

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY FLORIDA

CASE NO.: 14-006117 CA 01

RIGOBERTO HERNANDEZ and
ADRIAM MENA,

Plaintiffs,

v.

COVA, INC. d/b/a VERSAILLES
CUBAN RESTAURANT, a Florida
for-profit corporation; and FELIPE
A.VALLS, SR., individually,

Defendants.

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION TO
COMPEL THE DEPOSITION OF FELIPE A. VALLS, SR.**

Defendants COVA, INC., and FELIPE A. VALLS, SR., (collectively "the Defendants"), by and through undersigned counsel, hereby file their Response in Opposition to Plaintiffs RIGOBERTO HERNANDEZ and ADRIAM MENA ("Plaintiffs") Motion to Compel the Deposition of Felipe A. Valls, Sr., and state as follows:

I. INTRODUCTION

Contrary to the unilateral assertion in Plaintiffs' motion, Defendants have never refused to produce Mr. Valls, Sr. for deposition. As detailed below, Mr. Valls is currently unable to sit for a deposition. Mr. Valls suffers from a series of interrelated medical infirmities and physical ailments which have caused him to sustain injurious falls on two recent occasions - for which he was taken to the hospital for evaluation and treatment. The most recent fall occurred on March 19, 2015. As a result of his deteriorated condition and recent falls, his treating physician, Dr.

Sergio Gonzalez-Arias, a neurosurgeon with the Baptist Health Medical Group, has declared Mr. Valls currently "totally incapacitated." The deposition of Defendant Felipe Valls, Sr., should be postponed until his current medical condition improves to the point where his attending physicians declare him fit to withstand the rigors of sitting for a deposition in this case. In the interim, Plaintiffs have identified over 20 parties and witnesses they claim are material to this case. Defendants have offered to produce many of these witnesses for deposition. Plaintiffs have refused to proceed with any other discovery in this case. Defendants have no objection to the taking of those 20+ depositions during the time needed for Mr. Valls' recovery.

II. FACTUAL BACKGROUND

Mr. Valls, who is 82 years old, has been medically diagnosed with the following conditions: 1) peripheral neuropathy of the legs, 2) hypertension, 3) arrhythmia, 4) obesity, and 5) hydronephrosis. Mr. Valls' neuropathy is exacerbated by his weight, which causes compression of his spinal cord and renders him unable to sit for long periods of time without experiencing extreme back pain and which also results in numbness and weakness of the legs. (*See* Affidavit of Dr. Doraiswami Ayyar, attached hereto as **Exhibit "A"**).

Due to his medical ailments, on February 6, 2015, Mr. Valls suffered a fall and was treated at Doctor's Hospital. (*See* medical records at **Exhibit "B"**). On March 19, 2015, Mr. Valls experienced another fall and was treated by his neurologist, Dr. Sergio Gonzalez-Arias, at Baptist Health Medical Group. Dr. Gonzalez-Arias has concluded that Mr. Valls suffers from "severe lumbar mayo-fascial painful syndrome secondary to multiple falls. The most current one being earlier this morning. This injury together with the morbid obesity has facilitated the development of a severe lumbar painful syndrome rendering him with significant difficulty to ambulate and carry out activities of daily living." (*See* medical records at **Exhibit "C"**).

After examining Mr. Valls, Dr. Gonzalez-Arias has determined that he is completely incapacitated and has ordered bed-rest to prevent thromboembolism phenomena - a potentially life-threatening condition. (See Dr. Gonzalez-Arias' Disability Certificate at **Exhibit "D"**). Upon referral from Dr. Gonzalez-Arias, Dr. Justin Sporrer has prescribed "home physical therapy 3 times a week for 4 weeks" and "home health care" for Mr. Valls until he is able to be re-evaluated. (See **Composite Exhibit "E"** - Referral Communications Forms by Dr. Justin M. Sporrer).

III. ARGUMENT

A court may issue a protective order to prevent a deposition which justice requires to protect a person from undue burden. See Fed. R. Civ. P. 26(c)(1). In a case like this, where "an oral deposition will pose a threat to a witness' health, the court will exercise its discretion in favor of a protective order." *McCorhill Publishing, Inc. v. New Castle Associates*, 91 B.R. 223, 225 (Bankr. S.D.N.Y. 1988) (issuing protective order prohibiting deposition to protect deponent's health); *Walsh v. Pullman*, 10FRD 77 (S.D.N.Y 1948). If at all in doubt regarding Mr. Valls medical condition, this Court should issue a brief stay of the taking of his deposition" to allow his medical condition to be evaluated and hold an evidentiary hearing on the issue of his capacity to sit for a deposition. *Medlin v. Andrew*, 113 FRD 650 (M.D.N.C. 1987).

A. Subjecting Mr. Valls To A Deposition at this Time Will Pose Serious Risks to His Health

Mr. Valls suffers from serious medical conditions that currently do not permit him to adequately meet with his counsel, prepare for a deposition, and sit for a deposition. (Exh. A at. ¶ 7) His medical condition is complicated by two recent falls, which have rendered him "completely incapacitated".; (Dr. Gonzalez-Arias' Disability Certificate at Exh. "D") For these reasons, Mr. Valls' neurologist has explicitly ordered him to be in complete bed-rest.

The opinion of Dr Sergio Gonzalez-Arias has been further confirmed by the second opinion of a second neurologist Dr. Ayyar, who has evaluated Mr. Valls and concluded that he suffers from: "peripheral neuropathy, constant lower extremity numbness and intermittent weakness." It is the professional opinion of Dr. Ayyar that:

Mr. Valls' conditions prohibit him from sitting from prolonged periods of time, and he does not have the physical or mental stamina necessary to endure one or two days of deposition or the time necessary to prepare for deposition." Further, Dr. Ayyar opines that Mr. Valls conditions "prevent him from cooperating with his attorneys to prepare for or sit through a deposition." (Exhibit "A" at ¶ 6).

Critically, in the instant case, Defendant does not seek to prevent his deposition from ever being taken. Defendant merely moves the Court for a protective order postponing the deposition until such time as Mr. Valls' health is not placed at such high risk by proceeding. Mr. Valls' physicians have provided declarations attesting to his current grave physical condition, and are available to testify in this Court if that proves necessary.

