

IN THE CIRCUIT COURT OF THE NINTH  
JUDICIAL CIRCUIT, IN AND FOR  
ORANGE COUNTY, FLORIDA  
Judge Kest – Division 34  
CASE NO.: 2009-CA-019445

Adventist Health System,

Counter Defendant, Plaintiff

Vs.

Patricia L. Moleski,

Counter Plaintiff, Defendant

\_\_\_\_\_ /

**NOTICE OF APPEAL**

Counter Plaintiff/Defendant, Patricia Moleski, hereby appeals to the District Court of Appeal for the Fifth District the ruling of the ninth judicial circuit court in and for Orange County, Florida which is made a part hereof as Exhibit 1

The Nature of the Order Appealed is the Order of the Court dated March 25, 2011, Denying Defendant/Counter Plaintiff's Motion and Supporting Affidavit for Disqualification of Judge John Kest from presiding at trial due to all the reasons stated in my motion. Attached Original Motion and Motion to Disqualify Judge Lauten, which pertains to the link between Judge Lauten and Judge Kest relationship to Adventist Health System.

**Certificate of service**

**CERTIFICATE OF SERVICE - IN COMPLIANCE WITH RULE 1.070. PROCESS**

**I HEREBY CERTIFY** that a copy of the foregoing has been furnished by US Mail/FedEx Certified and specified for signature at of delivery this 22 day of April to Judge Frederick Kest, 425 North Orange Ave. Orlando, Fla. 32801 and to Nicolette Vilmos-BROAD AND CASSEL, 390 North Orange Avenue Suite 1400 Orlando, Florida 32801 and Jim Kizziar 106. S. St. Mary's Street # 800 San Antonio, Texas 78205-3603. In addition, this motion was/may be sent by fax to Judge Kest - 407-835-5088 and Nicolette Vilmos - (407) 425-8377 and Jim Kizziar – (210) 226-1133 .

Signed, Patricia Moleski   /s/ Patricia Moleski\_\_\_\_\_

**PROOF OF SERVICE**

A copy has been electronically filed with the Clerk of Courts – ECF system to notify: Judge Kest, Nicolette Vilmos and Jim Kizziar.

/s/ Patricia L.Moleski

Patricia L. Moleski

38340 Tamarac Blvd. #210

Willoughby, Ohio 44094

[patriciamoleski@yahoo.com](mailto:patriciamoleski@yahoo.com)

IN THE CIRCUIT COURT OF THE NINTH  
JUDICIAL CIRCUIT, IN AND FOR  
ORANGE COUNTY, FLORIDA.  
CASE NO.: 2009-CA-019445-O

Adventist Health System,  
Counter Defendant, Plaintiff

John M. Kest Civil -34

vs.

Patricia L. Moleski,  
Counter Plaintiff, Defendant

\_\_\_\_\_ /

**DEFENDANT/COUNTER PLAINTIFF MOTION TO DISQUALIFY**

**PRESIDING JUDGE and NOTICE FOR CHANGE OF VENUE**

Defendant/Counter Plaintiff Patricia L. Moleski, Pro Se and pursuant to section 38.10, Florida Statutes and Rule 2.160 of the Florida Rules of Judicial Administration, respectfully moves this Court to enter an order disqualifying the judge currently presiding over this cause. As grounds for this motion, the defendant states as follows:

1. Section 38.10, Florida Statutes and Rule 2.160 of the Florida Rules of Judicial Administration require that a circuit judge presiding over a criminal/civil proceeding disqualify him or herself if a party thereto fears that he, she, or it will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge.
2. Procedurally, a party seeking to disqualify a trial judge must do so by a motion, which is either verified or supported by a sworn affidavit. Florida Rule of Judicial Administration 2.160©. Such an affidavit may include, and the Court must consider, hearsay allegations in support of the request for disqualification. *Barnett v. Barnett*, 727 So.2d 311, 312n. 2

(Fla. 2d DCA 1999). Additionally, a certificate of good faith from counsel is required in support of the motion. Pro Se litigant, Patricia Moleski, has filed such a certificate of good faith. “[A] judge faced with a motion for recusal should first resolve that motion before making any other ruling in a case.” *Mackenzie v. Super Kids Bargain Store, Inc.*, 565 So.2d 1332, 1339-1340 (Fla. 1990) (emphasis in original).

