

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 9:25-CV-80526-DMM

GOOD SAMARITAN MEDICAL	)
CENTER, INC., DELRAY MEDICAL	)
CENTER, INC., PALM BEACH	)
GARDENS COMMUNITY HOSPITALS,	)
INC. D/B/A PALM BEACH GARDENS	)
MEDICAL CENTER, ST. MARY'S	)
MEDICAL CENTER, INC., AND WEST	)
BOCA MEDICAL CENTER, INC.,	)
	)
<i>Plaintiffs,</i>	)
	)
v.	)
	)
THE LEAPFROG GROUP,	)
	)
<i>Defendant.</i>	)

**THE LEAPFROG GROUP'S MOTION IN LIMINE TO EXCLUDE DOCUMENTS NOT
PRODUCED IN DISCOVERY AND AN UNDISCLOSED WITNESS FROM TRIAL**

COMES NOW, Defendant, THE LEAPFROG GROUP, by and through undersigned counsel, and hereby files its Motion in Limine, requesting the Court enter an Order excluding from evidence, admission, or reference, and prohibiting the parties and their witnesses from testifying to any documents that were not produced during discovery in this litigation and barring the trial testimony of Dr. Anthony Hernandez, and states in support thereof:

From the outset, Plaintiffs professed that “[p]atient complaints, staff complaints, and union complaints are just a few of the types of documents TLG seeks, none of which are relevant to the sole count asserted here.” (See, Plaintiffs’ motion for protective order, ECF 55 at 5). They have never hedged. There has never been an alternative theory. But once this Court opined that Plaintiffs offer a “dearth of evidence of actual consumer harm,” this case was exposed for what it really is: a theory built on a legal shortcut that does not exist. (ECF 139 at footnote 5). Only now, after the Court identified a fatal gap in Plaintiffs proofs, did they pivot for the very first time.

Suddenly, on the eve of trial¹, Plaintiffs seek to disclose a new trial witness and produce ten (10) new documents. But these are not newly discovered facts. Rather, they are the product of a failed trial strategy. Witness disclosure deadlines exist to ensure fairness, not to provide a safety net for parties who gamble and lose. And production deadlines exist so no party can unilaterally rewrite the record when their original proofs come up short. But the clock has run, and Plaintiffs cannot revive a case that is otherwise dead on arrival.

RELEVANT FACTS AND BACKGROUND

On September 25, 2025, fact discovery concluded. (*See*, Pretrial Scheduling Order, ECF No. 36 at p. 5). On August 22, 2025, Plaintiffs amended their Rule 26(a) disclosures wherein a consumer or physician name is notably absent. (*See*, Plaintiffs Amended Rule 26(a) Disclosures, **Exhibit 1**). On September 8, 2025, Plaintiffs amended their interrogatory answers that too fail to disclose either a consumer or physician by name. (ECF 88-99, 88-100, 88-101, 88-102, 88-103). On October 2, 2025, pursuant to Local Rule 16.1(e)(10), Plaintiffs served their proposed trial witness list with no consumer or physician named. (*See*, Plaintiffs Witness List, **Exhibit 2**). On the same day, Plaintiffs served second amended Rule 26(a) disclosures that still identified no consumer or physician by name. (*See*, Second Amended Rule 26(a) disclosures, **Exhibit 3**). And on December 15, 2025, the parties filed a Joint Pretrial Stipulation wherein Plaintiffs failed to list a consumer or physician on their trial witness list. (*See*, Schedule D, ECF No. 129 at p. 103). Plaintiffs' first-time witness disclosure on January 12, 2026 is plainly unjustifiable and indefensible. (*See*, Proffer of Anticipated Trial Testimony of Dr. Anthony Hernandez, **Exhibit 4**).

But this is of no surprise as Plaintiffs repeatedly insisted that “*all* documents ‘about patient safety or quality of healthcare services’ complaints received from patients or potential patients, including those concerning services ‘provided by any physician...affiliated with’ the Plaintiff Hospitals...are irrelevant.” (ECF 55 at 4). Yet now Plaintiffs seek to offer ten (10) documents as trial exhibits that were withheld in discovery. (*See*, all proposed trial exhibits attached hereto as **Exhibit 5**, PX-521.0; **Exhibit 6**, PX-548.0; **Exhibit 7**, PX-549.0; **Exhibit 8**, PX-550.0; **Exhibit 9**, PX-553.0; **Exhibit 10**, PX-554.0; **Exhibit 11**, PX-560.0; **Exhibit 12**, PX-560.1; **Exhibit 13**,

¹ On the date of filing this motion Plaintiffs produced another new document as a purported trial exhibit despite being on notice that Leapfrog intended to file this motion today to exclude all documents not produced in discovery. Plaintiffs continue to defy basic principles of fairness and procedure. Leapfrog thereby requests an order barring any and all future new documents or witnesses that Plaintiffs will inevitably continue to proffer before trial in a week.

PX-560.2; **Exhibit 14**, PX-561.0)². And to be certain, none of the beforementioned documents bare bates labels nor were any of these documents produced in accordance with the ESI Protocol. (*See*, ECF No. 38).

For the first time, on January 9, 2026 (after the calendar call), Plaintiffs produced the following internal documents as proposed trial exhibits:

P. Ex.	Document Description	Mot. Ex.
PX-554.0	“Letter from Humana Military” that is not dated or addressed to any of the Plaintiffs	5
PX-560.0	“Email from I. Levine to J. Basso-Kestner, copying N. Seymour re Previous Week OR Cance/Reschedule” dated November 3, 2025	6
PX-560.1	“PBG Cancels Week Oct 26.xlsx” attached to the November 3, 2025 email	7
PX-560.2	“PDF Printout of PBG Cancels Week Oct 26.xlsx” that is not dated	8

For the first time, on January 6, 2026, Plaintiffs produced the following internal documents as proposed trial exhibits:

P. Ex.	Document Description	Mot. Ex.
PX-549.0	“Letter from Humana Military” that is not dated or addressed to any of the Plaintiffs	9
PX-550.0	“Tenet Total Emergent Encounters in Palm Beach Market” dated “1/1/2023 to 11/30/2025	10
PX-553.0	“Letter from Humana Military” that is not dated or addressed to any of the Plaintiffs	11

For the first time, on December 20, 2025, Plaintiffs produced PX-548.0. And for the first time on November 26, 2025, Plaintiffs attached PX-521.0 in support of their response to Defendant’s statement of material facts and Plaintiffs’ additional facts that was never previously produced in discovery. (*See*, Plaintiffs’ Exhibits to ASOF, ECF No. 117-13). Indeed, Leapfrog objected to this document in its reply in support of its motion for summary judgment. (*See*, ECF 124 at p. 8). On the date of the filing of this motion, January 13, 2025, Plaintiffs first produced PX-561.0 that was purported created *prior* to the start of this litigation. (Ex. 14).

P. Ex.	Document Description	Mot. Ex.
PX-521.0	“Palm Beach Net Patient Revenue” for “Year 2024 YTD”	12
PX-548.0	“Newspaper article, and an envelope addressed to Good Samaritan’s CEO, Sheri Montgomery”	13

² Leapfrog reserves its asserted objections over Exs. 5-14, including but not limited to hearsay.

PX-561.0	March 24, 2025 “Letter from Hospital for Special Surgery to Good Samaritan Medical Center”	14
----------	--	----

ARGUMENT

At the eleventh hour, Plaintiffs have and continue to ambush Leapfrog by seeking to use documents as trial exhibits that were never produced in discovery and were otherwise not produced in accordance with the ESI Protocol. (*See*, Ex. 5-14). In their pending motion to seal, Plaintiffs admit they “intend to introduce at trial evidence of harm to patients” through PX-560.0-PX560.2. (ECF No. 142 at pp. 1-2). Indeed, the motion to seal was filed two days *after* this Court’s order on the parties MSJ. (ECF. 139). However, throughout the entirety of this litigation it has been Plaintiffs position that “[p]atient complaints, staff complaints...are just a few of the types of documents TLG seeks, none of which are relevant to the sole count asserted here.” (ECF 55 at p. 5). But Plaintiffs may not circumvent the pretrial scheduling order and all applicable federal and local rules to backfill their mistaken conclusion of the law that “patient and staff complaints” are *not* relevant to prove their “sole count asserted here.” (*Id.*). Plaintiffs cannot undo their strategic choice, and Leapfrog is highly prejudiced Plaintiffs continuous untimely productions.

Under Federal Rule of Civil Procedure 37(c)(1), when a party fails to provide information during discovery, “the party is not allowed to use that information . . . at a trial, unless the failure was substantially justified or is harmless.” The Plaintiffs face the burden to show that its failure to disclose these exhibits during discovery was substantially justified or harmless. *Mitchell v. Ford Motor Co.*, 318 F. App’x 821, 824 (11th Cir. 2009).

