IN THE SUPREME COURT OF THE STATE OF FLORIDA

R.J. and P.J.,

Petitioners,

vs.

HUMANA OF FLORIDA, INC., d/b/a HUMANA HOSPITAL - LUCERNE, a Florida corporation, SMITHKLINE BEECHAM CLINICAL LABORATORIES, INC., f/k/a SMITHKLINE BIO-SCIENCE LABORATORIES, LTD., INC., a foreign corporation and WILLIAM J. ROBBINS, M.D.,

Respondents.
_____/

CASE NO. 82,743

District Court of Appeal,
5th District - No. 92-02333

ON THE CERTIFIED QUESTION FROM THE FIFTH DISTRICT COURT OF APPEAL

BRIEF ON THE MERITS ON BEHALF OF AMICUS CURIAE ACADEMY OF FLORIDA TRIAL LAWYERS IN SUPPORT OF THE PETITIONERS R.J. AND P.J.

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STATEMENT OF CERTIFIED QUESTION

Does the Impact Rule Apply to a Claim for Damages from a Negligent HIV Diagnosis?

PREFACE

For ease of reference, petitioner R.J. will be referred to as "petitioner," or "R.J."; the respondents Humana of Florida, Inc., as "Humana," Smithkline Beecham Clinical Laboratories, Inc., as "Smithkline," William J. Robbins, M.D. as "Robbins" and collectively referred to as "respondents." The Record refers to the same record and index from the Appellate Court will be cited by parentheticals containing the letter "R" followed by the page number upon which the cited material appears.

STATEMENT OF THE CASE AND FACTS

The Petitioners, R.J. and his wife P.J., brought an action on November 4, 1991 in the Ninth Judicial Circuit in and for Orange County Florida against Respondents, Humana of Florida of Florida, Inc. d/b/a Humana Hospital-Lucerne, Smithkline Beecham Clinical Laboratories, Inc. f/k/a Smithcline Bio-Science Laboratories, Ltd., Inc. and William J. Robbins, M.D. for negligent testing, diagnosis and medical treatment. (R.34-40) The Complaint alleged that as a result of the defendants' negligence, R.J. was led to incorrectly believe that he was infected with the HIV virus "causing him to suffer bodily injury including hypertension, pain and suffering, mental anguish, loss of capacity for the enjoyment of life and the reasonable expense of medical care and attention." (R. 73-75)

According to the Complaint, on March 19, 1989, agents or employees of Humana extracted blood from the petitioner R.J. The blood was forwarded to Smithkline for testing and analysis. (R. 71, 73)

On March 30, 1989 Defendant Humana informed R.J. that the results of the blood test indicated that he was infected with the HIV virus and referred him to Robbins for medical care and treatment. Robbins began care and treatment of R.J. in April 1989. Robbins accepted the validity of the Humana/Smithkline test results and failed to retest R.J. to confirm the presence of the virus. (R. 72, 75)

It was not until R.J. himself requested to be retested in November of 1990, some nineteen months after being told he had the HIV virus, that further testing revealed R.J. was not infected with HIV. (R. 72, 75) In addition to the damages suffered by R.J., his wife P.J. suffered a loss of his companionship, society services and consortium and incurred expenses for medical care and treatment. (R. 73, 74 and 75)

Respondents moved to dismiss the Complaint and all amendments. (R. 17-19, 28-31, 43-45, 46-49, and 84-86) The trial court dismissed with prejudice the medical malpractice action of the petitioners against the respondents for failure to state a cause of action due to the lack of a physical impact. (R. 77-79)

Petitioners appealed the trial court's decision to Fifth District Court of Appeal in which that court "reluctantly affirmed" but certified the following question to this Court as being one of great public importance: Does the Impact Rule Apply to a Claim for Damages from a Negligent HIV Diagnosis? It is from this question that Amicus files its brief on the merits, in support of the petitioner.

SUMMARY OF THE ARGUMENT

Respectfully, the lower court(s) erred in applying the impact rule as a bar to the recovery sought by the petitioner in this case. The impact rule does not apply in this medical malpractice claim, which is a freestanding tort independent of any claim for emotional or mental distress. As this Court

recently did in Kush v. Lloyd, 616 So. 2d 415 (Fla. 1992), the critical distinction that this claim was one sounding in medical malpractice (and not negligent infliction of emotional distress) renders improper the application of the impact rule, necessitating reversal of the decision of the lower court(s).

