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00-7099-PL-3-10  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI, FLORIDA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

BARBARA DOLAN

Case No. 00-7099-CIV-GRAHAM  
Magistrate Judge Turnoff

Plaintiff,

vs.

ANCICARE PPO, INC. and  
ADP TOTALSOURCE, INC.,

Defendants.

\_\_\_\_\_ /

PLAINTIFF'S REPLY in support of her MOTION TO COMPEL  
PRODUCTION AND BETTER ANSWERS

Plaintiff, BARBARA DOLAN, replies to the arguments advanced by Defendants in their response to her Motion to Compel.

Defendants' allegation that Plaintiff has not attempted to confer first to resolve this discovery dispute is unsupported. Plaintiff satisfied the "meet and confer" requirements of the Local Rules by writing two letters attempting to resolve this dispute. Each letter was met by the same response: either a lack of good faith to search for the required documents or an outright refusal to produce them. Further, Defendants' statement that it has provided all documentation and information requested is not borne out as will be

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demonstrated herein. The numbering in this reply corresponds to the numbering in Defendants' response

**A. Request for Production No. 2.**

Plaintiff sought documents identifying the nature of Defendant AnciCare's ("AnciCare") operations and organizational structure, nationwide and within the State of Florida along with a list of AnciCare's owners, officers, directors, employees and agents for the period 1995 to present.

In response Plaintiff received the documents shown in Tab 1. These consist of an internal organizational chart and a brief overview of the company which is contained in the employee handbook **created on 8/4/00**. The documents do not provide information about the officers or directors of AnciCare, much less from 1995 to present. It does not respond to whether AnciCare is a subsidiary of a larger organization, or is a parent corporation. It should be noted that the "Overview Section" states that AnciCare has 800 facilities in 38 states and Puerto Rico, but no evidence was provided to show the organizational relationship of these facilities.

The other documents produced were corporate documents from the Florida Secretary of State's office which do not contain the information requested.

**Request No. 4.**

AnciCare takes the position that Donna Cabrera was an employee of AnciCare who did not possess responsibility for 'recommending or making personnel decisions.' While documents produced show that she was an employee in 1998, oddly her name or position

is not reflected on any organization chart produced.

However, at least one document produced in response to another discovery request—a tape recording—demonstrates that Donna Cabrera met with and participated in one of Plaintiff's performance evaluations. The production of this tape belies AnciCare's position that Donna Cabrera had no personnel management duties. It must produce all documents which show her level of responsibility within the company, including job descriptions.

**Request No. 5.**

AnciCare's bad faith is most evident in its response to Request No. 4 which sought all documents which support its denials and affirmative defenses: it simply listed **every document produced in response to Plaintiff request** and then buried the documents which will prove its "mixed motive" for terminating Plaintiff on its Privilege log. The obvious fallacy in its position is that once AnciCare raises "mixed motive" as a defense (See Fourth Affirmative Defense), any privilege which would otherwise attach to documents supporting this defense—including notes of the termination meeting, a purported termination letter that was drafted but never given to Plaintiff, and other documents which purport to demonstrate Plaintiff's gross misconduct—is waived. AnciCare cannot, on the one hand, deny allegations of the complaint and raise affirmative defenses as a shield to liability and then also refuse to produce the documents which support its positions. Even privileged documents are discoverable if a party makes a showing that there is no other way to obtain them. Here, Plaintiff has an absolute need to see the

documents to meet her burden of proof.

**Request No. 6.**

Defendants' response is disingenuous. The only documents produced which show Donna Cabrera's association with the company are a W-2 from 1998, an application for insurance, and a print-out from the Secretary of State's office which shows that as of the year 2000, Donna Cabrera was a director. The request sought "all documents reflecting the duties and level of, managerial responsibility held by Michael Cabrera and Donna Cabrera during their employment. As noted in the "Overview" of the Employee Operations Manual, Donna Cabrera co-founded AnciCare with Michael Cabrera in 1994. Accordingly, there should be documents which precede year 2000 and show the duties and level of responsibility undertaken by Donna Cabrera. AnciCare has chosen to ignore this portion of the request.

**Request No. 9**

AnciCare again tries to shield information which would demonstrate Donna Cabrera's duties and level of responsibility within the organization. On the one hand, it admits that she is a director; on the other hand, it does not wish to turn over any documents which show the part she played in the company's decision-making processes and in particular, the hiring and firing of key employees, like Plaintiff. By-laws are relevant since they generally contain a description of the power and duties of officers (like Michael Cabrera) and directors (like Donna Cabrera).

Likewise, AnciCare raises a defense that Plaintiff unreasonably failed to avail

herself of available internal remedies (See Third Affirmative Defense) yet hides the identity of those individuals other than Donna Cabrera to whom she could have reported Michael Cabrera's conduct. Corporate minutes show whether this defense can be disproved if there is a lack of board meetings or active participation in the affairs of the company by other directors. Labeling this request as a "fishing expedition" is simply another attempt to stonewall and prevent Plaintiff from proving her case.

**Request No. 10**

AnciCare's response does not satisfy the request. The document bates stamped 101 does not even show the year these employees were employed so it is useless. The documents bates-stamped 123-126 are equally useless. The following provides an example why: Bates Stamped page 123 shows that Michael Cabrera and Donna Cabrera were employed in 1997. However, their names are not shown in the employee list for 1998, 1999 or 2000 (See Bates stamps 124-126). As previously demonstrated, documents produced pursuant to another request show that Donna Cabrera was employed in 1998, yet she is not reflected on the documents produced for 1998. Likewise, the organizational chart produced in year 2000 shows Michael Cabrera as president, yet the documents produced do not reflect his employment for AnciCare in the years 1998, 1999 or 2000. There is no way to ascertain the names and identity of employees who might have observed or heard of certain events that occurred in the years 1997, 1998, or 1999.

Regarding AnciCare's response to Plaintiff's request for information regarding "parent, subsidiary, and/or affiliate entities or successors in interest", Plaintiff does not

assume that such entities exist but is entitled to know whether there are any and if so, to what extent that are inter-related for purposes of ascertaining the cap on damages she may seek under 42 U.S.C. § 1981a.

**Request No. 11**

This request was intentionally made broad to capture any complaints, notes, or other information made or kept by officers, employees or agents of AnciCare about Plaintiff and/or her work performance. AnciCare makes no attempt to explain why it objected to the request as overbroad. If AnciCare possesses documents critical or complimentary to Plaintiff which are not contained in her personnel file, then Plaintiff is entitled to discover them and depose their creators, if necessary. Defendant has cited no case support for its position that a plaintiff in an employment discrimination case is only entitled to discover her personnel file. If this were the case, then no defendant/employer would ever have to produce incriminating documents, usually kept out of an employee's personnel file, but which may prove animus.

AnciCare further seeks to protect against discovery of such documents by claims of work-product and attorney/client privilege. It has now amended its Privilege Log to satisfy the requirements of the rule by identifying the author of the document. However, the inclusion of documents on a privilege log even if the document was created by an attorney, is not dispositive. See, Wal-Mart Stores, Inc. v. Weeks, 696 So. 2d 855 (Fla. 2<sup>nd</sup> DCA 1997), cited by AnciCare. Rather the Court must determine whether the communication asserted is confidential.

