

IN THE COUNTY COURT OF
THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY,
FLORIDA

CASE NUMBER:

MICKEY DAY,

Plaintiff,

vs.

ORANGE COUNTY FIRE RESCUE, a
subdivision of Orange County, Florida,

Defendant.

COMPLAINT FOR A PURE BILL OF DISCOVERY

COMES NOW the Plaintiff, MICKEY DAY, by and through undersigned counsel, and brings this equitable action to determine the identities of proper party defendant(s), the appropriate legal theories for relief and whether (and to what extent) a complaint for damages is warranted, and is filed against Defendant, ORANE COUNTY FIRE RESCUE, and in support thereof alleges:

JURISDICTIONAL ALLEGATIONS

1. This Complaint is a pure bill of discovery.
2. The basis for the Court's jurisdiction lies in equity.
3. At all times material hereto, Plaintiff, Mickey Day, was a natural person and resident of Orange County, Florida. Plaintiff, Mickey Day, is an actual party at interest herein and is not merely a witness or third party.
4. At all times material hereto, Defendant, Orange County Fire Rescue, is a subdivision of Orange County, Florida and operates in Orange County, Florida.
5. Venue is proper in this county since Defendant, Orange County Fire Rescue is based in Orange County, Florida and since the of action under investigation occurred therein.

6. Venue is proper in this county since the cause of action under investigation was a motor vehicle accident which occurred on July 5, 2025 on Curry Ford Road at S.R. 417 in Orlando, Orange County, Florida.

7. On July 5, 2025, Plaintiff, Mickey Day, was operating his motor vehicle on Curry Ford Road in an easterly direction when he approached a traffic signal at its intersection with the northbound off ramp of S.R. 417.

8. As Plaintiff, Mickey Day proceeded through this intersection on a green traffic signal, his motor vehicle collided with a white, four-door sedan as it proceeded into the intersection from the S.R. 417 exit ramp colliding with Plaintiff, Mickey Day's motor vehicle and while violating Plaintiff, Mickey Day's right-of-way while entering the intersection on the green traffic signal

9. As a result of this motor vehicle collision, Plaintiff, Mickey Day, suffered bodily injury and his motor vehicle sustained substantial property damage.

10. As a result of this motor vehicle accident and one or more calls placed to 9-1-1, Defendant, Orange County Fire Rescue dispatched an emergency vehicle to the scene of the crash to render aid to Plaintiff, Mickey Day, and to the driver of the adverse motor vehicle.

11. Paramedics for the Defendant, Orange County Fire Rescue rendered medical care and assessment to the Plaintiff, Mickey Day, and subsequently transported him to a hospital emergency room for further care.

12. On information and belief, Paramedics also rendered medical care and assessment to the driver of the adverse motor vehicle at the scene of the accident.

13. On information and belief, the Paramedics who rendered care to the driver of the adverse motor vehicle obtained and name and address of the driver of the adverse motor vehicle.

14. On information and belief, the driver of the adverse motor vehicle left the scene of the accident in his motor vehicle after being assessed and treated by the Paramedics and prior to the arrival of Trooper with the Florida Highway Patrol.

15. As a result of leaving the scene of the motor vehicle accident in his motor vehicle prior to the arrival of the Trooper for the Florida Highway Patrol, the Trooper for the Florida Highway Patrol was unable to obtain the name and address for the adverse driver and was unable to obtain the tag number and VIN for the adverse motor vehicle.

16. The Plaintiff, Mickey Day, by and through undersigned counsel, has requested that the Defendant, Orange County Fire Rescue, produce a copy of the run report identifying the name and address of the adverse driver.

17. Defendant, Orange County Fire Rescue has been unable to produce the run report identifying the name and address of the adverse driver due to HIPAA regulations.

18. On information and belief, the only way the Defendant, Orange County Fire Rescue, can produce the run report to the Plaintiff's counsel is through an order from a judge or in response to a duly issued subpoena duces tecum.

19. A Pure Bill of Discovery is appropriate as this action seeks to determine the identity of the driver of the adverse motor vehicle.

ENTITLEMENT TO RELIEF

20. This is an action in equity. Under Florida law, a pure bill of discovery should be granted if there is some reasonable basis to believe that discovery in a later damages action would be inadequate or too late to vindicate the litigant's right to evidence. See Lewis v. Weaver, 969 So.2d 586 (Fla. 4th DCA 2007).

21. The pure bill allows a putative plaintiff to “obtain the disclosure of facts within the defendant's knowledge, or deeds or writings or other things in [the defendant's] custody, in aid of the prosecution or defense of an action pending or about to be commenced.” See First National Bank of Miami v. Dade-Broward Co., 125 Fla. 594, 171 So. 510, 510-11 (1936). It may also avoid a spoliation claim later. See St. Mary's Hosp. v. Brinson, 685 So.2d 33 (Fla. 4th DCA 1996), rev. denied, 695 So.2d 701 (Fla.1997) (prospective action for damages is valuable ‘probable expectancy’ that court must protect from interference).

22. A Pure Bill of Discovery also allows the putative plaintiffs to determine the identity of proper party defendant(s) and the appropriate legal theories for relief. See Mendez v. Cochran, 700 So.2d 46, 47 (Fla. 4th DCA 1997) citing; Sunbeam Television Corp. v. Columbia Broad. Sys., 694 F.Supp. 889, 892 (S.D. Fla. 1988); Adventist Health Sys./Sunbelt, Inc. v. Hegwood, 569 So.2d 1295 (Fla. 5th DCA 1990).

23. Upon information and belief, discovery against Defendant, Orange County Fire Rescue, is necessary to investigate facts within their knowledge, deeds and/or writings to aid in the identity of who and what facts exist related to potential claims of negligence.

24. A civil investigation is ongoing by Plaintiff, but Plaintiff have been denied access to this evidence due to HIPAA laws under which Defendant operates as a medical emergency entity.

25. An unripe or inadequate legal remedy exists at this time such that a pure bill of discovery will be useful to identify potential defendants and theories of liability and to obtain information necessary for meeting a condition precedent to filing suit.

26. It is unknown to what extent these claims involve parties other than the driver of the adverse motor vehicle.

27. As courts have said, “One of the purposes of a true bill of discovery is to allow the injured

party to ascertain whether a lawsuit may properly be asserted and under what theory or theories. There must of course be some basis for targeting a particular defendant, and where a plaintiff is truly on nothing more than a ‘fishing expedition,’ the court, in equity, will not supply the rod and reel.” This is not a fishing expedition, but it is narrowly tailored to determine the identity of the adverse driver in this motor vehicle accident.

32. Plaintiff files this Pure Bill of Discovery to determine the identity of the adverse driver in this motor vehicle accident and in order to file a motor vehicle liability lawsuit against the adverse driver.

RELIEF SOUGHT

33. In order to perfect his right to file a motor vehicle liability lawsuit for bodily injury damages and property damages against the adverse driver, the Plaintiff requires that a subpoena duces tecum be issued by the Clerk of Court and served on the Defendant, Orange County Fire Rescue, seeking production of the run report prepared by the Paramedics for the Orange County Fire Rescue who rendered care to the adverse driver at the scene of this motor vehicle accident and who also obtained the adverse driver’s identifying information, including his name and address.

WHEREFORE, Plaintiff, Mickey Day, demands that this Court grant discovery from Defendant, Orange County Fire Rescue, and for such other and further relief as it deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically filed with the Orange County Clerk of the Circuit Court this 11th day of August, 2025.

/s/ Andres I. Beregovich

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