B. Plaintiff Will Not Suffer Any Prejudice Since They Have Access to the Same Information without Deposing Mr. Valls

The Plaintiffs will not suffer any prejudice if they are precluded from taking Mr. Valls' deposition for the time being since they have requested over 20 depositions of individuals they have deemed to be material witnesses. (See email from Plaintiff's counsel attached as **Exhibit "F"**). Defendants are willing to produce other witnesses and have in fact offered multiple deposition dates for nine of the requested witnesses and Plaintiffs have declined. (See emails from Defendants' counsel to Plaintiffs' counsel attached as **Composite Exhibit "G"**). Under such circumstances other Courts have noted that any prejudice to Plaintiffs from a brief postponement of Mr. Valls deposition due to his medical condition is ameliorated. See *Dunford*, 233 F.R.D. at 637 (granting protective order based on medical condition of deponent and stating

that “any prejudice to Plaintiff is ameliorated by the slew of discovery Plaintiff has already obtained in this case”).

IV. CONCLUSION

This Court has granted Plaintiffs multiple delays in the taking of Plaintiffs deposition due to family issues with Plaintiffs' counsel and un-proven assertions by Plaintiff Rigoberto Hernandez of his inability to travel to this jurisdiction - despite an explicit Court order. Defendants come before this court seeking a brief delay in the scheduling of Mr. Valls deposition, not with unsupported assertions, but with actual medical records and proffered affidavits from his treating physicians. There is an objective, medical condition preventing Mr. Valls from sitting for deposition at this time. Mr. Valls' is being treated and it is hoped that his condition will improve, allowing for his deposition to be scheduled. In the interim, Plaintiffs have identified over 20 parties and witnesses they would like to depose, and as such, there is no prejudice to Plaintiffs of allowing Mr. Valls some time to heal and recover, while those other depositions to proceed. Accordingly, Mr. Valls respectfully moves this Court for a protective order postponing Mr. Valls' deposition until he has recovered from his recent falls and is physically able to sit and prepare for a deposition.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail on this 20th day of March 2015, on Roderick V. Hannah, Esquire, Counsel for Plaintiff, 1250 S. Pine Island Road, Suite 375, Plantation, Florida 33324 and Pelayo M. Duran, Esquire, Co-Counsel for Plaintiff, 4640 N.W. 7th Street, Miami, Florida 33126.

VM DIAZ & PARTNERS, LLC

Attorneys for Defendants Cova, Inc. and Felipe A. Valls

119 Washington Avenue, Suite 402

Miami Beach, Florida 33139

Tel: 305-704-3200

By: /s/ Victor M. Diaz, Jr.
Victor M. Diaz, Jr., Esq.
Florida Bar No. 503800
victor@diazpartners.com
Jorge D. Lorenzo, Esq.
Florida Bar No. 81702
jlorenzo@diazpartners.com

and

/s/ Reynaldo Velazquez
Reynaldo Velazquez
Florida Bar No.: 069779
revelazquez@forharrison.com

FORDHARRISON LLP

100 S.E. 2nd Street

Suite 2150

Miami, Florida 33131

Telephone: (305) 808-2100

Counsel for Defendants

Exhibit A

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY FLORIDA

CASE NO.: 14-006117 CA 01

RIGOBERTO HERNANDEZ and
ADRIAM MENA,

Plaintiffs,

v.

COVA, INC. d/b/a VERSAILLES
CUBAN RESTAURANT, a Florida
for-profit corporation; and FELIPE
A. VALLS, SR., individually,

Defendants

AFFIDAVIT OF DORAISWAMI AYYAR M.D.

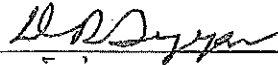
BEFORE ME, the undersigned, an officer duly commissioned by the laws of the
State of Florida, personally appeared, Dr. Ayyar, who, having been first duly sworn, deposes and
says:

1. I have personal knowledge of the matters stated herein.
2. I am over eighteen (18) years of age and understand the obligation of an
oath.
3. I am making this Affidavit at the request of my patient.
4. I am certified by the American Board of Psychiatry and Neurology (ABPN).
5. Mr. Felipe Valls, Sr. is my patient, is well known to me, and is presently
under my care.
6. Mr. Valls suffers from peripheral neuropathy, constant lower extremity
numbness and intermittent weakness. After being in the sitting position his is unable to
stand or feel his legs, which causes trouble with balance and has led to multiple falls.

7. It is my professional opinion, Mr. Valls is physically and medically unable to sit through or prepare for a deposition. Mr. Valls' conditions prohibit him from sitting for prolonged periods of time, and he does not possess the physical and mental stamina necessary to endure one or two days of a deposition or the time necessary to prepare for the deposition. Additionally, his conditions prevent him from cooperating with his attorneys to prepare for or sit through a deposition.

FURTHER AFFIANT SAYETH NOT.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.



STATE OF FLORIDA)
) SS:
COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of March, 2015, by _____, who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

Notary Public - State of _____

(Name of Acknowledger Typed,
Printed or Stamped)

(Title or Rank)

My Commission Expires:

Exhibit B

Doctors Hospital

An Affiliate of Baptist Health South Florida

Patient Name VALLS, FELIPE ALBERTO		Sex Male	Birth Date 03/08/1933	Age 81	MR Num 50000000160420	Account Number 500000304894876
Admit Date 02062015		Discharge Date 02062015		Disposition 01 Discharged Home		EAD 011133070
Attending Physician DAY-CUMMINGS, GLENDA R.					Patient Type Emergency Department	
Reason For Visit						
88101 Open wound, without complication, elbow						
Primary Diagnosis						
88101 Open wound, without complication, elbow						
Secondary Diagnosis						
92320 Contusion of hand 92311 Contusion of elbow E8859 Fall on same level from slipping/tripping/stumbling E8493 Injury or poisoning occurring at/in industrial place and premises						
Procedures				Provider		Date
CPT Procedures and Modifiers				Provider		Date
APC Code	CPT Code	APC Text				APC Weight
Claim Type Single day, single med visit				Claim Disposition No edits on claim		

Exhibit C



PATIENT: FELIPE VALLS
 DATE OF BIRTH: 03/08/1933
 GENDER: Male
 PROVIDER: Sergio Gonzalez Arias MD
 Visit Type: Office Visit
 Date: 03/19/2015 02:00 PM

This 82 year old patient was referred by Alberto Mitrani.

