

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

UNITED STATES OF AMERICA,  
ex rel. KARYN L. DENK-WALKER,

Plaintiff,

v.

Case No.: 5-02-cv-131-Oc-10GRJ

LEESBURG FAMILY MEDICINE, P.A.,

Defendant.

DEFENDANT'S ANSWERS TO  
PLAINTIFF'S FOURTH SET OF INTERROGATORIES

The Defendant, R & F Properties of Lake County, Inc., f/k/a Leesburg Family Medicine, P.A. ("LFM"), answers the fourth set of interrogatories served by the Plaintiff, Karyn L. Denk-Walker, on July 1, 2004, as follows:

General Response

LFM objects to the definitions and instructions to the extent they seek to impose obligations on LFM that exceed the requirements of *Federal Rules of Civil Procedure* 26 and 33. For example, and not by way of limitation, paragraph 10 of the definitions and instructions differs from *Fed. R. Civ. P. 26(e)*; and paragraph 12 differs from *Fed. R. Civ. P. 33(d)*.

Specific Responses

1. Please state the actual number of patients seen on each day for each nurse practitioner or physician assistant employed by LFM from 1994 to the present, and please also indicate the number of those patients on whose behalf LFM submitted a claim for reimbursement



to Medicare. Please also indicate within these numbers, how many of the patients identified were seen by each nurse practitioner or physician assistant.

Response to Interrogatory 1: Objection. The time period covered by the interrogatory exceeds the temporal scope of discovery established in the Court's two prior orders. Docs. 47, 76. Moreover, Plaintiff's previous three sets of interrogatories, including all discrete subparts, have exceeded 25. Thus, this fourth set is objectionable as Plaintiff has failed to obtain leave to serve additional interrogatories as required by *Fed. R. Civ. P. 33(a)*.

2. Please state the actual number of new patients, i.e., patients that had not previously been provided services by anyone at LFM, that any nurse practitioner or physician assistant provided services for from 1994-present broken down by month and noon-physician care provider. For the numbers provided, please further indicate the number of patients for whom Medicare reimbursement claims were submitted by LFM organized by nurse practitioner or physician assistant.

Response to Interrogatory 2: Objection. The time period covered by the interrogatory exceeds the temporal scope of discovery established in the Court's two prior orders. Docs. 47, 76. Moreover, Plaintiff's previous three sets of interrogatories, including all discrete subparts, have exceeded 25. Thus, this fourth set is objectionable as Plaintiff has failed to obtain leave to serve additional interrogatories as required by *Fed. R. Civ. P. 33(a)*.

3. Please state the actual number of patients seen by a nurse practitioner or physician assistant employed by LFM by day and by service provider for whom a new complaint was lodged, i.e., a medical complaint which had not previously been presented to an LFM physician.

Please also state the actual number of patients seen by a nurse practitioner or physician assistant employed by LFM broken down by day and by service provider for whom the service provider changed an existing treatment plan that had been initiated by a different care provider of LFM. Please state also whether the care provider initiating the original treatment course was a physician or non-physician.

Response to Interrogatory 3: Objection. The time period covered by the interrogatory exceeds the temporal scope of discovery established in the Court's two prior orders. Docs. 47, 76. Moreover, Plaintiff's previous three sets of interrogatories, including all discrete subparts, have exceeded 25. Thus, this fourth set is objectionable as Plaintiff has failed to obtain leave to serve additional interrogatories as required by *Fed. R. Civ. P. 33(a)*.

AS TO OBJECTIONS:

  
MICHAEL J. BITTMAN

**CERTIFICATE OF SERVICE**

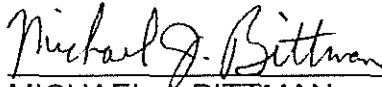
I *HEREBY CERTIFY* that the foregoing answers to interrogatories were furnished by United States Mail this 2nd day of August, 2004, as follows:

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