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January 21, 1991

FILED
SID J. WHITE
JAN 24 1991
CLERK, SUPREME COURT
By: *[Signature]*
Deputy Clerk

Sid J. White
Supreme Court of Florida
Tallahassee, Florida 32399-1927

In Re: Amendment to Rules of Civil Procedure
Case No.: 77,020

Dear Mr. White:

The following are my comments to the proposed form interrogatories in the Official Notice of the Florida Bar News, dated January 15, 1991.

GENERAL PERSONAL INJURY NEGLIGENCE
INTERROGATORIES TO PLAINTIFF
INTERROGATORY #16

Interrogatory #16 requests the plaintiff to identify physicians, medical facilities, etc. for the ten year period prior to the date the interrogatories were propounded. The interrogatory further requests specific information regarding those examinations and treatments identified.

I believe that limiting inquiry on prior illnesses and injuries to a period of ten years prior to the date the interrogatories are propounded is unreasonably limiting in discovering the plaintiff's prior state of health. Most personal injury actions involving the physical health of an individual involve orthopedic and neurological injury. Further, examining and treating physicians will assign a permanent impairment rating as a result of the orthopedic or neurological injury. Since the physician states that permanent means for the entire life of the patient, then the defendant should have the benefit of all permanent injury ratings assigned to a plaintiff for their entire life, not just for ten year period prior to the date of the propounding of the interrogatories.

AUTOMOBILE NEGLIGENCE
INTERROGATORIES TO PLAINTIFF

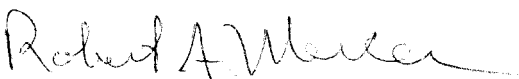
Under the automobile negligence-interrogatories to defendants, Interrogatory #8 is set forth as a proposed form interrogatory.

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It is my suggestion that this same interrogatory be added as a form interrogatory under the automobile negligence-interrogatories to plaintiff. Of course, "defendant driver" would have be changed to plaintiff driver or occupant.

With best regards,

Very truly yours,


ROBERT A. MERCER
F.B.N.: 343943

RAM:dpl