This 82 year old male presents for back pain.

HISTORY OF PRESENT ILLNESS

1. Chief Complaint - back pain

Onset: on 03/19/2015. Severity level is 9. The problem is worsening. It occurs persistently. Location of pain is bilateral lumbar area. Context: sitting and walking. The location of weakness is bilateral thigh and bilateral leg. The location of numbness is bilateral thigh, bilateral leg, right toe(s); footbig toe, second toe, middle toe, fourth toe, fifth toe,,, left toe(s); big toe, middle toe, second toe, fourthfoot, toe and fifth toe. Trauma occurred due to fall while at home, 2 Weeks ago, on 03/06/2015. Patient is previously injured. Symptoms are aggravated by daily activities, standing and walking. The patient denies relieving factors. Additional information: Patient presents to clinic after falling down this morning and a previous fall 2 weeks ago.

Patient is a 82 year old male, who presents after a fall this morning and developed severe back pain. Patient also noted to have a right paraspinal hematoma, right metatarsal fracture and left elbow abrasion upon inspection. Daughter also reports a previous fall 2 weeks prior.

Patient reports lower back pain, without radicular pain. Patient reports numbness/ tingling to bilateral lower extremities due to his neuropathies and bilateral lower extremity weakness. Patient reports loss of balance and ambulates with a cane. Patient denies any changes in bowel or bladder function.

PAST MEDICAL/SURGICAL HISTORY - (Detailed)

Disease/disorder	Onset Date	Management	Date	Comments
		Tonsillectomy		
		Cholecystectomy		
Angina				
Arrhythmia				
Arthritis				
Atrial fibrillation				
Cancer, prostate				RS 03/19/2015 - treated with radiation
Carotid artery disease				
Congestive heart failure				
Coronary artery disease				
Gastric reflux				
High cholesterol				
Hypertension				

FAMILY HISTORY - (Detailed)

Patient reports there is no relevant family history.

SOCIAL HISTORY (Detailed)

Tobacco use reviewed. The patient is right-handed. Preferred language is Spanish.

MARITAL STATUS/FAMILY/SOCIAL SUPPORT

Currently widowed.

SMOKING STATUS

Use Status	Type	Smoking Status	Usage Per Day	Years Used	Total Pack Years
yes	Cigar	Current every day smoker	2 Cigars		

Smoking status: Current every day smoker.

TOBACCO CESSATION INFORMATION

Date	Counseled By	Order	Status	Description	Code	Tobacco Cessation Information
03/19/2015						Smoking cessation education

ALCOHOL - There is no history of alcohol use.

REVIEW OF SYSTEMS

System	Neg/Pos	Details
MS	Positive	Back pain, Muscle weakness, Neck pain.
Hema/Lymph	Negative	Easy bleeding, easy bruising and lymphadenopathy.
Cardio	Negative	Chest pain, claudication, edema and irregular heartbeat/palpitations.
Respiratory	Negative	Chronic cough, cough, dyspnea, known TB exposure and wheezing.
MS	Negative	Joint pain and joint swelling.
Allergic/Immuno	Negative	Contact allergy, environmental allergies, food allergies and seasonal allergies.
Psych	Negative	Anxiety, depression and insomnia.
Reproductive	Negative	Penile discharge and sexual dysfunction.
Endocrine	Negative	Cold intolerance, heat intolerance, polydipsia and polyphagia.
Eyes	Negative	Eye discharge, eye pain and vision changes.
Neuro	Negative	Dizziness, extremity weakness, gait disturbance, headache, memory impairment, numbness in extremity, seizures and tremors.
ENMT	Negative	Ear drainage, hearing loss, nasal drainage, otalgia, sinus pressure and sore throat.
Constitutional	Negative	Chills, fatigue, fever, malaise, night sweats, weight gain and weight loss.
GI	Negative	Abdominal pain, blood in stool, change in stool pattern, constipation, decreased appetite, diarrhea, heartburn, nausea and vomiting.
GU	Negative	Dribbling, dysuria, erectile dysfunction, hematuria, polyuria, slow stream, urinary frequency, urinary incontinence and urinary retention.
Integumentary	Negative	Brittle hair, brittle nails, change in shape/size of mole(s), hair loss, hirsutism, hives, pruritus, rash and skin lesion.

VITAL SIGNS

BP	Pulse	Resp	O2 Sat	Temp	Ht ft	Ht in	Ht cm	Wt lb	BMI	BSA	measured by

Patient Name: VALLS, FELIPE DOB: 03/08/1933 Encounter Date: 03/19/2015 02:00 PM
 Baptist Hospital Neurosurgery 8950 N Kendall Drive Suite 407W, Miami FL 33176-2139
 Phone: (305)271-6159 Fax: (786)533-9989

132/67 66

97.0 5.0 11.00 180.34 193.00 26.92

Rosemarie Schwitzer

Exam	Findings	Details
Neurological - Cranial Nerves	Normal	Cranial nerves - Cranial nerves I grossly intact, II. Normal visual fields bilaterally to confrontation. III, IV, VI. Extraocular movements are full in all directions. V. Facial sensation in V1, V2 and V3 distribution is preserved symmetrically. VII. No facial asymmetry with normal facial strength. VIII. Normal hearing bilaterally to finger / hair rub. IX, X. Uvula is midline, soft palate moves symmetrically, no difficulty swallowing. XI. Shoulder shrug symmetrical and of normal strength. XII. Tongue protrusion is midline. No atrophy or fasciculations.
Neurological	Comments	<p>There is severe tightness of both lumbar paraspinal areas. Any range of motion of his paraspinal musculature creates significant painful symptoms.</p> <p>SLR is positive on both sides with significant hamstring tightness and elicits back pain at approximately 40 degrees on both sides.</p> <p>There's a hematoma in the right paraspinal region of approximately 5cm in longest extension and 4cm in smallest.</p>
Neurological	Normal	Level of consciousness - Normal. Orientation - Normal. Memory - Normal. Sensory-Normal sensation to pinprick and light touch bilaterally in all dermatomes of upper and lower extremities. Motor - Normal strength in all muscle groups of both upper and lower extremities with normal tone and bulk. No atrophy. Balance and gait - No gait instability, normal heel-to-toe walking, no spasticity noted. Cerebellar exam: No dysmetria on finger-to-nose testing, no nystagmus. Fine motor skills - Normal. Babinski (plantar reflex) - Normal. Kernig's sign - Negative. Brudzinski's sign - Negative. Hand dominance - Right-handed.
Reflexes-PE	*	Deep Tendon: Biceps(C5-6): Bilateral: 1+. Brachioradialis(C5-6): Bilateral: 1+. Triceps (C6-8): Bilateral: 1+. Patellar (L2-4): Bilateral: absent. Achilles (L5,S1-2): Bilateral: absent. Brainstem: Corneal(CN V,VII): Bilateral: present. Pupillary reaction(CN II,III): present.
Reflexes-PE	Normal	Other: Absent.

