

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

WILNESSE NAZARIO,

Plaintiff,

CASE NO.:

v.

DIVISION:

**PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC.,**

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Wilnesse Nazario, by and through undersigned counsel, hereby brings this action against Defendant, Planned Parenthood Federation of America, Inc., and in support of her claims states as follows:

JURISDICTION AND VENUE

1. This is an action for damages exceeding \$15,000, exclusive of interest, fees, and costs, for violations of the Florida Workers' Compensation Act ("FWCA"), Fla. Stat. § 440.205.
2. Venue is proper in Sarasota County, because all of the events giving rise to these claims occurred in this County.

PARTIES

3. Plaintiff is a resident of Sarasota County, Florida.
4. Defendant operates a nonprofit organization that provides reproductive health services in Sarasota, in Sarasota County, Florida.

GENERAL ALLEGATIONS

5. Plaintiff has satisfied all conditions precedent, or they have been waived.
6. Plaintiff has hired the undersigned attorneys and agreed to pay them a fee.

7. Plaintiff requests a jury trial for all issues so triable.

8. At all times material hereto, Plaintiff was an “employee” within the meaning of the FWCA, Fla. Stat. § 440.02(15)(a).

9. At all times material hereto, Defendant was an “employer” within the meaning of the FWCA, Fla. Stat. § 440.02(16).

FACTS

10. Plaintiff began working for Defendant as an HCA II in November 2004, and she worked in this capacity until July 2016.

11. On or about April 15, 2016, Plaintiff was injured at work. Specifically, Plaintiff tripped and nearly fell. Although Plaintiff was able to catch herself before falling to the floor she sustained an injury to her knee.

12. On or about April 15, 2016, Plaintiff notified Defendant of the injury that she had suffered at work.

13. Under the FWCA, Plaintiff had a valid claim for benefits for the injury that she sustained at work.

14. By attempting to pursue her right to file a valid Workers’ Compensation claim, Plaintiff engaged in protected activity under the FWCA.

15. Specifically, Plaintiff attempted to file a Worker’s Compensation claim and to seek medical treatment for the injury suffered in the workplace.

16. She required a short time off for surgery. She notified Defendant of the need for a short leave.

17. Defendant responded by attempting to impede Plaintiff's Worker's Compensation claim. Just weeks after advising the Defendant of her need for medical attention and surgery, she was terminated.

18. On or about July 13, 2016, Defendant retaliated against Plaintiff for lawfully claiming benefits under the FWCA by terminating Plaintiff's employment for pretextual reasons.

COUNT I – WORKERS' COMPENSATION RETALIATION

19. Plaintiff realleges and readopts the allegations of paragraphs 1 through 18 of this Complaint, as though fully set forth herein.

20. Plaintiff engaged in protected activity under the FWCA by filing or attempting to file a valid Workers' Compensation claim for an injury that she suffered at work.

21. Defendant retaliated against Plaintiff for engaging in protected activity under the FWCA by attempting to prohibit Plaintiff from filing a Worker's Compensation claim, and thereafter seeking medical benefits, by creating a hostile work environment, and terminating Plaintiff's employment.

22. Plaintiff was injured as a result of Defendant's violations of the FWCA, Fla. Stat. § 440.205.

WHEREFORE, Plaintiff demands:

- a) A jury trial on all issues so triable;
- b) That process issue, and that this Court take jurisdiction over the case;
- c) That this Court enter a declaratory judgment stating that Defendant retaliated against Plaintiff, in violation of Fla. Stat. § 440.205;
- d) Compensation for lost wages, benefits, and other remuneration;
- e) Compensatory damages, including damages recoverable for emotional distress allowable at law; and

f) For such further relief as this Court deems just.

JURY TRIAL DEMAND

Plaintiff demands trial by jury as to all issues so triable.

Dated this 2nd day of March, 2017.

Respectfully submitted,



DONNA V. SMITH

Florida Bar Number: 661201

WENZEL FENTON CABASSA, P.A.

1110 North Florida Avenue

Suite 300

Tampa, Florida 33602

Main Number: 813-224-0431

Direct Dial: 813-386-0995

Facsimile: 813-229-8712

Email: dsmith@wfcclaw.com

Email: rcooke@wfcclaw.com

Attorneys for Plaintiff

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

**WILNESSE NAZARIO,
Plaintiff,**

v.