Plaintiffs admit that “PX-560.0 through PX-560.2...are Palm Beach Health Network records kept in the ordinary course of business.” (*See*, ECF 142 at p. 2). These documents are allegedly dated November 3, 2025 although Leapfrog cannot confirm this date as the metadata has been withheld in violation of the ESI Protocol. (ECF No. 38). PX-554.0, PX-549.0 and PX-553.0 are neither dated nor addressed to any of the Plaintiffs and otherwise not produced in accordance with the ESI protocol. (Ex. 5, 9, 11). PX-521.0 was never produced in discovery despite baring “Year 2024 YTD” on an internal revenue document and PX-561.0 is likewise dated March 24, 2025 before this matter was filed. (Exs. 12, 14). It is undisputed that these documents were within Plaintiffs possession during the discovery period. (*Id.*). PX-548.0 was produced on December 20, 2025, and likewise was not produced in accordance with the ESI Protocol; thus, Leapfrog cannot confirm its creation date through metadata. (Ex. 13). These documents prejudice Leapfrog due to

their belated disclosure and must be excluded. *Lara v. G&E Fla. Contrs., Ltd. Liab. Co.*, 2016 U.S. Dist. LEXIS 190918, at *3 (S.D. Fla. Mar. 3, 2016) (“any documents that were in existence prior to the close of discovery, but not produced, may not be used at trial by the party that failed to timely produce that document”).

And look no further than Plaintiffs January 12, 2026 witness disclosure to show that Plaintiffs never intended to offer a consumer or physician witness at trial until this Court questioned their evidence. (Ex. 4). Dr. Anthony Hernandez is not listed on a single document produced by Plaintiffs, he is not listed anywhere as a witness or person with knowledge, and most damning, his name does not appear once in Plaintiffs’ 187 page findings of fact and conclusions of law. (ECF No. 136). “If a party fails to comply with Rule 26(a) or (e), Rule 37 acts as an automatic sanction barring the party from using that information or witness, unless the failure was substantially justified or harmless.” *Nat’l Union Fire Ins. Co. v. Tyco Integrated Sec.*, 2015 U.S. Dist. LEXIS 186356, at *4 (Fla. S.D. July 29, 2015) (citing Fed. R. Civ. P. 37(c)(1)). “A trial is not a game of ‘gotcha.’ “Defendants would be greatly prejudiced if these witnesses were able to testify after being belatedly disclosed only weeks before the trial and after the discovery deadline.” *Touzout v. Am. Best Car Rental KF Corp.*, 2017 U.S. Dist. LEXIS 92335, at *6 (S.D. Fla. June 12, 2017) (citing *Roberta L. Marcus*, 2013 U.S. Dist. LEXIS 129056 at *2). Dr. Anthony Hernandez is a late, undisclosed witness whose testimony should be barred from trial.

“Rule 37 is designed to protect a court's institutional values and ‘Rule 37 sanctions are imposed not only to prevent unfair prejudice to the litigants but also to insure the integrity of the discovery process.’” *Cap., L.P. v. Heyden Enters., LLC*, No. 2024 U.S. Dist. LEXIS 234079, at *16-17 (S.D. Fla. Dec. 30, 2024) (citing *Aztec Steel Co. v. Florida Steel Corp.*, 691 F.2d 480, 482 (11th Cir. 1982)). A finding of subjective bad faith is required for the court to exercise its inherent power to impose sanctions. *Sciarretta v. Lincoln Nat’l Life Ins. Co.*, 778 F.3d 1205, 1212 (11th Cir. 2015) (upholding sanctions against a party who in bad faith “calculated preparations that produced the one-way witness). Plaintiffs conduct here not only undermines the integrity of the trial process but is a calculated attempt to rewrite their failed strategy to the detriment of the defense. Leapfrog respectfully requests Rule 37 sanctions and attorney’s fees.

WHEREFORE, Defendant, The Leapfrog Group, respectfully requests that this Honorable Court enter an ORDER granting this Motion in Limine to Exclude in favor of The Leapfrog Group as set forth in the Proposed Order, and award any and all other appropriate relief.

CERTIFICATE OF GOOD FAITH CONFERENCE

In accordance with Local Rule 7.1, the undersigned counsel certifies that it conferred with counsel for the Plaintiffs before filing this motion. Plaintiffs have not provided written consent to withdraw any of the undisclosed trial exhibits or proffered trial testimony of Dr. Anthony Hernandez.

Date: January 13, 2026

Respectfully submitted,

/s/Jura C. Zibas

Jura C. Zibas

Florida Bar ID # 124571

jura.zibas@wilsonelser.com

Shawna C. Biggs

Florida Bar ID # 1026407

shawna.biggs@wilsonelser.com

Wilson Elser Moskowitz Edelman & Dicker LLP

2063 Main Street, Suite 100

Sarasota, Florida 34237

(941) 866-8561 (Main)

(212) 915-5756 (Direct)

(917) 744-4116 (Cell)

Attorneys for Defendant, The Leapfrog Group

/s/Kimberly E. Blair

Kimberly E. Blair (Pro Hac)

kimberly.blair@wilsonelser.com

Illinois Bar ID # 6272934

Courtney L. Wood (Pro Hac)

Courtney.wood@wilsonelser.com

Illinois Bar ID # 6344385

Wilson Elser Moskowitz Edelman & Dicker LLP

161 N. Clark, Ste. 4500

Chicago, IL 60601

312.821.6139 (Direct)

312.704.0550 (Main)

(312) 259-6414 (Cell)

Attorneys for Defendant, The Leapfrog Group

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2026, a true and correct copy of the foregoing was served on all counsel or parties of record via the ECF filing system.

By: /s/ Jura C. Zibas
JURA C. ZIBAS

EXHIBIT 1

Plaintiffs August 22, 2025 Amended Rule 26(a) Disclosures

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 9:25-CV-80526-DMM

GOOD SAMARITAN MEDICAL
CENTER, INC., et al.,

Plaintiffs,

v.

THE LEAPFROG GROUP,

Defendant.

PLAINTIFFS' RULE 26(a)(1) AMENDED INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs Good Samaritan Medical Center, Inc., Delray Medical Center, Inc., Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center (“Palm Beach Gardens Medical Center”), St. Mary’s Medical Center, Inc., and West Boca Medical Center, Inc. (collectively, “Plaintiffs”), by and through their undersigned counsel, submit these amended initial disclosures. Plaintiffs’ disclosures are made without waiving any objections, including objections as to the competency, relevance, materiality, or admissibility of any information, or the scope of permissible discovery in this matter. These disclosures are also made without waiver of Plaintiffs’ right to protect from disclosure any work product of their attorneys, consultants, or other representatives, or any material protected from disclosure by the attorney-client privilege, any other applicable privilege, or any applicable law prohibiting disclosure.

These amended initial disclosures are based on Plaintiffs' investigation of information currently in Plaintiffs' possession, custody, and control. Plaintiffs reserve the right to supplement, amend, or otherwise modify these disclosures. Plaintiffs further reserve the right to object to the production of documents or information from the categories identified herein or the seeking of testimony from witnesses identified herein on any applicable basis. Plaintiffs also reserve the right to rely on the individuals identified in these disclosures for subjects other than those identified herein in response to the disclosure requirements of the applicable rules.

I. Individuals Likely To Have Discoverable Information

Subject to the limitations set forth above and below, and based on current information and in accordance with Federal Rule of Civil Procedure 26(a)(1)(A)(i), the following table lists the name and the contact information for the individuals that Plaintiffs presently believe are likely to have discoverable information related to Plaintiffs' claims.

Inclusion of a name on the list is not a concession that a deposition of a listed individual will be necessary or appropriate or relied upon by Plaintiffs. Plaintiffs have listed the probable general subject matter of these individuals' knowledge, but this general description does not limit the subject areas of information each individual may provide. Plaintiffs reserve the right to offer testimony in this proceeding from any of the following witnesses on topics other than the matters specified below. All objections of inadmissible testimony are reserved. Should Plaintiffs learn of additional, potential witnesses during discovery, Plaintiffs will continue to supplement this list. This list does not include experts or consultants who may be retained, nor does it include any witnesses who may be used for impeachment purposes.