Completed Orders (this encounter)

Order	Details	Reason	Side	Inter	Result
Lifestyle education regarding diet					

Assessment/Plan

#	Detail Type	Description
1.	Assessment Impression	<p>Back pain (724.5).</p> <p>The patient presents with a severe lumbar myofascial painful syndrome secondary to multiple falls, the most current one being earlier this morning. There is significant stiffness of his paraspinal musculature bilaterally in the lumbar spine with evidence of right-sided ecchymosis as noted above. This injury, together with the morbid obesity of the patient</p>

Patient Name: VALLS, FELIPE DOB: 03/08/1933 Encounter Date: 03/19/2015 02:00 PM
 Baptist Hospital Neurosurgery 8950 N Kendall Drive Suite 407W, Miami FL 33176-2139
 Phone: (305)271-6159 Fax: (786)533-9989

Page: 3/6

has facilitated the development of a severe lumbar painful syndrome rendering him with significant difficulty to ambulate and carry out activities of daily living.

I discussed with the patient and his daughter, who accompanied him, the treatment alternatives. Certainly the degree of pain is such that acute pain management in an inpatient setting could be considered. However the patient is quite clear that he would like to not proceed with admission to the hospital.

I do believe that an aggressive treatment plan including a period of bed rest with analgesics, muscle relaxants, and daily physical therapy is the appropriate treatment modalities at this time. Imaging studies to rule out fracture should be considered, though they were reportedly performed during his last ER visit following the fall that precipitated the onset of symptoms which have progressed to current status and further exacerbated by the muscle spasm developed today. It is clear that the event that worsened his symptoms today was more of an acute onset of muscle spasm while bracing himself.

I provided the patient a prescription for Percocet as an analgesic and Robaxin as a muscle relaxant to assist in treating his significant muscle spasm. I have also provided a prescription for homebound physical therapy in light of the significant limitations which the patient is having for ambulation at this time. The degree of spasm is such that attempt at normal activities can create a sudden pain that could, in the presence of his severe morbid obesity with a very large abdominal pannus, facilitate instability and further risk of falling. I stressed to him the importance of immobility for period of time to be determined depending on his response to the treatment modalities prescribed.

Because of the severity of the muscle spasms and the recommendation for an initial period of bedrest I have also advised him to contact Dr. Hugo Garcia, his treating cardiologist, to assess for proper thromboembolic prophylaxis if appropriate. Currently the patient is on Plavix medication.

I stressed to the patient the significant morbid obesity situation which he finds himself in. This is clearly creating significant biomechanical dysfunction which is leading to multiple falls. He has already been treated for a severe fracture of his cervical spine and continue following can render him a significant risk of injury with potential catastrophic consequences. I have once again reiterated to the patient and his daughter the importance of her dressing is obesity and the most aggressive term possible including consideration for bariatric surgery if clinically able to be considered. I will defer this to Dr. Hugo Garcia.

Depending on his clinical course further adjustment adjustments to the treatment plan described above will be entertained. The patient has been advised to immediately proceed to Baptist Hospital emergency room if there is any further exacerbation of his painful symptoms or there is any onset of weakness, numbness in his lower extremities or any change in his bladder or bowel function..

Plan Orders

Referrals: Home health care. Evaluate and treat and Referrals: Physical Therapy. Evaluate and treat in 3 times a week 4 Weeks.

2. Assessment Impression

Muscle spasm of back (724.8).

Patient presents to clinic with back pain s/p fall. Patient was found to have a right paraspinal hematoma, a known right 1st metatarsal fracture and left elbow abrasion noted upon examination related to a another fall that occurred approximately 2 weeks ago.

Patient was recommended to be on strict bedrest due to his pain and limitation. Patient

has been cautioned against heaving lifting, pushing, pulling or physical overexertion. An order was given for home health care and physical therapy to start supervised range of motion exercises to promote a timely recovery.

Patient was also instructed in case of sudden severe pain, weakness, paresthesia, trauma/fall or sudden loss of bladder or bowel function develops to please proceed to Baptist Hospital Emergency Room.

We look forward to seeing the patient as needed. If any questions or concerns should arise please contact our office as needed..

3. Assessment Obesity (278.00).
 Impression See above.
 Plan Orders Today's instructions / counseling include(s) Lifestyle education regarding diet.

Medications (added, continued or stopped this visit):

Started	Medication	Directions	Instruction	Stopped
	Ambien 5 mg tablet	take 1 tablet by oral route every day at bedtime		
	aspirin 81 mg chewable tablet	chew 1 tablet by oral route every day		
	Benicar 20 mg tablet	take 1 tablet by oral route every day		
	citalopram 10 mg tablet	take 1 tablet by oral route every day		
	Crestor 5 mg tablet	take 1 tablet by oral route every day		
	Flomax 0.4 mg capsule	take 1 capsule by oral route every day 1/2 hour following the same meal each day		
	Metamucil	Take three capsules by mouth daily		
	Plavix 75 mg tablet	take 1 tablet by oral route every day		
03/19/2015	Robaxin-750 750 mg tablet	take 1 tablet by oral route every 4 hours		
	triamterene 37.5 mg-hydrochlorothi	take 1 capsule by oral route every day		
	azide 25 mg capsule			
03/19/2015	zolpidem 5 mg tablet	take 1 tablet by oral route every day at bedtime		

ORDERS

Instruction(s)/Education:

Assessment	Instruction
278.00	Lifestyle education regarding diet

The patient was checked out at 2:43 PM by Michelle Munera.