Plaintiff alleges in her complaint that prior to her last week at work, she informed Michael Cabrera that she would no longer tolerate his sexual harassment and would report him to the EEOC and to Vincam, Inc, ADP TotalSources' predecessor. Plaintiff was terminated on August 30, 1999, within a week and a half of this incident. She received no advance warning of her termination nor did she receive a written termination letter at the time she was fired.

Nonetheless, Defendant now lists on its privilege log:

- 1) Notes that were allegedly taken by Eileen Ramallo, Defendants' CEO, regarding Plaintiff's behavior ten days before she was terminated (P000019-000020).
- 2) A fax cover sheet from an attorney to Ms. Ramallo dated four days before Plaintiff's termination. (P 00025)
- 3) A draft termination letter supposedly reviewed by counsel on the date that she was fired; (P 00010)
- 4) Notes taken by Eileen Ramallo, Defendants' CEO, on 8/30/00, memorializing the meeting she at which she informed Plaintiff about her termination ( P 00011);<sup>1</sup>
- 5) A facsimile cover sheet from one of Defendants' employees to someone named "Lisett" who presumably works at a law firm. (P 00021-23); and

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<sup>1</sup>The notes were made virtually simultaneous to Plaintiff's opposition to sexual harassment.

- 6) Witness statements made after Plaintiff was terminated but before she filed her EEOC charge (P00014-000015; P00016-17; P 00018).

None of these documents are entitled to a claim of privilege. Defendant misstates the law related to attorney/client and work product privileges.

The attorney client privilege protects confidential communications made in the rendition of legal services to a corporate client. No distinction exists whether the attorney communicated with an employee who is within or without the so-called "control group." Upjohn Co. v. United States, 449 U.S. 383, 101 S. Ct. 677, 66 L. Ed 2d 584 (1981). However, the U.S. Supreme Court left unaddressed the issue of what specific communications were privileged. Federal courts look to state law in determining the breadth of privileges.

In determining the parameters of the attorney-client privilege to communications in the corporate setting, the Florida Supreme Court in Southern Bell Tel. & Tel. Co. v. Deason, 632 So. 2d 1377(Fla. 1994) examined federal law. Citing Harper & Row Publishers, Inc. v. Decker, 423 F. 2d 487 (7<sup>th</sup> Cir. 1970), *aff'd by an equally divided court*, 400 U.S. 348, 91 S. Ct. 479; 27 L. Ed.2d 433 (1971), the Florida Supreme Court adopted the "subject matter" test to determine the scope of the attorney-client privilege. 632 So. 2d at 1393. Thus, the attorney-client privilege only applies to pure legal advice as distinguished from other types of advice. Importantly, the Court adopted the standard articulated in Fisher v. United States, 425 U.S. 391, 96 S. Ct. 1569, 48 L. Ed.2d 39 (1976) that **the burden of establishing the attorney-client privilege rests on the party**



**asserting it.<sup>2</sup>**

Likewise, the work-product privilege does not act as an absolute shield from discovering documents created in "anticipated of litigation." Documents which contain "fact work-product" are discoverable upon a showing of need while "mental impression work product" is absolutely protected. See, Upjohn, Inc. v. United States, *supra*.

Here, Defendant has not met its burden of proof to show that any of the disputed documents on its privilege log are entitled to attorney-client privilege. For instance, Defendant has shielded from discovery the draft letter of termination which was prepared on August 30, 1999 but never delivered to Plaintiff (P00010). There has been no showing that the letter, itself, was drafted by counsel or that the attorney's notes on the draft constitute legal advice; the attorney's notes may be simply grammatical changes. However, because Defendant has not given information about the substance of the notes, there is no way for Plaintiff or the Court to know whether the document is subject to the attorney-client privilege.

Likewise, neither the Court nor the Plaintiff is able to determine whether the facsimile cover sheets listed on the privilege log as bate stamps P00021-00023 and P000025 are covered by attorney-client privilege. Even assuming, *arguendo*, these documents are protected, the privileged portion may be easily redacted, leaving the

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<sup>2</sup> Defendant has not tendered an affidavit of any attorney whose name appears in the documents along with its response to demonstrate that legal advice was sought or given.

remainder for discovery. These documents are particularly important because of the temporal proximity between Plaintiff's opposition to sexual harassment and her termination. Thus, the dates and times of Defendants' communication with counsel are of grave significance in determining the sequence of events—a key element in any retaliation case. Since Defendant has not made a *prima facie* showing that these documents are entitled to the attorney-client privilege, the Court should either undertake an *in camera* inspection of the documents to determine whether the privilege is properly being asserted or compel their production for failure of AnciCare to meet its burden of proof.

Defendants' claim of work-product privilege as to those notes and documents created either before or contemporary with Plaintiff's termination is also curious. The only way AnciCare can properly assert work-product privilege is to admit that Plaintiff opposed sexual harassment, threatened suit, and thereby, engaged in protected activity. However, AnciCare denied paragraph 31 of the Complaint and also denied that it retaliated against Plaintiff for engaging in protected activity and whistleblowing. (See, Answers to Counts IV and VII). Defendant cannot, on the one hand, claim work-product privilege but deny that Plaintiff "threatened litigation." For this reason, the Court should compel the production of Documents P000011 and P00019-20.

Defendant also claims the statements of employees detailing their experiences with Plaintiff are work-product privileged. The mere fact that employees give statements about a particular subject matter that later becomes the issue of litigation does not shield the statements as work-product. Southern Bell Tel. & Tel. Co v. Deason, *supra*. "The fact that

a defendant anticipates the contingency of litigation resulting from an accident or event does not automatically qualify an 'in house' report as work product." Sims v. Knollwood Park Hosp., 511 So. 2d 154, 158 (quoting Janicker v. George Washington Univ., 94 F.R.D. 648, 650 (D.D.C. 1982)).

Here, Defendant still has not made a *prima facie* showing that the statements were obtained in defense of Plaintiff's charge of discrimination or her subsequent lawsuit.<sup>3</sup> Nonetheless, Defendant argues that Plaintiff is not entitled to review the statements because the same information can be obtained through depositions and she is unable to establish a "substantial need" See, Rule 26(b)(3).

While it is true that Plaintiff can take the employee's depositions to discover what they saw or heard, the written statements are essential for purposes of challenging the witnesses' veracity; recall, direct knowledge and bias, in other words, to carry out one of the most important trial practices: cross-examination. Prior statements are the heart of examination and cross-examination. More importantly, the statements are absolutely necessary for Plaintiff to establish pretext-- an element of her burden of proof. Their production is particularly important because the fact that the statements were given by employees two months after her termination creates an inference that the reasons advanced by the Defendant were manufactured later. For this reason, it is important to

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<sup>3</sup> As shown by its answers to production, Defendant did not submit a position statement or any documents to the EEOC. Therefore, witness statements were not gathered for the purpose of defending the EEOC charge.

have and review the employee statements for comparison to the content of memoranda written about Plaintiff prior to her termination. See, Ex parte Rebecca Cummings 2000 Ala. LEXIS 246 (Ala. 6/30/00) [motion to compel documents prepared for worker's compensation claim which are proof of an element of a subsequent suit is granted].