In any event, Amicus asserts that this doctrine should be abrogated. Following the lead of many other jurisdictions, Amicus requests this Court abolish the impact rule, in favor of a fair and equitable traditional pleading and proof system that requires the plaintiff seeking damages for mental or emotional harm to similarly plead and produce fact witnesses, expert testimony or other relevant evidence for jury consideration. The jury would then have the right to consider and accept or reject the evidence (as it traditionally does in "physical" injury claims).

Even if this Court were to apply the impact doctrine, the need for reversal is the same, as the record reveals the requisite "impact" in the form of penetration of the needle for the blood sample, which served as the basis for the misdiagnosis and the petitioner's hypertension and further unnecessary medical treatment for nearly nineteen months, and to live with the knowledge that he was going to die from this disease, alter his lifestyle significantly, constantly deal with other loved ones.

Alternatively, this Court should create an exception to the "impact" rule in these cases, as this Court has done in such cases as those involving negligent medical advice (Kush v. Lloyd, 616 So. 2d 415 (Fla. 1992)); 2) where death or significant

discernable injury results to the plaintiff (Champion v. Gray, 478 So. 2d 17 (Fla. 1985)); and 3) where the wrongful act is such as to reasonably imply malice, or where, from the entire want of care of attention to duty, or great indifference to the persons, property, or rights of others, such malice would be imputed (Kirksey v. Jernigan, 45 So. 2d 188 (Fla. 1950)).

ARGUMENT

I. THE IMPACT RULE DOES NOT APPLY IN A MEDICAL MALPRACTICE CASE

The petitioner was diagnosed by the respondent(s) as being infected with the HIV virus. After being treated for a variety of maladies resulting from the negligent diagnosis, the petitioner R.J. discovered that the respondents were mistaken and that he was not infected.

The petitioner filed a medical malpractice action. He did not file an action for the tort of negligent infliction of emotional distress. Nonetheless, the lower court dismissed the complaint, and the appellate court affirmed, but certified the question of the propriety of applying the impact rule in this case (of a negligent HIV diagnosis).

Respectfully, the lower court(s) erred in applying the impact rule as a bar to the recovery sought by the petitioner in this case. The critical distinction that this claim was one for medical malpractice should require this Court's review and reversal of the decision of the lower court(s).

This Court's recent decision of Kush v. Lloyd, 616 So. 2d

415 (Fla. 1992), and the Third District Court's recent decision in Gonzalez v. Metropolitan Dade County Public Health Trust, 18 Fla. L. Weekly 2380 (Fla. 3d DCA, Nov. 9, 1993) are indeed instructive in this regard.

In Kush, the respondent gave birth to a deformed child. The respondent sought to determine whether the condition was genetic or just an accident of nature. Id. at 417. She was informed that it was the latter, and in reliance, sought to have additional children. After two miscarriages, she had a boy, who was also deformed. She then learned that the condition was actually genetic. Id. The respondent then filed suit, asserting claims for wrongful birth and wrongful life, and sought damages for mental anguish experienced by the family. Id.

This Court, after considering the limitation based on the "impact doctrine" and "zone of danger" rule, found that the impact rule was not intended to apply "where emotional damages are an additional 'parasitic' consequence of conduct that itself is a freestanding tort apart from any emotional injury." Id. at 422 (quoting W. Page Keeton, et. al., Prosser and Keeton on the Law of Torts, section 54, at 361-65 (5th ed. 1984)). It also reiterated that the impact doctrine is "inapplicable to recognized torts in which damages are predominantly emotional, such as defamation or invasion of privacy." 616 So. 2d at 422.

In the case at bar, the petitioners assert a claim for medical malpractice, a claim which is "itself a freestanding tort apart from any emotional injury." The fact that the respondents

maintain that they are also entitled psychic damages does not change the independence of the tort of medical malpractice, nor should it change the petitioner R.J.'s right to assert same.

This Court's conclusion in Kush that "[t]here can be little doubt that emotional injury is more likely to occur when [there is] negligent medical advice" should require reversal of the decision of the lower court(s) and a negative answer to the certified question. The law supports that the petitioners should have a right to maintain their claim.[1]

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[1] Cf. Gonzalez v. Metropolitan Dade County Public Health Trust, 18 Fla. L. Weekly 2380 (Fla. 3d DCA, Nov. 9, 1993) (court found impact rule barred claim by party for tortious interference with a dead body when they suffered emotional distress after discovering several months later that the funeral home had not buried their child.