Name/Title	General Subject Matter	Contact Information
Erik Cazares (CEO of Palm Beach Gardens Medical Center)	Information concerning Palm Beach Gardens Medical Center, including harms to the hospital resulting from The Leapfrog Group's ("TLG") conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Jerad Hanlon (CEO of West Boca Medical Center, Inc.)	Information concerning West Boca Medical Center, Inc., including harms to the hospital resulting from TLG's conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Heather Havericak (CEO of Delray Medical Center, Inc.)	Information concerning Delray Medical Center, Inc., including harms to the hospital resulting from TLG's conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Cynthia McCauley (CEO of St. Mary's Medical Center, Inc.)	Information concerning St. Mary's Medical Center, Inc., including harms to the hospital resulting from TLG's conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Sheri Montgomery (CEO of Good Samaritan Medical Center, Inc.)	Information concerning Good Samaritan Medical Center, Inc., including harms to the hospital resulting from TLG's conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Lisa Cook (Group Marketing Director – Palm Beach Market, Tenet Healthcare)	Information concerning the impact of TLG's conduct on Plaintiffs' reputation, marketing, and communication and harms to Plaintiffs resulting from TLG's conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Leah Binder (President and CEO of The Leapfrog Group)	Information concerning TLG's grading methodology, TLG's decision to change that methodology in 2024, TLG's finances and profit-seeking behavior, TLG's marketing materials, and TLG's hospital and government relations.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139

Name/Title	General Subject Matter	Contact Information
Kush Banerjee (Director of Licensing Programs for The Leapfrog Group)	Information concerning TLG's licensing practices, TLG's finances and profit-seeking behavior, and TLG's sponsors and members.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139
Missy Danforth (Senior Vice President of Healthcare Ratings for The Leapfrog Group)	Information concerning TLG's grading methodology, TLG's decision to change that methodology in 2024, and TLG's finances and profit-seeking behavior.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139
Lauren Bailey (Director of Communications for The Leapfrog Group)	Information concerning TLG's websites, TLG's marketing materials, and TLG's sponsors and members.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139
Katie Stewart (Director of Healthcare Ratings for The Leapfrog Group)	Information concerning TLG's grading methodology, TLG's decision to change that methodology in 2024, and TLG's finances and profit-seeking behavior.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139

II. Documents

Pursuant to Rule 26(a)(1)(A)(ii), Plaintiffs identify categories of documents that may support Plaintiffs' claims in this action and are in Plaintiffs' possession, custody, or control. This disclosure is based on information currently available, and Plaintiffs reserve the right to supplement these disclosures or offer additional documents as it learns additional information.

Production of documents concerning the following categories of information will be addressed in the discovery process and will be made available at an appropriate time through the undersigned counsel for Plaintiffs:

- Documents concerning harms to Plaintiffs resulting from TLG's conduct, including loss of revenue and harm to Plaintiffs' reputations and goodwill.

- Documents referenced in Plaintiffs' complaint.

These categories of documents and information are located at the offices of Gibson, Dunn & Crutcher LLP or vendors retained by Gibson, Dunn & Crutcher LLP, and/or are otherwise in the possession, custody, or control of Plaintiffs. In addition to the foregoing categories of documents, Plaintiffs incorporate by reference all documents, electronically stored information, and any other materials or tangible things (1) disclosed by TLG's initial disclosures and/or as supplemented or referenced in pleadings; and (2) all documents, electronically stored information, and any other materials or tangible things that may be produced by third parties during the course of discovery.

III. Damages

Plaintiffs' Complaint sought recovery for damages as a result of TLG's unlawful conduct. ECF No. 1. However, on August 12, 2025, Plaintiffs withdrew their request for an award of monetary damages and Plaintiffs make no claims for damages or other monetary relief in this action. ECF No. 54.

Plaintiffs reserve the right to seek an award of attorneys' fees and costs. The amount of those fees and costs is not yet known.

IV. Insurance

Pursuant to Rule 26(a)(1)(A)(iv), Plaintiffs are not presently aware of any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action, or to indemnify or reimburse payments made to satisfy a judgment.

Dated: August 22, 2025

Respectfully submitted,

By: /s Michael Pineiro

MARCUS RASHBAUM PINEIRO &
MEYERS LLP

Jeffrey Marcus, Bar # 310890
Michael Pineiro, Bar # 41897
2 South Biscayne Boulevard
Suite 2530
Miami, Florida 33131
Telephone: 305-400-4268
Facsimile: 954-688-2492
jmarcus@mrpfirm.com
mpineiro@mrpfirm.com

NEIMAN MAYS FLOCH & ALMEIDA
PLLC

Brandon Floch, Bar # 125218
100 SE 3rd Avenue
Suite 805
Fort Lauderdale, Florida 33394
Telephone: 305-434-4943
bfloch@nmfalawfirm.com

GIBSON, DUNN & CRUTCHER LLP

Mary Beth Maloney (*pro hac vice*)
Lee R. Crain (*pro hac vice*)
200 Park Avenue
New York, NY 10166
Telephone: 212.351.4000
Facsimile: 212.351.4035
Email: mmaloney@gibsondunn.com
Email: lcrain@gibsondunn.com

Betty X. Yang (*pro hac vice*)
Scott K. Hvidt (*pro hac vice*)
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900
Email: byang@gibsondunn.com

Email: shvidt@gibsondunn.com

Attorneys for Good Samaritan Medical Center, Inc., Delray Medical Center, Inc., Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center, St. Mary's Medical Center, Inc., and West Boca Medical Center, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2025, I caused the foregoing to be served via email on counsel for Defendant.

/s/ Michael Pineiro

EXHIBIT 2

Plaintiffs October 2, 2025 Witness List

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 9:25-CV-80526-DMM

GOOD SAMARITAN MEDICAL
CENTER, INC., et al.,

Plaintiffs,

v.

THE LEAPFROG GROUP,

Defendant.

PLAINTIFFS' WITNESS LIST

Pursuant to FRCP 26(a)(2) and Paragraph 10 of the Court's scheduling order (Dkt 36), Plaintiffs Good Samaritan Medical Center, Inc., Delray Medical Center, Inc., Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center, St. Mary's Medical Center, Inc., and West Boca Medical Center, Inc. (collectively, "Plaintiffs"), by and through their undersigned counsel, hereby provides the names and addresses of all witnesses that Plaintiffs currently intend to call at trial.

The list below is provided based on the information currently available to Plaintiffs, and Plaintiffs are not certifying that each of the below witnesses will actually be called to testify live at trial. Rather, the list below includes all witnesses whom Plaintiffs may or will call at trial, and Plaintiffs may present their respective testimony either live or by deposition. Plaintiffs reserve their right to supplement, amend, or modify this witness in connection with outstanding or forthcoming discovery, in response to disclosures made by Defendant The Leapfrog Group ("Defendant"), and/or rulings by the Court.

Plaintiffs reserve their right to call as witnesses Defendant and its authorized representatives. Plaintiffs further reserve the right to call as witnesses any person identified in Defendant's witness list. Plaintiffs further reserve the right to call witnesses for purposes of rebuttal or impeachment. Subject to and without waiving the foregoing rights and objections, Plaintiffs provide the following witness list:

	Witness	Address
1.	Dr. Matt Austin	c/o Zuckerman Spaeder LLP. 100 East Pratt Street, Ste. 2440 Baltimore, MD 21202-1031
2.	Lauren Bailey	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601
3.	Kush Banerjee	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601
4.	Dr. Jonah Berger	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166
5.	Leah Binder	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601
6.	Alexandra Campione	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601
7.	Erik Cazares	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166
8.	Thomas Chakurda	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166
9.	Lisa Cook	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166
10.	Missy Danforth	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601

	Witness	Address
11.	Jerad Hanlon	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166
12.	Heather Havericak	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166
13.	Karen Jupiter	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601
14.	Cynthia McCauley	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166
15.	Sheri Montgomery	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166
16.	Dr. Sean Nicholson	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166
17.	Dr. Patrick Romano	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601
18.	Dr. Karen van Caulil	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601

Plaintiffs will provide an updated witness list in due course prior to trial, as required by Local Rule 16.1(e)(10).

Dated: October 2, 2025

Respectfully submitted,

By: /s/ Michael Pineiro

MARCUS RASHBAUM PINEIRO &
MEYERS LLP

Jeffrey Marcus, Bar # 310890
Michael Pineiro, Bar # 41897
2 South Biscayne Boulevard
Suite 2530
Miami, Florida 33131
Telephone: 305-400-4268
Facsimile: 954-688-2492
jmarcus@mrpfirm.com
mpineiro@mrpfirm.com

NEIMAN MAYS FLOCH & ALMEIDA
PLLC

Brandon Floch, Bar # 125218
100 SE 3rd Avenue
Suite 805
Fort Lauderdale, Florida 33394
Telephone: 305-434-4943
bfloch@nmfalawfirm.com

GIBSON, DUNN & CRUTCHER LLP

Mary Beth Maloney (*pro hac vice*)
Lee R. Crain (*pro hac vice*)
200 Park Avenue
New York, NY 10166
Telephone: 212.351.4000
Facsimile: 212.351.4035
Email: mmaloney@gibsondunn.com
Email: lcrain@gibsondunn.com

Betty X. Yang (*pro hac vice*)
Scott K. Hvidt (*pro hac vice*)
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900
Email: byang@gibsondunn.com
Email: shvidt@gibsondunn.com

Attorneys for Good Samaritan Medical Center, Inc., Delray Medical Center, Inc., Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center, St. Mary's Medical Center, Inc., and West Boca Medical Center, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2025, I caused the foregoing to be served via email on counsel for Defendant.

