq.**, MacFarlane Ferguson & McMullen, P.A., Post Office Box 1531, Tampa, Florida 33601 this 27<sup>th</sup> day of July, 2009.

**TRENTALANGE & KELLEY, P.A.**



**MICHAEL J. TRENTALANGE, ESQ.**

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**Attorneys for Plaintiff**

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**FACSIMILE COVER SHEET**

**DATE:** 27 July 2009

**TO:** Andrew S. Bolin, Esquire (813) 273-4396

**FROM:** Michael J. Trentalange, Esquire

**RE:** St. Joseph's Hospital v. Michael J. Trentalange

**MESSAGE:** Attached please find Defendant's Verified Motion to Strike  
As Sham. Thank you.

**NUMBER OF PAGES INCLUDING COVER PAGE:** 5

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