Provider: Sergio Gonzalez Arias MD 03/20/2015 07:58 AM

Document generated by: Sergio GonzalezArias 03/20/2015

Copy Providers:

Hugo Garcia
9193 Sw 72 St Suite 210
Miami, FL 33173-

Lazaro Garcia
3626 Nw 7 St
Miami, FL 33125-

Electronically signed by Sergio Gonzalez Arias MD on 03/20/2015 07:58 AM

Exhibit D



**Baptist Health
Medical Group**
BAPTIST HEALTH SOUTH FLORIDA

Neurological Surgery
Sergio González-Arias, M.D., PhD, F.A.A.N.S., FACS
Jack M. Klem, M.D., F.A.A.N.S., FACS
Vitaly Siomin, M.D.
Jobyna Whiting, M.D.
Justin Sporrer, M.D.

8950 North Kendall Drive, Suite 407W
Miami, FL 33176
Tel: 305-271-6159
Fax: 786-533-9989
BaptistHealth.net

DISABILITY CERTIFICATE

Date: 3/19/15

This is to certify that FELIPE VILUS

has been under my professional care and was:

X Totally Incapacitated

 Partially Incapacitated

from 3/19/15 to UNDETERMINED

and is able to return to work/school on: UNDETERMINED

Restrictions/limitations: COMPLETE BEDREST
PRESCRIBED - DISCUSSED WITH
PT. NEED TO CONSIDER PROPHYLAXIS
TO PREVENT THROMBOEMBOLIC PHENOMENA.

MD Signature

Composite Exhibit E



Referral Communication Form

Provider: Justin M. Sporrer MD

Encounter: 03/19/2015 02:00 PM

Patient Information

FELIPE ALBERTO VALLS

DOB: 03/08/1933

Insurance/Authorization Information

Date ordered: 03/19/2015

Insurance: Medicare

Policy#: 266709000A

Group# Na

Ordering Provider:

Rosemarie Schwitzer ARNP

8950 SW 88 St Suite 407W

Miami, FL 33176

Phone: (305)271-6159 Fax: (786)533-9989

PCP: Alberto A Mitrani MD

Referral Information

Order

Referrals: Physical Therapy. Evaluate and treat

Primary / Billing Diagnosis: Back pain (724.5)

Clinical Information / Comments: Patient is in need of at home physical therapy due to his limitations and pain.

Appointment timeframe: 3 times a week 4 Weeks

Current Medications:

Medication	Dose	Sig Desc
TRIAMTERENE/HYDROCHLOROTHIAZID	37.5 mg-25 mg	take 1 capsule by oral route every day
PLAVIX	75 mg	take 1 tablet by oral route every day
FLOMAX	0.4 mg	take 1 capsule by oral route every day 1/2 hour following the same meal each day
CRESTOR	5 mg	take 1 tablet by oral route every day
CITALOPRAM HYDROBROMIDE	10 mg	take 1 tablet by oral route every day
BENICAR	20 mg	take 1 tablet by oral route every day
ASPIRIN	81 mg	chew 1 tablet by oral route every day
ROBAXIN-750	750 mg	take 1 tablet by oral route every 4 hours
ZOLPIDEM TARTRATE	5 mg	take 1 tablet by oral route every day at bedtime

Patient Name: FELIPE VALLS DOB: 03/08/1933 Encounter Date: 03/19/2015 02:00 PM

Baptist Hospital Neurosurgery * 8950 N Kendall Drive * Suite 407W * Miami * FL * 33176-2139

Phone: (305)271-6159 Fax: (786)533-9989

PROBLEM LIST

Problem Description
Lower back pain

Onset Date
03/19/2015

Provider **Justin M. Sporrer MD**



Document generated by: Michelle Munera on 03/19/2015 02:43 PM

Patient Name: FELIPE VALLS DOB: 03/08/1933 Encounter Date: 03/19/2015 02:00 PM

Baptist Hospital Neurosurgery * 8950 N Kendall Drive * Suite 407W * Miami * FL * 33176-2139
Phone: (305)271-6159 Fax: (786)533-9989



Referral Communication Form

Provider: Justin M. Sporrer MD

Encounter: 03/19/2015 02:00 PM

Patient Information

FELIPE ALBERTO VALLS

DOB: 03/08/1933

Insurance/Authorization Information

Date ordered: 03/19/2015

Insurance: Medicare

Policy#: 266709000A

Group# Na

Ordering Provider:

Rosemarie Schwitzer ARNP

8950 SW 88 St Suite 407W

Miami, FL 33176

Phone: (305)271-6159 Fax: (786)533-9989

PCP: Alberto A Mitrani MD

Referral Information

Order

Referrals: Home health care. Evaluate and treat

Primary / Billing Diagnosis: Back pain (724.5)

Clinical Information / Comments: for at home physical therapy

Current Medications:

Medication	Dose	Sig Desc
TRIAMTERENE/HYDROCHLOROTHIAZID	37.5 mg-25 mg	take 1 capsule by oral route every day
PLAVIX	75 mg	take 1 tablet by oral route every day
FLOMAX	0.4 mg	take 1 capsule by oral route every day 1/2 hour following the same meal each day
CRESTOR	5 mg	take 1 tablet by oral route every day
CITALOPRAM HYDROBROMIDE	10 mg	take 1 tablet by oral route every day
BENICAR	20 mg	take 1 tablet by oral route every day
ASPIRIN	81 mg	chew 1 tablet by oral route every day
ROBAXIN-750	750 mg	take 1 tablet by oral route every 4 hours
ZOLPIDEM TARTRATE	5 mg	take 1 tablet by oral route every day at bedtime

PROBLEM LIST

Problem Description

Onset Date

Patient Name: FELIPE VALLS DOB: 03/08/1933 Encounter Date: 03/19/2015 02:00 PM

Baptist Hospital Neurosurgery * 8950 N Kendall Drive * Suite 407W * Miami * FL * 33176-2139

Phone: (305)271-6159 Fax: (786)533-9989

Provider **Justin M. Sporrer MD**

A handwritten signature in black ink, appearing to read 'Justin M. Sporrer', written in a cursive style.

