STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

v.

CONNIE H. SANDERS,

CASE NO. 2011-__________

Respondent.

RESPONDENT'S FIRST SET OF INTERROGATORIES
TO PETITIONER, DEPARTMENT OF HEALTH

The following Interrogatories are propounded pursuant to Rule 1.340, Florida Rules of Civil Procedure upon the Petitioner, requiring said party to answer in writing, under oath, the Interrogatories separately and to serve the answered Interrogatories upon the propounding party, within the time specified by the Florida Rules of Civil Procedure.

DEFINITIONS

1. As used herein the term "DOCUMENT" means every writing of every kind, as well as every other means by which information is recorded or transmitted and includes, without limitation, in the singular as well as in the plural, the original (or, if unavailable, a copy of the original) of all memoranda including written memoranda or telephone conversations, other oral communications, discussions, agreements, acts, and activities, letters, telexes, postcards, telegrams, intra-office and interoffice communications, items of correspondence, handwritten and typewritten notes, working papers, pamphlets, diaries, records of every kind, sound recordings, transcripts of sound recordings, contracts, agreements, books, letters, reports, catalogues, price lists, financial statements, books of account, journals, ledgers, purchase orders, invoices, indices, data processing cards, other data processing materials, magnetic media, diskettes, data sheets, tapes, photographs, photostats, microfilm, directives, bulletins, circulars, notices, messages, reports, tabulations, notes, economic or statistical studies, surveys, polls, minutes, instructions, requests, calendars, desk pads, appointment books, scrap books, notebooks, specifications, drawings, diagrams, sketches, and each draft and each nonidentical copy thereof, however produced and reproduced and regardless of location or origin, to which the Petitioner has or has, in the past, had access.

2. As used herein, "COMMUNICATION" means all forms of communication, and includes any Document. The term "COMMUNICATION" includes, but is not limited to,
handwritten Documents, typed Documents, telegrams, computer printouts, Documents produced by a facsimile device, information observed on any type of CRT (cathode ray tube) or other video display or monitor, or any other document produced by any means, and any oral statements, statements transmitted by telephone, radiotelephone, microwave signal or by other means which is regulated by the federal government, a state government, municipality or other governmental body or agency thereof.

3. As used herein, "RELATING TO" or "RELATE TO" means and includes concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, intending to establish, evidencing, comprising, connected with, commenting on, responding to, disagreeing with, showing, describing, representing or constituting.

4. As used herein, "AND" and "OR" shall be construed either conjunctively or disjunctively as a necessary to bring within the scope of these requests any information which might otherwise be construed to be outside their scope.

5. As used herein, "PERSON" or "PERSONS" means all natural persons ("individual" or "individuals") and entities including without limitation corporations, partnerships, companies, limited partnerships, joint ventures, trusts, estates, associations, public agencies, departments, bureaus and boards.

6. The parties are identified in this document as follows:
   a. The terms "Petitioner", "you", "your", and "DOH" refers to the Florida Department of Health, including each of its past or present employees, representatives, agents, attorneys, and any other persons acting or purporting to act on its behalf.
   b. The term "Respondent" and "Sanders" refers to Connie H. Sanders including all representatives, agents and attorneys of the Respondent.

7. As used herein, the "Subject Property" refers to 413 Richmond Avenue North, Lehigh Acres, Lee County, Florida.

8. As used herein, "identify" when used with respect to a person means to provide the person's:
   a. Name
   b. Employer
   c. Position
   d. Last known business address
   e. Telephone number
   f. Relationship, if any, to Petitioner

9. "Date" means the exact day, month and year if known or ascertainable, or if not, the best approximation, including relationship to other events.
10. As used herein, the term "identify" when used with respect to documents means that you are required for each and every document to:

   a. State the exact name and title by which you refer to it;
   b. State the date of the document and all other serial or identifying numbers thereon;
   c. Provide all the information relating to each and every person who wrote, signed, initialed, dictated or otherwise participated in the creation of said document;
   d. State its general subject matter;
   e. Identify each and every addressee of said document;
   f. Identify each and every person to have custody or control of said document;
   g. Specify the location of any file or files where the document or any copy there was normally or presently kept and identify the custodian thereof; and
   h. Briefly summarize the contents of the documents.

**INSTRUCTIONS**

1. Each person consulted in responding to any interrogatory shall be identified in the body of the response to that interrogatory.

2. If any part of these interrogatories cannot be responded in full, please respond to the extent and manner possible, using an estimate if exact figures or detailed records are not available, specifying when an estimate rather than exact figures or statements have been used.

3. You are to furnish all information which is in your possession, custody, control or that is otherwise available to you as of the date of your answers to these interrogatories, including all information that is in your files, whether personal, business or otherwise. You shall also provide information in the possession, custody or control of any of your present or former attorneys, representatives, agents, accountants, directors, officers, employees and or corporate parents, affiliates and subsidiaries.

