

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY
STATE OF FLORIDA

CHRISTA KARIN LEPISTO,

Plaintiff

CASE NO. 24-CA-002247

vs.

DIVISION: B

VIMAL AGARWAL, individually, and as
parent and natural guardian of ARYA
VARDHAN AGARWAL, a minor,

Defendants

/

ORDER ON BURDEN OF PROOF UNDER F.S. 768.0427

THIS CAUSE having come on to be heard on September 10, 2025 upon Plaintiff's Motion to Determine the Burden of Proof under F.S. 768.0427 , and after hearing argument of counsel, it is hereby

ORDERED and ADJUDGED as follows:

1. It is stipulated that the plaintiff was insured by Blue Cross Blue Shield at the time of treatment relative to a motor vehicle accident that occurred on September 1, 2023. It is also stipulated that there was no letter of protection for the care and treatment received. Further it is agreed that the total amount of the claimed past medical expenses remain unsatisfied other than what was paid by PIP. It is agreed that the defendants get a setoff from the total amount of the medical bills for the amount paid by PIP. The Court was asked to determine what the plaintiff had to prove in order to put into evidence the claimed past and future medical expenses under F.S. 768.0427

2. The court rules that under F.S. 768.0427 the plaintiff may establish the reasonable amount of the unsatisfied past medical expenses and the claimed future medical expenses by nothing more than "Any evidence of reasonable amounts billed to

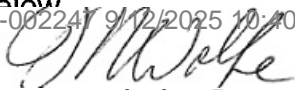
the claimant for medically necessary treatment or medically necessary services provided to the claimant” and is not otherwise required to prove what insurance would have paid in order for the medical bills to be admissible into evidence

3. Conversely, the Defendant may introduce into evidence for past unsatisfied medical expenses the amount the claimant’s health insurance care coverage would have paid the health care provider to satisfy past unpaid medical charges under the insurance contract or regulation, plus the claimant’s share of medical expenses under the insurance contract or regulation, had the claimant obtained medical services or treatment pursuant to the health care coverage. Further, for future claimed medical expenses the defendant may submit evidence of the amount for which the future charges of health care providers could be satisfied if submitted to such health care coverage, plus the claimant’s share of medical expenses under the insurance contract or regulation.

4. Defendants may seek discovery from Plaintiff as to what her health insurance carrier would have paid had health insurance coverage been utilized at the time she underwent care

DONE AND ORDERED in Chambers in Tampa, Hillsborough County, Florida on the date imprinted below:

24-CA-002247 9/12/2025 10:40:41 AM


24-CA-002247 9/12/2025 10:40:41 AM
Judge Mark Wolfe

CIRCUIT JUDGE -Mark R. Wolfe

Conformed copies to:

Robert T. Joyce, Esquire
Benjamin S. Stranzl, Esquire