**CASE No.:
DIVISION:**

**PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC.
Defendant.**

SUMMONS


THE STATE OF FLORIDA:
To Each Sheriff of the State:

YOU ARE HEREBY COMMANDED to serve this Summons, Complaint, Notice of Designation of E-mail Addresses, Plaintiff's Notice of Service of First Set of Interrogatories to Defendant, Plaintiff's First Request for Production of Documents to Defendant and Plaintiff's Notice of Taking Corporate Representative Deposition in this action on defendant:

**PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.
c/o CORPORATE CREATIONS NETWORK INC., Registered Agent
11380 Prosperity Farms Road, #221E
Palm Beach Gardens, FL 33410**

Defendant is required to serve written defenses to the complaint or petition on Donna V. Smith Plaintiff's attorneys, whose address is Wenzel Fenton Cabassa 1110 N. Florida Avenue, Suite 300, Tampa, Florida 33602 within 20¹ days after the service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

DATED March ^{3/17/2017}_____, 2017.

Printed: Donna V. Smith Attorneys for Plaintiff Address: Wenzel Fenton Cabassa, P.A. 1110 N. Florida Avenue, Suite 300 Tampa, Florida 33602 Florida Bar No. : 661201	KAREN E. RUSHING As Clerk of the Court By:  As Deputy Clerk (941) 861-7770 ext. _____
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If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Clerk's Office, 2000 Main Street, Sarasota, FL 34237, (941) 861-7400 at least 7 days before your

¹ Except when suit is brought pursuant to section 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to be inserted as to it is 40 days. When suit is brought pursuant to section 768.28, Florida Statutes, the time to be inserted is 30 days.

scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing impaired call 711.

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book). If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named in the documents.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica. Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant pour vous protéger. Vous êtes obligés de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones). Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

CIVIL COVER SHEET

Form 1.997 The civil cover sheet and the information contained herein neither replaces nor supplement the filing and service of pleadings or other papers as required by law. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statute section 25.075. (See instructions for completion.)

I. CASE STYLE

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

WILNESSE NAZARIO,

Plaintiff,

v.

**CASE No.:
DIVISION:**

**PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.
PORT CHARLOTTE,**

Defendant.

II. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an X in both the main category and subcategory boxes.

- | | |
|---|---|
| <input type="checkbox"/> Condominium | <input type="checkbox"/> Nonhomestead residential |
| <input type="checkbox"/> Contracts and indebtedness | Foreclosure \$50,001 - \$249,999 |
| <input type="checkbox"/> Eminent domain | <input type="checkbox"/> Nonhomestead residential |
| <input type="checkbox"/> Auto negligence | Foreclosure \$250,000 or more |
| <input type="checkbox"/> Negligence – other | <input type="checkbox"/> Other real property actions \$0 – \$50,000 |
| <input type="checkbox"/> Business governance | <input type="checkbox"/> Other real property actions \$50,001 – \$249,999 |
| <input type="checkbox"/> Business torts | <input type="checkbox"/> Other real property actions \$250,000 or more |
| <input type="checkbox"/> Environmental/Toxic tort | <input type="checkbox"/> Professional malpractice |
| <input type="checkbox"/> Third party indemnification | <input type="checkbox"/> Malpractice – business |
| <input type="checkbox"/> Construction defect | <input type="checkbox"/> Malpractice – medical |
| <input type="checkbox"/> Mass tort | <input type="checkbox"/> Malpractice – other professional |
| <input type="checkbox"/> Negligent security | <input checked="" type="checkbox"/> Other |
| <input type="checkbox"/> Nursing home negligence | <input type="checkbox"/> Antitrust / trade regulation |
| <input type="checkbox"/> Premises liability – commercial | <input type="checkbox"/> Business transactions |
| <input type="checkbox"/> Premises liability – residential | <input type="checkbox"/> Constitutional challenge – statute or ordinance |
| <input type="checkbox"/> Products liability | <input type="checkbox"/> Constitutional challenge – proposed amendment |
| <input type="checkbox"/> Real property / Mortgage foreclosure | <input type="checkbox"/> Corporate trusts |
| <input type="checkbox"/> Commercial foreclosure \$0-\$50,000 | <input checked="" type="checkbox"/> Discrimination – employment or other |
| <input type="checkbox"/> Commercial foreclosure \$50,001 - \$249,999 | <input type="checkbox"/> Insurance claims |
| <input type="checkbox"/> Commercial foreclosure \$250,000 or more | <input type="checkbox"/> Intellectual property |
| <input type="checkbox"/> Homestead residential foreclosure \$0 - \$50,000 | <input type="checkbox"/> Libel / Slander |
| <input type="checkbox"/> Homestead residential foreclosure \$50,001 - \$249,999 | <input type="checkbox"/> Shareholder derivative action |
| <input type="checkbox"/> Homestead residential foreclosure \$250,000 or more | <input type="checkbox"/> Securities litigation |
| <input type="checkbox"/> Nonhomestead residential Foreclosure \$0 - \$50,000 | <input type="checkbox"/> Trade secrets |
| | <input type="checkbox"/> Trust litigation |