Document generated by: Michelle Munera on 03/19/2015 02:43 PM

Patient Name: FELIPE VALLS DOB: 03/08/1933 Encounter Date: 03/19/2015 02:00 PM

Baptist Hospital Neurosurgery * 8950 N Kendall Drive * Suite 407W * Miami * FL * 33176-2139

Phone: (305)271-6159 Fax: (786)533-9989

Exhibit F

Microsoft
Outlook Web App

Type here to search

Entire Mailbox



Options



Sign out

Mail



Calendar



Contacts



Deleted Items (261)



Drafts [3]



Inbox (1)



Junk E-Mail [110]



Sent Items



Deleted Items (261)



Cova



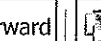
Manage Folders...



Reply

Reply All

Forward



Junk

Close

**FW: Mena Hernandez v Felipe Valls and Cova**

Jorge D. Lorenzo

To help protect your privacy, some content in this message has been blocked. If you're sure this message is from a trusted sender and you want to re-enable the blocked features, click here.

Sent: Friday, March 20, 2015 10:06 AM**To:** Ailyn Popowski; Perla Roiz**Cc:** Jorge D. Lorenzo

From: duranandassociates@gmail.com [duranandassociates@gmail.com]
on behalf of Pelayo Duran [pduran@pelayoduran.com]

Sent: Friday, December 05, 2014 3:26 PM

To: Victor Diaz; Rey Velazquez; Roderick Hannah; Alberto Alvarez; Jorge D. Lorenzo; Martha Mirambeau; Marisol Perez; Assistant; Perla Roiz; Iliana Yarzabal

Subject: Mena Hernandez v Felipe Valls and Cova

Mr Diaz:

Kindly provide us with alternate available dates for the following depositions. Please note that these are estimated times. It is impossible to predict how long the depositions will take. They may be longer if the witnesses require an interpreter.

- Felipe Valls, Sr all day
- Annia Garcia 1/2 day
- Antonio Robles all day
- Jose Verde all day
- Angel Fernandez 1/2 day
- Julia (LNU) HR Assistant all day
- Claudia Castano all day
- Jose Reyes all day
- Marcus Rodriguez Miami Dade County Police Dept 2 hours
- Norberto Ferro all day
- Carmen Gutierrez 2 hours
- Alejandro G. Villarreal 2 hours

- Carlos A. Quintero 2 hours
- Idaine Montero 2 hours
- Albert Ojeda 2 hours
- Adnaloy Gonzalez 2 hours
- Isabel De Melo 2 hours
- Elisabeth Fernandez 2 hours
- Luisa Oramas 2 hours
- Dairys Pena 2 hours
- Maria Luisa Rodriguez 2 hours
- Nina Porras 2 hours
- Maribel Gutierrez 2 hours

If we do not receive alternate available date by Wednesday December 10 2014 at 5:00 PM we will have no choice but to unilaterally set these deposition at our convenience.

HAPPY HOLIDAYS ! ! !

Pelayo M. Duran, Esq.

4640 NW 7th Street, First Floor
Miami, Fl 33126
Office: 305-266-9780
Fax: 305-269-8311

www.PelayoDuran.com

CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential information, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this transmittal, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.



Connected to Microsoft Exchange

Composite Exhibit G

Microsoft
Outlook Web App

Type here to search

Entire Mailbox



Options



Sign out

Mail

Calendar

Contacts

Deleted Items (261)

Drafts [3]

Inbox (1)

Junk E-Mail [110]

Sent Items

Deleted Items (261)

Cova

Manage Folders...

Reply

Reply All

Forward



Junk

Close

**FW: Mena Hernandez v Felipe Valls and Cova**

Jorge D. Lorenzo

To help protect your privacy, some content in this message has been blocked. If you're sure this message is from a trusted sender and you want to re-enable the blocked features, click here.

Sent: Friday, March 20, 2015 10:07 AM**To:** Ailyn Popowski; Perla Roiz**Cc:** Jorge D. Lorenzo**From:** Victor Diaz**Sent:** Monday, December 15, 2014 5:20 PM**To:** 'Pelayo Duran'**Cc:** Iliana Yarzabal; Jorge D. Lorenzo; Martha Mirambeau; Roderick Hannah; Rey Velazquez; Assistant; Perla Roiz; Marisol Perez; Alberto Alvarez**Subject:** RE: Mena Hernandez v Felipe Valls and Cova

Mr. Duran,

We are still awaiting your availability to meet to develop a coordinated deposition schedule as requested in my December 10 (5:12pm) email (see below). In the interim, and in the spirit of cooperation and a mutual desire to advance discovery in this case, below please find proposed dates for the following witnesses.

1. Claudia Castano – January 20, 2012
2. Isabel de Melo – January 22, 2015 (morning or afternoon)
3. Maria Luisa Rodriguez – January 22, 2015 (morning or afternoon)
4. Antonio Robles – January 23, 2015

Also, please provide dates for the following depositions:

1. Mario Trujillo
2. Teresita Manso (Plaintiff Hernandez' mother)
3. Leonardo Hernandez (Plaintiff Hernandez's son)
4. Desire Carolina Santos (Plaintiff Mena's Ex-wife)

Thank you.

Kind Regards,

Victor M. Diaz, Esq.
VM Diaz & Partners, LLC.
119 Washington Avenue Suite 402
Miami Beach, FL 33139
victor@diazpartners.com
T: 305-704-3200
F: 305-538-4928

Excellence in Legal Advocacy/Focus on Client Service

From: duranandassociates@gmail.com
[mailto:duranandassociates@gmail.com] **On Behalf Of** Pelayo Duran
Sent: Wednesday, December 10, 2014 6:13 PM
To: Victor Diaz
Cc: Iliana Yarzabal; Jorge D. Lorenzo; Martha Mirambeau; Roderick Hannah; Rey Velazquez; Assistant; Perla Roiz; Marisol Perez; Alberto Alvarez
Subject: RE: Mena Hernandez v Felipe Valls and Cova

Mr Diaz:

Please kindly provide us with the available dates for the depositions that we requested.

This is our second request.

--

Pelayo M. Duran, Esq.

Solutions and Advice for Peace of Mind

4640 NW 7th Street, First Floor

Miami, Fl 33126
Office: 305-266-9780
Fax: 305-269-8311

www.PelayoDuran.com

***CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential information, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are

hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.***

CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this transmittal, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.