In that case, the Gonzalez' newborn daughter died at Jackson Memorial Hospital on Nov. 7, 1988. Pursuant to a contract between them and the funeral home, the funeral services and burial were performed on Nov. 9. Two months later, the Gonzalezes were notified that the child funeralized and buried in November was not their child. Id. at 2381. Their child's body was still in the morgue. Id.

After a second funeral and proper burial, the Gonzalezes filed an action for tortious interference with a dead body and negligent infliction of emotional distress, contending in principal part that the impact rule did not apply to this claim. Id.

Although certifying the question to this Court, the Third District apparently followed the impact rule, applied Kirksey and stated that "there can be no recovery for emotional distress caused by tortious interference with a dead body because there was no allegation of proof of physical impact or malicious conduct. Id. at 2382.

II. THE IMPACT RULE SHOULD BE ABOLISHED.

If this Court finds the "impact rule" worthy of consideration in this case, Amicus asserts - following the lead of many other jurisdictions - that this Court abolish the impact rule, in favor of a fair and equitable traditional pleading and proof system that requires the plaintiff seeking damages for mental or emotional harm to similarly plead and produce fact witnesses, expert testimony or other relevant evidence for jury consideration. The jury would then have the right to consider and accept or reject the evidence (as it traditionally does in "physical" injury claims). Amicus respectfully requests this Court answer the certified question in the negative, finding that the time has come for a permanent abrogation of the "impact rule."

The impact doctrine was first enunciated in England in 1888 in the case of Victorian Railway Commissioners v. Coultas, 13 App.Cas. 222; See also Stewart v. Gilliam, 271 So.2d 466 (4th DCA 1972). Significantly, it was quickly rejected in England but, not until after having been accepted into our system of jurisprudence. See Dulieu v. White & Sons, 2 K.B. 669 (1901).

The "impact" rule basically provides "that a plaintiff must suffer a physical impact before recovering for emotional distress caused by the negligence of another." See, e.g., Champion v. Gray, 478 So. 2d 17, 18 (Fla. 1985).

While the impact rule remained a thorn in the side of those parties who rightfully suffered from psychic injury

(unfortunately or fortunately) unaccompanied by physical impact, recent decisions of this and other Courts began to recognize the harsh inequity of the rule.

In 1985, for example, this Court in Champion was faced with a claim by the estate of a mother who sought damages for psychic injury when she had a heart attack after seeing her daughter just after she was killed by a car driven by the defendant. Id. at 18. This Court decided that now it was time to recognize

> that the price of death or significant discernable physical injury, when caused by a psychological trauma resulting from a negligent injury imposed upon a close family member within the sensory perception of the physically injured person, is too great a harm to require direct physical contact before a cause of action exists.

Id. at 18-19.

Although not going as far as other jurisdictions which permitted recovery for psychic trauma alone without either physical injury or a "zone of danger" fright,[2] this Court conceded that psychic injury should be cognizable in certain situations. Id.

The litmus test of "impact" (or the arbitrary "zone of danger" exception) as a prerequisite to recovery for psychic trauma simply does not comport with reality and the present day medical advancements. The apparent arbitrary diminution in the "severity" or "value" of those claiming psychic injury (by not permitting such claims) is not warranted nor justified. Indeed,

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[2] See, e.g., Molien v. Kaiser Foundation Hosp., 27 Cal.3d 916, 616 P.2d 813, 167 Cal.Rptr. 831 (1980).

ironically, society has come to recognize and accept the reality and often indelible severity of mental or emotional distress (psychic injury). It is indeed time for a positive change in the law, which will respond to our medical advancement and inure to the benefits of society as a whole.

This Court can and should adapt to the changing needs of society and respond to the reality of the advancement in medical science in discovery and diagnosis of real emotional or mental distress (that may be unaccompanied by physical "impact"). It should abolish the impact rule, in favor of traditional pleading and proof requirements.

Indeed, as well-regarded Former Chief Judge Gerald Mager of the Fourth District similarly noted

> The beauty of our judicial system is its flexibility in the pursuit of justice - its adherence to precedent yet its ability to reevaluate the continued vibrancy of such precedent. It is certainly more forthright to review and reject an unsound principle than to resort to judicial exceptions in order to obviate the harshness of such principle.