☐ THIS CASE IS APPROPRIATE FOR ASSIGNMENT TO THE COMPLEX LITIGATION BUSINESS DIVISION. PLEASE SEE ATTACHED COMPLEX BUSINESS LITIGATION DIVISION ADDENDUM FORM.

III. REMEDIES SOUGHT (Check all that apply):

☒ Monetary;

☒ Non-monetary declaratory or injunctive relief;

☐ Punitive

IV. NUMBER OF CAUSES OF ACTION: [1]

(Specify) Count I - FWCA - Workers' Compensation Retaliation

V. IS THIS CASE A CLASS ACTION LAWSUIT?

☐ Yes

☒ No

VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

☒ No

☐ Yes If "yes", list all related cases by name, case number and court.

VII. IS JURY TRIAL DEMANDED IN COMPLAINT?

☒ Yes

☐ No

VIII. IS TRIAL EXPECTED TO LAST MORE THAN TEN (10) TRIAL DAYS (2 WEEKS)?

☐ Yes

☒ No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature



Attorney or Party

DONNA V. SMITH

Type or Print Name

FL Bar # 661201

(Bar # if attorney)

3/2/17

Date

COMPLEX BUSINESS LITIGATION DIVISION ADDENDUM

Party or Attorney Filing Action Must Place an "X" in One of the Boxes Below

The categories of cases set out below shall guide the parties and the Court in the designation of cases for the Complex Business Litigation Division ("CBLD").

AMOUNT IN CONTROVERSY GREATER THAN \$150,000.00

- ☐ Non-consumer UCC-related transactions;
- ☐ Purchases and sales of businesses or the assets of a business, including contract disputes, commercial landlord-tenant claims, and business torts;
- ☐ Non-consumer sale of goods or services by or to business enterprises;
- ☐ Non-consumer bank or brokerage accounts, including loan, deposit, cash management, and investment accounts;
- ☐ Purchase, sale, lease of commercial (real or personal) property or security interests therein;
- ☐ Commercial surety bonds;
- ☐ Franchisee / franchisor relationships and liabilities;
- ☐ Malpractice against professionals, except health care providers, in connection with rendering services relating to a business enterprise;
- ☐ Business torts, including unfair competition, breach of fiduciary duty, and tortious interference with contracts;
- ☐ Complex construction litigation, other than consumer home construction disputes, unless a court determines that the home construction dispute is business-related and complex; or
- ☐ Insurance coverage, bad faith litigation, and third party indemnity actions against insurers arising under policies issued to businesses, such as claims arising under a commercial general liability policy, commercial property policy, or title insurance policy, not including claims where the underlying dispute is a personal injury claim, unless a court determines that the personal injury insurance claim is business-related and complex.

ANY AMOUNT IN CONTROVERSY

- ☐ Internal affairs or governance, dissolution or liquidation rights, obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of corporations, partnerships, limited partnerships, limited liability companies or partnerships;
- ☐ Trade secrets and non-compete agreements;
- ☐ Intellectual property;
- ☐ Securities or state securities laws;
- ☐ Antitrust statutes;
- ☐ Shareholder derivative actions and related class actions; and
- ☐ Corporate trust affairs or director and officer liability.