The fact that the statements are given by Defendants' employees also impacts Plaintiff ability to obtain the substantial equivalent of the work product through her own efforts. Ethical considerations under the Florida Bar Rules of Professional Responsibility prohibit an attorney from contacting employees of an entity which is known to be represented. Rentclub, Inc. v. Transamerica Rental Finance Corp., 811 F. Supp. 651 (MD Fla. 1992), *aff'd* 43 F. 3d. 1439 (11th Cir. 1995). This factor distinguishes the line of cases cited by Defendant regarding personal injury accidents, i.e., Florida Cypress Gardens, Inc. v. Murphy, 471 So. 2d 203, (Fla. 2<sup>nd</sup> DCA 1985).

Furthermore, it is patently unfair for Defendant to have the ability to introduce the employee statements at trial to bolster its witnesses' credibility after having denied Plaintiff the right to examine them during discovery. Because the statements are essentially factual in nature and because of Plaintiff's substantial need to review them prior to any witness's deposition and/or for trial preparation in order to meet an element of proof, the Court should compel their production.

**Request No. 13 and No. 14**

Plaintiff incorporates the argument and precedent cited above in support of these requests and notes that it is Defendant, not she, who has failed to meet the burden of proof

to show why the documents should be withheld under privilege.

**Request No. 16**

Defendants' reliance on the case of Wisconsin Investment Board v. Plantation Square Assocs, 761 F. Supp. 1569 (S.D. Fla. 1991) is misplaced since the holding of that case is now clearly a minority view in this District. See, i.e., Sosa v. DryClean USA, 1997 U.S. Dist. LEXIS 11386 (S.D. Fla. 1997) and Tutor Time Child Care Systems, Inc. v. Franks Investment Group, Inc., , 966 F. Supp. 1188 (S.D. Fla. 1997). Later cases such as those cited hold that Florida's pleading requirements under Section 768.72 do not apply to federal civil rights actions. Therefore, Plaintiff does not need to proffer any showing of willfulness prior to seeking production in support of punitive damages. If anything has been shown by Plaintiff's need to file this motion, it is that Defendants' failure to produce the requested financial documents is willful and contrary to the rules and established precedent.

**Request No. 18**

Defendant seeks to deflect its own responsibility to fully respond to this request when there are clearly documents which fall within the scope of this request. Indeed, Defendants' privilege log lists documents which are responsive to this request. Defendants' answer that "no such documents exist" is clearly less than candid. Plaintiff incorporates the arguments and precedent cited in its reply to Request No. 11.

**Request No. 21**

Plaintiff incorporates the arguments and precedent cited in its reply to Request No.

16 above.

### **Interrogatories**

#### **Interrogatory No 2**

Plaintiff incorporates its argument and precedent cited in reply to Request No. 5 above. Defendant has answered and included on a wholesale basis every document it produced as a result of Plaintiff's request (except for the ones which are denominated work-product or attorney-client privileged). Further, it did not provide the identities of the records' custodians so that these persons can be deposed as to how and when the documents produced came to be created, whether there are prior drafts and who else has had access to the files from which these documents were drawn.

#### **Interrogatory No. 3.**

Defendant has refused to answer this request because to do so would void the assertions of privilege as to those documents contained on its privilege log. Again, Defendant cannot refuse to disclose these documents yet rely on them at trial.

#### **Interrogatory No. 9**

Plaintiff recently received copies of audio tapes which had previously not been produced. Plaintiff will file a request to inspect and test the original of the audio tape.

#### **Interrogatory No. 16**

Plaintiff recently provided Defendants' counsel with a second copy of a witness statement by a person who personally observed the mass destruction of papers in Plaintiff's former office by Defendants' COO, Eileen Ramallo. If Defendant wishes to

maintain that this event did not occur, then the proper answer to the Interrogatory would have been "None Known." The flippant answer given was no more than an attempt to avoid answering the Interrogatory and thereby admitting that spoliation of evidence occurred. Defendant should be compelled to re-answer this Interrogatory under oath by Ms. Ramallo.

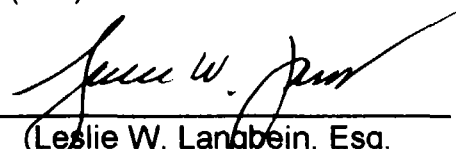
**Conclusion**

Plaintiff's Motion to Compel is justified and should be granted. Defendant has not met its burden of proof to demonstrate the privileged nature of documents it has withheld. In the event that the Court is in doubt as to the privileges claimed, Plaintiff respectfully suggests that an *in camera* inspection be held to determine the validity of Defendants' claims of privilege and that oral argument be granted to assist the Court in its subsequent determination.

Respectfully Submitted,

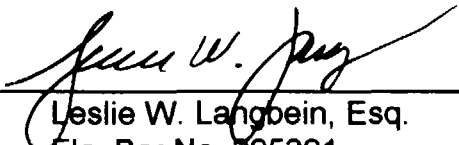
LANGBEIN & LANGBEIN, P.A.  
20801 Biscayne Blvd, Suite 506  
Miami, FL 33180  
Tel: (305) 936-8844  
Fax: (305) 936-9840

By: \_\_\_\_\_

  
Leslie W. Langbein, Esq.  
Fla. Bar No. 395391

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by mail on Lorna Salomon, Esq., JACKSON LEWIS, 200 S. Biscayne Blvd, Suite 2600, Miami, FL 33131-2374 on December 20, 2000.

By:   
Leslie W. Langbein, Esq.  
Fla. Bar No. 395391



**BARBARA DOLAN v. ANCICARE PPO, INC.**

**CASE NO: 00-7099-CIV-GRAHAM/TURNOFF**

**FIRST AMENDED PRIVILEGE LOG**

	<b>Type of Document</b>	<b>Description</b>	<b>Privileges Claimed</b>	<b>DATE</b>
P000001-000003	Memorandum	From Jennifer Demberg, Esq., to File re: Dolan v. Ancicare PPO telephone interview of Julisa Martinez	Attorney-client and Work product	10/26/99
P000004	Letter	From Ancicare to Vincam re: Plaintiff's termination	Work product	12/10/99
P000005-000008	Letter	From Cholan Nygard to Michael Cabrera re: Plaintiff's sex discrimination charge	Attorney-client and Work product	12/21/99
P000010	Draft Letter and notes	Draft Letter to Plaintiff re: termination of employment, with notes by Lisa Askowitz, Esq.	Attorney-client and Work product	08/30/99
P000011	Notes	By Eileen Ramallo re: termination meeting with Plaintiff	Work product	08/30/99
P000012	Memorandum	By Eileen Ramailo re: conversation with Pam Riggins of RSKCo pertaining to Plaintiff's complaints about AnciCare	Work product	11/05/99
P000013	Letter	From Julisa Martinez to Eileen Ramallo re: Synopsis of Experience with Plaintiff	Work product	10/12/99
P000014-000015	Statement	By Mary Pena to Eileen Ramallo re: her experiences with Plaintiff	Work product	10/11/99
P000016-000017	Statement	By Adriana Niedda to Eileen Ramallo re: her experiences with the Plaintiff	Work product	09/29/99

