

Filing # 112941634 E-Filed 09/04/2020 04:16:44 PM

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.:

RONNY SIMMONS,

Petitioner,

v.

THE BRIDGES HOMEOWNERS  
ASSOCIATION, INC. and  
LUCY'S CLEANING SERVICES,  
INC.,

Respondent.

\_\_\_\_\_ /

**PETITION FOR PURE BILL OF DISCOVERY**

Petitioner, RONNY SIMMONS, by and through his undersigned counsel, hereby files this Petition for a Pure Bill of Discovery, and upon information and belief states at all times material:

1. Respondent, THE BRIDGES HOMEOWNERS ASSOCIATION, INC. was, and is, a Florida not for-profit corporation doing business in Palm Beach County with its principle place of business located at 8576 Golden Gate Avenue, Delray Beach, FL.
2. Respondent, LUCY'S CLEANING SERVICES, INC., a Florida for-profit corporation doing business in Palm Beach County, with its principle place of business located at 2966 Via Vellaria Street, Lake Worth, FL 33461. This Respondent provided cleaning services at the Respondent, THE BRIDGES HOMEOWNERS ASSOCIATION, INC.'s, clubhouse located at 8576 Golden Gate Avenue, Delray Beach, FL.
3. On or about January 28, 2020, Petitioner was a business invitee at THE BRIDGES HOMEOWNERS ASSOCIATION, INC.'s community clubhouse, located at or about 8576 Golden Gate Avenue, Delray Beach, FL. At this time and place, the improper condition of

the floor, negligent maintenance of the floor, and/or foreign substance on the floor, caused Petitioner to slip and fall to the ground. As a result, Petitioner sustained serious and permanent injuries.

4. It is Petitioner's belief that the injuries he sustained were the result of negligence on the part of Respondents, their employees, agents and/or servants.
5. Respondent, THE BRIDGES HOMEOWNERS ASSOCIATION, INC.'s, video recording system recorded Petitioner falling and related events.
6. Respondent, THE BRIDGES HOMEOWNERS ASSOCIATION, INC., has video recordings showing (1) what happened before Petitioner fell, (2) Petitioner falling, and (3) what happened after Petitioner fell.
7. Petitioner asked Respondent, THE BRIDGES HOMEOWNERS ASSOCIATION, INC. for a complete copy of the videos from the day in question but it refuses to give them to Petitioner.
8. Petitioner is also in need of the identities of Respondents' employees who were responsible for the maintenance and condition of the floor.
9. Petitioner needs to acquire and preserve the video evidence related to his fall to identify potential defendants who should be sued, and to identify theories of liability relating to the acts or omissions of said potential defendants.
10. Respondents have possession, custody, and/or control of the video and/or still photographs documenting the incident, and the identities of their employees.
11. Granting a petition for pure bill of discovery is warranted to allow a party to identify potential defendants and theories of liability. *Lewis v. Weaver*, 969 So. 2d 586 (Fla. 4th DCA 2007); *Payne v. Beverly*, 958 So. 2d 1112, 1114 (Fla. 5th DCA 2007);

*Adventist Health Sys./Sunbelt, Inc. v. Hegwood*, 569 So. 2d 1295, 1297 (Fla. 5th DCA 1990).

12. Petitions for Pure Bills of Discovery have been granted in substantially similar situations by Circuit Courts throughout the State.

13. In *Castlen v. Central Florida Liquors, Inc.*, the court granted a petition for pure bill of discovery and ordered a bar to produce all videos and photos depicting a customer in the bar and to produce all written, recorded, and/or transcribed statements of the customer. No. 2012-CA-009471-O (Fla. 9th Cir. Ct. July 22, 2013). (Ex. A)

14. In *Szerlip v. Costco Wholesale Corp.*, the court granted a petition for pure bill of discovery and ordered a store to produce the identifying information of a potential defendant. No. 50-2016CA012921-XXXX-MB-AJ (Fla. 15th Cir. Ct. Apr. 12, 2017). (Ex. B)