/s/ Michael Pineiro
Michael Pineiro

EXHIBIT 3

Plaintiffs' October 2, 2025 Second Amended Rule 26(a) Disclosures

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 9:25-CV-80526-DMM

GOOD SAMARITAN MEDICAL
CENTER, INC., et al.,

Plaintiffs,

v.

THE LEAPFROG GROUP,

Defendant.

PLAINTIFFS' RULE 26(a)(1) SECOND AMENDED INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs Good Samaritan Medical Center, Inc., Delray Medical Center, Inc., Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center (“Palm Beach Gardens Medical Center”), St. Mary’s Medical Center, Inc., and West Boca Medical Center, Inc. (collectively, “Plaintiffs”), by and through their undersigned counsel, submit these second amended initial disclosures. Plaintiffs’ disclosures are made without waiving any objections, including objections as to the competency, relevance, materiality, or admissibility of any information, or the scope of permissible discovery in this matter. These disclosures are also made without waiver of Plaintiffs’ right to protect from disclosure any work product of their attorneys, consultants, or other representatives, or any material protected from disclosure by the attorney-client privilege, any other applicable privilege, or any applicable law prohibiting disclosure.

These amended initial disclosures are based on Plaintiffs' investigation of information currently in Plaintiffs' possession, custody, and control. Plaintiffs reserve the right to supplement, amend, or otherwise modify these disclosures. Plaintiffs further reserve the right to object to the production of documents or information from the categories identified herein or the seeking of testimony from witnesses identified herein on any applicable basis. Plaintiffs reserve the right to rely on the individuals identified in these disclosures for subjects other than those identified herein in response to the disclosure requirements of the applicable rules. Plaintiffs also reserve the right to rely on the individuals identified in The Leapfrog Group's Rule 26 initial disclosures

I. Individuals Likely To Have Discoverable Information

Subject to the limitations set forth above and below, and based on current information and in accordance with Federal Rule of Civil Procedure 26(a)(1)(A)(i), the following table lists the name and the contact information for the individuals that Plaintiffs presently believe are likely to have discoverable information related to Plaintiffs' claims.

Inclusion of a name on the list is not a concession that a deposition of a listed individual will be necessary or appropriate or relied upon by Plaintiffs. Plaintiffs have listed the probable general subject matter of these individuals' knowledge, but this general description does not limit the subject areas of information each individual may provide. Plaintiffs reserve the right to offer testimony in this proceeding from any of the following witnesses on topics other than the matters specified below. All objections of inadmissible testimony are reserved. Should Plaintiffs learn of additional, potential witnesses during discovery, Plaintiffs will continue to supplement this list. This list does not include experts or consultants who may be retained, nor does it include any witnesses who may be used for impeachment purposes.

Name/Title	General Subject Matter	Contact Information
Erik Cazares (CEO of Palm Beach Gardens Medical Center)	Information concerning Palm Beach Gardens Medical Center, including harms to the hospital resulting from The Leapfrog Group’s (“TLG”) conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Jerad Hanlon (CEO of West Boca Medical Center, Inc.)	Information concerning West Boca Medical Center, Inc., including harms to the hospital resulting from TLG’s conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Heather Havericak (CEO of Delray Medical Center, Inc.)	Information concerning Delray Medical Center, Inc., including harms to the hospital resulting from TLG’s conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Cynthia McCauley (CEO of St. Mary’s Medical Center, Inc.)	Information concerning St. Mary’s Medical Center, Inc., including harms to the hospital resulting from TLG’s conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Sheri Montgomery (CEO of Good Samaritan Medical Center, Inc.)	Information concerning Good Samaritan Medical Center, Inc., including harms to the hospital resulting from TLG’s conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Lisa Cook (Group Marketing Director – Palm Beach Market, Tenet Healthcare)	Information concerning the impact of TLG’s conduct on Plaintiffs’ reputation, marketing, and communication and harms to Plaintiffs resulting from TLG’s conduct.	c/o Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-4000
Leah Binder (President and CEO of The Leapfrog Group)	Information concerning TLG’s grading methodology, TLG’s decision to change that methodology in 2024, TLG’s finances and profit-seeking behavior, TLG’s marketing materials, and TLG’s hospital and government relations.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139

Name/Title	General Subject Matter	Contact Information
Kush Banerjee (Director of Licensing Programs for The Leapfrog Group)	Information concerning TLG's licensing practices, TLG's finances and profit-seeking behavior, and TLG's sponsors and members.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139
Missy Danforth (Senior Vice President of Healthcare Ratings for The Leapfrog Group)	Information concerning TLG's grading methodology, TLG's decision to change that methodology in 2024, and TLG's finances and profit-seeking behavior.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139
Lauren Bailey (Director of Communications for The Leapfrog Group)	Information concerning TLG's websites, TLG's marketing materials, and TLG's sponsors and members.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139
Katie Stewart (Director of Healthcare Ratings for The Leapfrog Group)	Information concerning TLG's grading methodology, TLG's decision to change that methodology in 2024, and TLG's finances and profit-seeking behavior.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139
Alexandra Campione (Program Analysis for The Leapfrog Group)	Information concerning TLG's grading methodology, TLG's decision to change that methodology in 2024, and TLG's finances and profit-seeking behavior.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139
Karen Jupiter (Vice President of Development for The Leapfrog Group)	Information concerning TLG's grading methodology, TLG's decision to change that methodology in 2024, TLG's finances and profit-seeking behavior, TLG's licenses, and TLG's sponsors and members.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139

Name/Title	General Subject Matter	Contact Information
Dr. Matt Austin (Associate Professor at the Armstrong Institute for Patient Safety and Quality at Johns Hopkins University)	Information concerning TLG's grading methodology and TLG's decision to change that methodology in 2024.	c/o Zuckerman Spaeder LLP. 100 East Pratt Street Ste. 2440 Baltimore, MD 21202-1031 (410) 332-0444
Dr. Patrick Romano (Safety Grade Expert Panelist)	Information concerning TLG's grading methodology and TLG's decision to change that methodology in 2024.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139
Karen van Caulil (President & CEO of Central Florida Health Care Coalition, Incorporated d/b/a Florida Alliance for Healthcare Value)	Information concerning TLG's grading methodology, TLG's decision to change that methodology in 2024, TLG's sponsors and members, and TLG's efforts to incentivize participation in the hospital safety survey including via Regional Leaders.	c/o Wilson Elser Moskowitz Edelman & Dicker LLP 161 N. Clark, Ste. 4500 Chicago, IL 60601 (312) 821-6139

II. Documents

Pursuant to Rule 26(a)(1)(A)(ii), Plaintiffs identify categories of documents that may support Plaintiffs' claims in this action and are in Plaintiffs' possession, custody, or control. This disclosure is based on information currently available, and Plaintiffs reserve the right to supplement these disclosures or offer additional documents as it learns additional information.

Production of documents concerning the following categories of information will be addressed in the discovery process and will be made available at an appropriate time through the undersigned counsel for Plaintiffs:

- Documents concerning harms to Plaintiffs resulting from TLG's conduct, including loss of revenue and harm to Plaintiffs' reputations and goodwill.
- Documents referenced in Plaintiffs' amended complaint.

These categories of documents and information are located at the offices of Gibson, Dunn & Crutcher LLP or vendors retained by Gibson, Dunn & Crutcher LLP, and/or are otherwise in the possession, custody, or control of Plaintiffs. In addition to the foregoing categories of documents, Plaintiffs incorporate by reference all documents, electronically stored information, and any other materials or tangible things (1) disclosed by TLG's initial disclosures and/or as supplemented or referenced in pleadings; and (2) all documents, electronically stored information, and any other materials or tangible things that may be produced by third parties during the course of discovery.

III. Damages

Plaintiffs' Complaint sought recovery for damages as a result of TLG's unlawful conduct. ECF No. 1. However, on August 12, 2025, Plaintiffs withdrew their request for an award of monetary damages and Plaintiffs make no claims for damages or other monetary relief in this action. ECF No. 54. On August 28, 2025, Plaintiffs filed an Amended Complaint. ECF No. 74.

Plaintiffs reserve the right to seek an award of attorneys' fees and costs. The amount of those fees and costs is not yet known.

IV. Insurance

Pursuant to Rule 26(a)(1)(A)(iv), Plaintiffs are not presently aware of any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action, or to indemnify or reimburse payments made to satisfy a judgment.

