

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: 2019-022464 CA 01

MICHAEL ANTHONY LAPP and  
SUSAN RAMIREZ-LAPP,

Plaintiffs,

vs.

BAPTIST HOSPITAL OF MIAMI,  
INC., BAPTIST HEALTH SOUTH  
FLORIDA, INC., ALEXANDER  
POSIK, M.D. and BAPTIST  
HEALTH MEDICAL GROUP  
PHYSICIANS, LLC d/b/a  
BAPTIST HEALTH  
NEUROSCIENCE CENTER,

Defendants.

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**DEFENDANTS, BAPTIST HOSPITAL OF MIAMI, INC. AND BAPTIST  
HEALTH SOUTH FLORIDA, INC.'s, EMERGENCY MOTION FOR  
MOTION CALENDAR HEARING**

The Defendants, BAPTIST HOSPITAL OF MIAMI, INC. and BAPTISTS  
HEALTH SOUTH FLORIDA, INC., by and through their undersigned counsel, file  
this Emergency Motion for Motion Calendar Hearing, and as grounds for the  
foregoing would state as follows:

1. This medical malpractice action is set case for Jury Trial for the 3-week trial period commencing March 7, 2023. *See Exhibit "A"*.

2. Per the Trial Order, compulsory medical evaluations are to be completed forty-five (45) days prior to the first day to the trial period. The deadline for compulsory medical evaluations on this case is January 21, 2023.

3. Defendants' vocational and life care planning expert, Michael Shahnasarian, Ph.D., is available to perform a vocational rehabilitation/life care planning examination of the Plaintiff via Zoom on December 20, 2022 at 8:00 a.m. *See Exhibit "B"*.

4. Plaintiffs filed their Objection to Defendants' Request for Compulsory Vocational Rehabilitation/Life Care Planning Examination on December 7, 2022. *See Exhibit "C"*.

5. If the Court does not rule on Plaintiffs' Objection prior to December 20, 2022, the examination cannot go forward and the Defendants will be unable to complete this examination within the Court ordered deadlines.

6. Defendants consulted all parties to have Plaintiffs' Objection to Defendants' Request for Compulsory Vocational Rehabilitation/Life Care Planning

Examination to be heard on motion calendar on December 15, 2022 at 9:00 and as of today, all parties are available.

WHEREFORE, the Defendants, BAPTIST HOSPITAL OF MIAMI, INC. and BAPTISTS HEALTH SOUTH FLORIDA, INC., respectfully requests this Court add Plaintiffs' Objection to Defendants' Request for Compulsory Vocational Rehabilitation/Life Care Planning Examination for motion calendar hearing on December 15, 2022 at 9:00 a.m. in front of the Honorable Barbara Areces.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy hereof has been furnished to the attorneys listed on the attached service list, by e-mail, on December 12, 2022.

**FALK, WAAS, HERNANDEZ, SOLOMON,  
MENDLESTEIN & DAVIS, P.A.**

*Attorneys for Defendants, Baptist Hospital of  
Miami, Inc. and Baptist Health South  
Florida, Inc.*

135 San Lorenzo Avenue, Suite 500

Coral Gables, FL 33146

Telephone: (305) 447-6500

Facsimile: (305) 447-1777

Email: [servicenwaas@falkwaas.com](mailto:servicenwaas@falkwaas.com)

By:           /s/ Norman M. Waas          

Norman M. Waas

Florida Bar No.: 614432

2432419

**SERVICE LIST**  
***Lapp v. Baptist Hospital and BHSF, Inc.***

Joseph J. Kalbac, Jr. Esq.  
Colson Hicks Edison  
255 Alhambra Circle, Penthouse  
Coral Gables, FL 33134  
Telephone: (305) 476-7400  
Facsimile: (305) 476-7444  
Email: [jkalbac@colson.com](mailto:jkalbac@colson.com)  
***Attorneys for Plaintiffs***

Jackson F. McCoy, Esq.  
Wicker, Smith, O'Hara, McCoy & Ford, P.A.  
2800 Ponce de Leon Blvd., Suite 800  
Coral Gables, FL 33134  
Telephone: (305) 448-3939  
Facsimile: (305) 441-1745  
Email: [miacrtpleadings@wickersmith.com](mailto:miacrtpleadings@wickersmith.com)  
Email: [jmccoy@wickersmith.com](mailto:jmccoy@wickersmith.com)  
***Attorneys for Defendants, Alexander Poisik, MD AND Baptist Health Medical Group Physicians, LLC***

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

**CIRCUIT CIVIL DIVISION**

**CASE NO.: 2019-022464-CA-01**

**SECTION: CA23**

**Michael Anthony Lapp et al**  
**Plaintiff(s),**

vs.

**LIVE/IN-PERSON**  
**ORDER RESETTING TRIAL**

**Baptist Hospital of Miami, Inc. et al**  
**Defendant(s)**

\_\_\_\_\_ /

**THIS CAUSE** having been on the trial calendar and a continuance having been granted based on:

- \_\_\_\_\_ 1. Plaintiff(s) Motion for Continuance.
- X  2. Defendant(s) Motion for Continuance.
- \_\_\_\_\_ 3. Joint Motion to Continue.
- \_\_\_\_\_ 4. Case was not reached and/or resetting would be appropriate due to scheduling conflict.
- \_\_\_\_\_ 5. Unable to proceed due to procedural issues or Mistrial.

This Cause is hereby reset for Jury/Non-Jury trial before the undersigned Judge in the Dade County Courthouse, 73 West Flagler Street, Miami, Florida 33130, for the  3  week period commencing  03-07-2023  or as soon thereafter as the same may be heard.

**ALL ATTORNEYS** are directed to appear before the undersigned Judge, at the Dade County Courthouse, for **Call of the Calendar** and pretrial conference on  03-01-2023 at 11:00 AM . All attorneys should be thoroughly familiar with the cause and prepared to consider and determine such matters as are set forth in Rule 1.200(b). **Failure to appear** as directed or to otherwise strictly comply with the terms of this Order may result in sanctions, dismissing the action, striking the pleadings, limiting proof or witnesses or taking any other appropriate action. It is further

**ORDERED AND ADJUDGED** as follows:

- 1. The parties shall do all things reasonable and necessary to assure the availability of their witnesses for the ENTIRE trial period or to otherwise preserve their testimony for trial as provided by the Fla. Rules of Civil Procedure

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