15. In *Mulinari v. Wal-Mart Stores East, LP*, the court granted a petition for pure bill of discovery and ordered Wal-Mart to disclose the names of its employees working when a customer slipped and fell and ordered production of all videos of the slip and fall and all subsequent video of the customer in the store. No. CACE 17-021463 (25) (Fla. 17th Cir. Ct. Feb. 20, 2018). (Ex. C)

16. In *Garcia v. Winn-Dixie Stores, Inc.*, the court granted a petition for pure bill of discovery and ordered Winn-Dixie to produce all videos of an incident, all photographs related to an incident, all statements related to an incident, and all reports related to an incident. No. CACE 18-002210 (13) (Fla. 17th Cir. Ct. Feb. 17, 2018). (Ex. D)

Wherefore, Petitioner asks for an Order granting this Petition for a Pure Bill of Discovery and order Respondents to produce within ten days: 1) a complete copy of all surveillance

video and/or still photographs from the subject clubhouse on January 28, 2020; and 2) The name, address, title, and duties and/or responsibilities of each of respondents' employees that were responsible in any way for the maintenance of and/or condition of the floor on January 28, 2020. Petitioner designates the addresses in the signature block below for eservice. All addresses must be copied on all eservice emails.

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BY: /s/ Zane Berg  
Zane Berg  
Florida Bar #: 091317  
Cristina Sabbagh  
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IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO.: 2012-CA-009471-O  
DIVISION: 35

LISA CASTLEN and  
MORGAN CASTLEN,

Petitioners,

vs.

CENTRAL FLORIDA LIQUORS, INC.,  
d/b/a COWBOYS ORLANDO,

Respondent.

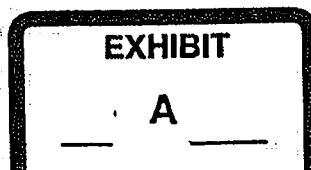
ORDER GRANTING PETITIONERS' SECOND AMENDED  
PETITION FOR PURE BILL OF DISCOVERY

THIS CAUSE having come before the Court on *Petitioners' Second Amended  
Petition for Pure Bill of Discovery* filed on May 21, 2013 and the Court having reviewed  
this Petition and any written response thereto, heard the argument of counsel, and  
being otherwise fully informed in the premises, it is hereby:

ORDERED and ADJUDGED that:

1. Petitioners' Second Amended Petition for Pure Bill of Discovery is  
GRANTED.
2. Within ten (10) days from the date of this Order, Respondent shall  
coordinate and set the deposition of the Respondent's records custodian to take place  
within sixty (60) days. This witness shall produce the materials requested in Petitions'  
Pure Bill of Discovery at said deposition, including:

- a. *Video and/or still photographs (in any media) showing Petitioners  
LISA CASTLEN and/or MORGAN CASTLEN while they were in  
Respondent's Bar, including, but not limited to images Bar captured  
on the following dates:*



1. May 5, 2011 at 10:00 pm through May 6, 2011 at 2:00 am.
2. July 28, 2011 at 9:00 pm through 11:59 pm.
3. On any date and time.

3. As agreed at the hearing on June 18, 2013, Respondent shall produce the following statements directly to Petitioners' counsel within ten (10) days without the need for a deposition: *any and all written, recorded, and/or transcribed statement(s) made by Petitioners LISA CASTLEN and/or MORGAN CASTLEN.*

DONE and ORDERED, in Chambers at Orange County, Florida this 22 day of July, 2013.



*W* Honorable Walter Komar, ~~Walter Komar~~ Field A. Myers, Jr.  
Circuit Judge

Copies furnished to all counsel listed below on this the 22nd day of July 2013 by Melissa Goodwin:

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Counsel for Respondent.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

LEONARD SZERLIP,

Case No: 50-2016CA012921XXXXMBAJ

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION,

Defendant:

\_\_\_\_\_ /

ORDER ON DEFENDANT'S OBJECTIONS TO PLAINTIFF'S INTERROGATORIES

THIS CAUSE having come on to be heard on April 12, 2017, on Defendant's Objections to Interrogatories, and the Court having heard argument of counsel and being fully advised in the premises, it is thereupon,

ORDERED and ADJUDGED that:

Objection #1 - Moot \_\_\_\_\_  
\_\_\_\_\_

Objection #2 - Moot \_\_\_\_\_  
\_\_\_\_\_

Objection #3 - Defendant will provide the alleged tortfeasor's name, address & phone number to Plaintiff within 10 days of this Order.