3. A court’s discretion is extremely limited when considering a motion for disqualification. The judge against whom a motion to disqualify is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts supporting the motion for disqualification. Florida Rule of Judicial Administration 2.160(f). “In order to decide whether the motion is legally sufficient, [a] determination must be made as to whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial.” *Mackenzie*, 565 So.2d at 1335-36 (quoting *Livingston v. State*, 441 So.2d 1083, 1087 (Fla. 1983)); see, also, *Barnett*, 727 So.2d at 312 (finding the requisite prejudice to disqualify a Pinellas County trial judge as a result of the suggestion she make at the close of evidence but before closing argument in a child custody proceeding that the wife negotiate for better visitation than the court was prepared to order); *Nunez v. Backman*, 645 So.2d 1063, 1064 (Fla. 4<sup>th</sup> DCA 1994). Obviously, this threshold is extraordinarily low.
  
4. The Defendant and Counter-Plaintiff recently discovered facts that reasonably cause her to fear that she will not receive fair treatment before the judge currently presiding over this cause because he is a Cornerstone Society Partner for WMFE, giving donations in support of WMFE. Adventist Health System CEO, Don Jernigan, sits on the Board of Trustees for WMFE. Moreover, John Kest, the presiding Judge in this case, is also a Member/Cornerstone Society Partner for WMFE, giving donations in the thousands of dollars. This Public Broadcasting entity serves Central Florida’s individuals, organizations, businesses, and governments. Florida Hospital is also a large contributor to WMFE, with thousands of dollars given. Members of WMFE are Board members/partners, employed by Adventist Health System/Sunbelt Corp, which includes the whole system of Florida Hospital Orlando. The Defendant and counter plaintiff feels

that she will not receive fair treatment before the judge because of his association and this shows possible prejudice or bias against her. The relevant facts and the reasonable fear of prejudice engendered by them are specifically described in the Affidavit of Patricia Moleski, the defendant and counter plaintiff, which is attached to this motion and incorporated herein by reference.

5. The Plaintiff, Florida Hospital, employs Donald Jernigan and its employees. Donald Jernigan oversees Adventist Health System as CEO for the Plaintiff - Adventist Health System/Sunbelt. In addition, the plaintiff also has ties to other entities which include MyRegion.org. Des Cummings, employed by Adventist Health System, sits on the Board of MyRegion.org. WMFE and MyRegion.org board are funded by Adventist Health System, numerous Florida cities (including Orlando), agencies, government law enforcement, commissioners and the Orange County Courts. Don Jernigan is also the Executive Vice President for the Florida Division of Adventist Health System, and the Executive Vice President of Florida Hospital. Adventist Health System operates Florida Hospital and employs CEO Don Jernigan and both are members of WMFE. Moreover, WMFE and *My Region.org, an organization operated by President Shelley Lauten, wife of Judge Frederick Lauten, are partners/affiliates.* Other acting members of these organizations are Becky Neimann, who sits on *My Region's* Board of Advisors, and Des Cummings who sits as an acting Central Florida Partnership Officer to *My Region.* Most significant is the fact that one of WMFE/*My Region's* acting Outreach Partner's/funding partner is the whole entity of Florida Hospital. Florida Hospital is one of the largest hospitals in the United States and is one of the Plaintiff's forty-one Adventist Health System's hospitals within its hierarchy. *See final page information on My Region & WMFE Website attached.* *My Region* serves seven counties within the State of Florida and its acting President is the wife of Judge Lauten, who was recently recused from this case. *My Region's* goals and objectives are listed within its website.

***Therefore,*** the defendant and counter plaintiff, Patricia Moleski, has recently discovered facts that show reasonable cause for her to fear that she will not receive fair treatment before the judge

currently presiding over this cause. Because of his leadership/supporting role as acting partner with WMFE and its role with *My Region.org*, and his tertiary degree of association to WMFE, *My Region* and one of its largest constituents, Adventist Health System. These facts meet the criteria for Florida Rule 2.130(d) and should disqualify Judge John Kest from this case.

**Rule 2.160(d) sets forth the following bases for a disqualification motion, at least one of which must be shown in the motion:**

1. that the party fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge;
2. that the judge before whom the case is pending, or some person related to said judge by consanguinity or affinity within the third degree, is a party thereto or is interested in the result thereof;
3. that the judge is related to an attorney or counselor of record in the cause by consanguinity or affinity within the third degree; or
4. that the judge is a material witness for or against one of the parties to the cause.

