

Objection: Invasion of privacy, vague, ambiguous, overbroad, irrelevant, and not proportionate to the needs of this case. This interrogatory is vague and ambiguous in the use of the words “accident” or “incident” and could mean anything from a skinned knee as a child, to a paper cut as an adult, or a fender bender in her teens bearing no relation to the issues in this lawsuit. This interrogatory is overbroad in that it is not limited in time and spans over 35 years for such events; and over broad in that it is not limited injuries related to body parts Plaintiff is alleging injury to in this case. This information can only be a fishing expedition in an effort to paint the Plaintiff as accident prone and shift responsibility for the negligence of the Defendant. This interrogatory is irrelevant because whether the plaintiff had an “accident” or “incident” that did not result in injury or medical treatment to relevant parts of her body is not reasonably calculated to lead to the discovery of admissible evidence.

Furthermore, forcing a claimant to list by name health care providers who do not have information potentially relevant to the claim and provide dates of service in and of itself reveals irrelevant private medical information and goes beyond the scope of discovery. *Weaver vs. Myers*, 229 So. 3d 1118, fn.5 (Fla. 2017). The analysis does not change when someone files a lawsuit putting other medical conditions at issue. Although this case arose from the pre-suit notice requirement for medical negligence cases, the rationale has been cited by other courts in non-medical negligence cases. For example, *Ern vs. Springer*, 315 So. 3d 706 (Fla. 4th DCA 2021) was an auto case. There, the plaintiff was ordered to produce mental health records. The order permitted production of records without limitation or an in-camera inspection to ensure only relevant information was disclosed. The Court held that the order departed from the essential requirements of law and remanded the case with instructions for the trial court to conduct an in-camera inspection. Also, *Dominguez vs. Omana*, 381 So. 3d 1271 (Fla. 6th DCA 2024) was a medical negligence case in litigation. The plaintiff plead all negligence damages, including non-economic damages of mental anguish. The defense sought subpoenas to non-parties that sought “any and all” records for the last 10 years that pertained to the Plaintiff without limitations. Plaintiff objected arguing that the subpoenas were overbroad, invaded his constitutional rights to privacy because it was highly probable that irrelevant medical records would be produced. The trial court overruled the objection, denied in-camera inspection, and found that the plaintiff had placed his medical condition at issue by filing the lawsuit. The appellate court found the trial court departed from the essential requirements of law in overruling the objection without conducting an in-camera inspection. The court found that it was highly probable that irrelevant medical records could accompany relevant medical records because the breadth of the subpoena’s cast too wide a net, relying on *Tanner vs. Hart*, 313 So. 3d 805, 808 (Fla. 2nd DCA 2021). The court held that the trial court was required to either (1) limit the scope of the subpoenas; or (2) conduct an in-camera inspection. The court noted the burden on trial courts to conduct these reviews but the burden was necessary to protect privacy rights. This holding was reaffirmed in the recent case of *Rodriguez vs. Currey*, 410 So.3d 114 (Fla. 5th DCA 2025) where the court remanded the lower court decision to produce records from five (5) years prior to the incident for an in-camera inspection.

Although these cases specifically address production of records by subpoena or requests to a party, the legal principles governing the protection of private medical information apply with equal force to interrogatories seeking similar information. The fact that the discovery

tool is an interrogatory rather than a subpoena does not diminish the constitutional privacy concerns at issue. Just as overbroad subpoenas cast too wide a net and necessitate court intervention to protect irrelevant private information, overbroad interrogatories seeking irrelevant medical provider information should be similarly limited. The trial court must ensure that discovery requests do not violate the Plaintiff's right to privacy by compelling the disclosure of medical information beyond what is necessary and relevant to the litigation.

In an effort to participate in reasonable discovery pending the resolution of these objections, Plaintiff will this interrogatory limited to motor vehicle crashes in the past five years resulting in injuries to the same parts of her body that were injured in this crash: I have not.