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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TERRINICA N. MOSS
Petitioner

CASE NO.: 11-3983

HCA, INC., and CAPITAL
REGIONAL MEDICAL CENTER,
Respondents.

**PETITIONER'S MOTION TO SUPPRESS DEPOSITION OF D. WADE AND MOTION
FOR PROTECTIVE ORDER**

COMES NOW, Petitioner, Terrinica N. Moss, by and through the undersigned representative and pursuant to Rules 1.280 and 1.330 Rules of Civil Procedure respectfully requests that the Division of Administrative Hearings and the Administrative Law Judge suppress the deposition of D. Wade and further constrain discovery to protect the Petitioner from annoyance, embarrassment, oppression and further retaliation that justice requires on the following basis:

1. The Respondent served a Notice of taking deposition of D. Wade on December 1, 2011 and then took said deposition on December 5, 2011. This did not provide a sufficient time for the Petitioner to present an Objection to the Deposition. The Petitioner did not even have sufficient time to determine who D. Wade was and what significance she would have to this case.
2. The deposition was being held in Pensacola, Florida over 100 miles away and neither the Petitioner nor her representatives were given an opportunity to appear telephonically or to make such arrangements.
3. As a result, the deposition of D. Wade was taken without representation for the Petitioner.
4. Ms. D Wade, being located over 100 miles, may not be forced to appear at the trial to be cross examined, and if no action is taken, her deposition may be entered.
5. This case is a Petition for Relief concerning an unlawful employment practice, in particular, retaliation committed by HCA, Inc. and Capital Regional Medical Center.
6. The Petitioner claims that HCA, Inc. and Capital Regional Medical Center retaliated against her after she filed a discrimination claim in an attempt to protect her federally protected rights.

7. The scope of discovery in this case should be limited to the information and documents that were available during the course of the Petitioner's employment at Capital Regional Medical Center. It was this information and these documents that affected the actions taken by the parties.
8. Any information contained within a deposition by D. Wade, whose relationship with the Petitioner ceased several months prior to her employment with Capital Regional Medical Center, is not reasonably calculated to lead to the discovery of admissible evidence.
9. The deposition of D. Wade taken without representation by the Petitioner is purposed to enlarge the scope of the case and take the case on a tangent and misdirect the focus to irrelevant matters.
10. The Respondent's irregular actions regarding taking this deposition are an attempt to discredit the Petitioner's Mammography credentials and threaten her current position as a Mammographer with another firm and her future employment. This is an effort to coerce the Petitioner to dismiss her case. This deposition is in itself retaliatory.
11. If this course of discovery is allowed to proceed, then the Petitioner will be forced to bring evidence to support her Mammography credentials, which creates an undue burden on the Petitioner.
12. Further, any testimony by Ms. Wade is irrelevant to the case, since Capital Regional Medical Center did not have any testimony from Ms. D. Wade when it made its decision to hire, to fire, to reinstate, to discriminate or to retaliate.

WHEREFORE, the Petitioner implores the Administrative Law Judge to suppress the deposition of D. Wade and limit discovery to matters that will determine whether the Respondents unlawfully retaliated against the Petitioner.

On this 14th day of December, 2011.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "D. Wade", is written over a horizontal line.

Certificate of Service

I hereby certify that a copy of the foregoing was served on the following via email: Thomas M. Findley, Esq., legal counsel of Respondent, tfindley@lawfla.com; Denise Crawford, Florida Commission on Human Relations, violet.crawford@fchr.myflorida.com; Shay Alexander, Certified Representative for Petitioner, and Terrinica N. Moss, Petitioner.

On this 14th day of December, 2011.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Doris Moss', is written over a horizontal line.

Doris Moss
Certified Representative for Petitioner
8611 Robert Rd.
Tallahassee, FL 32309
Moss.doris@gmail.com
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