**WHEREFORE**, The Defendant/Counter Plaintiff respectfully requests that the Court enter an order disqualifying the judge presiding over this cause and providing for the reassignment of the case to another judge of this Court, all in accordance with section 38.10, Florida Statutes and Rule 2.130 of the Florida Rules of Judicial Administration. In addition, the defendant seeks the court to hold in the evidence vault the box forwarded to Judge Lauten/Judge Kest from Brad Conway, and to protect the information contained within it until this motion is resolved.

Respectfully Submitted,

/s/ Patricia Moleski – Pro Se Litigant

Patricia L. Moleski – Pro Se Litigant

38340 Tamarac Blvd. #210

Willoughby, Ohio 44094

440-521-8863

**CERTIFICATE OF SERVICE - IN COMPLIANCE WITH RULE 1.070. PROCESS**

**I HEREBY CERTIFY** that a copy of the foregoing has been furnished by US Mail/FedEx Certified and specified for signature at of delivery this \_\_\_ day of \_\_\_\_\_ to Judge Frederick Lauten, 425 North Orange Ave. Orlando, Fla. 32801 and to Nicolette Vilmos-BROAD AND CASSEL, 390 North Orange Avenue Suite 1400 Orlando, Florida 32801 and Jim Kizziar 106. S. St. Mary's Street # 800 San Antonio, Texas 78205-3603. In addition, this motion was sent by fax to Judge Lauten - 407-835-5088 and Nicolette Vilmos - (407) 425-8377 and Jim Kizziar – (210) 226-1133 .

Signed,

Patricia Moleski

\_\_\_/s/ Patricia Moleski \_\_\_\_\_

IN THE CIRCUIT COURT OF THE NINTH  
JUDICIAL CIRCUIT, IN AND FOR  
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CASE NO.: 2009-CA-019445

Adventist Health System,  
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Counter Plaintiff, Defendant

\_\_\_\_\_ /

AFFIDAVIT OF PATRICIA L. MOLESKI

THE STATE OF OHIO BEFORE ME, the undersigned notary public, on this date personally appeared PATRICIA L. MOLESKI, whom upon being duly sworn, upon her oath stated the following:

1. My name is Patricia L. Moleski. I am over the age of twenty-one years. I have never been convicted of a felony. I am of sound mind and competent to make this affidavit. All of the facts stated in this affidavit are based on my personal knowledge and are true and correct.
2. I am a Pro Se litigant in case CA-019445-O in which Judge Kest presides.
3. Judge Lauten has made numerous rulings on behalf of the Plaintiff Adventist Health System and now Judge Kest has been assigned to this case since the recusal of Judge Lauten.
4. Judge Kest and his wife are funding partners for WMFE which is a company that the Adventist Health System CEO Don Jernigan sits on its Board of Trustees. WMFE is also a partner with MyRegion.org. Judge Lauten's wife is the President of MyRegion.org, which partners with Florida Hospital, as well as two employees from Adventist Health System. This shows a conflict



of interest and creates bias and prejudice, giving probable cause for the defendant to file for disqualification.

5. Judge Lauten and possibly Judge Kest has taken control of attorney client information and possibly turned information over to Adventist Health System. I have no knowledge of the contents turned over to the court by previous counsel, Brad Conway. This has shown a sequential delinquency within the circuit courts of Orange County and the defendant demands the court to supply a copy of all released information turned over to AHS and/or its attorneys. Therefore, the defendant Motions the court for a change of venue out of the 7 Regions of Florida under MyRegion.org, as related to the vastness of the interconnected interests of Adventist Health System to those of MyRegion.org, WMFE and Metro Orlando Economic Development Commission.
6. Because of the relation of business between Adventist Health System and Judge John Kest, I seek the disqualification of Judge John Kest, as I do not feel that I will receive an impartial outcome in my case. In addition, I feel that with the disqualification of two judges and the inability to receive impartiality, as all of the affiliates are also attached to MyRegion.org. The relationship between John Kest, his wife, Adventist Health System CEO Donald Jernigan, Adventist Health System, and its employees are attached to this affidavit and motion for disqualification. *See final pages from WMFE website.*
7. The Judge and his wife, by affinity or consanguinity within the third degree is counsel, or interested either as a plaintiff or defendant, or in the issue of which the judge has, directly or through such relative, a more than de minimis pecuniary interest. This shows a conflict of interest and Defendant/counter plaintiff feels that she will not receive a fair trial and that previous rulings have violated her rights to due process considering the severity of the relationship between Judge John Kest, his wife and Adventist Health System.

