

IN THE SUPREME COURT OF FLORIDA

CASE NO: SC19-1118

BRENT A. DODGEN,

Petitioner,

v.

KAITLYN P. GRIJALVA,

Respondent.

**RESPONDENT’S RESPONSE IN OPPOSITION
TO JOHN SHIM, M.D. AND MICHAEL FOLEY, M.D.’S
MOTION FOR LEAVE TO PPEAR AS AMICUS CURAIE**

Respondent, Kaitlyn Grijalva, by and through undersigned counsel, files her response in opposition to John Shim, M.D. and Michael Foley, M.D.’s Motion for Leave to Appear as Amicus Curiae, and in support states as follows:

1. This Court should deny John Shim, M.D. and Michael Foley’s M.D.’s motion for leave to appear as Amicus Curiae.
2. Drs. Shim and Foley ask permission to appear as amici before this Court in order to address the concerns of “all non-party experts regarding the intrusive, overreaching and harassing discovery that parties to litigation *are requiring them to respond to.*” (Motion at 2) (emphasis supplied)

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3. However, the discovery at issue in this case was directed to Brent Dodgen's Insurance Company, Allstate Insurance Company. It was not directed to non-party experts, nor is there any reason that a party to this litigation would require input from its experts in order to answer the discovery. Indeed, it is unlikely that the experts themselves would be able to provide the information sought as there is simply no reason for them to keep their financial information in a format that would be responsive.

4. Drs. Shim and Foley also raise their desire to protect "the privacy rights of non-parties who become involved in the litigation process." Setting aside the fact that Drs Shim and Foley have made a conscious business decision to involve themselves in litigation, their financial information is not the subject of the discovery at issue here. Instead, this is discovery directed to Allstate, and this court has already held that "there are no compelling policy concerns to prevent discovery from the party who possesses the information." *Allstate Ins. Co. v. Boecher*, 733 So. 2d 993, 998 (Fla. 1999)

5. Finally, Drs. Shim and Foley submitted an amicus brief in *Younkin v. Blackwelde*, Case No. SC19-385. To the extent that this Court deems the Doctors' concerns about "intrusive, over-reaching and harassing discovery" to be relevant to a case that does not involve any discovery directed to an expert, they can be fully addressed in *Younkin*.

WHEREFORE, Respondent, Kaitlyn Grijalva respectfully request this Court enter an Order Denying John Shim, M.D. and Michael Foley, M.D.'s Motion for Leave to Appear as Amicus Curiae.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic mail this **10th** day of **December 2019**, to: **KANSAS R. GOODEN, ESQ.**, Boyd & Jenerette, P.A., *Attorneys for Petitioner*, 201 North Hogan Street, Suite 400, Jacksonville, FL 32202; kgooden@boydjen.com; **MARC SCHECHTER, ESQ.**, Robinson Pecaro & Mier, P.A., *Attorneys for Defendant/Petitioner*, 501 Shotgun Road, Suite 404, Sunrise, FL 33326; mschechter@lawdrive.com; kristen@lawdrive.com; **BRETT M. ROSEN, ESQ.**, Goldberg & Rosen, P.A., *Attorneys for Plaintiff/Respondent*, 1111 Brickell Ave., Suite 2180, Miami, FL 33131; pleadings@goldbergandrosen.com; bmr@goldbergandrosen.com; **PATRICK A. BRENNAN, ESQ.**, HD Law Partners, P.A., P.O. Box 23567, Tampa, FL 33623; brennan@hdlawpartners.com; maizo@hdlawpartners.com; **JOHN HAMILTON, ESQ.**, Law Office of John Hamilton of Tampa, P.A., *Attorneys for Drs. Shim and Foley*, P.O. Box 1299, San Antonio, FL 33576; jhamlawyer@gmail.com.

Respectfully submitted,

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