NOTE: A copy of the Civil Cover Sheet and this Addendum must be served with the Complaint for all Complex Business Litigation Division cases. See Administrative Order S-2008-105 for further Complex Business Litigation Division requirements.

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IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

**WILNESSE NAZARIO,
Plaintiff,**

v.

**CASE NO.:
DIVISION:**

**PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.,
Defendant.**

**PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO DEFENDANT**

Plaintiff, WILNESSE NAZARIO (hereinafter "Plaintiff"), by and through undersigned counsel and in accordance with the Florida Rules of Civil Procedure, hereby requests that Defendant, PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., (hereinafter "Defendant"), diligently and carefully search for, inquire after, and produce for inspection and copying the documents identified below, regardless of their origin:

I. INSTRUCTIONS

1. Defendant shall produce these documents within **forty-five (45) days after service of this request.**

2. In accordance with the Florida Rules of Civil Procedure, Defendant is hereby instructed to produce documents as they are kept in the ordinary course of business, or to organize and label documents so that they correspond with the categories in this request. In addition, all documents are to be produced in full and unexpurgated form. Redacted documents will not be deemed to comply with this request.

3. If any document described in this request was, but no longer is, in Defendant's possession, custody, or control, please state whether the document:

- (a) is missing or lost;
- (b) has been destroyed;
- (c) has been transferred, voluntarily or involuntarily, to others; or
- (d) has otherwise been disposed of.

In each instance, please explain the circumstances surrounding the document's disposition, identify the person or persons authorizing the disposition, and list the date on which the document was so disposed. Please identify each document by listing the following information: Name and address of the author of the document; the nature or type of document (e.g., letter, memorandum, chart, photograph, report, etc.); date on which the document was created; subject matter of the document; present location(s) of the document; custodian (s); and whether the document (or a copy) is still in existence.

4. If any requested document is believed to be privileged, or for some other reason may not be subject to production, please provide the following information:

- (a) The nature or type of document (e.g., letter, memorandum, chart, photograph, report, etc.);
- (b) Its date of creation;
- (c) The name and address of its author; or,
- (d) The identity of each recipient and addressee of the original document;
- (e) The identity of all other persons who received copies of the document;
- (f) The subject matter of the document; and
- (g) The reason(s) for non-production, including all legal grounds.

5. This request for production is a continuing one. Supplementation of responses to this request shall be made in accordance with the Florida Rules of Civil Procedure.

II. DEFINITIONS

Whenever used in this request, the following definitions shall apply:

1. ***"Plaintiff"*** means WILNESSE NAZARIO and all of her agents, representatives, attorneys, consultants, experts, and all other persons acting or purporting to act for or on behalf of her, regardless of whether they are authorized to do so.

2. ***"Defendant"*** or ***"You"*** and ***"your"*** shall mean or refer to PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., and all of its agents, representatives, attorneys, consultants, experts, and all other persons acting or purporting to act for or on behalf of it.

3. If this request is directed to a natural person, then ***"Defendant"*** shall refer to the natural person named in the request.

4. The term ***"document"*** is used in the broadest sense that the Florida Rules of Civil Procedure permit. Specifically, ***"document"*** includes, but is not limited to, all writings of any nature or type whatsoever, whether they contain written or graphic material, which are within the possession, custody, or control of the Defendant, or of any agent, employee, or representative (including, without limitation, attorneys, advisors, physicians, consultants, and accountants) or other person acting or purporting to act for or on behalf of Defendant, or in concert with them, including, but not limited to: Letters, tape recordings, notes, affidavits, contracts, agreements,

communications, correspondence, telegrams, telexes, cables, memoranda, records, reports, books, notebooks, summaries or records of telephone conversations, shipping documents, personal conversations or interviews, diaries, calendars, forecasts, statistical statements, work papers, drafts, copies, graphs, charts, slides, demonstrative or visual aids, accounts, analytical records, minutes or records, appraisals, records, checks, check stubs, employment materials, expense accounts, receipts, reports or summaries of negotiations, brochures, lists, journals, and advertisements.