8. I found information on the internet revealing that Judge Kest and his wife, has substantial relationships with the entity of Adventist Health System's, Florida Hospital System, and of Adventist Health System's board members, Don Jernigan AHS CEO, all of whom are partners/Board of Trustees.
9. Donald Jernigan is the acting CEO of Adventist Health System who is currently under investigation regarding the public non-disclosure of AHS's use of a faulty computer application (Cerner) that causes the overdose of patients across ten states within the Adventist Health System facilities. The defendant/counter plaintiff is a witness in this investigation.
10. I have enclosed information from the website of WMFE showing the relationship between Judge John Kest and Adventist Health System CEO Donald Jernigan, Florida Hospital and its employees.
11. In addition, the defendant/counter plaintiff seeks to disclose this information to the proper law enforcement authorities, as these acting/accepting judges should not be sitting as an authority on my/or any cases regarding Adventist Health System, as this is a ethical and legal violation.

FURTHER AFFIANT SAITH NOT

PATRICIA L. MOLESKI \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned notary public, by the aforesaid PATRICIA L. MOLESKI, on this the \_\_\_ day of \_\_\_\_\_ to certify which witness my hand and seal of office. NOTARY PUBLIC \_\_\_\_\_

/s/ Patricia Moleski

Patricia Moleski | 38340 Tamarac Blvd. #210 | Willoughby, Ohio 44094 | 440-521-8863

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Internet information showing WMFE and Don Jernigan as Board  
of Trustee, Florida Hospital Orlando, MyRegion.org and Judge  
John Kest and his wife affiliation.

Commercial Services and Supplies  
**Adventist Health System, Inc.**  
[OverviewBoard MembersCommittees](#)

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## EXECUTIVE PROFILE

### Donald L. Jernigan Ph.D.

Chief Executive Officer and President, [Adventist Health System, Inc.](#) **0**

Age	Total Annual Compensation	This person is connected to <b>0</b> Board Members in <b>0</b> different organizations across <b>3</b> different industries.
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**65**

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## BACKGROUND

Donald L. Jernigan, Ph.D. has been the Chief Executive Officer and President at Adventist Health System since February 2006. Mr. Jernigan serves as Chief Executive Officer of Florida Hospital and the Florida Division. Mr. Jernigan is also President of Florida Hospital. He served as Executive Vice President of Adventist Health System and Chief Executive Officer of the Multistate Hospital Division, President of Tennessee Christian Medical Center and Adventist Health System's Tennessee and Georgia region. He served as Senior Vice President of Adventist Health System and President of Metroplex Hospital in Killeen, Texas. Mr. Jernigan serves as a Board Member of the Florida Hospital Association, Metro Orlando Economic Development Commission and WMFE. He has served on the boards of United Way and several chambers of commerce, as well as many other healthcare boards. He served as Director of Enterprise Florida, Inc. He has a Doctor of Philosophy degree in Physical Chemistry from Baylor University and a Bachelor of Science degree in Chemistry from the University of Texas-Arlington. He is a Diplomate of the American College of Healthcare Executives.[Read Full Background](#)

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## CORPORATE HEADQUARTERS

111 North Orlando Avenue  
Winter Park, Florida 32789

United States

Phone: 407-647-4400  
Fax: 407-975-1469

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## BOARD MEMBERS MEMBERSHIPS

### **Former Director**

[Enterprise Florida, Inc.](#)

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## EDUCATION

**Doctorate** Baylor University

American College Of Health Care Executives

### **BS**

University Of Texas At Arlington

# WMFE Program Sponsors

Public Media for Central Florida

NON-PROFIT, MEMBER-SUPPORTED, COMMUNITY-BASED PUBLIC  
BROADCASTING

WMFE Board of Trustees

Joy Barrett Sabol, Chair

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Donald L. Jernigan, Ph.D\*

WMFE Program Sponsors

Able Trust

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Allen, Dyer, Doppelt, Milbrath, & Gilchrist, P.A.