Jones v. Hoffman, 272 So. 2d 529, 532 (Fla. 4th DCA), rev'd on other grounds, 280 So. 2d 431 (Fla. 1973).

It is a great and honorable function of our Supreme Court to modify the law with society's advancement and change. Quoting an earlier decision of this Court, Judge Mager also reminds us in Jones that "the law is not static, [and that it] must keep pace with changes in our society, for the doctrine of stare decisis is not an iron mold which can never be changed." Id. at 532 (quoting Gates v. Foley, 247 So. 2d 40, 43 (Fla. 1971)).

Medical technology has advanced remarkably in detection and treatment of mental or emotional distress. Pharmaceutical companies are now making billions of dollars on tricyclic antidepressants, Mono-oxidase inhibitors, beta blockers, etc., all designed and (apparently effective in) detection and treatment of the admittedly debilitating condition associated with emotional and mental distress ("psychic injury").

Emotional or mental distress, whether accompanied by physical trauma, is real. Ironically, the emotional or mental "trauma" can be far more devastating and indelible than a physical injury from which an individual often recovers. We as a loving society cannot dispute that scars of the heart often run deeper and are more "permanent" than those of the skin. What we feel, our mental or emotional state can weigh heavier than our body. The debilitating trauma associated with truly believing you are going to die (i.e., in this case, the false positive HIV test), or the pain associated with seeing a best friend die in front of you, both as a result of a negligent act, cannot be quantified in words. Nor should we send a message that this harm to this truly innocent person is not real, nor that his horrific pain is not worthy of any redress merely because of the arbitrary conclusion that he can only show emotional trauma to the "heart" and "soul" of his/her being. We as a society recognize the reality and severity of psychological injury, and the need for treatment (and redress). Amicus hopes this Court will also recognize and respond to this reality.

Amicus is only requesting this Court to give these parties, who have adequately plead this very real injury, a chance to illustrate the severity and reality of their alleged claim. Persons who claim justifiable psychological injury, whether accompanied by physical injury, ought to have the right to at least present evidence to a jury for consideration and acceptance of rejection of the plaintiff's asserted harm. The right of a party to present evidence, lay or expert testimony, and burden of proof should remain the same.

There were three counter-arguments to abolishment of the impact rule that were mentioned or discussed in this Court's previous decisions such as Gilliam and Champion. Amicus would respectfully submit that Judge Mager's explanation in the Fourth District decision in Stewart (v. Gilliam)[3] reasonably explained why those arguments should not change the need for rejection of the "impact" rule.

The three principal counter-arguments are 1) the difficulty of proving causation between the damages and the alleged fright or traumatic event; 2) the fear of fraudulent or exaggerated claims; and 3) the possibility of opening the flood gates to litigation. Stewart v. Gilliam, 271 So. 2d at 72.

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[3] See also Gilliam v. Stewart, 291 So. 2d at 602.

A. The jury ought to at least have the right to consider the evidence to determine whether a plaintiff has presented sufficient evidence to permit recovery for psychic injury without physical impact

It may have been reasonable in the 19th Century to require a physical impact in order to recover damages for mental anguish due to the lack of sophistication of medical science in determining the causation between mental disturbance and physical injuries. Id.

There is clearly no need for such a barrier in today's system of justice. As stated above, the medical profession now has reached the level of sophistication and advancement to accurately determine the manifestation and causation of physical injuries. Additionally, our system of justice provides for the opportunity of both sides to present extensive evidence on the issue of causation.

Certainly it cannot be said that there would be difficultly in establishing a causal connection between being told that you have tested positive for the HIV virus and any emotional distress that follows. The case at bar and the nature of the fear of contracting the HIV virus are factual situations where causation of mental trauma are not disputable.

B. There will not be a fear of fraudulent claims.

The fear of fraudulent or exaggerated claims should not be a basis for a rule which effectively bars legitimate causes of action. As the dissenters in Gilliam (and the majority in the Fourth District Court in Stewart) properly noted:

> [S]uch an assertion would deny to a plaintiff the right to be heard - the opportunity to present the case to a jury - the chance to be compensated for an injury negligently incurred. Adherence to "impact" on this basis seems to say very little for our system of jurisprudence because it seemingly constitutes a tacit admission that our system is incapable of weeding out fraudulent claims. It would be difficult to imagine that the bench, bar, jury and medical profession cannot collectively cope with this problem - a problem which apparently has been successfully dealt with in those cases where recovery was sought for emotional disturbances following the most trivial impact.