The term includes electronically recorded information, such as electronic mail ("email"), html files, databases, data processing tapes and cards, computerized data, computer diskettes, or information otherwise contained on a computer's hard drive, disks or backup tapes, video tapes, audio tapes, view-graphs, any information maintained on digital, electronic, magnetic or other media, and any other summary, schedule, memorandum, note, statement, letter, telegram, interoffice communication, report, diary, worksheet, list, graph, chart, index, tape recording, partial or complete report of telephone or oral conversation, transcript or minutes, compilation, tabulation, study, analysis, or other such writing or recording. Electronically recorded information shall also be produced in native format and any metadata shall be included.

"Documents" shall also include copies of documents (including but not limited to carbon, handwritten, typewritten, microfilmed, photostatic or Xerox copies), including non-identical copies, regardless of whether they differ from the original because of any alteration, notes, comments, or other material contained therein or attached thereto, or for another reason.

For the purpose of the foregoing, **"draft"** means any earlier, preliminary, preparatory, or tentative version of all or part of a document, regardless of whether such draft was superseded by a later draft, or the terms of the draft differ from those of the final document. The term **"copies"** means all copies of a document, including those copies that are not identical in every respect to the documents being produced.

The terms **"document"** and **"documents"** also include any originals, all file copies, all other copies, no matter how prepared, and all drafts prepared in connection with such documents, whether or not used, as well as the folder in which the documents are maintained. A draft or non-identical copy of a document, including a copy or duplicate of a document which has any nonconforming notes, marginal annotations or other markings, and any preliminary version, draft or revision of the foregoing, is a separate document within the meaning of these terms.

"Metadata" means the data found within documents. It includes all electronically stored information that describes or defines the document that is not generally visible in the ordinary electronic display or printing of the document. Common examples include comments, markups, revisions, the author's name, the owner's name, the names of those who have edited the document, creation dates, edit dates, and other information including, but not limited to, records of past versions and drafts.

"Native format," as it relates to the production of electronic data, means the file format in which the document is ordinarily read and written by its related software application. For example, a Microsoft Word 2003 document has a native format of .doc while an Adobe Acrobat

document has a native format of .pdf.

5. “**Relating to**” means regarding, supporting, tending to support, refuting, tending to refute, or concerning (including, mentioning, stating, discussing, summarizing, describing, reflecting, containing, referring to, depicting, connected with, embodying, evidencing, constituting, comprising, reporting, pertaining to, or having any connection with or bearing upon), directly or indirectly, the matter in question.

6. “**And/or**” shall be construed conjunctively and disjunctively, so as to demand and elicit the broadest possible response to a particular inquiry.

7. “**Complaint**” means the original complaint that was filed in this action, as amended through the date of this request.

III. MANNER OF COMPLIANCE WITH RULES

In accordance with the Florida Rules of Civil Procedure, Plaintiff hereby designates a reasonable time, place, and manner for Defendant to make the requested documents available for inspection:

Due Date: **Forty-five (45) days** after service of this request.

Place: The Offices of Wenzel Fenton Cabassa, P.A., 1110 North Florida Avenue, Suite 300, Tampa, Florida 33602, or any other place that the Parties can mutually agree upon.

Inspection: Originals, drafts, and non-identical copies of all the requested documents shall be produced for inspection by Defendant’s counsel at the time and place specified above. In the alternative, Defendant may provide true and accurate copies of all requested items via United States Mail.

IV. DOCUMENTS TO BE PRODUCED

1. Please produce all documents identified in your answers to Plaintiff’s Interrogatories.

2. Please produce all documents relied upon as a basis for responding to Plaintiff’s Interrogatories.

3. Please produce any and all documents supporting in any manner whatsoever the defenses and affirmative defenses raised in your Answer to the Complaint.

4. Please produce all documents which support your denial of any of the allegations in the Complaint.

5. Please produce any and all documents relating to the terms and conditions of Plaintiff's employment with Defendant, including all company policies, personnel manual(s), employee handbook(s), and any employment agreement entered into by Plaintiff and Defendant.

6. Please produce Plaintiff's entire personnel file, including any and all documents and writings that were used to determine Plaintiff's qualifications for employment, transfers, salary, raises, pension eligibility, termination, or any other disciplinary action.