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Arts at Rollins College

Ashington-Pickett Foundation  
Bach Festival Society  
Baldwin Park  
Barry University  
Big City Catering  
BlueCross BlueShield of Florida  
Bogin, Munns, and Munns  
Bright House Networks  
Business and Professional Women  
Casa de Mexico  
Cathedral Church of St. Lukes  
Central Florida Higher Education Alliance  
Certified Financial Analysts Society of Orlando  
Circle of One Marketing  
Cirque Du Soleil/Walt Disney World  
Community Foundation  
Creative Clay  
Cross, Fernandez and Riley  
Crummer Graduate School of Business, Rollins College  
Curtis Protective Services, Inc.  
de Beaubien, Knight, Simmons, Mantzaris, & Neal, LLP  
Dean, Mead, Egerton, Bloodworth, Capouano, & Bozarth  
DeLand Museum of Art  
Emory University – Goizueta Business School  
Eye Associates of Winter Park  
Festival of Dance  
Festival of Orchestras  
First Congregational Church of Winter Park  
First Presbyterian Church of Orlando  
Flagler Development Group  
Florida Craftsmen Association  
Florida Farm Bureau  
Florida Film Festival  
Florida Folk Festival  
Florida Hospital  
Florida International Festival  
Florida Mesotherapy & Laser Institute  
Florida Symphony Youth Orchestra  
Florida Telecommunications Relay, Inc.  
Florida Young Artists Orchestra  
FOX Searchlight  
Gaylord Palms Orlando Resort Hotels and Convention Center  
Grand Bohemian Hotel  
Green Meadows Petting Farm  
Hamilton Holt School, Rollins College  
Hanley Hall

Hispanic Business Initiative Fund  
Hispanic Chamber of Commerce  
Holler Classic  
Home Builders Association  
IDP Films  
In Bloom Florist LLC  
Inland Lakes Railway  
Isle of Skye Audio Productions  
J. Rolfe Davis Insurance Agency  
John Michael Weddings & Special Events  
Keith Simpson with MetLife  
Keller Graduate School of Management of Devry University  
Kids Quarters Furniture  
Kissimmee Parks & Recreation  
Lake Mary Ear, Nose, Throat & Allergy  
LandMar Group  
Latham, Shuker, Eden & Beaudine  
Legasus Properties  
Levitt & Sons  
Levy County Visitor's Bureau  
Lionsgate  
Lowndes, Drosdick, Doster, Kantor & Reed  
Lufthansa  
Mark Lang & Associates  
Mateer & Harbert  
Mayo Clinic  
Mears Transportation  
Menello Museum of Art  
Meritage Homes  
Metroplan Orlando  
MGM Studios/Rescue Dawn  
Mount Dora Music Festival  
Museum of Arts & Sciences  
Nature Conservancy  
Nemours Children's Clinic  
North Highland Company  
Nova Southeastern University  
NTC Urgent Care Center  
Oakland Park, A Castle & Cooke Community  
Omni New Media Productions  
Orange County Convention Center  
Orange Cycle  
Orlando Ballet  
Orlando Centroplex  
Orlando Chorale  
Orlando Hispanic Film Festival

Orlando International Piano Competition  
Orlando Museum of Art  
Orlando Opera  
Orlando Philharmonic Orchestra  
Orlando Regional Healthcare  
Orlando Regional Realtors Association  
Orlando Sentinel  
Orlando Shakespeare Theater  
OSI Restaurants  
Park Square Homes  
Park To Fly  
Payless Parking  
PBS&J  
PDMG (Nimlok Orlando)  
Peabody Orlando  
Planned Parenthood of Greater Orlando  
Pohl & Short, P.A.  
Portofino Bay Hotel - A Loews Hotel  
Progressive Communication  
Publix  
Quest Inc.  
Regions Bank  
The Revere Group  
Robert Half  
Ron and Evelyn Shapiro for the Daytona Beach Symphony Society  
Ruden McClosky  
Rumberger, Kirk, and Caldwell  
Slone Brothers Furniture  
South Florida Water Management District  
Sprinkles Custom Cakes  
St. Michael's Episcopal Church  
St. Petersburg/Clearwater CVB  
Stapleton Studios Photography  
Stetson University  
Sunniland Corporation  
SunTrust  
SunTrust Broadway in Orlando  
Ten Thousand Villages  
Toojay's Gourmet Deli  
Traffic.com  
Turf Design  
United Arts of Central Florida  
United Healthcare  
University of Central Florida Branding  
University of Central Florida College of Engineering and Computer Science  
University of Central Florida Executive Development Center



University of Central Florida Regional Campuses  
University of Florida MBA  
University of Florida Outreach Engineering Management Program  
University of Miami Graduate Business Programs  
Vee Corporation  
Veterans Tribute Museum of Osceola  
VSM, Inc.  
Wachovia Retail Bank  
Walt Disney Parks & Resorts  
Warner Bros.  
WCI Communities, Inc.  
Webster University  
Westminster By The Sea Presbyterian Church  
Whole Foods Market  
Window World of Central Florida  
Work Force Central Florida  
Workforce Florida  
Zora Neale Hurston Festival

