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**FILED**

SID J. WHITE

**DEC 9 1991**

CLERK, SUPREME COURT

By [Signature]  
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

CASE NO.: 78,368

SAFECARE HEALTH CORPORATION,  
Petitioner/Defendant(s),

vs.

GRETEL LOEB  
Respondent/Plaintiff(s).

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DISCRETIONARY PROCEEDINGS TO REVIEW A DECISION OF THE  
DISTRICT COURT OF APPEAL, FOURTH DISTRICT OF FLORIDA

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PETITIONER SAFECARE'S REPLY BRIEF  
ON RESPONDENT'S BRIEF ON THE MERITS

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STATEMENT OF THE CASE AND STATEMENT OF THE FACTS

Respondent's Statement of the Case and the Facts notes to this Court that there is an inconsistency in the Petitioner's Statement of the Case and the Facts regarding which physician initially saw Gretel Loeb at the Safecare HMO. The Respondent's then conclude that Petitioner's have therefore proffered to this Court an inaccurate Statement of the Case and Statement of the Facts. The fact of who initially saw Gretel Loeb is not contained in any segment of the official record, and has never been relied upon by either side throughout the pendency of this action. The information as to which physician initially saw Gretel Loeb is first revealed to this Court in the Appendix to Respondent's Answer Brief in non-record documents. (See Appendix to Respondent's Answer Brief at p. 4) Despite this information being non-record, and thus properly stricken, the Petitioner does not object to its inclusion in the record for review purposes (although it was not made available to the Fourth District Court of Appeal by the Respondent's) because the information of who first saw Gretel Loeb does not modify or alter the facts relied upon or the arguments made by the Petitioner or the Respondent.

However, the Petitioner feels it is important that this Court take note that it is only this particular non-record information which the Respondent's suggest should be modified. The remainder of the Statement of the Case and Facts proffered by the Petitioner is accurate and continues to be fully supported by the record.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 5th day of December, 1991, to: Thomas D. Lardin, Esquire, 1901 W. Cypress Creek Road, Suite #100, Fort Lauderdale, Florida 33309.

KLEIN & TANNEN, P.A.  
Attorney for Petitioner  
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Suite 620N  
Hollywood, Florida 33021

BY: 

 RICKI LEWIS TANNEN  
Florida Bar No.: 340103

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IN THE SUPREME COURT OF FLORIDA  
CASE NO.: 78,368

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SAFECARE HEALTH CORPORATION,  
Petitioner,  
vs.  
GRETEL LOEB,  
Respondent.

On review from the Fourth District  
Court of Appeal, of Florida

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**RESPONDENT LOEB'S APPENDIX TO REPLY BRIEF ON THE MERITS**

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