7. Please produce any and all documents that memorialize and/or record Plaintiff's employment and work performance.

8. Please produce any and all documents regarding discipline issued to Plaintiff and similarly situated individuals within the last three years.

9. All personnel files of Plaintiff's supervisors and/or decision makers in this case, including employment applications, resumes, performance reviews, training certificates, pay history, employment history, and discipline or employee complaints.

10. Please produce all complaints concerning the work performance of Plaintiff and any warning notices to Plaintiff about these complaints.

11. Please produce all correspondence between Plaintiff and Defendant, related to the allegations or defenses in this case.

12. Please produce all documents, letters, or any memoranda of any conversations between Plaintiffs and any past or present employee, officer, or director of Defendant regarding Plaintiff's job performance, and regarding any of the allegations of Plaintiff in the above referenced proceeding.

13. Please produce Defendant's employee handbook(s), including policies on workplace injuries, discrimination, and retaliation.

14. Please produce any and all documents related to any Workers' Compensation injury sustained by Plaintiff or any other employee of Defendant within the last four years.

15. Please produce all loss runs, workers' compensation insurance premium statements, and documents showing all workers' compensation claims made by employees for a period of five (5) years.

16. Please produce any and all documents submitted to an administrative agency in connection with Plaintiff's employment with Defendant, including documents submitted to the Florida Department of Economic Opportunity.

17. Please produce all witness statements obtained by Defendant and relating to the allegations or defenses in this case, whether written, typed, taped, or otherwise recorded, describing or relating to Plaintiff.

18. Please produce all medical certifications or doctor's notes provided by Plaintiff to Defendant.

19. Please produce all documents that reference, in any manner whatsoever, the reasons that Plaintiff's employment was terminated on or around July 2016.

20. Please produce all records which document any efforts made by Defendant to inquire into Plaintiff's background, including but not limited to financial records, criminal history, employment records, and litigation records.

21. Please produce any and all job descriptions, specifications, or other documents that describe or otherwise relate to the functions and/or job duties performed by Plaintiff during the course of her employment with Defendant.

22. Please produce all text messages, relating to the allegations or defenses in this case, exchanged by Plaintiff and Plaintiff's supervisor or co-worker(s) during the period in which Plaintiff was employed by Defendant.

23. Please produce all e-mails, relating to the allegations or defenses in this case, exchanged by Plaintiff and Plaintiff's supervisor or co-worker(s) during the period in which Plaintiff was employed by Defendant.

24. Please produce all applicable insurance policies.

25. If the employment relationship with the defendant has ended, please produce any COBRA notices that were sent to the plaintiff and/or others entitled to notice under COBRA and a copy of the company's process and procedure for preparation and transmission of COBRA notices.

Dated this 20th day of March, 2017.

Respectfully submitted,



DONNA V. SMITH

Florida Bar Number: 661201

WENZEL FENTON CABASSA, P.A.

1110 North Florida Avenue

Suite 300

Tampa, Florida 33602

Main Number: 813-224-0431

Direct Dial: 813-386-0995

Facsimile: 813-229-8712

Email: dsmith@wfclaw.com

Email: rcooke@wfclaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the Defendant on the date the complaint was served.

A handwritten signature in black ink, appearing to read 'Donna V. Smith', written over a horizontal line.

DONNA V. SMITH

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL DIVISION**

WILNESSE NAZARIO,

Plaintiff,

v.

CASE NO.:

DIVISION:

**PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.,**

Defendant.

**PLAINTIFF'S NOTICE OF TAKING
CORPORATE REPRESENTATIVE DEPOSITION**

PLEASE TAKE NOTICE that Counsel for Plaintiff, WILNESSE NAZARIO, will take the deposition of the Corporate Representative(s) of Defendant, Planned Parenthood Federation of America, Inc., on the date, time, and location stated below, such deposition to continue from day to day until completed:

NAME	DATE/TIME	LOCATION
CORPORATE REPRESENTATIVE TO BE DESIGNATED BY DEFENDANT	TBD	TBD

Before a court reporter, notary public, or before a duly assigned representative, who is not of counsel to the parties or interested in the events of this cause.