2007 WMFE Community Advisory Board (CAB)

**CAB Chair** BG (Ret) Salvatore P. Chidichimo

**CAB Vice Chair** Mayra M. Uribe

COL (Ret) Benjamin L. Abramowitz Larry A. Bach Ishaq M. Beg Bob Bendick Bassem  
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de Toro Stewart D. Williams Annetta Wilson

Cornerstone Society Members

Active Members

**\$10,000 and above**

Abdulrahim, Sakina and Hussein \*

Bond Foundation, The \*

Elizabeth Morse Genius Foundation \* CSAC

Anonymous \*

Litowitz Foundation, The \* CSAC

**Keystone \$5,000 – \$9,999**

Auerbach, Debra and David \* CSAC

Berelsman, Lyn and David \* CSAC

Duda, Judy \* CSAC

Franklin Family, The \*

Hardy, Mr. and Mrs. William \*

Anonymous \*

Lightsey, Alton L.

Ohlsson, Mr. and Mrs. Arthur  
Pattisapu, Anni and Jogi  
Smith, Ruth and W. Kelly \* CSAC  
Stonemetz, Jane \*  
Welsh Charitable Trust \*  
Anonymous \*

### Cornerstone Society Members

#### Cornerstone \$1,000 – \$4,999

ABC Fine Wine & Spirits  
A. Friends' Foundation Trust \*  
Avanish Aggarwal, MD  
Albertson, Judy and David \* CSAC  
Allen, Sandi and Herb \*  
Aloma Title Company  
Anderson, Dr. and Mrs. William R.  
Arkin, Susan and J. Gordon \* CSAC  
Ashington-Pickett Foundation \*  
Barker, Drs. Sandra and Gary \*  
Anonymous \*  
Bates, Helen and Thomas R. \*  
Beberman, Dr. and Mrs. Stanley \*  
Bel Canto Singers of Daytona Beach  
Blackburn, Dr. Marilyn S.  
Blackburn, Mr. and Mrs. Philip  
Blakeslee, Ann and Derek \* CSAC  
Boone, Mary and Donald  
Bosserman, Mr. and Mrs. Charles \*  
Bowen, Sallie  
Bowers, Lloyd  
Anonymous  
Brenner, Dr. Laurence H. of the Hand Surgery Center of North Orlando  
Brewer, Bud and Lynn Katz  
Brock, Rosanne and James CSAC  
Brubaker, Michael  
Bryan, Drs. Laurette and Donald \*  
Carels, Jim and Stephanie  
Carpenter, Darren  
Anonymous \*  
Chapin, Linda and Bruce \*  
Chidichimo, Brigadier General (Retired) and Mrs. Salvatore P.  
Christ, Marie and Bob \*  
Cinda Mersel Insurance Agency  
Clark, Mr. and Mrs. Clinton B.

Close, Mr. and Mrs. Gerard J.  
Coldwell Banker Residential Real Estate Cares  
Collins, Cindi  
Cotten, Mr. and Mrs. Whit \*  
Dean Mead \*  
Dean, Mrs. Stephen \*  
Decker, Shirley and Robert  
Donahue, Leslie and Dennis \*  
Doppelt, Ava and Arthur \*  
Doughney, Dr. Kathleen B. and Dr. John Zak, III  
Dressel, Gail and Hank  
Druda, Martin  
Elliott, Joyce and Philip  
Emerson, Monika and Paul  
English, Norma \*  
Fajardo, José A. and Michelle CSAC  
Fenger, Mr. and Mrs. J. Christian  
Fiorentino, Daniel  
Florida Frame House  
Anonymous \*  
Freedom Forum, The \*  
Frey, Julia L. and Dr. David Carter  
Ganssle, Lynn and Jeff \*  
Gardner, Mr. and Mrs. Glenn \*  
Gehman, Inga and Kirk  
Gellein, Jr., Raymond L. \*  
Gettel, Mary Anne  
Goodreau, Joseph F., DDS, P.A.  
Gray, Ruth R. \*  
Greenwood, Pam Freeman and Scott \*  
Groover, Claramargaret and James McCabe \*  
Gross, Jane and Ron  
Gsteiger, Mr. and Mrs. Kurt \*  
Gupte, Samir  
Habegger, Dr. and Mrs. James H.  
Hainsworth, Ceal  
Hansen, Dr. Barbara and Dr. Michael Cohen \* CSAC  
Harcourt School Publishers \*  
Harris, Maggie \*  
Hartford, The \*  
Hassen, Ted \* CSAC  
Herbel, Dr. Susan B. \*  
Hoepner, Carol Ann and Mike  
Horner, Desta and Stephen McKenney Steck \*  
Hurst, Catherine \*  
Ibanez, Sylvia

