

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

TLC THE LASER CENTER (DELAWARE)
INC., a foreign corporation, and
TLC THE LASER CENTER (INSTITUTE)
INC., a foreign corporation,

CASE NO: CA-CE-02-007898-11
FL BAR NO.: 353991

Plaintiff,

vs.

RONALD PASQUALINO, an individual,
THE TLC MALPRACTICE FOUNDATION,
INC., an unregistered corporation, and TLC
LASER EYE CENTER MALPRACTICE
FOUNDATION, INC., an unregistered corporation,

Defendants.

**DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
PLAINTIFF, TLC THE LASER CENTER (DELAWARE) INC.**

Pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, Defendants by and through the undersigned counsel hereby serves this First Request for Production of Documents and demands that Plaintiff, TLC THE LASER CENTER (DELAWARE) INC. (hereinafter referred to as "TLC"), produce the following documents within thirty (30) days from the date of this Request.

INSTRUCTIONS

In connection with this Request, you are to follow the following instructions:

1. You are to serve a written response within 30 days after service of this Request upon you responding to each of the Requests set forth below. If you object, a specific objection must be raised with respect to each Request.

2. If you object to the production of any document on the grounds that it is protected by any privilege (work-product, attorney-client, etc), you are to provide the following specific

information with respect to each document or item to which a privilege is asserted:

- (a) The type of document or item being withheld(memo, letter, etc.);
- (b) The specific privilege being asserted (attorney-client, attorney specific work product, etc.);
- (c) The date upon which that document was prepared;
- (d) The identity of the individual who authored or prepared that document;
- (e) The identity of the person to whom that document was submitted (for example, its addressee, its recipient);
- (f) The identification of all parties who either received a copy of that memo or who, since the creation of that document, have seen or read the document or item; and
- (g) Identify the name of the person who has custody of it.

3. For purposes of this Request, the term "document" shall broadly be construed and interpreted to mean, without limitation, any tangible means of collecting, recording or setting forth information or data. It shall mean, without limitation, documents, computer disks, tape recordings, photographs, any other electronic means of data compilation or storage, and the like. It shall further mean, without limitation, letters, correspondence, memoranda, purchase orders, sales invoices, acknowledgments, quotations, estimates, contracts, speed memos, marginal handwritten notations on any other document, bills, canceled checks, accounting documents such as sales ledgers, income tax returns, customer receipts, tabulations, accounting books, charts, log books, surveys, reports, drawings, specifications, blue prints, trouble reports, customer complaints, experiments, results of investigations or observations, telephone receipts or slips, notes of face-to-face meetings or telephonic conversations, including memos to file regarding same, diaries, calendars, day books, loan

files, committee minutes, written policies and procedures manuals, etc.

4. The terms "relating to" or "related" as used herein means concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, evidencing, comprising, connected with, commenting on, responding to, disagreeing with, showing describing, analyzing, representing, constituting or including.

5. Defendant is to produce all documents responsive to this Request which are in their possession or subject to its custody and control or the custody and control of its agents, including its attorneys. This Request shall, without limitation, mean any documents originally in the possession of, or representing the property of, either Defendant, which are currently in the possession of any attorney representing Defendant, including the law firm of Proskauer Rose LLP This Request shall include responsive documents wherever they are located.

DOCUMENTS TO BE PRODUCED

1. Any and all documents reviewed or analyzed by TLC to answer Defendants' First Set of Interrogatories.

2. Any and all documents identified in TLC'S answers to Defendants' First Set of Interrogatories.

3. Any and all documents which support TLC's answers to Defendants' Request for Admissions.

4. Any and all documents, including but not limited to, correspondences, letters, e-mails, notes, memoranda, telephone messages, or invoices, obtained by TLC in the investigation of the alleged defamatory statements.

5. Any and all documents, including but not limited to, correspondences, letters, e-mails, notes, memoranda, and telephone messages received by TLC from the Fort Lauderdale Police Department with regard to the Offence Incident Report filed by PASQUALINO.

6. Any and all documents, including but not limited to, correspondences, letters, e-mails, notes, memoranda, or telephone messages received by TLC from the State Attorneys Office, the Office of the Attorney General, the Office of the Statewide Prosecutor, and the Office of the US Attorney with regard to any criminal investigations involving fraud, manipulation of patient records, racketeering, or any statement asserted by the Defendants.

7. Any and all documents, including but not limited to, correspondences, letters, e-mails, notes, memoranda, telephone messages, or claims with regard to allegations of manipulation, alteration, concealment, or substitution of patient records by TLC, its subsidiaries, employees, or

agents.

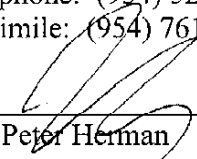
8. Any and all documents which support your allegation of injury to TLC's business.
9. Any and all documents which supports your allegation of injury to TLC's reputation.
10. Any and all documents which support your allegations asserted in TLC's Complaint.
11. Any and all documents which support TLC's claim for Libel.
12. Any and all documents which support TLC'S affirmative defenses to PASQUALINO'S Counterclaim.
13. Any and all documents, including but not limited to, correspondences, letters, e-mails, notes, memoranda, or telephone messages between TLC and Defendants with regard to the alleged defamatory statements.
14. Any and all documents which supported TLC's decision to file the lawsuit against PASQUALINO.
15. All TLC's financial records for the past five (5) years, including but not limited to tax returns, profit and lost statements, revenue reports, sales reports, cash flows, balance sheets, expense reports, and stock valuations.
16. Any and all policies of insurance providing coverage for errors and omissions.
17. Any and all policies of insurance providing coverage for PASQUALINO's counterclaim for Abuse of Proccss.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via U.S. Mail to **DAVID J. GEORGE, ESQ. and STEPHANIE REED TRABAND, ESQ.**, Attorneys for Plaintiffs at Proskauer Rose LLP, 2255 Glades Road, Suite 340 West, Boca Raton, Florida 33431, on this 17th day of May, 2002.

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By: _____


Peter Herman
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