

HILL
ADAMS
HALL
&
SCHIEFFELIN
ATTORNEYS AT LAW
A Professional Association

1030 W. CANTON AVENUE
SUITE 200
POST OFFICE BOX 1090
WINTER PARK, FLORIDA 32790-1090

TELEPHONE (407) 628-4848
FAX (407) 628-3848
EMAIL: tschieffelin@hahslaw.com

April 4, 2006

THOMAS L. SCHIEFFELIN, JR.

Via Facsimile and U.S. Mail

Andrea L. Hairelson, Esquire
Mac A. Greco, Jr., P.A.
600 Madison Street
Tampa, Florida 33602-4037

Re: Lattner v. West Orange Health Care District, d/b/a Health Central
Our File No.: 38.1881

Dear Andrea:

In response to your March 31, 2006 fax correspondence, I will forward your request to the hospital in hopes of identifying the handwriting and/or signature of the triage nurse. If this can be done, I will disclose the identity immediately. I will take under advisement your request for additional depositions. As you know, I wrote you well in advance of the deposition of John Nemchek to advise that I had met with him, that he had reviewed the medical records, that he did not identify any entries made by him or referencing care provided by him, and that he had no memory of Mr. Lattner, either. Moreover, after establishing these facts early on in his deposition, you continued to question Mr. Nemchek on a number of other issues of, at best, marginal relevance. Additionally, as I recall, when you petitioned for an enlargement of the number of allowable depositions, there was no request for an enlargement in order to take a triage nurse. When all counsel met early on in the case to establish our discovery plan and deadlines, Trey had originally advised that it was Plaintiff's intent to take the deposition of Dr. O'Brien and two additional nurses as witnesses on behalf of Health Central. My client has \$100,000 per claim sovereign immunity damages caps, and the litigation costs are already out of proportion to these caps. Consequently, I am reluctant to stipulate to anything that will increase them even more. Finally, assuming that we are able to identify the handwriting/signature of the triage nurse, I think you ought to be able to take him and any other former nursing supervisor, get whatever inquiry you believe is relevant, and still do so within the previously ordered limits. Nevertheless, let's see if the hospital can identify the signature or writing and whether you even need to exceed the 13 before making any final decisions.



Andrea L. Hairelson, Esquire
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In this regard, please be advised that the nursing ER director and assistant director were as follows:

Terry Kemp, ER Director
Last known address:
2337 Runyon Court
Orlando, Florida 32837

Dean Powell, Assistant ER Director
Last known address:
2786 Curry Ford Road
Orlando, Florida 32806

I am continuing to work towards identification of the nursing supervisor/charge nurse who might have been on duty during Mr. Lattner's presentation. Apparently, some of those possibilities are no longer employees while other possibilities may still be employed at Health Central. I will follow up as soon as I get this straightened out.

Finally, please note that the medical director of the emergency department back in April 2002 was Dr. O'Brien, whom, of course, you know has already been deposed.

Very truly yours,



Thomas L. Schieffelin

**Signed in Mr. Schieffelin's
absence to expedite.**

TLS/btm