Jacobs and Goodman, P.A. \*  
Anonymous \*  
Jernigan, Donald and Sharon \*  
J. C. Curley and Company \*  
Jones, Drs. Marna Williams and Daniel \*  
JPH & Associates, Inc.  
Kantor, Vicki and Hal \*  
Keiner Family, Sheila and Jeffrey \*  
Kennedy, June F. \*  
Kennedy, Maggie and Alan  
Keogh, Mr. and Mrs. Craig  
Anonymous \*  
Kest, John and Sally  
Kirk, Nancy and Bud \* CSAC  
Kolba, Alan and Kathryn Farynowski  
Kolin, Lawrence  
Kuhns, Anne and Rolf \*  
Lackman, Susan Cohn, Ph.D., M.B.A.  
Lawrence, Rosalie and David \*  
Lawson, E. Bruce  
Libert, Dr. David and Ruth \*  
Lichtenwalter, Jan and the Jay Bee Jewelers Family of Titusville  
Linders, Jeanie/Jeanie C. Linders Fund  
Lloyd, Luther R., II  
Lockheed Martin \* CSAC  
Lockett, Jane A.  
Longstaff, Frances and G. Geoffrey \*  
Lord, Carolyn and John \*  
Anonymous  
Luce, Carolyn and Alan  
Luche, Winifred and Thomas \*  
Macnab, Mr. and Mrs. Craig  
Maguire, Skippy \*  
Anonymous \*  
Mangos, Jan and Harry  
Mathias, Robin and Kip  
McManus, Catherine and Sean \* CSAC  
McNee, Drew  
Medvitz, Sarah  
Melton, Una and Charles  
Mennello, Michael  
Mercury Plumbing  
Mickler, Deborah  
Miller Hardware  
Morrison, Dr. Bayard H.  
Murphy, Mrs. Robert \*

Murrah, Kenneth and Ann Hicks  
Anonymous  
Myers, Mark \*  
Neel, Annette P.  
Neel, David  
Neel, Robin and Tim Prince \*  
Neidig, Flo \*  
Nice, Marina C.  
Anonymous \*  
Orlando Heart Center  
Orlando Regional Chamber of Commerce  
Pare, Pamela and John  
Parrett, Mr. and Mrs. John E.  
Patterson, Carole \* CSAC  
Peabody Orlando, The  
Perez, Mr. and Mrs. Tico  
Philip S. Harper Foundation \*  
Pineloch Management Corporation and The Caruso Family \*  
Pino Family Foundation \*  
Pocklington, Pocklington & Forster Retail Investment Group of GVA Advantis, The  
Porth, Ina and Eli  
Prizer, Candice and John  
Quinn, Hallie and John  
Quinn, Teresa and Thomas \*  
Regan, Tina and Christopher  
Reiner, Lynnet and Richard \*  
Robertson, Patricia and Randall B. CSAC  
Robinson, Betty and Jim \*  
Roby, Bonnie and Loren \*  
Roper, Barbara and Bert \*  
Rosow, Ruth Carp \* CSAC  
Rotary Club of Orlando  
Roy, Corrine K.  
Rudd, Pamela Cox and Robert  
Sam Flax Art & Design Supplies  
Sand Lake Dermatology Center \*  
Sapp, Nancy \* CSAC  
Schoene, Patricia and Stephen  
Anonymous  
Scudder, Walter  
Segal, Commissioner Bill and Sara  
Shapiro, Evelyn and Ronald  
Shearer, Nancy and John  
Shinn, Judith M. \*  
Shoemaker, Mr. and Mrs. John B.  
Showalter, J. Stuart