On Dec 10, 2014 5:12 PM, "Victor Diaz"
<victor@diazpartners.com> wrote:

Mr. Duran: we are in the process of coordinating deposition dates and times for after the conclusion of Mr. Hernandez' depo. Pls advise whether you will consent to the appointment of a special master for Mr Hernandez' continued deposition and provide proposed dates.

We will advise which of the witnesses you requested will need to be subpoenaed and which witnesses will appear without the need for subpoena.

We also will provide the names of third party witnesses we wish to schedule.

Pls advise when you are available to meet to develop a coordinated deposition schedule.

Kind Regards,

Victor M. Diaz, Esq.
VM Diaz & Partners, LLC.
119 Washington Avenue Suite 402
Miami Beach, FL 33139
victor@diazpartners.com
T: [305-704-3200](tel:305-704-3200)
F: [305-538-4928](tel:305-538-4928)

Excellence in Legal Advocacy/Focus on Client Service

From: duranandassociates@gmail.com

[mailto:duranandassociates@gmail.com] **On Behalf Of** Pelayo Duran

Sent: Friday, December 05, 2014 3:27 PM

To: Victor Diaz; Rey Velazquez; Roderick Hannah; Alberto Alvarez; Jorge D. Lorenzo; Martha Mirambeau; Marisol Perez; Assistant; Perla Roiz; Iliana Yarzabal

Subject: Mena Hernandez v Felipe Valls and Cova

Mr Diaz:

Kindly provide us with alternate available dates for the following depositions. Please note that these are estimated times. It is impossible to predict how long the depositions will take. They may be longer if the witnesses require an interpreter.

- Felipe Valls, Sr all day
- Annia Garcia 1/2 day
- Antonio Robles all day
- Jose Verde all day
- Angel Fernandez 1/2 day
- Julia (LNU) HR Assistant all day
- Claudia Castano all day
- Jose Reyes all day
- Marcus Rodriguez Miami Dade County Police Dept 2 hours
- Norberto Ferro all day
- Carmen Gutierrez 2 hours
- Alejandro G. Villarreal 2 hours
- Carlos A. Quintero 2 hours
- Idaine Montero 2 hours

- Albert Ojeda 2 hours
- Adnalo Gonzalez 2 hours
- Isabel De Melo 2 hours
- Elisabeth Fernandez 2 hours
- Luisa Oramas 2 hours
- Dairys Pena 2 hours
- Maria Luisa Rodriguez 2 hours
- Nina Porras 2 hours
- Maribel Gutierrez 2 hours

If we do not receive alternate available date by Wednesday December 10 2014 at 5:00 PM we will have no choice but to unilaterally set these deposition at our convenience.

H
APPY HOLIDAYS !!!
Pelayo M. Duran, Esq.

4640 NW 7th Street, First Floor
Miami, Fl 33126
Office: 305-266-9780
Fax: 305-269-8311

www.PelayoDuran.com















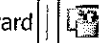






***CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential information, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are

hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.***

CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this transmittal, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.



Connected to Microsoft Exchange

<p>Mail</p> <p> Calendar</p> <p> Contacts</p> <hr/> <p> Deleted Items (261)</p> <p> Drafts [3]</p> <p> Inbox (1)</p> <p> Junk E-Mail [110]</p> <p> Sent Items</p> <hr/> <p>Deleted Items (261)  </p> <hr/> <p> Cova</p> <hr/> <p> Manage Folders...</p>	<p>  Reply  Reply All  Forward   X  Junk  Close    </p> <p>FW: Cova adv. Hernandez/Mena - deposition scheduling</p> <p>Jorge D. Lorenzo</p> <p>This message was sent with High Importance.</p> <p>Sent: Friday, March 20, 2015 10:09 AM</p> <p>To: Ailyn Popowski; Perla Roiz</p> <p>Cc: Jorge D. Lorenzo</p> <hr/> <p>From: Victor Diaz</p> <p>Sent: Monday, February 16, 2015 11:24 AM</p> <p>To: Pelayo Duran (pduran@pelayoduran.com); duranandassociates@gmail.com; Roderick Hannah (rhannah@rhannahlaw.com); Rod Hannah</p> <p>Cc: assistant@pelayoduran.com; Marisol Perez (mperez@pelayoduran.com); Iliana Yarzabal; Jorge D. Lorenzo; Ailyn Popowski; Rey Velazquez (RVelazquez@fordharrison.com)</p> <p>Subject: RE: Cova adv. Hernandez/Mena - deposition scheduling</p> <p>Good morning Rod & Pelayo,</p> <p>Pursuant to your request, we are providing you with proposed dates for the depositions of the following additional witnesses:</p> <p>Jose Verde: March 12th , March 20th , and March 27th</p> <p>Luisa Ormas: March 19th and April 2nd</p> <p>Elisabeth Fernandez: March 19th and April 2nd</p> <p>Nina Porras: March 20th and March 27th</p> <p>Dairys Pena: March 20th and March 27th</p> <p>On February 2, 205 we provided you with proposed dates for another four (4) witnesses:</p> <p>Claudia Castano – March 24th, 27th and 31^s</p> <p>Isabel de Melo – March 13th, 20th and 27th (afternoon only)</p> <p>Maria Luisa Rodriguez – March 13th, 20th and March 27th</p> <p>Antonio Robles – March 12th, 13th or 17th</p>
--	---

You now have proposed deposition dates for **nine** (9) witnesses.

Yet, despite repeated requests, you have refused to provide dates for any of the additional witnesses, Defendants would like to schedule.

It is not fair for you to contend that Defendants are not entitled to any further discovery beyond the deposition of the Plaintiffs.

We have repeatedly offered to sit down and work out a mutually agreeable schedule so both sides can proceed with the needed discovery.

You have refused our offer to do so.

Discovery should be reciprocal and two-way and should be coordinated by counsel without the need for Court intervention. I again request such a scheduling conference be held ASAP.