Dated: October 2, 2025

Respectfully submitted,

By: /s Michael Pineiro

MARCUS RASHBAUM PINEIRO &
MEYERS LLP

Jeffrey Marcus, Bar # 310890
Michael Pineiro, Bar # 41897
2 South Biscayne Boulevard
Suite 2530
Miami, Florida 33131
Telephone: 305-400-4268
Facsimile: 954-688-2492
jmarcus@mrpfirm.com
mpineiro@mrpfirm.com

NEIMAN MAYS FLOCH & ALMEIDA
PLLC

Brandon Floch, Bar # 125218
100 SE 3rd Avenue
Suite 805
Fort Lauderdale, Florida 33394
Telephone: 305-434-4943
bfloch@nmfalawfirm.com

GIBSON, DUNN & CRUTCHER LLP

Mary Beth Maloney (*pro hac vice*)
Lee R. Crain (*pro hac vice*)
200 Park Avenue
New York, NY 10166
Telephone: 212.351.4000
Facsimile: 212.351.4035
Email: mmaloney@gibsondunn.com
Email: lcrain@gibsondunn.com

Betty X. Yang (*pro hac vice*)
Scott K. Hvidt (*pro hac vice*)
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900
Email: byang@gibsondunn.com
Email: shvidt@gibsondunn.com

Attorneys for Good Samaritan Medical Center, Inc., Delray Medical Center, Inc., Palm Beach Gardens Community Hospital, Inc. d/b/a Palm Beach Gardens Medical Center, St. Mary's Medical Center, Inc., and West Boca Medical Center, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2025, I caused the foregoing to be served via email on counsel for Defendant.

/s/ Michael Pineiro

EXHIBIT 4

Plaintiffs' January 12, 2026 "Proffer of Anticipated Trial Testimony of Dr. Anthony Hernandez"

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 9:25-CV-80526-DMM

GOOD SAMARITAN MEDICAL CENTER,
INC., et al.,

Plaintiffs,

v.

THE LEAPFROG GROUP,

Defendant.

PROFFER OF ANTICIPATED TRIAL TESTIMONY OF DR. ANTHONY HERNANDEZ

Dr. Anthony Hernandez is a Florida-licensed physician employed by physician group TeamHealth who serves as a hospitalist at West Boca Medical Center (WBMC), supporting the hospital's emergency department. Dr. Hernandez will testify regarding an incident involving a 58-year-old patient, Mr. J.D., as reflected in the document produced and marked as Plaintiffs' Exhibit PX-552.0, and in the document produced at PBHN000015727.

Dr. Hernandez will testify that, upon his arrival at the patient's treatment room, Mr. J.D. presented with an open fracture of the second phalanx of the index finger, an injury with a significant risk of infection and potential loss of hand function if treatment is delayed, and hence Mr. J.D. was advised to proceed immediately to surgery. Dr. Hernandez will testify that when he entered the treatment room to admit Mr. J.D., Mr. J.D.'s adult daughter opposed her father's treatment at WBMC based on a TikTok video and the Leapfrog Safety Grade website. Dr. Hernandez will testify that he tried to convince Mr. J.D. to stay and proceed to immediate surgery with WBMC's specialized hand surgeon and that transfer was against medical advice, as it would delay care and increase the risk of infection and loss of function. Despite Dr. Hernandez's efforts, Mr. J.D. left WBMC against medical advice.

Dated: January 12, 2026

Respectfully submitted,

By: /s/ Jeffrey Marcus

By: /s/ Mary Beth Maloney

Jeffrey Marcus, Bar # 310890
Michael Pineiro, Bar # 41897
Daniel Rashbaum, Bar # 75084
MARCUS RASHBAUM PINEIRO & MEYERS LLP
2 South Biscayne Boulevard
Suite 2530
Miami, FL 33131
(305) 400-4268
jmarcus@mrpfirm.com
mpineiro@mrpfirm.com
drashbaum@mrpfirm.com

Jeffrey Neiman, Bar # 544469
Brandon S. Floch, Bar # 125218
NEIMAN MAYS FLOCH & ALMEIDA PLLC
100 SE 3rd Avenue
Suite 805
Fort Lauderdale, FL 33394
(954) 462-1200
jneiman@nmfalawfirm.com
bfloch@nmfalawfirm.com

Mary Beth Maloney (*pro hac vice*)
Lee R. Crain (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166
(212) 351-4000
mmaloney@gibsondunn.com
lcrain@gibsondunn.com

Daniel P. Chung (*pro hac vice*)
Helgi C. Walker (*pro hac vice*)
Christine M. Buzzard (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
1700 M Street, N.W.
Washington, D.C. 20036
(202) 955-8500
dchung@gibsondunn.com
hwalker@gibsondunn.com
cbuzzard@gibsondunn.com

Betty X. Yang (*pro hac vice*)
Scott K. Hvidt (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
(214) 698-3100
byang@gibsondunn.com
shvidt@gibsondunn.com

Attorneys for the Community Hospitals

EXHIBIT 5

PX-554.0 FIRST PRODUCED JANUARY 9, 2026



Humana Military
Healthcare Quality
PO Box 2907
Louisville, KY 40207
HumanaMilitary.com

Dear Chief Medical Officer,

Humana Military strives to ensure the TRICARE beneficiaries we serve receive the highest quality care available. As part of this effort, we continuously review the quality of care provided in our network hospitals. During a recent review of Leapfrog Hospital Safety Grades, we identified your facility as one in our network with a safety grade of **D or below**.

We strive to ensure TRICARE East Region beneficiaries receive healthcare in facilities that provide care in a manner that meets or exceeds the safety measures used in this system. Consequently, we are providing you this information to encourage your facility to review your Leapfrog Hospital Safety Grade to identify any factors that may have contributed to your performance on safety measures. We ask that you respond to this letter within 30 days from receipt regarding your strategy to improve performance.

If you do not currently have a plan in place to address your performance measures, consider reviewing The Leapfrog Group's information regarding the Leapfrog Hospital Safety Grade and scoring methodology used on their website at [HospitalSafetyGrade.org](https://www.hospitalquality.org).

We look forward to hearing about your improvement strategy. If you have questions or wish to submit your response by email, you may contact us at HealthcareQuality@HumanaMilitary.com.

Sincerely,

Humana Military

PX-554.0

EXHIBIT 6

PX-560.0 FIRST PRODUCED JANUARY 9, 2026

From: Levine, Ian <Ian.Levine@tenethealth.com>
Sent: Monday, November 3, 2025 3:59 PM
To: Basso-Kestner, Jennifer
Cc: Seymour, Naomi
Subject: RE: Previous Week OR Cance/Reschedule
Attachments: PBG Cancels Week Oct 26.xlsx

Please see attached and follow up on any patients who need to be rescheduled. Please send me the invite for your weekly OR Cancellation review meeting.