P000018	Statement	By Maggie Sims to Eileen Ramallo re: her experiences with the Plaintiff	Work product	09/29/99
P000019-000020	Notes	By Eileen Ramallo re Plaintiff's behavior	Work product	08/20/99
P000021-000023	Facsimile cover sheet	From Julissa Martinez to Lisett enclosing record of Plaintiff's termination	Attorney-client privilege and/or Work product	08/30/99
P000024	Note	From Ron Rosenberg, Esq., to Eileen Ramallo re: review of information for Vincam	Attorney-client privilege and Work product	01/21/00
P000025	Facsimile cover sheet	From Lisa Askowitz, Esq., to Eileen Ramallo	Attorney-client privilege	08/26/99



FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State

October 4, 1999

STEEL HECTOR & DAVIS LLP  
TALLAHASSEE, FL

Re: Document Number P94000005521

The Restated Articles of Incorporation for ANCICARE PPO, INC., a Florida corporation, were filed on September 20, 1999.

The certification you requested is enclosed.

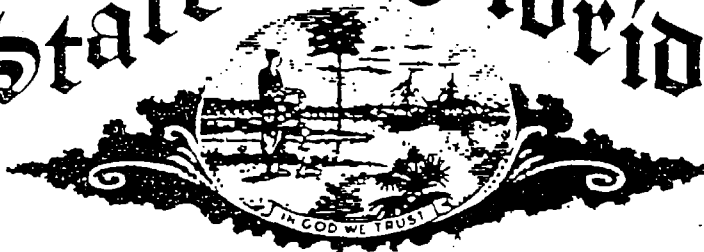
Should you have any questions concerning this matter, please telephone (850) 487-6050, the Amendment Filing Section.

Cheryl Coulliette  
Document Specialist  
Division of Corporations

Letter Number: 899A00048100

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# State of Florida

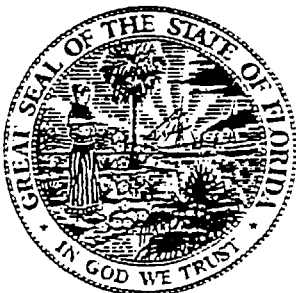


## Department of State

I certify the attached is a true and correct copy of the Restated Articles of Incorporation, filed on September 20, 1999, for ANCICARE PPO, INC., a Florida corporation, as shown by the records of this office.

The document number of this corporation is P94000005521.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Fourth day of October, 1999



CR2EO22 (1-99)

*Katherine Harris*

Katherine Harris  
Secretary of State

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**Articles of Restatement  
of the Articles of Incorporation of  
AnciCare PPO, Inc.**

1. The name of the corporation is Ancicare PPO, Inc. (the "Corporation").
2. The Corporation certifies that these Articles of Restatement were adopted by the board of directors of the Corporation on September 9, 1999 and do not include an amendment requiring shareholder approval.
3. The text of the Articles of Incorporation of the Corporation is hereby restated in its entirety, as follows:

**ARTICLE 1 - NAME**

The name of the Corporation is Ancicare PPO, Inc.

**ARTICLE 2 - PURPOSE OF CORPORATION**

The Corporation shall engage in any activity or business permitted under the laws of the United States and of the State of Florida.

**ARTICLE 3 - PRINCIPAL OFFICE**

The address of the principal office and mailing address of this corporation is 3700 Lakeside Drive, Suite 401, Miramar, Florida 33027.

**ARTICLE 4 - CORPORATE CAPITALIZATION**

4.1 The maximum number of shares that this Corporation is authorized to have outstanding at any time is ten million (10,000,000) shares of common stock, each share having the par value of one cent (\$0.01).

4.2 No holder of shares of stock of any class shall have any preemptive right to subscribe to or purchase any additional shares of any class, or any bonds or convertible securities of any nature; provided, however, that the board of directors may, in authorizing the issuance of shares of stock of any class, confer any preemptive right that the board of directors may deem advisable in connection with such issuance.

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TALLAHASSEE, FLORIDA

4.3 The board of directors of the Corporation may authorize the issuance from time to time of shares of its stock of any class, whether now or hereafter authorized, or securities convertible into shares of its stock of any class, whether now or hereafter authorized, for such consideration as the board of directors may deem advisable, subject to such restrictions or limitations, if any, as may be set forth in the bylaws of the Corporation.

4.4 The board of directors of the Corporation may, by articles supplementary, classify or reclassify any unissued stock from time to time by setting or changing the preferences, conversions or other rights, voting powers, restrictions, limitations as to dividends, qualifications, or term or conditions of redemption of the stock.

#### ARTICLE 5 - POWERS OF CORPORATION

The Corporation shall have the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, subject to any limitations or restrictions imposed by applicable law or these Articles of Incorporation.

#### ARTICLE 6 - TERM OF EXISTENCE

This corporation shall have perpetual existence.

#### ARTICLE 7 - TITLE

The Corporation, to the extent permitted by law, shall be entitled to treat the person in whose name any share or right is registered on the books of the corporation as the owner thereto, for all purposes, and shall not be bound to recognize any equitable or other claim to, or interest in, such share or right on the part of any other person, whether or not the Corporation shall have notice thereof.

#### ARTICLE 8 - REGISTERED OFFICE AND REGISTERED AGENT

The address of the registered office of this corporation is 200 S. Biscayne Blvd., Suite 4874, Miami, Florida 33131. The name and address of the registered agent of this corporation is Peninsula Registered Agents, Inc., 200 S. Biscayne Blvd., Suite 4874, Miami, Florida 33131.

#### ARTICLE 9 - BYLAWS

The Board of Directors of the Corporation shall have power, without the assent or vote of the shareholders, to make, alter, amend or repeal the Bylaws of the Corporation, but the affirmative vote of a number

of Directors equal to a majority of the number who would constitute a full Board of Directors at the time of such action shall be necessary to take any action for the making, alteration, amendment or repeal of the Bylaws.

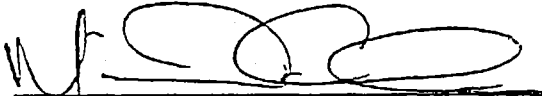
ARTICLE 10 - AMENDMENT

The Corporation reserves the right to amend, alter, change or repeal any provision contained in these Articles of Incorporation, or in any amendment hereto, or to add any provision to these Articles of Incorporation or to any amendment hereto, in any manner now or hereafter prescribed or permitted by the provisions of any applicable statute of the State of Florida, and all rights conferred upon shareholders in these Articles of Incorporation or any amendment hereto are granted subject to this reservation.