EXHIBIT  
B

Objection #4 - Moot

Objection #5 - Moot

Objection #6 - Moot

Objection #7 - Moot

DONE and ORDERED in Chambers at West Palm Beach, Florida, this 12 day of April, 2017.

  
CIRCUIT JUDGE

Copies furnished to:  
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IN THE CIRCUIT COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT, IN AND FOR Broward  
COUNTY, FLORIDA

Case No.: CA#E 17-021463 (25)

Catherine Mulinari, )  
Plaintiff(s), )  
v. )  
WAL-MART STORES EAST, LP, )  
Defendant(s). )

ORDER

THIS CAUSE having come on to be heard on February 20, 2018 ~~Defendant's~~ Plaintiff's

Motion to Dismiss Amended Petition for Price Bill of Discovery  
and the Court having heard argument of counsel, and being otherwise advised  
in the Premises, it is hereupon,

ORDERED AND ADJUDGED that said Motion be, and the same is hereby

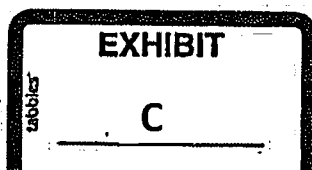
Denied based on the unique facts of this case (i.e. to identify employees, potential defendants and causes of action). Defendant Wal-Mart will produce all identity information for individual allegedly pushing the subject cart as well as any video or film recordings  
DONE AND ORDERED in Chambers, at

this 20 day of Feb, 2018 of the subject incident & all subsequent footage of Petitioner CAROL-LISA PHILLIPS  
Circuit Judge FEB 20 2018

Copies furnished: Open Court

Andrew Winston, awinston@winstonlaw.com

Cary Woods II, cwoods@dldlawyers.com



SEVENTEENTH JUDICIAL CIRCUIT COURT  
BROWARD COUNTY, FLORIDA

CASE NO. CACE 18-002210 (13)

JUDGE MICHAEL A. ROBINSON

CYNTHIA GARCIA,

Petitioner,

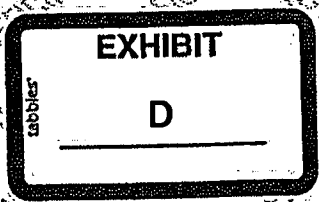
WINN-DIXIE STORES, INC.,

Respondent.

**ORDER GRANTING PETITIONER'S  
PETITION FOR PURE BILL OF DISCOVERY**

This case is before the Court on Petitioner's Petition for a Pure Bill of Discovery. The Court is fully advised on the matter and on the agreement of the parties ORDERS:

1. Petitioner's Petition for a Pure Bill of Discovery is granted.
2. Within ten days of the date of this Order, Respondent shall deliver to Petitioner's counsel:
  - a. All video recordings related to the motor vehicle incident that occurred in the parking lot adjacent to respondent's store involving Petitioner;
  - b. All photographs related to the motor vehicle incident that occurred in the parking lot adjacent to respondent's store involving Petitioner;
  - c. All statements related to the motor vehicle incident that occurred in the parking lot adjacent to respondent's store involving Petitioner; and



d. All incident reports related to the motor vehicle incident that occurred in the parking lot adjacent to respondent's store involving Petitioner.

e. With the respective parties herein to bear their own costs and attorneys' fees.

SIGNED at Fort Lauderdale, Florida on February \_\_\_\_, 2018.

\_\_\_\_\_  
The Honorable Michael A. Robinson  
Circuit Court Judge

Copies to:

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*Michael A. Robinson*

Electronically Signed by Robinson, Michael CACE18002210 02-17-2018 4:30 PM