

SUPREME COURT OF FLORIDA

BRANDON REGIONAL HOSPITAL,)
)
 Petitioner,)
)
v.)
)
MARIA MURRAY,)
DANIEL S. MURRAY,)
WAYNE S. BLOCKER, M.D.,)
WAYNE S. BLOCKER, M.D., P.A.,)
ROBERT E. BRAUNER, M.D.,)
ROBERT E. BRAUNER, M.D., P.A.,)
)
 Respondents.)
_____)

Appeal No: SC05-1864

Appeal from the Second District Court of Appeal

**Response Brief on the Merits of Wayne S. Blocker, M.D.
and Wayne S. Blocker, M.D., P.A.**

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STATEMENT OF THE CASE AND FACTS

The defendant/respondents, Wayne S. Blocker, M.D., and Wayne S. Blocker, M.D., P.A., adopt the statement of facts of the petitioner.

SUMMARY OF ARGUMENT

The trial judge erred in denying the motion for protective order requiring the defendant/respondents, Wayne S. Blocker, M.D., and Wayne S. Blocker, M.D., P.A., to produce privileged discovery.

ARGUMENT

The trial judge erred in denying the motion for protective order requiring the codefendant/respondents, Wayne S. Blocker, M.D., and Wayne S. Blocker, M.D., P.A., to produce privileged discovery. The codefendants agree with the position of the defendant/petitioner, Brandon Regional Hospital, and respectfully adopt its argument on appeal. The codefendants believe that the decisions of Iglesias v. It's a Living, Inc., 782 So.2d 963 (Fla. 3d DCA 2001), Columbia Park Medical Center, Inc. v. Gibbs, 728 So.2d 373 (Fla. 5th DCA 1999), Columbia Park Medical Center, Inc. v. Gibbs, 723 So.2d 294 (Fla. 5th DCA 1998), Boca Raton Community Hosp. v. Jones, 584 So.2d 220 (Fla. 4th DCA 1991), are far more applicable than the relied on decision of Bayfront Medical Center, Inc. v. State, Agency for Healthcare Administration, 741 So.2d 1226 (Fla. 2d DCA 1999), that involved a subpoena issued by the Agency for Health Care Administration. See Hillsborough County

Hosp. Authority v. Lopez, 678 So.2d 408 (Fla. 2d DCA 1996), review denied, 689 So.2d 1070 (Fla. 1997).

CONCLUSION

The respondent/defendants, Wayne S. Blocker, M.D., and Wayne S. Blocker, M.D., P.A., respectfully request this court to reverse the decision of the Second District Court of Appeal.

Respectfully Submitted,

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CERTIFICATE OF COMPLIANCE

I HEREBY certify that this brief has been submitted in Times New Roman 14 point type and fully satisfies the requirements of the Florida Rules of Appellate Procedure.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to: Wm. Jere Tolton, III, Esquire, Randy J. Ogden, Esquire, J. Russell Smith, Esquire, Ogden & Sullivan, P.A., 113 South Armenia Avenue, Tampa, FL 33609; George A. Vaka, Esquire, Vaka, Larson & Johnson, P.L., 777 South Harbour Island Boulevard, Suite 300, Tampa, FL 33602; Edwin P. Krieger, Esquire, Catania & Catania, P.A., 101 East Kennedy Boulevard, Suite 2400, Tampa, FL 33602; and Louis LaCava, Esquire, Stephens, Lynn, Klein, et al., 101 East Kennedy Boulevard, Suite 2500, Tampa, FL 33602; by U.S. Mail on this 17th day of April, 2006.

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