\* \* \* \*

IN WITNESS WHEREOF, AnciCare PPO, Inc. has caused these Articles of Restatement of its Articles of Incorporation to be executed this 9 day of September, 1999.

ANCICARE PPO, INC.



Michael A. Cabrera  
President

MIA1998/523615





AnciCare PPO, Inc.

Listing of Employees

C:\windows\TEMP\[Listing of employees 97-99.xls]Sheet1

Michael Cabrera	1997 President
Donna Cabrera	1997 Co-Founder
Leonor Duquela	1997 A/P Clerk
Madeline Elejalde	1997 Client Service Rep
Adriana Niedda	1997 Manager - Client Svcs
Alina Choy	1997 Client Service Rep
Vivian Valdivia	1997 Supervisor - Claims
Lizet Diaz	1997 Lead - Medical Records
Maritza Rivero	1997 Collector
Connie Amador	1997 Collector
Llamila Merlo	1997 Medical Records Clerk
Hilda Ruiz	1997 Client Service Rep
Alexis Fernandez	1997 Client Service Rep
Zoe Lopez	1997 Client Service Rep
Maggie Sims	1997 Supervisor - Client Svc
Ana Cabrera	1997 Biller
Tequila Clayton	1997 Client Service Rep
John Trinckes	1997 Client Service Rep
Julissa Fernandez	1997 Administrative Assistant
Barbara Maulini	1997 Client Service Rep
Darly Frenelle	1997 Client Service Rep
Jannett Perez	1997 Client Service Rep
Camille Linares	1997 Medical Records Clerk
Jessica Dudot	1997 Client Service Rep
Cecelia O'Donnell	1997 Account Manager
Elizabeth Artilles	1997 Office Manager
Natalie Leveille	1997 Client Service Rep
Lisa Subasi	1997 Client Service Rep
John Robitaille	1997 Client Service Rep
Amy Flores	1997 Client Service Rep
Michael Harkness	1997 VP Finance
Henry Diaz	1997 Client Service Rep
Blanca Hernandez	1997 Administrative Assistant
Roland Bujairo	1997 Client Service Rep
Maily Francisco	1997 Client Service Rep
Jacqueline Fumero	1997 Client Service Rep
Jacqueline Mendez	1997 Client Service Rep
Maribanex De Brito	1997 Client Service Rep
Angie Rojas	1997 Client Service Rep
Paul Marineau	1997 Network Development

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Angel Smith	1997 Client Service Rep
Lashanika Felts	1997 Medical Records Clerk
Jeshica Niedda-ga	1997 Client Service Rep
Maria Rodriguez	1997 Client Service Rep
Aldith Grey	1998 Receptionist
Doris Gracia	1998 Director Network Development
Barbara Dolan	1998 VP Operations
George Tayar	1998 Controller
Billie Masters	1998 Client Service Rep
Cornelia Cager	1998 Client Service Rep
Enrique Cruz	1998 Client Service Rep
Dhana Navalo	1998 Client Service Rep
Vivian Tamayo	1998 Client Service Rep
Jessnelly Cordoba	1998 Client Service Rep
Natalee Otero	1998 Administrative Assistant
Ahmed Amer	1998 Manager Network Development
Alice Suzanne Pro	1998 VP Marketing
Nicole Schrank	1998 Client Service Rep
Rosana Zolin	1998 Client Service Rep
Celines Vega	1998 Client Service Rep
Aldo Carozzi	1998 Client Service Rep
Rosemarie Supanici	1998 Medical Records Clerk
Karen Clark	1998 Client Service Rep
Thomas Baron	1998 Accountant
Terry Smallhorne	1998 Credentialling Coordinator
Nestor Cabrera	1998 Client Service Rep
Daniel Bine	1998 Client Service Rep
Erika Ratner	1998 Supervisor - Client Svc
Dorna Lee	1998 Client Service Rep
Cicely Williams	1998 Claims Clerk
Kenya Norgren	1998 Client Service Rep
Vaneta Bottom	1998 Client Service Rep
Valerie Oliver	1998 Account Manager
Angela Santiago	1998 Administrative Assistant
Luis Gonzalez	1998 Client Service Rep
Kimberly Sovik	1998 Client Service Rep
Andrea Tugander	1998 Client Service Rep
Tammy Lynn	1999 Account Manager
German Fernandez	1999 Manager - Client Svcs
Jacqueline Infante	1999 Administrative Assistant
Denise Stevenson-	1999 Client Service Rep
Yolanda Hurst	1999 Client Service Rep
Joelle Victor	1999 Supervisor - Client Svc
Maria Gimenez	1999 Medical Records Clerk

Teresa Garcia	1999 Client Service Rep
Anitra Crumbley	1999 Client Service Rep
Pamela Spadaccini	1999 Credentialling Coordinator
Carlene Morrison	1999 Client Service Rep
Mariela Martinez	1999 Medical Records Clerk
Venessa Silva	1999 Collector
Eileen Ramallo	1999 Sr. VP & COO
Mary Pena	1999 Receptionist
Irisdalis Ubiera	1999 Biller
Miriam Barrera	1999 Client Service Rep
Julissa Martinez	1999 Administrative Assistant
Grettel Tellez	1999 Medical Records Clerk
Marie Perry	1999 Client Service Rep
Justin Fierman	1999 Claims Clerk
Michelle Menendez	1999 Client Service Rep
Eneida Lopez	1999 Medical Records Clerk
Moises Vermenton	1999 Client Service Rep
Claudia Villanuev.	1999 Credentialling Coordinator
Tiawan Ballard	1999 Client Service Rep
Timiki Boston	1999 Client Service Rep
Linda Roberts	1999 Client Service Rep
Kestia Marcelus	1999 Client Service Rep
Louise Dazil	1999 Claims Clerk
Claudia Germain	1999 Client Service Rep
Antiwila Lawhorn	1999 Client Service Rep
Carmen Hernandez	1999 Administrative Assistant
LaRhonda Johnson	2000 Client Service Rep
Tracey Williams	2000 Client Service Rep
Aldwin Gomez	2000 Client Service Rep
Evelyn Carrascal	2000 Client Service Rep
Melinda Albritton	2000 Client Service Rep
Pamela Woodson	2000 Supervisor - Client Svc
Wendy Weintraub	2000 Account Manager
Nicholas Romano	2000 Director - Operations
Sirena Lankford	2000 Client Service Rep
Darlene Reece	2000 Client Service Rep
Karleen Chin	2000 Client Service Rep
Kelli Stringer	2000 Client Service Rep
Drew Humphrey	2000 Claims Clerk
Terry Dudek	2000 Claims Clerk
Tania Ochoa	2000 Biller
Viola LaFaille	2000 Client Service Rep
Shane Berry	2000 Client Service Rep
Soraya Joseph	2000 Client Service Rep

Jane Duran	2000 Client Service Rep
Virginia Hernandez	2000 Supervisor - Claims
Cristina Riera	2000 Claims Clerk
Lee Ratliff	2000 Director - Information Systems
Carolina Rodriquez	2000 Supervisor - Claims



## I. An Overview of Ancicare PPO

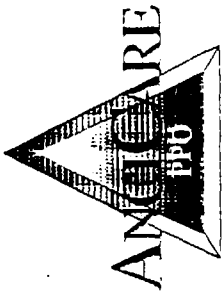
### ABOUT ANCICARE PPO

Founded in 1994 by Michael and Donna Cabrera and based in Miramar, FL, Ancicare has experienced controlled, steady growth and now has 800 facilities in 38 states and Puerto Rico and 1500 board certified radiologists. Ancicare was also recently selected for the 1999 *Inc. 500*, *Hispanic 500* and for the second year in a row, the *Florida 100* of the fastest growing privately held companies.

