

Luis Rodriguez and Magda Rodriguez, v. Gustavo Plasencia, M.D.; Colon, Rectal & Laparoscopic Institute of South Florida, Inc.; Alfredo R. Fernandez, M.D., Drs. Ellis, Rojas, Ross & Debs, Inc.; and Baptist Hospital of Miami, Inc.

DEPOSITION OUTLINE
SURVEILLANCE INVESTIGATOR

I. BACKGROUND

Name

DOB

SSN

Education

Psy

A/C

Employment History

(All prior employment and reasons for leaving)

What do you do for a living?

How long have you been a private investigator?

How did you pick this line of business?

Do you have any law enforcement experience?

Relationship with police departments or Academies.

Training.

Did any member of the surveillance team or in your office work for an insurance carrier or defense firm?

Breakdown of office.

Prior depositions?

Names of the cases?

Names of the lawyers who retained you?

Names of the lawyers who deposed you?

To prepare for today's deposition?

Boecher type questions.

P v. D, etc.?

II. LICENSING AND TRAINING AND LEGAL KNOWLEDGE

What are the types of licenses necessary, required, or recommended for PI work and/or surveillance?

(See Fl.Stat.§493.6201-6103)

(Need to know everyone who worked on case and license status)

Have you made any applications to have your license upgraded?
Suspension or revocations?

Did you register with the local police before doing this filming? (not required but recommended).

Is it your understanding that it is grounds for disciplinary action under your license for you to employ or contract with an unlicensed person to conduct activity regulated under the Chapter or performing any act that assist, dangers or abets a person engaging in unlicensed activity when that license or status was known or could have been ascertained by your unreasonable inquiry?

Have you ever had any disciplinary activity instituted against your license?

What is required-education or testing?

Training that qualifies you to be a private investigator

Are you familiar with the criminal laws against stalking in Florida?

What is knowledge with respect to Florida tort law?

Elements of certain torts?

Do you understand what is necessary to collect damages in Florida?

Do you understand the elements of emotional distress, mental anguish, and pain and suffering in Florida?

III. SURVEILLANCE

Prior investigatory jobs include things other than creating surveillance tapes of people.

Does the work that you do involve some form or another of surveillance of people where they are injury claimants or something like that?

Is there anything else?

What kind of camera did you use in the case that you did here with Luis Rodriguez?

Is that a camera that is custom made or specially made for video activity or surveillance activity?

IV. SUBSTANTIVE

a. Prep for Surveillance

Please explain what knowledge you had of this case and where it was obtained.

Please explain the knowledge you had with respect to Mr. Rodriguez and any of his injuries or physical limitations and where it was obtained.

Please explain every individual you spoke with about this case, the amount of time, dates, and the substance.

Please advise of everyone you have spoken with at your investigative agency with respect to this case and the substance of the conversations.

In this case, who specifically was directing your activity? Details.

When you got your directions, and work request on this case, did it come verbally or exclusively in writing?

What guidance was given by the lawyer or carrier on filming or editing?

Was an intelligence report gathered prior to the time you were sent to serve Luis Rodriguez? Details.

Did you review any of the legal documents, pleadings, depositions, or medical records in this case? Tabbed, highlighted, notes, etc.?

Any documents reviewed in which you found significant?

Where you told what Mr. Rodriguez' complaints were? (By whom)

Internally?

Understanding of his injuries caused by the alleged med mal?

Where you told when his complaints normally were worse during the course of the day?

Who picked the day that you would go?

What were your specific directions?

Reports, Transcripts, Correspondence with the Attorney.

Physical observations

Times

b. History w/Dittmar & Hauser

Please describe prior work history with the Dittmar & Hauser law firm.

With insurance companies (FPIC).

Where is the majority of your business obtained?

Type of work for each of the above.

Where is your investigative agency located?

And you were contacted by a law firm in Miami, Florida?

Do you know how it is that a firm in Miami was selected to do the surveillance on a fellow who lives in Sebring, Florida?

Was that unusual to travel several hours to do the surveillance?

Why not use an agency in Sebring?

Who did you understand to be your client in this case?

What type of case was this?

How often during the time since you were retained for this job did you speak with _____ about

the case? (i.e., weekly, daily, etc.)

Retainer Contract?

Notes?

Amount paid for surveillance.

Hours X Amount

Are you billed for the time actually sitting in the car or for the amount of video?

c. Surveillance of Luis

What documents were created from beginning to end with respect to Luis Rodriguez?

Have you ever heard the term “intelligence report”?

Notes?

Do you create a written log of what you were doing or does the video itself serve as your log?

Was a surveillance activity report created?

Is that made from watching the video or is it made from some notes that you took during the day?