4. When you are requested to attach documents to your answers to these interrogatories and you determine that the documents are too voluminous to attach, please make the documents available for inspection and copying. With respect to each answer that identifies documents, attach copies of said documents to your answers or identify the documents using the document control number assigned to it.

5. Terms in the plural include the singular and terms in the singular include the plural.

6. The past tense shall be construed to include the present tense, and vice versa, to make the request inclusive rather than exclusive.
7. Each document, communication or record shall be labeled according to the number of the interrogatory to which it responds.

8. Each document, communication or record shall be produced in its entirety without deletion or exclusion.

9. When producing the documents, communication or records, please keep all documents, communications or records segregated by the file in which the documents, communications or records are contained and indicate the name of the file in which the documents, communications or records are contained and the name of the documents, communications or records being produced.

10. As to any document, communication or record related to the matters described herein that is not in the possession of the Petitioner but which is known to the Petitioner to exist, the Petitioner is requested to identify such a document, communication or record and indicate to the best of the Petitioner's ability that document's, communication's or record's present or last known location and custodian.

11. You are requested to produce your answers to these interrogatories and any answers designated hereafter at the offices of Neysa Borkert, Esq., Pavese Law Firm, 1833 Hendry Street, P.O. Drawer 1507, Fort Myers, Florida 33902-1507, or at such other location as may be agreed to in writing by the parties within thirty (30) days of the date of this request.
INTERROGATORIES

1. State the name, address, title and job description of each person who was consulted or contacted regarding answering these interrogatories, who provided information used to prepare answers to these interrogatories and who in fact answered these interrogatories. If information used, reviewed or referenced in answering these interrogatories was gathered from any document or confirmed through any document and the document has not otherwise been produced to Respondent, identify each document and attach a copy hereto.

2. Identify all persons who are believed or known by you to have any knowledge concerning or relating to any of the issues of this action; and specify the subject matter about which the person has knowledge.
3. Identify all witnesses who will testify at trial and for each person identify the subject matter on which the witness will testify, the conclusions and opinions of the witness and the basis therefore, and identify any reports prepared by the witness.

4. Identify all persons, including their dates of involvement, who received any communication, correspondence, telephone calls, e-mails, letters, forms, concerning this matter and the Subject Property, the nature of the communication in detail, the date, and all parties involved in the communication.
5. Identify in chronological order with particularity, all site visits, actions, correspondence, communications, inspections and any other interaction by the DOH from January 14, 2011 to the present concerning this matter and the Subject Property.

6. Identify all conversations, conferences, and meetings pertaining to this action and the events leading up to this action, in chronological order, who attended or were a party to, and explain with particularity the subject matter of said conversation, conference or meeting.
7. Please provide a copy of the entire DOH file pertaining to this matter and identify the author of all communication, correspondence, letters, notations and permits, violations and any other document contained in the file.

8. Please provide a copy of the entire DOH file pertaining to the Subject Property including, but not limited to, the installation of the septic tank system, any subsequent repairs or replacement of the system and identify the author of all communications, correspondence, letters, notations and permits, violations and any other document contained in the file.
9. Have you heard or do you know about any statements, remarks or communications made by or on behalf of any party to this matter, other than yourself, concerning any issue in this matter? If so, state the name and address of the person making the statement, of each person who heard it, and the date, time, place and substance of each statement.

10. Identify all persons, employees, agents of the DOH who have personal knowledge of the facts listed in the answers to these interrogatories and the specific fact of personal knowledge.
11. Please list any and all exhibits you intend to introduce into evidence at the hearing on this matter.

VERIFICATION OF ANSWERS TO INTERROGATORIES

STATE OF FLORIDA
COUNTY OF LEE

1. My name is ____________________________ as __________________ for the Department of Health, Petitioner in this action.

2. I have read the said interrogatories and the foregoing answers thereto are true according to the best of my knowledge, information and belief.

Print Name: ________________________________
Title: ________________________________
STATE OF FLORIDA  
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this____day of  
_____________________, 2011, by ______________________________ as __________________  
____________________ of Department of Health who is personally known to me or who  has produced ______________________________ as identification and who  
_______ did ______ did not take an oath, acknowledging that the above and foregoing is true and correct and that it was executed freely and voluntarily for the purposes expressed therein.

My Commission Expires:  

Notary Public

Respectfully submitted this _____ day of June, 2011.

______________________________  
NEYSA BORKERT  
Florida Bar No. 824941  
Pavese Law Firm, 1833 Hendry Street  
Fort Myers, Florida 33901  
Tel: 239-334-2195; Fax: 239-332-2243  
E-mail: neysaborkert@pavesealaw.com

CERTIFICATE OF SERVICE

I hereby certify that I have served the original and a true and correct copy of the Respondent’s First Set of Interrogatories to Petitioner, Department of Health, via e-mail and via hand delivery to DENISE DUQUE, Esquire, Florida Department of Health, 2295 Victoria Avenue, Room 209, Fort Myers, Florida 33901, on the 3rd day of June, 2011.

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NEYSA BORKERT

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