Thank You,

Ian Levine MBA BSN RN
Director of Clinical Projects



EXHIBIT 7

PX-560.1 FIRST PRODUCED JANUARY 9, 2026

NATIVE EXCEL FILE

Document Produced in Native Format

PX-560.1

CONFIDENTIAL

EXHIBIT 8

PX-560.2 FIRST PRODUCED JANUARY 9, 2026

	A	B	C	D	E	F	G	H	I
1	SURGICAL_AREA	SCHEDULE_DATE	PRIORITY	CASE_NUMBER	PATIENT	MRN	FIN	SCHEDULED_PROCEDURE	PROCEDURE_TEXT
2	PBG Main OR	10/26/2025 12:00	Elective	PBGOR-2025-6672	--REDACTED--	--REDACTED--	--REDACTED--	Coronary Artery Bypass Graft	CABG
3	PBG Main OR	10/27/2025 8:45	Elective	PBGOR-2025-5707	--REDACTED--	--REDACTED--	--REDACTED--	Prostate Transperineal US Guided Biopsy	TRANSPERINEAL MRI GUIDED PROSTATE FUSION BIOPSY
4	PBG Main OR	10/28/2025 7:15	Elective	PBGOR-2025-5848	--REDACTED--	--REDACTED--	--REDACTED--	Knee Total Arthroplasty	RIGHT TOTAL KNEE ARTHROPLASTY
5	PBG Main OR	10/28/2025 7:45	Elective	PBGOR-2025-6001	--REDACTED--	--REDACTED--	--REDACTED--	Spine Lumbar Laminectomy Anterior Fusion	L45 S1 ANTERIOR LUMBAR INTERBODY FUSION
6	PBG Main OR	10/29/2025 7:45	Elective	PBGOR-2025-5824	--REDACTED--	--REDACTED--	--REDACTED--	Spine Cervical Anterior Discectomy	EXTENSIVE ACDF WITH TITANIUM INTERBODY CAGE & ALLOGRAFT FUSION WITH CERVICAL PLATING AT C45 & C56
7	PBG Main OR	10/29/2025 8:15	Elective	PBGOR-2025-6513	--REDACTED--	--REDACTED--	--REDACTED--	Knee Total Arthroplasty	MAKO LEFT TOTAL KNEE ARTHROPLASTY
8	PBG Main OR	10/29/2025 9:15	Elective	PBGOR-2025-6292	--REDACTED--	--REDACTED--	--REDACTED--	Knee Total Arthroplasty	ROSA LEFT TOTAL KNEE ARTHROPLASTY WITH APC
9	PBG Main OR	10/29/2025 12:00	Elective	PBGOR-2025-6012	--REDACTED--	--REDACTED--	--REDACTED--	Coronary Artery Bypass Graft	CABG
10	PBG Main OR	10/29/2025 17:00	Elective	PBGOR-2025-6817	--REDACTED--	--REDACTED--	--REDACTED--	Shoulder Total Arthroplasty	RIGHT REVERSE TOTAL SHOULDER ARTHROPLASTY
11	PBG Main OR	10/30/2025 7:30	Elective	PBGOR-2025-5991	--REDACTED--	--REDACTED--	--REDACTED--	Hip Total Arthroplasty	LEFT TOTAL HIP ARTHROPLASTY
12	PBG Main OR	10/30/2025 7:30	Elective	PBGOR-2025-6002	--REDACTED--	--REDACTED--	--REDACTED--	Spine Lumbar Posterior Laminectomy with	L45 S1 POSTEROLATERAL FUSION WITH LAMINECTOMY FORAMINOTOMY
13	PBG Main OR	10/30/2025 7:45	Elective	PBGOR-2025-6597	--REDACTED--	--REDACTED--	--REDACTED--	Femoral Artery Angioplasty with Stent In	LEFT LOWER EXTREMITY ANGIOGRAM WITH POSSIBLE INTERVENTION
14	PBG Main OR	10/30/2025 8:45	Elective	PBGOR-2025-6347	--REDACTED--	--REDACTED--	--REDACTED--	Hemorrhoidectomy	ANAL FISTULOTOMY
15	PBG Main OR	10/30/2025 12:30	Elective	PBGOR-2025-5912	--REDACTED--	--REDACTED--	--REDACTED--	Cystoscopy for Lithotripsy	LEFT OR BILATERAL URETERAL LASER LITHOTRIPSY STENT PLACEMENT
16	PBG Main OR	10/30/2025 13:30	Elective	PBGOR-2025-5913	--REDACTED--	--REDACTED--	--REDACTED--	Bladder Cystoscopy with Transurethral Re	TRANSURETHRAL RESECTION OF PROSTATE
17	PBG Main OR	10/31/2025 7:30	Elective	PBGOR-2025-6260	--REDACTED--	--REDACTED--	--REDACTED--	Cholecystectomy Xi Robotic	ROBOTIC CHOLECYSTECTOMY
18	PBG Main OR	10/31/2025 7:45	Elective	PBGOR-2025-6626	--REDACTED--	--REDACTED--	--REDACTED--	Scalp Excision Lesion	SPLIT THICKNESS SKIN GRAFT TO LEFT LOWER LEG AND LEFT UPPER THIGH FROM RIGHT UPPER LATERAL THIGH
19	PBG Main OR	10/31/2025 8:30	Elective	PBGOR-2025-6501	--REDACTED--	--REDACTED--	--REDACTED--	Colon Resection Low Anterior Xi Robotic	ROBOTIC SIGMOID COLECTOMY
20	PBG Main OR	10/31/2025 10:15	Elective	PBGOR-2025-6323	--REDACTED--	--REDACTED--	--REDACTED--	Excision Basal Cell Carcinoma	EXCISION LIPOMA RIGHT UPPER BACK WITH MUSCLE FLAP CLOSURE
21	PBG Main OR	10/31/2025 11:00	Elective	PBGOR-2025-6252	--REDACTED--	--REDACTED--	--REDACTED--	Coronary Artery Bypass Graft	CABG
22	PBG Main OR	10/31/2025 12:00	Elective	PBGOR-2025-6022	--REDACTED--	--REDACTED--	--REDACTED--	Shoulder Arthroscopy with Rotator Cuff R	RIGHT SHOULDER ROTATOR CUFF REPAIR AND BICEPS TENODESIS ARTHROSCOPY

CONFIDENTIAL

PX-560.2

	J	K	L	M	N	O	P	Q	R
1	SURGEON	DATE_SCHEDULED	DATE_CANCELLED	CANCEL_REASON	COMMENT	CANCELLED_BY	SOURCE	DATE_RESCHEDULED	RESCHEDULED_PRIORITY
2	PATEL MD, NISHANT	10/22/2025	10/24/2025	Physician Office Scheduling Error	CXLD ANA. WILL SEND BOOKING SHEET.	Tysinger, Derrick	Scheduling		
3	BADILLO MD, FELIX	9/11/2025	10/17/2025	Patient Scheduling Issue	PT STATES HE IS R/S PER ANDREA TEXT SENT TO KIMMI	Soltis, Mary	Scheduling		
4	NORRIS DO, SCOTT D	9/16/2025	10/22/2025	Patient Declined Procedure	PATIENT DECLINED PROCEDURE DUE TO THE HOSPITALS F GRADE FOR INFECTIONS. WISHES TO CXLD -PER SUSAN	Tysinger, Derrick	Scheduling		
5	UPADHYAYA MD, SHIVAM N	9/24/2025	10/21/2025	Patient Declined Procedure	PT DOES NOT WANT TO PROCEED WITH SURGERY	Soltis, Mary	Scheduling		
6	AFSHAR MD, JOHN	9/16/2025	10/2/2025	Not Covered by Ins or No OON Benefits	Hi please cancel she will have surgery at surgery center since she is self-pay thank you. DIANE	Istock RN, Kelly	Scheduling		
7	AVINO MD, ROBERT J	10/15/2025	10/22/2025	Medical Clearance Required Follow Up	Good afternoon ?? Please CANCEL patient --REDACTED- - who is currently scheduled for surgery on 10/29/25. She is not cleared at this time. Than	Tysinger, Derrick	Scheduling		
8	MONTIJO MD, HARVEY E	10/6/2025	10/28/2025	Medical Clearance Required Follow Up	PT NOT CLEARED BY CARDIOLOGIST	Soltis, Mary	Scheduling		
9	PATEL MD, NISHANT	9/24/2025	10/28/2025	Physician Illness or Emergency	LESLIE NS	Soltis, Mary	Scheduling		
10	HINSON MD, JOHN A	10/28/2025	10/28/2025	Physician Office Scheduling Error	CXLD PER OFFICE. WILL CALL BACK TO R/S.	Tysinger, Derrick	Scheduling		
11	FOWBLE MD, VINCENT	9/23/2025	10/20/2025	Physician Office Scheduling Error	NO REASON GIVEN	Soltis, Mary	Scheduling		
12	UPADHYAYA MD, SHIVAM N	9/24/2025	10/21/2025	Patient Declined Procedure	PT DOES NOT WANT TO PROCEED WITH SURGERY	Soltis, Mary	Scheduling		
13	SAVARESE MD, JOSEPH A	10/17/2025	10/21/2025	Administrative Error	BLOCK IN WRONG AREA	Soltis, Mary	Scheduling	10/21/2025	Elective
14	AL-AZZAWI MD, HAYDER H	10/8/2025	10/15/2025	Patient Scheduling Issue	PT STATES SHE WAS NOT TOLD ABOUT SURGERY & SHE IS TOO STRESSED AT WORK WILL CALL TO R/S	Soltis, Mary	Scheduling		
15	SAWH MD, SEAN	9/18/2025	10/15/2025	Physician Illness or Emergency	PT HAS CANCER & HAD A TREATMENT WILL DO AT A LATER TIME	Soltis, Mary	Scheduling		
16	SAWH MD, SEAN	9/18/2025	10/2/2025	Patient Scheduling Issue	PER OFFICE PT CALLED TO CANCEL SURGERY- JUDITHANN-E	Istock RN, Kelly	Scheduling		
17	AL-AZZAWI MD, HAYDER H	10/3/2025	10/21/2025	Medical Clearance Required Follow Up	DR WILL NOT CLEAR HIM	Soltis, Mary	Scheduling		
18	GREENBERG MD, BURT M	10/20/2025	10/28/2025	Physician Office Scheduling Error	CXLD PER PEG. PATIENT WILL CALL BACK TO R/S.	Tysinger, Derrick	Scheduling		
19	AL-AZZAWI MD, HAYDER H	10/15/2025	10/16/2025	Patient Declined Procedure	PT NEEDS A SECOND OPINION	Soltis, Mary	Scheduling		
20	GREENBERG MD, BURT M	10/7/2025	10/28/2025	Physician Office Scheduling Error	PER PEG PATIENT'S OUT OF POCKET COSTS TOO MUCH	Tysinger, Derrick	Scheduling		
21	PATEL MD, NISHANT	10/3/2025	10/31/2025	Test Results Abnormal		PATEL MD, NISHANT	PreOp(F)	10/31/2025	Elective
22	AKPINAR MD, BERKCAN	9/24/2025	10/16/2025	Patient Scheduling Issue	PT SPOKE WITH VANESSA STATING HE WANTS TO POSTPOINE TO AFTER THE NEW YEAR	Soltis, Mary	Scheduling		

	S	T	U	V	W	X
1	RESCHEDULED_TO	NEW_CASE	AREA	NEW_FIN	NEW_CASE_STATUS	PAT_TYPE
2						IP
3						OP
4						OP
5						IP
6						OP
7						OP
8						OP
9						AM
10						IP
11						OP
12						IP
13	10/30/2025 7:45	PBGOR-2025-6644	PBG Main OR	27881499	Completed	OP
14						OP
15						OP
16						OP
17						OP
18						OP
19						AM
20						OP
21	11/10/2025 13:45	PBGOR-2025-6925	PBG Main OR	27898568	Scheduled	AM
22						OP

CONFIDENTIAL

Page 3 of 3

EXHIBIT 9

PX-549.0 FIRST PRODUCED JANUARY 6, 2026



Humana Military
Healthcare Quality
PO Box 2907
Louisville, KY 40207
HumanaMilitary.com

Dear Chief Medical Officer,

Humana Military strives to ensure the TRICARE beneficiaries we serve receive the highest quality care available. As part of this effort, we continuously review the quality of care provided in our network hospitals. During a recent review of Leapfrog Hospital Safety Grades, we identified your facility as one in our network with a safety grade of **D or below**.