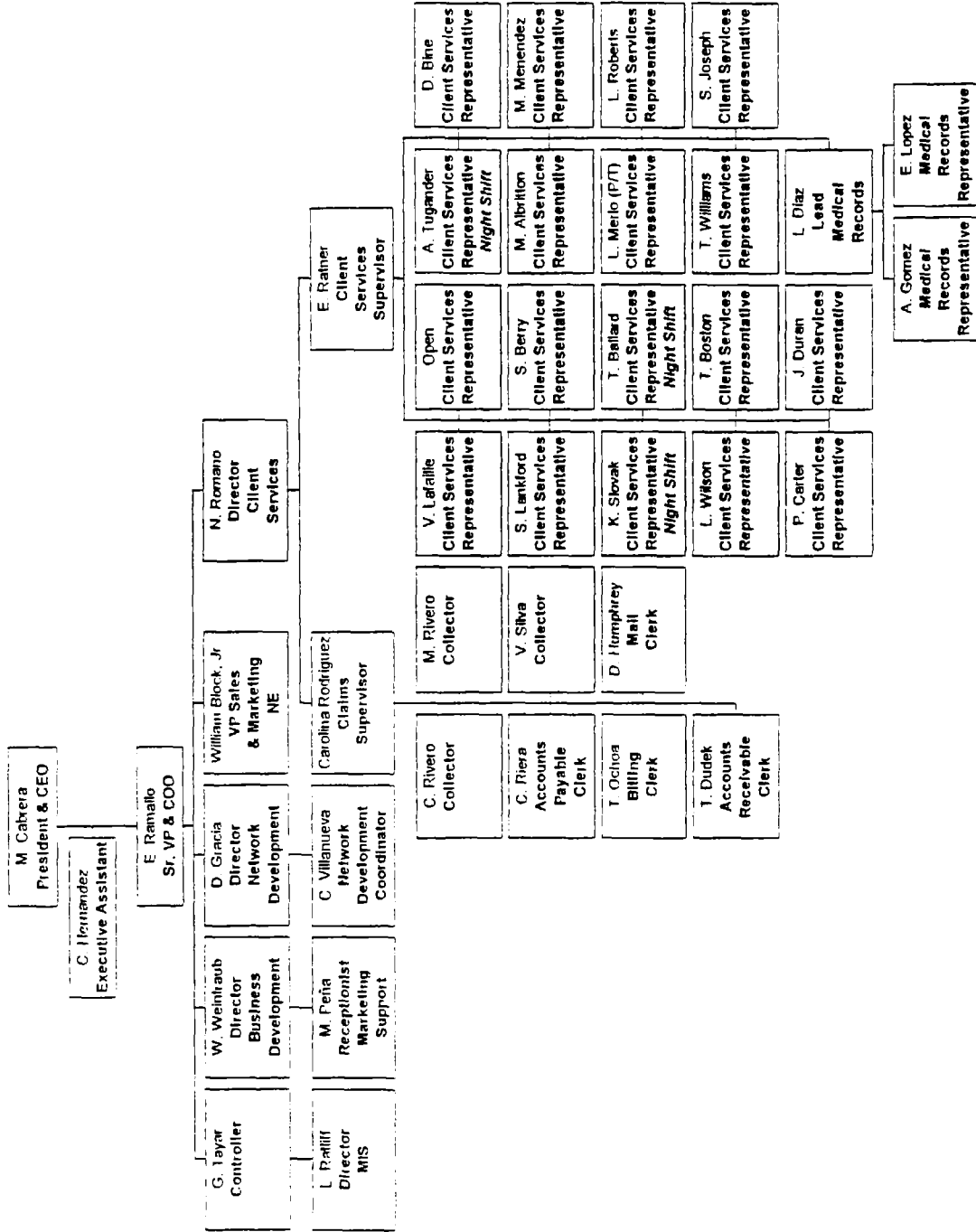
Ancicare is a preferred provider network offering medical imaging services. Through a nationwide network of independent diagnostic facilities, the Company's mission is to provide high quality, diagnostic services, including MRIs, CTs and Bone Scans, quickly and at preferred low costs.

Ancicare handles the entire medical imaging process from scheduling the appointment, to quality checking the film and getting a clean diagnosis, filing the paperwork to ensure that everything is done within 48 hours, to invoicing the payor for services rendered.

Ancicare's success is founded on its focused discipline and market niche. We are committed to being the very best in our field. That means having a complete understanding of the challenges facing everyone involved in the claims process and delivering solutions that meet their needs and in a timeframe that makes sense.



# AnciCare PPO, Inc.



8-15-72

# Form W-4 (1998)

**Purpose.** Complete Form W-4 so your employer can withhold the correct Federal income tax from your pay. Because your tax situation may change, you may want to refigure your withholding each year.

**Exemption from withholding.** If you are exempt, complete only lines 1, 2, 3, 4, and 7, and sign the form to validate it. Your exemption for 1998 expires February 16, 1999.

**Note:** You cannot claim exemption from withholding if (1) your income exceeds \$700 and includes unearned income (e.g., interest and dividends) and (2) another person can claim you as a dependent on their tax return.

**Basic instructions.** If you are not exempt, complete the Personal Allowances Worksheet. The worksheets on page 2 adjust your

withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply. They will help you figure the number of withholding allowances you are entitled to claim. However, you may claim fewer allowances.

**New—Child tax and higher education credits.** For details on adjusting withholding for these and other credits, see Pub. 919, Is My Withholding Correct for 1998?

**Head of household.** Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals.

**Nonwage income.** If you have a large amount of nonwage income, such as interest or dividends, you should consider making estimated tax payments using Form 1040-ES. Otherwise, you may owe additional tax.

**Two earners/two jobs.** If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one W-4. Your withholding will usually be most accurate when all allowances are claimed on the W-4 filed for the highest paying job and zero allowances are claimed for the others.

**Check your withholding.** After your W-4 takes effect, use Pub. 919 to see how the dollar amount you are having withheld compares to Get Pub. 919 especially if you used the Two-earner/Two-Job Worksheet and your earnings exceed \$150,000 (Single) or \$200,000 (Married). To order Pub. 919, call 1-800-829-3676. Check your telephone directory for the IRS assistance number for further help.