Defendant is required to designate one or more corporate representatives or individuals to testify about information known or reasonably available to Defendant on the following subjects:

1. Defendant's knowledge of Plaintiff's workplace injury.
2. Defendant's records pertaining to Plaintiff's workplace injury.

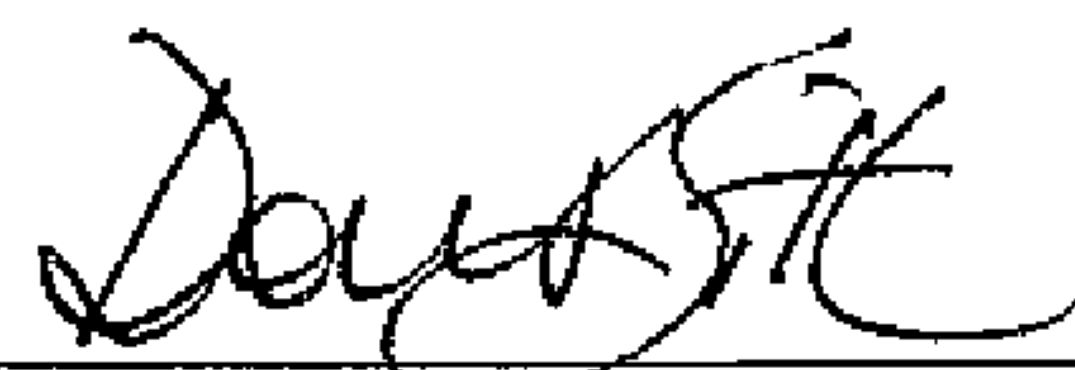
3. Any communications between Defendant and Plaintiff about Plaintiff's workplace injury.
4. The identity of the decision makers involved in Plaintiff's termination of employment, and their individual input into that decision.
5. Plaintiff's attendance records and work schedules.
6. The hours worked by Plaintiff.
7. Plaintiff's dates of employment, job duties, and job description.
8. Plaintiff's position and job title, and the identity of Plaintiff's supervisors.
9. Plaintiff's job performance.
10. Any investigation into Plaintiff's job performance, including the dates of the investigation and the identity of those who participated in the investigation.
11. Any written or oral reprimand, warning, or caution given to or concerning Plaintiff during Plaintiff's employment with Defendant.
12. Any compliment, award, or commendation given to Plaintiff during the course of Plaintiff's employment with Defendant.
13. Any meeting conducted with Plaintiff to discuss Plaintiff's job performance.
14. Any complaints regarding Plaintiff or Plaintiff's job performance, including the specific information corresponding to each complaint.
15. Any contention by Defendant that Plaintiff's job performance was unsatisfactory.
16. The identity of all persons who have suffered a workplace injury at the same location where Plaintiff worked within the past five years, including each person's employment status with Defendant.
17. All lawsuits brought against Defendant for alleged violations of the Florida Workers' Compensation Act, Section 440.205 Fla. Stat.
18. Any documents produced to Plaintiff in response to Plaintiff's First Request for Production of documents.
19. The process used by Defendant to collect documents for production to Plaintiff in response to Plaintiff's Requests for Production of documents, including but not limited to searches and production from Defendant's electronic mail system.

20. Compensation paid to Plaintiff, including fringe benefits such as health insurance.
21. The training and qualifications of Plaintiffs' supervisors, with respect to workplace injuries and the Florida Workers' Compensation Act, Section 440.205 Fla. Stat.
22. Facts supporting any affirmative defense or defense pled by Defendant.
23. Confirmation and details relating to any response by Defendant to Plaintiff's First Set of Interrogatories.
24. The identities of all persons who were employed by Defendant, and were terminated from employment for the same reason as Plaintiff within the past three years.
25. Defendant's policies and procedures regarding employee light duty work assignments.
26. Any documents pertaining to Plaintiff and submitted by Defendant to any governmental agency.
27. Defendant's policies and procedures regarding workplace injuries and Workers' Compensation.
28. Any insurance policies related to the claims in this case.
29. Any written statements obtained by Defendant in relation to this case.
30. Defendant's submissions to any administrative agency in relation to Plaintiff's employment.

