

IN THE CIRCUIT COURT OF THE  
9<sup>th</sup> JUDICIAL CIRCUIT IN AND FOR  
OSCEOLA COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 09 CA 1526 MP

GERTRUDE GRAFAL, as Personal  
Representative of the Estate of  
MARGARITA SINCLAIR,

Plaintiff,

vs.

OSCEOLA REGIONAL HOSPITAL, INC. d/b/a  
OSCEOLA REGIONAL MEDICAL CENTER, et al.,

Defendants.

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**ORDER ON DEFENDANT, OSCEOLA REGIONAL MEDICAL CENTER'S  
AMENDED MOTION IN LIMINE TO EXCLUDE DOCUMENTS  
PRODUCED TO PLAINTIFF PURSUANT TO ARTICLE X, SECTION 25  
OF THE FLORIDA CONSTITUTION (AMENDMENT 7) AND ON  
PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S RULING  
THAT AMENDMENT 7 HAS NO EFFECT ON STATUTES GOVERNING  
ADMISSIBILITY OF SAME**

THIS CAUSE having come before the Court on January 28, 2001 upon Defendant, Osceola Regional Medical Center's Amended Motion in Limine to Exclude Documents Produced to Plaintiff Pursuant to Article X, Section 25 of the Florida Constitution (Amendment 7), and on February 4, 2011 on the Plaintiff's Motion for Reconsideration of the Court's Ruling That Amendment 7 Has No Effect on Statutes Governing Admissibility of Same, and the Court having reviewed the motions and having heard argument of counsel, it is hereupon ORDERED AND ADJUDGED:

1. The Court holds that Amendment 7 did not abrogate the language of Fla. Stat. §§ 395.0193(8), 395.0197(4), or 766.106(5) governing the admissibility of records.

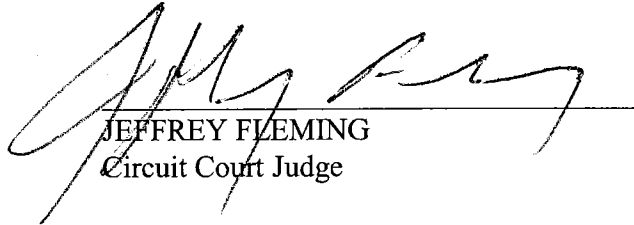
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2. As Defendant, Osceola Regional Medical Center ("ORMC"), agrees that the emails batestamped ORMC007, ORMC008, and ORMC033 do not fall within the language of Fla. Stat. §§ 395.0193(8), 395.0197(4), or 766.106(5), ORMC's motion is denied as to those records.

3. The Court defers ruling as to the admissibility of any other records unless and until the Plaintiff seeks to introduce them into evidence.

4. The Plaintiff's Motion for Reconsideration of the Court's Ruling That Amendment 7 Has No Effect on Statutes Governing Admissibility of Same is denied.

DONE AND ORDERED in Chambers in Kissimmee, Osceola County, Florida this 9<sup>th</sup> day of February, 2011.

  
JEFFREY FLEMING  
Circuit Court Judge

Copies furnished to:  
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