**Sign this form.** Form W-4 is not valid unless you sign it.

## Personal Allowances Worksheet

A Enter "1" for yourself if no one else can claim you as a dependent: A \_\_\_\_\_

B Enter "1" if: B \_\_\_\_\_

- You are single and have only one job; or
- You are married, have only one job, and your spouse does not work; or
- Your wages from a second job or your spouse's wages (or the total of both) are \$1,000 or less.

C Enter "1" for your spouse. But, you may choose to enter "0" if you are married and have either a working spouse or more than one job. (This may help you avoid having too little tax withheld.) C \_\_\_\_\_

D Enter number of dependents (other than your spouse or yourself) you will claim on your tax return D \_\_\_\_\_

E Enter "1" if you will file as head of household on your tax return (see conditions under Head of household above) E \_\_\_\_\_

F Enter "1" if you have at least \$1,500 of child or dependent care expenses for which you plan to claim a credit F \_\_\_\_\_

G **New—Child Tax Credit:** • If your total income will be between \$16,500 and \$47,000 (\$21,000 and \$60,000 if married) enter "1" for each eligible child. • If your total income will be between \$47,000 and \$80,000 (\$60,000 and \$115,000 if married), enter "1" if you have two or three eligible children, or enter "2" if you have four or more G \_\_\_\_\_

H Add lines A through G and enter total here. Note: This amount may be different from the number of exemptions you claim on your return. H \_\_\_\_\_

For accuracy, complete all worksheets that apply.

- If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are single, have more than one job, and your combined earnings from all jobs exceed \$32,000 OR if you are married and have a working spouse or more than one job, and the combined earnings from all jobs exceed \$55,000, see the Two-Earner/Two-Job Worksheet on page 2 to avoid having too little tax withheld.
- If neither of the above situations applies, stop here and enter the number from line H on line 5 of Form W-4 below.

..... Cut here and give the certificate to your employer. Keep the top part for your records. ....

Form <b>W-4</b> Department of the Treasury Internal Revenue Service	<h2 style="margin:0;">Employee's Withholding Allowance Certificate</h2> <p style="margin:0; font-size: small;">▶ For Privacy Act and Paperwork Reduction Act Notice, see page 2.</p>	OMB No. 1545-0010 <div style="font-size: 2em; font-weight: bold; text-align: center;">98</div>
1 Type or print your first name and middle initial <span style="float:right">Last name</span> <div style="font-size: 1.2em; font-family: cursive;">Donna Cabrera</div>		2 Your social security number <div style="font-size: 1.2em; font-family: cursive;">595 0118 064</div>
Home address (number and street or rural route) <div style="font-size: 1.2em; font-family: cursive;">1092 NW 162 Ave</div>		3 <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. <small>Note: If married, but legally separated, or spouse is a nonresident alien, check the Single box.</small>
City or town, state, and ZIP code <div style="font-size: 1.2em; font-family: cursive;">Perry Grove Pkwy A 33088</div>		4 If your last name differs from that on your social security card, check here and call 1-800-772-1213 for a new card <span style="float:right">▶ <input type="checkbox"/></span>
5 Total number of allowances you are claiming (from line H above or from the worksheets on page 2 if they apply) <span style="float:right">5</span>		6 Additional amount, if any, you want withheld from each paycheck <span style="float:right">6</span>
7 I claim exemption from withholding for 1998, and I certify that I meet BOTH of the following conditions for exemption: • Last year I had a right to a refund of ALL Federal income tax withheld because I had NO tax liability AND • This year I expect a refund of ALL Federal income tax withheld because I expect to have NO tax liability. If you meet both conditions, enter "EXEMPT" here <span style="float:right">▶ 7</span>		
Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or entitled to claim exemption.		
Employee's signature ▶ <div style="font-size: 1.2em; font-family: cursive;">Donna Cabrera</div>		Date ▶ _____, 19__
8 Employer's name and address (Employer: Complete 8 and 10 only if sending to the IRS)		9 Office code (optional)
10 Employer identification number		

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. **ANTI-DISCRIMINATION NOTICE.** It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Verification.** To be completed and signed by employee at the time employment begins

Print Name: Last <u>Cabrera</u>	First <u>Donna</u>	Middle Initial	Maiden Name <u>Markin</u>
Address (Street Name and Number) <u>1092 NW 162 Ave</u>		Appt. #	Date of Birth (month/day/year) <u>8-15-72</u>
City <u>Pembroke Pine</u>	State <u>FL</u>	Zip Code <u>33028</u>	Social Security # <u>595-01-8064</u>

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):  
 A citizen or national of the United States  
 A Lawful Permanent Resident (Alien # A \_\_\_\_\_)  
 An alien authorized to work until \_\_\_\_\_ (Alien # or Admission # \_\_\_\_\_)

Employee's Signature Donna Cabrera Date (month/day/year) \_\_\_\_\_

Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge, the information is true and correct.

Preparer's/Translator's Signature \_\_\_\_\_ Print Name \_\_\_\_\_  
 Address (Street Name and Number, City, State, Zip Code) \_\_\_\_\_ Date (month/day/year) \_\_\_\_\_

**Section 2. Employer Review and Verification.** To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C as listed on the reverse of this form and record the title, number and expiration date, if any, of the document(s)

List A	OR	List B	AND	List C
Document title: _____	OR	_____	_____	_____
Issuing authority: _____		_____	_____	_____
Document #: _____		_____	_____	_____
Expiration Date (if any): _____		_____	_____	_____
Document #: _____		_____	_____	_____

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) \_\_\_\_\_ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment).

Signature of Employer or Authorized Representative \_\_\_\_\_ Print Name \_\_\_\_\_ Title \_\_\_\_\_

Business or Organization Name \_\_\_\_\_ Address (Street Name and Number, City, State, Zip Code) \_\_\_\_\_ Date (month/day/year) \_\_\_\_\_

**Section 3. Updating and Reverification.** To be completed and signed by employer

A. New Name (if applicable) \_\_\_\_\_ B. Date of rehire (month/day/year) (if applicable) \_\_\_\_\_

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility  
 Document Title: \_\_\_\_\_ Document #: \_\_\_\_\_ Expiration Date (if any): \_\_\_\_\_

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative \_\_\_\_\_ Date (month/day/year) \_\_\_\_\_



# MEDICAL HISTORY QUESTIONNAIRE

(For Applicants Who Have Received Conditional Job Offers. The statement as found on this page must be signed by the applicant before completing the following medical questionnaire).

I herewith affirm that the employer has made me an offer of employment, conditioned on the satisfactory completion of this questionnaire and, if necessary, within the sole discretion of the employer, a medical examination. The purpose of this inquiry is to determine whether I currently have the physical or mental qualifications necessary to perform the essential functions of the job that has been offered, whether and what accommodations may be necessary, and whether I can perform the job without posing a direct threat to the health or safety of myself or others and for the purposes and reasons as stated on the attached questionnaire.

This information will be kept confidential in a separate medical file, apart from my personnel file. I herewith affirm that the questions as found in the attached medical questionnaire have not been asked of me by anyone with the employer until after I have signed this statement and been offered a job.

