

IN THE FLORIDA SUPREME COURT

STEVEN YOUNKIN,

CASE NO: SC19-385

Petitioner,

vs.

NATHAN BLACKWELDER,

Respondent.

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**JOHN SHIM, M.D.'s AND MICHAEL FOLEY, M.D.'s  
MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE**

Pursuant to Florida Rule of Appellate Procedure 9.370, JOHN SHIM, M.D. (hereinafter "Dr. Shim") and MICHAEL FOLEY, M.D. (hereinafter "Dr. Foley"), hereby move this Honorable Court for leave to file an Amicus Brief in support of the Petitioner STEVEN YOUNKIN (hereinafter "YOUNKIN"), and in support state as follows:

1. Dr. Shim is a board-certified Orthopedic surgeon specializing in surgery of the spine. Dr. Shim has a private clinical practice and provides expert testimony in litigation, including the performance of compulsory medical examinations of injured parties who are involved in litigation.

2. Dr. Foley is a board-certified radiologist and at the present time, only provides expert testimony, testifying approximately 55% of the time on behalf of Defendants and 45% of the time on behalf of Plaintiffs.

3. Drs. Foley and Shim, as non-party expert witnesses retained for purposes of litigation, share an interest in this matter and seek to preclude their personal finances and income from being improperly embroiled in the underlying personal injury actions in which they are retained, in violation of Article I Section 23 of the Florida Constitution. Furthermore, Drs. Foley

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and Shim intend to demonstrate to this Court the concerns of all non-party experts regarding the over-reaching and harassing discovery that parties to litigation are requiring them to respond to.

4. On behalf of all non-party experts, they have an interest in maintaining the integrity of the court system, conserving scarce judicial resources, and protecting the privacy rights of non-parties who become involved in the litigation process.

5. Drs. Foley and Shim would like to address the aforementioned issues, should the Court allow the undersigned to file an amicus brief on behalf of Drs. Foley and Shim.

6. Drs. Foley and Shim hereby give notice of their intent to appear as amicus curiae in support of the position of Petitioner YOUNKIN.

7. Drs. Foley and Shim hereby respectfully request that they be permitted to file an amicus brief in support of the position of the Petitioner.

8. Patrick Brennan, Esquire of HD Law Partners, P.A. and John Hamilton, Esquire of the Law Office of John Hamilton of Tampa, P.A. will be preparing the amicus brief on behalf of Drs. Foley and Shim.

9. The undersigned has contacted counsels for all parties. The undersigned is authorized to represent that the parties do not have any objections to the undersigned's appearance as an amicus curiae.

**WHEREFORE**, JOHN SHIM, M.D. and MICHAEL FOLEY, M.D., respectfully request that this Court enter an Order permitting them to appear as amicus curiae and to file an amicus brief in this matter.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service on this \_\_\_\_ day of July, 2019.



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