How many investigators were assigned to the case?

ALL investigators who worked on this case or file?

SEE TAPE

Go through the day (tape was only of 8/12/03) and the amount of footage and ask specifically what Luis Rodriguez was seen doing and whether it was videotaped?

a) 8/12/03 @ 10:46 a.m.

(LR outside at garbage w/MR, looking around, cross street)

Location of your car? Type? What are you doing to conceal your car?

What were they doing? Looking at?

Doing anything inconsistent with his injuries or what you were told?

b) 8/12/03 @ 10:51-11:10 a.m.

(LR outside speaking w/someone)

Where? Who? Hear conversation?

Your location?

What was he doing?

Doing anything inconsistent with his injuries or what you were told?

c) 8/12/03 @ 11:10 a.m. - (1:50 p.m.)?

(back at home-different angle, leaves in mini-van)

Why was tape shut off? What happening during the off time?

Any corroboration of your observations when the tape was off?

Any editing involved?

Where did he go? (Pinch-A-Penny) How far?

Doing anything inconsistent with his injuries or what you were told?

d) 8/12/03 @ 2:06 p.m.

(Left Pinch-A-Penny)

What happening? Carry anything?

Did you ever go inside and speak with anyone?

Any knowledge of what occurred?

Doing anything inconsistent with his injuries or what you were told?

e) 8/12/03 @ 2:09/2:14 p.m. - 2:22/2:34/2:45/2:52/3:10/4:35 p.m.

(Picks up MR at house, on I-75, stops at a house, picks up package, placed in mini-van by another person, return home)

Why was tape shut off each time? What happening during the off time?

Any corroboration of your observations when the tape was off?

Any editing involved?

Where did he go? What happened? Did ever speak with the person he met?

Background check on person he met?

Only what was observed on video?

What was in the box? Look lite/heavy?

Doing anything inconsistent with his injuries or what you were told?

f) 8/12/03 @ 7:57 p.m. - 7:58/8:28/8:34 p.m.

(Back at home, mini-van in garage, LR removes box easily)

Why was tape shut off each time? What happening during the off time?

Any corroboration of your observations when the tape was off?

Any editing involved?

Taping occurred on only one day in LR's life for a couple of hours?

Attempt other days?

On this one day for a couple of hours, what did you determine of the effects of the depicted activities of Luis Rodriguez?

What does the video tell us (i.e., pain, ability, etc.)?

In your report, do you make observations or indications of how Luis Rodriguez appears to be moving around or with respect to his injuries?

Did you make any comments or observations with respect to his injuries?

For instance, if you saw him appearing to be having to stretch his neck or back would you normally note that in your report?

Or problems breathing?

What specific illnesses or injuries where you looking to observe?

What is noted in your report?

Would you agree that your goal here or the big goal is to catch somebody doing something they said they couldn't do?

What were those things?

Was there a specific activity that they wished to catch Mr. Rodriguez involved with?

Did you, in fact, gather any evidence in your mind that indicated one way or another whether Luis Rodriguez' claims was legitimate or not?

Did the tape indicate any activity different from what your understanding of Luis Rodriguez' injuries to be?

How did you coordinate who to observe, the house, etc.?
Locations of surveillance, possible trespass

Ever call or speak to Luis Rodriguez?

Anything that was covert, such as contacting the client in order to receive directions or ask him to come out of the house.

Ability to turn the camera on and off.

How do you determine when to film and when not to film?

How many cameras?
Where there any splicing of two cameras?

Unable to tape Luis Rodriguez inside the house?
Inside the doctor's office?
Anyplace the client may exhibit some of his health problems?

All locations in which the car was sitting.

Did you search garbage cans?
Rifle through mailboxes?

Was the video camera left on in total?
Was the tape edited or altered?
What technology was used to make editing or alterations?
Number of hours following Luis Rodriguez (compared to amount of video)?
Are there breaks in the video?
What was happening when the video was not off?

Was any video that was not copied or taken deleted or reported in a report?

How do you keep people that you observing from knowing what your doing?
Anyone ever approach your car(s) (i.e., neighbors, police, etc.)?

How much chance/luck is involved in getting "appropriate" videotape?

Is the audio on your camera disabled?
Are there any rules that you were given with respect to audio?
How do you block the video tape from recording audio?
Does your tape have sound on it at all?

Do you remember anything else about Luis Rodriguez that is not captured on the video?

Are you comfortable that this is a complete and accurate record of all your observations of Luis Rodriguez?

Any calls on the cellular telephone during the video surveillance?
To Whom?
Substance?

Still photographs?

Was a complete background check on the Plaintiff done?
Extent?
How much "dirt" was found?
Any prior claims, fraud?
What else was found?