NAME Donna Cabrera SOCIAL SECURITY NUMBER 595-01-8064

SIGNATURE Donna Cabrera WITNESS \_\_\_\_\_ WITNESS \_\_\_\_\_

STATE OF FLORIDA, COUNTY OF \_\_\_\_\_ SWORN TO AND SUBSCRIBED TO before me on this day \_\_\_\_\_ of \_\_\_\_\_ 19\_\_\_\_

(SEAL) \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

1. Have you ever had or been treated for any of the following conditions or diseases?

- | Yes No   | Yes No   |
|--|--|
| <input type="checkbox"/> <input type="checkbox"/> Epilepsy   | <input type="checkbox"/> <input type="checkbox"/> Rheumatic fever  |
| <input type="checkbox"/> <input type="checkbox"/> Diabetes   | <input type="checkbox"/> <input type="checkbox"/> High blood pressure  |
| <input type="checkbox"/> <input type="checkbox"/> Cardiac disease (heart trouble)  | <input type="checkbox"/> <input type="checkbox"/> Varicose veins   |
| <input type="checkbox"/> <input type="checkbox"/> Amputation of foot, leg, arm or hand   | <input type="checkbox"/> <input type="checkbox"/> Leg ulcer  |
| <input type="checkbox"/> <input type="checkbox"/> Total loss of sight of one or both eyes or a partial loss of corrected vision of more than 75% bilaterally         | <input type="checkbox"/> <input type="checkbox"/> Chest pain   |
| <input type="checkbox"/> <input type="checkbox"/> Residual disability from poliomyelitis (polio)   | <input type="checkbox"/> <input type="checkbox"/> Tuberculosis   |
| <input type="checkbox"/> <input type="checkbox"/> Cerebral palsy   | <input type="checkbox"/> <input type="checkbox"/> Allergies  |
| <input type="checkbox"/> <input type="checkbox"/> Multiple sclerosis   | <input type="checkbox"/> <input type="checkbox"/> Hay fever or asthma  |
| <input type="checkbox"/> <input type="checkbox"/> Parkinson's disease  | <input type="checkbox"/> <input type="checkbox"/> Skin trouble   |
| <input type="checkbox"/> <input type="checkbox"/> Hemophilia   | <input type="checkbox"/> <input type="checkbox"/> Reaction to serum or drug  |
| <input type="checkbox"/> <input type="checkbox"/> Chronic osteomyelitis (bone infection)   | <input type="checkbox"/> <input type="checkbox"/> Kidney or bladder trouble  |
| <input type="checkbox"/> <input type="checkbox"/> Hyperinsulinism (low blood sugar)  | <input type="checkbox"/> <input type="checkbox"/> Ulcers   |
| <input type="checkbox"/> <input type="checkbox"/> Muscular dystrophy   | <input type="checkbox"/> <input type="checkbox"/> Head injury  |
| <input type="checkbox"/> <input type="checkbox"/> Thrombophlebitis (inflammation of a vein with a blood clot formed in the vein)                                     | <input type="checkbox"/> <input type="checkbox"/> Cancer   |
| <input type="checkbox"/> <input type="checkbox"/> Herniated intervertebral disc (slipped disc)   | <input type="checkbox"/> <input type="checkbox"/> Dizziness or fainting spells                                     |
| <input type="checkbox"/> <input type="checkbox"/> Surgical removal of intervertebral disc or fusion  | <input type="checkbox"/> <input type="checkbox"/> Arthritis or rheumatism  |
| <input type="checkbox"/> <input type="checkbox"/> Total deafness   | <input type="checkbox"/> <input type="checkbox"/> Knee injury  |
| <input type="checkbox"/> <input type="checkbox"/> Mental retardation   | <input type="checkbox"/> <input type="checkbox"/> Backache   |
| <input type="checkbox"/> <input type="checkbox"/> Meniscectomy (removal of cartilage from knee)  | <input type="checkbox"/> <input type="checkbox"/> Shoulder injury  |
| <input type="checkbox"/> <input type="checkbox"/> Patellectomy (knee cap removal or replacement)   | <input type="checkbox"/> <input type="checkbox"/> Alcoholism   |
| <input type="checkbox"/> <input type="checkbox"/> Ruptured cruciate ligament (of the knee)   | <input type="checkbox"/> <input type="checkbox"/> Drug addiction   |
| <input type="checkbox"/> <input type="checkbox"/> Surgical or spontaneous fusion of a major weight bearing joint   | <input type="checkbox"/> <input type="checkbox"/> Severe headaches   |
| <input type="checkbox"/> <input type="checkbox"/> One or more back injuries or diseased process of the back resulting in disability over a total of 120 or more days | <input type="checkbox"/> <input type="checkbox"/> Chronic cough  |
| <input type="checkbox"/> <input type="checkbox"/> Prior industrial accidents with this company or affiliated company   | <input type="checkbox"/> <input type="checkbox"/> Shortness of breath  |
| <input type="checkbox"/> <input type="checkbox"/> Any permanent physical condition which constitutes a 20 percent impairment of a member or of the body as a whole   | <input type="checkbox"/> <input type="checkbox"/> Nervous breakdown  |
|  | <input type="checkbox"/> <input type="checkbox"/> Mental illness, psychiatric treatment or professional counseling |

000332

**FHM Insurance Company**

Serviced by: United Self Insured Services

P. O. BOX 616648, ORLANDO, FLORIDA 32861-6648

**EMPLOYEE AGREEMENT  
EMPLOYEE SAFE WORKING PRACTICES/MANAGED CARE**

As a condition of employment, I Donna Cabrera do hereby agree to  
(Please print full name)  
comply with the following Employee Safe Working Practices and Managed Care Program.

1. I agree to follow established departmental safety procedures.
2. I agree to report any work-related accident or injury to my supervisor as soon as it occurs, but no later than the end of my duty shift.
3. If I need treatment for a work-related injury, I understand that my employer has enrolled in a Managed Care Program for Workers' Compensation with *FHM Insurance Company WECARE program and CORCARE Network* and that the following procedures must be followed for all work-related injuries and illnesses. It is important to note that Florida Statute 440.134(17) states "...Treatment received outside the Workers' Compensation managed care arrangement is not compensable unless authorized by the carrier prior to the treatment date."
  - ✓ Report promptly any work-related injury to supervisor.
  - ✓ Hand carry the introductory letter to the Medical Care Coordinator on the initial visit.
  - ✓ Follow the Medical Care Coordinator's instructions for any additional specialist treatment, if needed.
  - ✓ Ensure all medical treatment is handled only through the Medical Care Coordinator.
  - ✓ Direct all questions about level of care to the Medical Care Coordinator, who is the focal point for medical treatment.
  - ✓ Follow established Grievance Procedures to resolve any dissatisfaction with medical treatment.

I understand that failure on my part to follow the above procedures could result in disciplinary action not to exclude termination and loss of Workers' Compensation benefits.

I also understand that according to Section 440.09(5) of the Florida Workers' Compensation Law, my compensation benefits could be reduced for any injury which occurs because of failure to follow established safety procedures.

Donna Cabrera  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

Original to Personnel File / Copy to Employee

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