See Gilliam v. Stewart, 291 So. 2d at 602 and Stewart v. Gilliam, 271 So. 2d at 474.

C. There will not be a "floodgate" of litigation, as plaintiffs will still be required to present sufficient evidence to prove their entitlement to damages for their alleged psychic injury

The third argument in support of retaining the impact rule - that its rejection would result in a flood of litigation - is equally deficient. In the states following the majority rule, where psychological trauma is recoverable without the need for physical impact, this imaginary flood of litigation has not occurred. Id. at 475 and Niederman v. Brodsky, 261 A. 2d 84 (Pa. 1970). Nor has it been shown that in those states with no impact rule the amount of litigation is greater than in those with the impact rule. Id.

Accordingly, this court should reverse the lower court's decision by completely abolishing the impact rule in Florida. This court should instead adopt a test which - just as in other "impact cases" - examines on a case-by-case basis each plaintiff's alleged claims for damages. Upon proper pleading, the

plaintiff ought to have the equal right to at least present their evidence to the jury for consideration, acceptance or rejection. The key rests in defendant's degree of negligence and the resulting magnitude and nature of the injuries suffered by the plaintiff, not the speculative possibility that a claim is fraudulent or if that claim was the result of some "physical impact."[4]

The time is now. This Court should answer the certified question in the negative and hold that the impact rule does not bar a claim for damages resulting from a negligent HIV diagnosis.

III. EVEN IF THIS COURT WERE TO APPLY THE IMPACT RULE, IT SHOULD STILL REVERSE, AS THE PETITIONER HAS SHOWN "IMPACT"

The record reveals that the petitioner has established "impact."

In the case at bar, there is actually a physical impact to the Plaintiff which has led to the damages - a doctor or nurse must penetrate the skin with a needle, penetrate a vein and draw blood from the patient before sending the blood off to a lab to be tested. That is a far greater physical impact than has occurred in other cases where the impact rule did not bar recovery.

More significantly, the record revealed the petitioner

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[4] One could equally argue that the requirement of a physical impact under the current rule is even more susceptible to fraudulent and exacerbated claims than the new proposed rule since the impact rule encourages the manufacturing of a physical impact to avoid a bar to recovery of damages.

sustained physical injury in the form of hypertension, pain and suffering and unnecessary medical treatment, and the Court also noted that - as a result of misdiagnosis of the HIV virus - a person will most likely suffer from unnecessary medical treatment with unpleasant and perhaps damaging side effects. See R.J. v. Humana of Florida, Inc., 18 Fla. L. Weekly at 2233.[5]

There was impact in removing the blood which served as the basis for the misdiagnosis. Accordingly, even under the impact rule, the petitioner ought to have a right to present the case for jury consideration.

IV. EVEN IF THIS COURT DETERMINES THAT THERE IS NO "IMPACT," IT SHOULD STILL CREATE A LIMITED EXCEPTION THAT WOULD PERMIT A PARTY TO RECOVER DAMAGES FOR MENTAL OR EMOTIONAL DISTRESS CAUSED BY A NEGLIGENT DIAGNOSIS OF A "FALSE POSITIVE" ON A HIV TEST.

Recovery for a false positive diagnosis should not be barred merely because it may be determined that there was no physical impact from the defendant's negligent act. This Court should create an exception to the "impact rule" which would at least grant the petitioner an opportunity to the jury for their consideration his lay and expert witnesses, and other evidence

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[5] See also City of Hollywood v. Karl, 1st DCA No. 93-1262 (1993). In Karl, the appellee, a paramedic, was awarded worker's compensation benefits when he developed a fear of becoming infected with the HIV Virus after coming in contact with a patient who had HIV/AIDS (blood from the victim splattered on an open wound that was caused by a previous patient). While Karl has never been tested for the disease, the lower court found that the blood splattering constituted sufficient "impact" to warrant the relief requested.

supporting what the petitioner claims to be a severe emotional or mental injury caused by the respondent's negligent act of devastating the plaintiff petitioner's life by falsely informing the petitioner as being diagnosed with the HIV virus.

