

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

KARYN L. DENK,

Plaintiff,

vs.

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

LEESBURG FAMILY MEDICINE, P.A.,

Defendant.

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**PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Plaintiff, KARYN L. DENK ("DENK"), by and through the undersigned counsel and pursuant to Rule 33 of the Federal Rules of Civil Procedure, hereby propounds the following written interrogatories to Defendant, LEESBURG FAMILY MEDICINE, P.A. ("LEESBURG), to be answered under oath within thirty (30) days from the date of service.

**DEFINITIONS AND INSTRUCTIONS**

1. The term "you" or "your" means the party to whom this request is addressed, including employees, representatives, agents, independent contractors, attorneys, accountants, and all other persons acting, or purporting to act, on behalf of the party.
2. The term "person" means any natural person, individual, proprietorship, joint venture, firm, partnership, corporation, other business enterprise, governmental body, group of natural persons or other entity.
3. The term "all documents" means any written or graphic matter or other means of preserving thought or expression and all tangible things from which information can be processed



or transcribed, including the originals and all nonidentical copies, whether different from the original by reason of any notation made on such copy or otherwise, including, but not limited to, correspondence, memoranda, notes, messages, letters, telegrams, teletype, telefax, bulletins, meetings or other communications, interoffice and intraoffice telephone calls, diaries, chronological data, minutes, books, reports, studies, summaries, pamphlets, bulletins, printed matter, charts, ledges, invoices, worksheets, receipts, returns, computer printouts, prospectuses, financial statements, schedules, affidavits, contracts, cancelled checks, statements, transcripts, statistics, surveys, magazine or newspaper articles, releases (an any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphic or aural records or representations of any kind (including, without limitation, photographs, microfiche, microfilm, videotape, records and motion pictures) and electronic, mechanical or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs and records).

4. The term "all documents" means every document or group of documents as defined above that are known to you or that can be located or discovered by reasonably diligent efforts.

5. The term "communication(s)" means every manner or means of disclosure, transfer or exchange of information, whether in person, by telephone, mail, personal delivery or otherwise.

6. As used herein, the singular shall include the plural, the plural shall include the singular, and the masculine, feminine, and neuter shall include each of the other genders.

7. The words "and" and "or" shall be construed either conjunctively or disjunctively to bring within the scope of these interrogatories any information which might otherwise be construed to be outside their scope.

8. Each of the following interrogatories is continuing in nature. If, subsequent to serving

an answer to any interrogatory and prior to the trial of this action, you obtain or become aware of additional information pertaining to that interrogatory, you shall, within fifteen (15) days, and in no event later than five (5) days before trial, serve a supplemental sworn answer setting forth such information.

9. Where your knowledge or information in your possession is requested, such request includes knowledge or information in the possession of your agents, employees, representatives, independent contractors, attorneys, accountants, and any other person acting or purporting to act on your behalf.

10. You may answer an interrogatory in whole or in part by attaching a document(s) (as defined herein) which contains the requested information. Such document(s) may, if authenticated, be a copy of the original. Any document(s) used to answer an interrogatory may contain other information as well; however, the relevant portion of said document(s) must be so marked or indexed

11. Where the identity of a person is requested, please state his or her full name, any known nickname or aliases, present or last known addresses and telephone numbers, present or last known employment or business affiliation (including the address and telephone number), and his or her employment at the time in question. For persons whose addresses are known to be inaccurate, please state the most reliable contact address or contact person according to your records, knowledge or information.

12. For each interrogatory, please identify the person(s) from whom the information contained in the answer was obtained and the person(s) who swear(s) to the truth of that information.

13. If any of the following interrogatories cannot be answered in full after exercising due diligence to secure the information, please so state and answer to the extent possible, specifying the

nature and extent of your inability to answer the remainder, state whatever information you have concerning the unanswered portions and identify the person(s) who may have additional knowledge or information regarding the subject.

### **INTERROGATORIES**

1. If you denied any of the First Request For Admissions numbers 1 through 8, served contemporaneously with this interrogatory, state each and every basis in law or fact for your denial(s).

#### **Response to Interrogatory 1:**

2. Please describe in as much detail as possible LFM's practice of Medicare billing, relating to "incident to" billing.

#### **Response to Interrogatory 2:**

3. Please list all names and addresses of CNA's, RN's and Nurse Practitioners employed by LFM from 1995 to the present time.

**Response to Interrogatory 3:**

Dated this 10th day of October, 2003.

Respectfully submitted,

By: David F. Tegeler for  
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Plaintiff's counsel

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail on this 10th day of October 2003, to Michael J. Bittman, Esquire, John M. Brennan, Esquire, and Troy A. Kishbaugh, Esquire, of Gray, Harris & Robinson, P.A., 301 East Pine Street, Suite 1400, P.O. Box 3068, Orlando, Florida 32802-3068, and Frank E. Pierce, III, Esquire, of Gurney & Handley, P.A., Two Landmark Center, 225 East Robinson Street, Suite 450, Orlando, P.O. Box 1273, Orlando, Florida 32802-1273.

David F. Tegeler  
Attorney for Plaintiff