We strive to ensure TRICARE East Region beneficiaries receive healthcare in facilities that provide care in a manner that meets or exceeds the safety measures used in this system. Consequently, we are providing you this information to encourage your facility to review your Leapfrog Hospital Safety Grade to identify any factors that may have contributed to your performance on safety measures. We ask that you respond to this letter within 30 days from receipt regarding your strategy to improve performance.

If you do not currently have a plan in place to address your performance measures, consider reviewing The Leapfrog Group's information regarding the Leapfrog Hospital Safety Grade and scoring methodology used on their website at HospitalSafetyGrade.org.

We look forward to hearing about your improvement strategy. If you have questions or wish to submit your response by email, you may contact us at HealthcareQuality@HumanaMilitary.com.

Sincerely,

Humana Military

PX-549.0

Insert shipping document here.



is only for FedEx Express® shipments, its destination by packing your for packing tips.

ORIGIN ID: LOUA
KRISTI JENNINGS
HUMANA
123 E MAIN STREET
3RD FLOOR CLOCKTOWER
LOUISVILLE, KY 40202
UNITED STATES US

(502) 318-5072

SHIP DATE: 29DEC25
ACTWGT: 1.00 LB
CAD: 262524802/INET4535

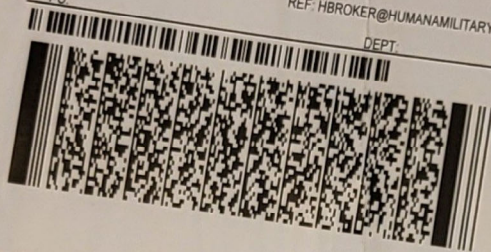
BILL SENDER

TO DELRAY MEDICAL CENTER
5352 LINTON BLVD

DELRAY BEACH FL 33484

(000) 000-0000
INV.
PO:

REF: HBROKER@HUMANAMILITARY.COM
DEPT:



TRK# 8874 7150 4810
0201

TUE - 30 DEC 12:00P
PRIORITY OVERNIGHT

XA BCTA

33484

FL-US FLL



EXHIBIT 10

PX-550.0 FIRST PRODUCED JANUARY 6, 2026

Document Produced in Native Format

PX-550.0

Palm Beach Health Network Total Emergent Encounters

Data represents 1/1/2023 to 11/30/2025

Row Labels	2023	2024	2025	% Change 23 v 24	% Change 24 vs 25
ST. MARYS MEDICAL CENTER	60955	60369	58601	-1%	-3%
Walk-In	46182	45703	43645	-1%	-5%
EMS	14015	13925	14178	-1%	2%
Unknown	526	537	596	2%	11%
Police	232	204	182	-12%	-11%
DELRAY MEDICAL CENTER	51112	51867	52254	1%	1%
Walk-In	30288	30734	28344	1%	-8%
EMS	18986	18777	19946	-1%	6%
Unknown	1198	1706	3274	42%	92%
Police	640	650	690	2%	6%
GOOD SAMARITAN MEDICAL CENTER	48978	49745	49168	2%	-1%
Walk-In	38990	39474	38027	1%	-4%
EMS	9110	8873	9114	-3%	3%
Unknown	567	892	1228	57%	38%
Police	311	506	799	63%	58%
WEST BOCA MEDICAL CENTER	43512	43145	37499	-1%	-13%
Walk-In	38005	37009	31518	-3%	-15%
EMS	5235	5634	5493	8%	-3%
Unknown	249	463	468	86%	1%
Police	23	39	20	70%	-49%
PALM BEACH GARDENS MEDICAL CENTER	27812	27064	26072	-3%	-4%
Walk-In	19367	18261	17387	-6%	-5%
EMS	8131	8147	8067	0%	-1%
Unknown	264	607	556	130%	-8%
Police	50	49	62	-2%	27%
Grand Total	232369	232190	223594	0%	-4%

EXHIBIT 11

PX-553.0 FIRST PRODUCED JANUARY 6, 2026



Humana Military
Healthcare Quality
PO Box 2907
Louisville, KY 40207
HumanaMilitary.com

Dear Chief Medical Officer,

Humana Military strives to ensure the TRICARE beneficiaries we serve receive the highest quality care available. As part of this effort, we continuously review the quality of care provided in our network hospitals. During a recent review of Leapfrog Hospital Safety Grades, we identified your facility as one in our network with a safety grade of **D or below**.

We strive to ensure TRICARE East Region beneficiaries receive healthcare in facilities that provide care in a manner that meets or exceeds the safety measures used in this system. Consequently, we are providing you this information to encourage your facility to review your Leapfrog Hospital Safety Grade to identify any factors that may have contributed to your performance on safety measures. We ask that you respond to this letter within 30 days from receipt regarding your strategy to improve performance.

If you do not currently have a plan in place to address your performance measures, consider reviewing The Leapfrog Group's information regarding the Leapfrog Hospital Safety Grade and scoring methodology used on their website at HospitalSafetyGrade.org.

We look forward to hearing about your improvement strategy. If you have questions or wish to submit your response by email, you may contact us at HealthcareQuality@HumanaMilitary.com.

Sincerely,

Humana Military

PX-553.0

EXHIBIT 12

PX-521.0 FIRST PRODUCED NOVEMBER 26, 2025

(2024 YTD REVENUE)



Palm Beach Net Patient Revenue

Source : Hyperion GL
Selection : Year 2024 YTD Dec , Same Store

	2024 Dec Actual Net Patient Revenue YTD	2024 Dec Actual Provision for doubtful accounts and valuation expense YTD	2024 Dec Actual Net Patient Revenue Before Bad Debt YTD
Palm Beach Group			
Delray Medical Center w/Affil	504,124,627	39,644,176	543,768,803
Good Samaritan Medical Center w/ Affil	273,186,704	32,284,221	305,470,925
Palm Beach Gardens Medical Center w/Affil	248,775,335	21,532,498	270,307,832
St. Mary's Medical Center w/ Affil	514,652,637	48,393,175	563,045,812
West Boca Medical Center w/Affil	254,936,654	16,500,628	271,437,282
TOTAL PALM BEACH GROUP	1,795,675,957	158,354,697	1,954,030,653

PX-521.0

EXHIBIT 13

PX-548.0 FIRST PRODUCED DECEMBER 20, 2025

Good (a joke!) Sun News to

A12 | NEWS | WEEK OF NOVEMBER 27-DECEMBER 3, 2025

PALM BEACH EDITION

Learn from The Ratings Are In Jupiter Medical Center Receives "A" for Patient Safety

SUE MACDONALD
Jupiter Medical Center

Whether facing minor ailments or life-threatening diagnoses, patients want to feel confident that the medical care they receive is safe and among the best in the nation.

For patients throughout Palm Beach County and the Treasure Coast, Jupiter Medical Center continues to strengthen its reputation as a nationally recognized health system that meets and exceeds national standards for safe, exceptional care.

Indeed, patients are turning to Jupiter Medical Center experts for a wide range of medical specialties, treatments, and procedures – from primary care and wellness to complex conditions.

The center's most recent accolade comes from The Leapfrog Group, which awarded Jupiter its highest "A" Hospital Safety Grade – the only hospital in the Palm Beach and Martin County region to earn such recognition. A nonprofit advocacy group, Leapfrog, gathers, analyzes, and disseminates healthcare data from more than 2,000 hospitals, enabling consumers to make informed choices about their medical care.

The "A" grade evaluates up to 32 evidence-based measures of patient safety, with a key focus on preventable errors, injuries and infections. It is the only ratings program focused exclusively on hospital metrics that prevent medical errors and harm to patients.

"Patient safety is central to our mis-



sion," said Amit Rastogi, MD, FRCPC, President and CEO of Jupiter Medical Center. "This recognition reflects the unwavering commitment of our entire team to deliver care that is not only exceptional but also the safest in our region."

Institutional commitment to high-quality care

This is the 14th Leapfrog "A" safety grade for Jupiter Medical Center and is just one of many accolades that enhance Jupiter Medical Center's reputation.