The dates we are holding for you, are:

March 12: Antonio Robles or Jose Verde

March 13 : Isabel de Melo & Maria Luisa Rodriguez or Antonio Robles

March 17: Antonio Robles

March 19: Luisa Ormas (morning) & Elisabeth Fernandez (afternoon)

March 20: Isabel de Melo & Maria Luisa Rodriguez or Jose Verde (all day) or Nina Porras (morning) and Dairys Pena (afternoon)

March 24: Claudia Castano

March 27: Isabel de Melo & Maria Luisa Rodriguez or Claudia Castano or Jose Verde or Nina Porras (morning) and Dairys Pena (afternoon)

March 31: Claudia Castano

April 2: Luisa Ormas (morning) & Elisabeth Fernandez (afternoon)

Please advise ASAP if you intend to proceed with any of these depositions, as the witnesses cannot hold dates open on their calendar indefinitely.

As for your request below for dates for Mr Valls and Ms. Garcia – communicated to my team while I was away on vacation – I have requested dates and will be prepared to exchange them at a scheduling conference for dates for the witnesses we have

requested from Plaintiffs: Mr. Trujillo, Ms. Manso, Mr. Leonardo Hernandez and Ms. Santos. Please note our request has been pending **since December 15, 2014**, with a further follow-up on February 2, 2015.

We look forward to your prompt reply, so we can finalize a deposition schedule in this case.

Kind Regards,

Victor M. Diaz, Esq.
VM Diaz & Partners, LLC.
119 Washington Avenue Suite 402
Miami Beach, FL 33139
victor@diazpartners.com
T: 305-704-3200
F: 305-538-4928

Excellence in Legal Advocacy/Focus on Client Service

From: duranandassociates@gmail.com
[mailto:duranandassociates@gmail.com] **On Behalf Of** Pelayo Duran
Sent: Wednesday, February 11, 2015 7:24 AM
To: Jorge D. Lorenzo
Cc: Iliana Yarzabal; Pelayo Duran (assistant@pelayoduran.com); Roderick Hannah (rhannah@rhannahlaw.com); Marisol Perez (mperez@pelayoduran.com); rvelazquez@fordharrison.com
Subject: Re: Cova adv. Hernandez/Mena - deposition scheduling

A week ago we were supposed to hear back regarding the deposition of Mr Valls and Ms Garcia we still awaiting a response.

Please advise

On Tuesday, February 3, 2015, Jorge D. Lorenzo
<JLorenzo@diazpartners.com> wrote:
Good Morning Pelayo,

Mr. Valls and Ms. Garcia are not available for deposition on either March 12 or March 13. The deponents we provided are the ones with the first available dates in March (which is the soonest we can schedule following the Judge's ruling on Plaintiff Hernandez's deposition). Please do not notice Mr. Valls or Ms. Garcia for deposition without first confirming their (and our) availability. I will inquire further into your request.

Would you please indicate when Mr. Trujillo, Ms. Manso, Mr. Leonardo

Hernandez and Ms. Santos are available for deposition so that we may mutually coordinate. Thank you again.

Best Regards,

Jorge D. Lorenzo, Esq.
VM Diaz & Partners, LLC.
119 Washington Avenue, Suite 402
Miami Beach, FL 33139
jlorenzo@diazpartners.com
Tel: 305-704-3200
Fax: 305-538-4928
Excellence in Legal Advocacy/Focus on Client Service

From: duranandassociates@gmail.com
[mailto:duranandassociates@gmail.com] **On Behalf Of** Pelayo Duran
Sent: Monday, February 02, 2015 10:28 PM
To: Iliana Yarzabal
Cc: Pelayo Duran (assistant@pelayoduran.com); Roderick Hannah (rhannah@rhannahlaw.com); Marisol Perez (mperez@pelayoduran.com); Jorge D. Lorenzo; rvelazquez@fordharrison.com
Subject: Re: Cova adv. Hernandez/Mena - deposition scheduling

The first 2 deposition that we want to take in this case (as we have requested numerous times in the past) is the Defendant's deposition Felipe Valls, Sr., and Annia Garcia.

We will require at least full day of Deposition for Mr. Valls deposition if we are unable to complete it on the 12th the we can conclude it at a later date of in the morning of the 13th. We are able to take these 2 depositions on March 12 and 13th.

Once we coordinate these 2 Deposition then we will be able to better asses if the proposed alternate dates that you are providing are acceptable.

Kindly advise if we can proceed to notice these deposition on the 12th/13th.

If we do not hear back from you then we will have no choice but to file a Motion to Compel these depositions that are long overdue.

Regards

--

On Mon, Feb 2, 2015 at 3:18 PM, Iliana Yarzabal

<IYarzabal@diazpartners.com> wrote:

We are providing you with proposed dates for the following witnesses:

1. Claudia Castano – March 24th, 27th and 31st
2. Isabel de Melo – March 13th, 20th and 27th
(afternoon only)
3. Maria Luisa Rodriguez – March 13th, 20th and
27th
4. Antonio Robles – March 12th, 13th or 17th

We are again requesting dates for the witnesses listed below: Please forward as soon as possible.

1. Mario Trujillo
2. Teresita Manso (Plaintiff Hernandez' mother)
3. Leonardo Hernandez (Plaintiff Hernandez's son)
4. Desire Carolina Santos (Plaintiff Mena's Ex-wife)

Kind Regards,

Iliana Yarzabal, CP, FRP

VM Diaz & Partners, LLC

119 Washington Avenue, Suite 402

Miami Beach, FL 33139

Tel No: [\(305\) 704-3200](tel:(305)704-3200)

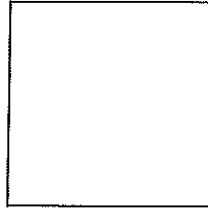
Fax No: [\(305\) 538-4928](tel:(305)538-4928)

iyarzabal@diazpartners.com

Excellence in Legal Advocacy/Focus on Client Service

--

Pelayo M. Duran, Esq.



4640 NW 7th Street, First Floor
Miami, FL 33126
Office: 305-266-9780
Fax: 305-269-8311

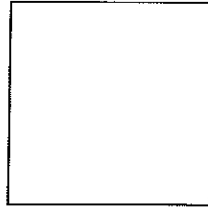
www.PelayoDuran.com

CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential information, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this transmittal, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.

--

Pelayo M. Duran, Esq.



4640 NW 7th Street, First Floor
Miami, FL 33126
Office: 305-266-9780
Fax: 305-269-8311

www.PelayoDuran.com

CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential information, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this transmittal, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.



Connected to Microsoft Exchange