Upon oral examination pursuant to the Florida Rules of Civil Procedure, before a court reporter or any other notary public or officer authorized by law to take depositions. Said deposition(s) will be taken for the purposes permitted by the rules governing the conduct of the case.

Dated this 2nd day of March, 2017.

Respectfully submitted,



DONNA V. SMITH

Florida Bar Number: 661201

WENZEL FENTON CABASSA, P.A.

1110 North Florida Avenue, Suite 300

Tampa, Florida 33602

Main Number: 813-224-0431

Direct Dial: 813-386-0995

Facsimile: 813-229-8712

Email: dsmith@wfcclaw.com

Email: rcooke@wfcclaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the Defendant on the date the complaint was served.



DONNA V. SMITH

Sarasota County Receipt of Transaction

Receipt # 2017021398

Karen E. Rushing
Clerk of the Circuit Court and County Comptroller
Sarasota County, FL
www.SarasotaClerk.com

Received From:
SMITH, DONNA V
1110 N FLORIDA AVE SUITE 300
TAMPA, FL 33602

On Behalf Of:
SMITH, DONNA V
1110 N FLORIDA AVE SUITE 300
TAMPA, FL 33602

On: 3/2/17 8:42 pm By: fgarza
Transaction # 100556471

CaseNumber 2017 CA 001062 NC

Judge LON AREND

DONNA V SMITH VS PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.

Fee Description	Fee	Prior Paid	Waived	Due	Paid	Balance
(CPL) COMPLAINT	400.00	0.00	0.00	400.00	400.00	0.00
(SUMCIRE) SUMMONS CIRCUIT EFILED - REQUEST	10.00	0.00	0.00	10.00	10.00	0.00
Total:	410.00	0.00	0.00	410.00	410.00	0.00

Grand Total: 410.00 0.00 0.00 410.00 410.00 0.00

PAYMENTS

Payment Type	Reference		Amount	Refund	Overage	Change	Net Amount
E-Portal	17962049	OK	410.00	0.00	0.00	0.00	410.00
Payments Total:			410.00	0.00	0.00	0.00	410.00

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY
CIVIL DIVISION**

WILNESSE NAZARIO,

Plaintiff,

CASE NO.: 2017CA-001062 NC

v.

**PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.**

Defendant.

_____ /

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiff, WILNESSE NAZARIO, by and through her undersigned counsel and in accordance with Florida Rule of Civil Procedure 1.420(a)(1)(A), hereby voluntarily dismisses this action without prejudice, with each party to bear its own attorney's fees, costs, and disbursements.

Dated this 7th day of April, 2017.

Respectfully submitted,

/s/ Donna V. Smith

DONNA V. SMITH

Florida Bar No. 661201

Wenzel Fenton Cabassa P.A.

1110 N. Florida Avenue

Suite 300

Tampa, Florida 33602

Main No.: 813-224-0431

Direct No.: 813-386-0995

Facsimile No.: 813-229-8712

Email: dsmith@wfclaw.com

Email: rcooke@wfclaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of April, 2017, the foregoing was electronically filed using the Florida Courts E-Filing Portal. A copy of said notice will be provided by U.S. Mail to the following:

Planned Parenthood Federation of America, Inc.
Office of General Counsel
123 Williams Street
New York, NY 10038
Defendant

/s/ Donna V. Smith

4/25/2017 12:29 PM

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY
CIVIL DIVISION
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CIVIL COURTS

Receipt # 2103863

WILNESSE NAZARIO,

Plaintiff,

CASE NO.: 2017CA-001062NC

v.

**PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.**

Defendant.

ORDER OF DISMISSAL WITHOUT PREJUDICE

This cause came before the Court upon Plaintiff's Notice of Voluntary Dismissal Without Prejudice. This matter having been considered, it is hereby ORDERED that this action be dismissed without prejudice, with each party to bear its own attorney's fees and costs.

DONE AND ORDERED in Sarasota, Sarasota County, Florida on this 24th day of

April, 2017.

THE HONORABLE LON AREND
Circuit Court Judge

cc:

Donna V. Smith, Esquire
Counsel for Plaintiff

Planned Parenthood Federation of America, Inc.
Office of General Counsel
123 Williams Street
New York, NY 10038
Defendant