There have been three exceptions carved into the impact rule: 1) the recent decision finding the impact rule inapplicable in cases involving negligent medical advice (Kush v. Lloyd, 616 So. 2d 415 (Fla. 1992)); 2) where death or significant discernable injury results to the plaintiff (Champion v. Gray, 478 So. 2d 17 (Fla. 1985)); and 3) where the wrongful act is such as to reasonably imply malice, or where, from the entire want of care of attention to duty, or great indifference to the persons, property, or rights of others, such malice would be imputed (Kirksey v. Jernigan, 45 So. 2d 188 (Fla. 1950)).

As stated above, this Court in Kush carved out an exception to the "impact rule" (or otherwise found it inapplicable) to cases involving negligent medical diagnosis. 616 So. 2d at 422.

In the case at bar, the petitioners assert a claim for medical malpractice, a claim which is "itself a freestanding tort apart from any emotional injury." Thus, the petitioner's claim sounding in medical malpractice is not barred by the impact rule. The petitioner's additional claim for psychic damages does not change the independence of the tort of medical malpractice. See Kush, 616 So. 2d at 422.

The rationale in Kush (and the other cases cited therein)[6] is easily applicable to the case at bar, and would permit this Court to extend the narrow exception to include claims involving medical malpractice cases. Indeed, this Court's reasoning seems quite compelling that - had it been presented with a medical malpractice claim, instead of a wrongful birth claim - it would have ruled the same way. Id.

This court also held in Champion v. Gray, 478 So. 2d 17 (Fla. 1985) that death or significant discernable injury, when caused by psychological trauma resulting from a negligent injury imposed upon a close family member within the sensory perception of the physically injured person, "is too great a harm to require direct physical contact before a cause of action exists."

The petitioner R.J. has suffered a significant discernable injury due to the false positive test result. He was required to undergo completely unnecessary medical treatment for nearly nineteen months, live with the knowledge that he was going to die from this disease, alter his lifestyle significantly, constantly

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[6] Some courts appear to have adopted broad guidelines allowing recovery of intangible damages for alleged emotional injuries, often on grounds that fundamental justice requires this result. Id. at 422; e.g., Speck v. Finegold, 497 Pa. 77, 439 A. 2d 110 (1981); Naccash v. Burger, 223 Va. 406, 290 S.E. 2d 825 (1982). The impact doctrine is also generally inapplicable to other recognized torts in which the damages are almost entirely emotional, such as defamation or invasion of privacy. Id.; See also Restatement (Second) of Torts sections 569, 570, 652H cmt.b (1977). See also Miami Herald Publishing Co. v. Brown, 66 So. 2d 679, 681 (Fla. 1953) (mental suffering constitutes recoverable damages in cases of negligent defamation); Carson v. Baskin, 155 Fla. 198, 20 So. 2d 243 (1944) (as to invasion of privacy). Accord Restatement (Second) of Torts sections 569, 570, 652H, cmt.b (1977).

deal with other loved ones fear of him for having the HIV virus in addition to suffering economic damages for the costs of treatment. It cannot be overstated that the fear of certain death is at least as debilitating as any physical injury. Indeed, one may consider it even more traumatic to have to continue to live with the anxiety of knowing that you are certain to die and that other persons may be at risk of contracting HIV if they come in contact with you. The injuries suffered by the petitioner R.J. have been horrific, and were due solely to the negligence of the defendant(s) and diagnosing the petitioner with a fatal disease he never had. This cries out for relief in the form of at least an exception to the "impact rule."

CONCLUSION

For all these reasons stated herein, petitioners respectfully request this Honorable Court reverse the lower courts' decision to dismiss this action and remand for further proceedings.

RESPECTFULLY SUBMITTED this 13th day of December, 1993.

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I hereby certify that a true and correct copy of the foregoing brief of Amicus AFTL was mailed this 13th day of December, 1993, to Roy Dalton, Esq. 719 Vassar Street, Orlando, Florida 32804, A. Broaddus Livingston, Esq. and Sylvia Walboit, Carlton, Fields, et. al., One Harbour Place, Tampa, Fl 33601, Marcia Lippincott, Esq., Suite 201, 1235 N. Orange Ave., Orlando, Fl 32804, Shelley Leinicke, Esq., P.O. Box 14460, Fort Laud., Fl 33302, Robert Hannah, Esq., and Michael C. Tyson, Esq., P.O. Box 536487, Orlando, Fl 32853-6487.

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