

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

CRISTINE VICTORIA

Plaintiff,

v.

BRAYDEN BURKE

Defendant.

CASE NO.: 2024-CA-001854

**ORDER ON DEFENDANT'S MOTION TO COMPEL PLAINTIFF TO ANSWER
CERTIFIED QUESTIONS AT DEPOSITION AND TO STRIKE PLAINTIFF'S CLAIM
FOR MEDICAL EXPENSES**

This cause is before the Court on Defendant's Motion to Compel Plaintiff to Answer Certified Questions at Deposition and to Strike Plaintiff's Claim for Medical Expenses.

The Court having heard argument and being otherwise advised in the premises, it is hereby ORDERED as follows:

Defendant moves to compel the Plaintiff to answer the deposition questions which are in essence: "Who referred you to medical providers?" contending the recent revision of Fla. Stat. § 768.047 requires the disclosure of the referral sources for medical providers. Plaintiff objects claiming attorney client privilege. The pertinent portions of Fla. Stat. §768.047 provide as follows:

Fla. Stat. § 768.047 (3) Letters of protection; required disclosures. In a personal injury or wrongful death action, as a condition precedent to asserting any claim for medical expenses for **treatment rendered under a letter of protection**, the claimant must disclose:

(a) A copy of the letter of protection....

(e) Whether the claimant was referred for treatment under a letter of protection and, **if so**, the identity of the person who made the referral. If the referral is made by the claimant's attorney, disclosure of the referral is permitted, and evidence of such referral is admissible notwithstanding Section 90.502. Moreover, in such situations, the financial relationship between a law firm and a medical provider, including the number of referrals, frequency, and financial benefit obtained, is relevant to the issue of the bias of a testifying medical provider. **(Emphasis added)**

The language of the statute clearly conditions the disclosure of the referral source on claim of medical expenses under a letter of protection and establishes a right to have the referral source disclosed if, and only if, a letter of protection exists covering the medical care.

Under Fla. Stat. §768.047(1)(d) a letter of protection is defined as:

(d) “Letter of protection” means any arrangement by which a health care provider renders treatment in exchange for a promise of payment for the claimant’s medical expenses from any judgment or settlement of a personal injury or wrongful death action. The term includes any such arrangement, regardless of whether referred to as a letter of protection.

The definition requires an “exchange” of medical treatment based on “a promise of payment from any judgement or settlement of a personal injury or wrongful death action.”


Unless it is first established that such an arrangement exists, Defendant does not have the right to the disclosure of the referral source or the financial relationship between the law firm and the financial provider.

Absent proof of the letter of protection, the Court is not in a position to compel the disclosure of the referral source and require such deposition questions to be answered.

FOR THE FOREGOING REASONS:

Defendant’s Motion to Compel is DENIED

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida.

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Maxine Cheesman, Circuit Judge
ADMINISTRATIVE OFFICE OF THE COURT
502024CA001854XXXAMB 02/27/2025
Maxine Cheesman
Circuit Judge

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