

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 2020-022613-CA-01

VENISE JEAN-BAPTISTE, individually and as
parent and legal guardian of ABEL CODIO, a
minor,

vs.

PROJECT ACCESS FOUNDATION, INC.,
a Florida corporation; LARKIN
COMMUNITY HOSPITAL, INC., a Florida
Corporation; LARKIN COMMUNITY
HOSPITAL II, LLC., a Florida Corporation;
LARKIN COMMUNITY HOSPITAL
FOUNDATION INC., a Florida corporation;
JOSEPH R. PIPERATO, M.D., individually;
JORGE CARBALLO, individually; and JACK
J. MICHEL, M.D., individually,

Defendants.

***NOTICE OF TAKING REMOTE VIDEOTAPED DEPOSITION DUCES TECUM
OF JOSEPH R. PIPERATO, M.D.***

PLEASE TAKE NOTICE that we desire to take the deposition of the following person, upon oral examination before Veritext Legal Solutions, notaries public, or any other notary public or officer authorized by law to take depositions in the State of Florida, at the address listed below. The oral examination will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial or for such other purposes as are permitted under the applicable Statutes or the Rules of Court. Pursuant to Florida Rules of Civil Procedure this deposition will be videotaped.



NAME: Joseph R. Piperato, M.D.¹
DATE: January 25, 2021
TIME: 10:00 a.m.
LOCATION: All parties to attend from their respective location
ZOOM LINK: Will be provided
VIDEOGRAPHER: Video will be done through zoom link

DUCES TECUM

All documents and things requested in Plaintiffs' First Request for Production to Joseph R. Piperato, M.D.

WHEREFORE, the undersigned Plaintiff's counsel will follow the protocol described herein for the remote deposition of Joseph R. Piperato, M.D., in this case:

1. All Ethical Rules of Civil Procedure and Rules of Professional Conduct governing the practice of law remain in place and in full force and effect and shall be abided to at all times. This includes, but is not limited to, the prohibition on speaking objections and prohibited contact with a witness during the course of a deposition.
2. The court reporter, in accordance with Supreme Court of Florida's AOSC20-16 issued on March 18, 2020, may administer the oath or affirmation to the deponent remotely.
3. The court reporting service will arrange, coordinate, and host the deposition through a secure and password protected videoconference technology, such as ZOOM or a functional equivalent; in the case of non-party witnesses it is the responsibility of the lawyers setting the deposition to ensure that the witness has available a device compatible with ZOOM technology or a similar platform, including required audio, webcam, and a quality WiFi connection; plaintiff's counsel shall ensure any non-party healthcare providers have available a device compatible with ZOOM technology or similar platform, including the required audio, webcam, and a quality WiFi connection. The parties may mutually agree to follow an alternative procedure.

¹ The date and time of this deposition will be rescheduled in the event counsel or the witness designated has a scheduling conflict.

4. The court reporting service will provide technical information, including the online link, to the deponent, counsel, and the parties to be able to participate in the remote deposition.

5. Upon request, the court reporting service will be available to test the videoconference technology the prior business day or another time before the deposition so that any technical issues can be identified and resolved in advance of the deposition.

6. The witness shall be instructed that no one shall be physically present in the same room as the witness during the taking of the deposition except for counsel of record, the parties, or both, as well as counsel retained by the witness, if acceptable to the witness and following all regulations to ensure the safety of the witness.

7. The court reporter's transcript shall serve as the official record of the deponent's testimony; provided that should circumstances arise which renders the court reporter's transcript unavailable then a new transcript can be created by use of the video recording of the deposition.

8. As the host of the videoconference, the court reporter shall video-record the deponent while on the record; the court reporter will announce each time he/she has activated the record function and each time he/she has deactivated the record function, however any party may at their discretion arrange for an independent videographer to record the deposition in addition to the recording function of the ZOOM or similar platform, The party hiring the videographer is responsible for the costs of doing so and must make copies of the video recording available to all counsel at their expense.

9. The video recording of the deposition created by the court reporter using the videoconference technology shall be deemed the equivalent of a video recording made by a videographer, and shall be available for use in trial as though prepared by a videographer.

10. As the host of the videoconference, and with agreement of counsel, the court reporter may disable the video technology's "chat" function (or similar private communication function); however, the "chat" function may be used to facilitate the sharing of documents during the deposition. In no event shall the "chat" function be used for any counsel to communicate directly with the witness. At no time during the deposition shall any counsel text, message, email, or transmit any messages to the witness(es) in order to help respond to any and all questions.



11. All cellphones shall be placed in the silent mode. All parties and counsel will disable notifications on their devices to avoid disruption of the audio and video stream during the deposition.

12. The deponent and all counsel or parties appearing on the record at the remote deposition shall state their appearances clearly for the record, and they shall not disable their cameras during the deposition unless there is a break or unless they are necessarily appearing by telephone.

13. Counsel shall confer and agree in regard to the utilization of the camera and whether it shall be focused only on the witness or on some combination of the witness and the lawyer asking the questions or other lawyers participating through the use of a shared screen. If using Zoom, the default setting shall be that the video of the witness shall be pinned and the primary image.

14. All documents or other exhibits, except those to be used for impeachment, shall be shared with all counsel no later than (3) days prior to the deposition and said documents shall be bates-stamped, marked as exhibits, or both. As to non-party witnesses served with a subpoena duces tecum, counsel or their designee for all parties are permitted to confer with the witness for the exclusive purpose of securing any and all documents or other relevant evidence responsive to the subpoena duces tecum. This shall take place no later than 5 days prior to the scheduled deposition. No later than one business day prior to the deposition all documents shall be provided to the court reporting agency. Those documents or other exhibits used for impeachment must be shared with all participants when introduced on the record via the share screen, or similar feature on the ZOOM or similar platform and attached as an exhibit to the deposition.

15. In the unlikely event that a witness cannot access the ZOOM or similar platform or if the connection is lost, the deposition may proceed via ZOOM and the witness participate telephonically.

16. If there are any objections to this notice, they must be filed within 5 days of receipt of the notice and simultaneously set the objections for hearing on the next available date on the judge's motion calendar or at the time so designated by the court.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of this this Notice of Taking



Remote Videotaped Deposition was served with the Summons and Complaint in this action.

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