Earlier this year, the hospital was the area's only independent not-for-profit health system to be recognized on Newsweek's list of World's Best Hospitals 2025. The international ranking lists the best hospitals in 30 countries based on hospital quality metrics, patient survey results and medical expert recommendations. This is the fourth consecutive year Jupiter Med-

ical Center has been named to the list.

U.S. News & World Report's 2025-2026 "High-Performing" ratings helps patients and physicians make informed decisions about where to receive specialty care. Jupiter Medical Center has earned recognition as a High-Performing hospital for:

- hip fracture

- hip replacement
- knee replacement
- lung cancer surgery
- pneumonia

The publication's methodology takes into consideration a hospital's survival rates, patient experience scores, and success at discharging patients home.

Other specialty-specific designations

Performance-based designations from other organizations reinforce the hospital's status as a trusted source of medical care provided by dedicated, specialty-trained medical professionals. The American College of Radiology, for example, has designated Jupiter Medical Center as:

- Breast Imaging Center of Excellence

- Designated Lung Cancer Screening Center
- Diagnostic Imaging Center of Excellence
- Accredited Facility for Radiation Oncology

The National Pancreas Foundation has identified Jupiter Medical Center as a National Center of Excellence for Pancreatic Cancer. The hospital's breast cancer treatment program was the first in Palm Beach and Martin counties to achieve designation as a National Accreditation Program for Breast Cancers (NAPBC).

Verification of high-quality, safe care also comes from The Joint Commission. This non-profit organization relies on rigorous standards and reviews to accredit more than 22,000 U.S. healthcare organizations and programs. Accreditation by The Joint Commission is recognized nationally as a symbol of quality, indicating that an organization has met or exceeded specific performance standards.

Earning the prestigious accreditation at Jupiter Medical Center are the hospital overall, its antibiotic stewardship program, and its Chest Pain Center, Thrombectomy-Capable Stroke Center, and Orthopedic Center for Minors, Knees, Shoulders and Spine Surgery.

"As our region continues to grow, so does Jupiter Medical Center's commitment to provide our patients and their families with the best possible medical care delivered by incredibly talented, dedicated professionals," says Rastogi. "For more, visit jupitermed.com."



Your Despicable Staff Needs

Graded 'A' for Safety. Dedicated to You.

An 'A' rating in patient safety from the Leapfrog Group doesn't just set Jupiter Medical Center apart from other hospitals in Palm Beach and Martin Counties. It highlights our team's unwavering commitment to quality, safety, and patient experience: the foundation of everything we do. It takes complete dedication at every level and an iron-clad commitment to putting patients first. For our patients, it's the assurance that when they choose Jupiter Medical Center, they are choosing the safest possible care. Learn more at jupitermed.com.



to take Notes from

WEST PALM BCH FL 334

2 DEC 2025 PM 2:11



1775★2025



Sheri Montgomery, CEO
% Good Samaritan Medical
1309 N. Flagler DR.
W. Palm Beach, FL 33401

PX-548.0

EXHIBIT 14

PX-561.0 FIRST PRODUCED JANUARY 13, 2026



BRYAN T. KELLY, MD, MBA
President and CEO
Surgeon-in-Chief Emeritus
Hospital for Special Surgery
Professor of Orthopaedic Surgery
Weill Cornell Medical College



March 24, 2025

VIA FEDEX

Tracking No. 8800 2914 1663

Good Samaritan, Inc.
1309 North Flagler Drive
West Palm Beach, Florida 33401
Attention: Chief Executive Officer
Sheri Montgomery

Re: Notice of Termination
Orthopedic Surgery Service Line Management Agreement

Dear Ms. Montgomery:

This letter serves as notice of termination at the end of the Initial Term of the Orthopedic Surgery Service Line Management Agreement between Good Samaritan, Inc. d/b/a Good Samaritan Medical Center and New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery, first dated January 4, 2018, and as amended by the First Amendment dated September 11, 2020 and the Second Amendment dated October 26, 2021 (the "Service Line Agreement").

This notice is provided in accordance with Section 9.2 of the Service Line Agreement and thereby serves to terminate the Service Line Agreement on the last day of its Initial Term, September 30, 2025.

In accordance with this termination, at the end of the contract term, the services of the Service Line Administrator and the Executive Medical Director will terminate, as will the Orthopedic Surgery Joint Operating Board established under the Service Line Agreement.

While this formal relationship is coming to its end, we hope to continue working with Good Samaritan Medical Center through the participation of our surgeons on your medical staff and through continued communication and cooperation in our mutual efforts to provide the best orthopedic care possible to our patients.

Best regards,

A handwritten signature in black ink that reads "Bry - T. Kelly".

Bryan T. Kelly, M.D., M.B.A.
President & CEO

cc: Saumya Sutaria (via email)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 9:25-CV-80526-DMM

GOOD SAMARITAN MEDICAL	)	
CENTER, INC., DELRAY MEDICAL	)	
CENTER, INC., PALM BEACH	)	
GARDENS COMMUNITY HOSPITALS,	)	
INC. D/B/A PALM BEACH GARDENS	)	
MEDICAL CENTER, ST. MARY'S	)	
MEDICAL CENTER, INC., AND WEST	)	
BOCA MEDICAL CENTER, INC.,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	
	)	
THE LEAPFROG GROUP,	)	
	)	
<i>Defendant.</i>	)	

**[PROPOSED] ORDER GRANTING THE LEAPFROG GROUP'S MOTION IN LIMINE
TO EXCLUDE DOCUMENTS NOT PRODUCED IN DISCOVERY AND AN
UNDISCLOSED WITNESS FROM TRIAL**

This matter comes before the Court on the Defendant Leapfrog Group's ("Leapfrog") Motion in Limine. The Court, having reviewed Leapfrog's Motion, the Plaintiffs' response, if any, and all available evidence, hereby GRANTS Leapfrog's Motion in Limine. Accordingly, it is hereby ORDERED and ADJUDGED that:

1. Plaintiffs barred from submitting any evidence, admission, or reference, and prohibiting the parties and their witnesses from testifying to any documents that were not produced during discovery in this litigation.
2. Plaintiffs are barred from submitting into evidence, referencing and testifying about the following exhibits included in Leapfrog's motion: **Exhibit 5**, PX-521.0; **Exhibit 6**, PX-548.0; **Exhibit 7**, PX-549.0; **Exhibit 8**, PX-550.0; **Exhibit 9**, PX-553.0; **Exhibit 10**, PX-554.0; **Exhibit 11**, PX-560.0; **Exhibit 12**, PX-560.1; **Exhibit 13**, PX-560.2; **Exhibit 14**, PX-561.0.

3. Plaintiffs “Proffer of Anticipated Trial Testimony of Dr. Anthony Hernandez” is stricken and Dr. Anthony Hernandez is barred from testifying at trial.
4. The Court grants Leapfrog Rule 37 sanctions and attorney’s fees.

DONE AND ORDERED in the Southern District of Florida on [].

DATE: _____

Donald M. Middlebrooks
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 9:25-CV-80526-DMM

GOOD SAMARITAN MEDICAL	)	
CENTER, INC., DELRAY MEDICAL	)	
CENTER, INC., PALM BEACH	)	
GARDENS COMMUNITY HOSPITALS,	)	
INC. D/B/A PALM BEACH GARDENS	)	
MEDICAL CENTER, ST. MARY'S	)	
MEDICAL CENTER, INC., AND WEST	)	
BOCA MEDICAL CENTER, INC.,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	
	)	
THE LEAPFROG GROUP,	)	
	)	
<i>Defendant.</i>	)	

**[PROPOSED] ORDER GRANTING THE LEAPFROG GROUP'S MOTION IN LIMINE
TO PRECLUDE NEW EXPERT OPINIONS FROM BEING ELICITED AT TRIAL**

This matter comes before the Court on the Defendant Leapfrog Group's ("Leapfrog") Motion in Limine to Preclude New Expert Opinions to be Elicited at Trial. The Court, having reviewed Leapfrog's Motion, the Plaintiffs' response, if any, and all available evidence, hereby GRANTS Leapfrog's Motion in Limine. Accordingly, it is hereby ORDERED and ADJUDGED that:

1. Plaintiffs barred from submitting any evidence, admission, or reference, and prohibiting the parties and their witnesses from testifying to any new opinions disclosed by Dr. Nicholson as outlined in Paragraphs 219, 220, and 222 of Plaintiffs' Findings of Fact and Conclusions of Law, ECF No. 136.
2. The Court finds that the Plaintiffs did not timely supplement Dr. Nicholson's Expert Report, and Leapfrog is prejudiced now by Dr. Nicholson's new and untimely expert opinion.

3. The Court grants Leapfrog Rule 37 sanctions and attorney's fees.

DONE AND ORDERED in the Southern District of Florida on [].

DATE:

Donald M. Middlebrooks
United States District Judge