Showalter, Mr. and Mrs. Robert H. \* CSAC  
Siegfried, Jean  
Silverg, Edward \*  
Siskie, Sharon and Ben Schilling  
Smuckler, Dr. David and Dr. Maxine Tabas \*  
Sparkman, Karen and Rick  
Sprung, Dr. and Mrs. Douglas \*  
Steilen, Ted H.  
Street, Virginia \*  
Stuart, Paula  
Sublette, Suzie and Bill \*  
Tangel-Rodriguez & Associates  
Taylor, Fred and Joan  
Thakur, Dr. Murad  
Thomas, Marjorie Bekaert and Bryan \* CSAC  
Thompson, Judith  
Townsend, Pat and John \*  
United Space Alliance \*  
Anonymous  
Vaughn Group, The \*  
Vergowe, Diana \*  
Von Dolteren-Fournier, Helen  
Wagner, Gregory  
Waldron, Barbara and James  
Warren, Susan and Joe \*  
Webman, Malka and Neil \*  
Weiss, Ellen and Herb \* CSAC  
Wexler, The Paul and Jacqueline Wexler Fund of the Community Foundation of Central Florida  
Whisler, Bruce A., Ph.D.  
Wilkerson, Mr. and Mrs. Robert E.  
Williams, D. J. and D. Gary \*  
Williams, Dr. and Mrs. John D. \* CSAC  
Wilson, Deby and Shelby \*  
Wilson, Edwin and Edward Woodill \*  
Anonymous \*  
Yesawich, Dr. Peter \*  
Yocum, Walter \*  
Young, Dr. Jack E.

**\* Indicates BRAVO!** those donors who have given a gift of \$1,000 or more consecutively for five years or more  
CSAC Indicates a member of the *Cornerstone Society* Advisory Council

IN THE CIRCUIT COURT OF THE NINTH

JUDICIAL CIRCUIT, IN AND FOR  
ORANGE COUNTY, FLORIDA.  
CASE NO.: 2009-CA-019445-O

Adventist Health System,  
Counter Defendant, Plaintiff

Judge Frederick Lauten

vs.

Patricia L. Moleski,  
Counter Plaintiff, Defendant

\_\_\_\_\_ /

**DEFENDANT/COUNTER PLAINTIFF MOTION TO DISQUALIFY**

**PRESIDING JUDGE**

Defendant/Counter Plaintiff Patricia L. Moleski, Pro Se and pursuant to section 38.10, Florida Statutes and Rule 2.160 of the Florida Rules of Judicial Administration, respectfully moves this Court to enter an order disqualifying the judge currently presiding over this cause. As grounds for this motion, the defendant states as follows:

6. Section 38.10, Florida Statutes and Rule 2.160 of the Florida Rules of Judicial Administration require that a circuit judge presiding over a criminal/civil proceeding disqualify him or herself if a party thereto fears that he, she, or it will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge.
7. Procedurally, a party seeking to disqualify a trial judge must do so by a motion, which is either verified or supported by a sworn affidavit. Florida Rule of Judicial Administration 2.160©. Such an affidavit may include, and the Court must consider, hearsay allegations in support of the request for disqualification. *Barnett v. Barnett*, 727 So.2d 311, 312n. 2 (Fla. 2d DCA 1999). Additionally, a certificate of good faith from counsel is required in support of the motion. Pro Se litigant, Patricia Moleski, has filed such a certificate of

good faith. “[A] judge faced with a motion for recusal should first resolve that motion before making any other ruling in a case.” *Mackenzie v. Super Kids Bargain Store, Inc.*, 565 So.2d 1332, 1339-1340 (Fla. 1990) (emphasis in original).

8. A court’s discretion is extremely limited when considering a motion for disqualification. The judge against whom a motion to disqualify is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts supporting the motion for disqualification. Florida Rule of Judicial Administration 2.160(f). “In order to decide whether the motion is legally sufficient, [a] determination must be made as to whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial.” *Mackenzie*, 565 So.2d at 1335-36 (quoting *Livingston v. State*, 441 So.2d 1083, 1087 (Fla. 1983)); see, also, *Barnett*, 727 So.2d at 312 (finding the requisite prejudice to disqualify a Pinellas County trial judge as a result of the suggestion she make at the close of evidence but before closing argument in a child custody proceeding that the wife negotiate for better visitation than the court was prepared to order); *Nunez v. Backman*, 645 So.2d 1063, 1064 (Fla. 4<sup>th</sup> DCA 1994). Obviously, this threshold is extraordinarily low.
  
9. The Defendant and Counter-Plaintiff recently discovered facts that reasonably cause her to fear that she will not receive fair treatment before the judge currently presiding over this cause because his spouse, Shelley W. Lauten, is President of *myregion.org*, a Regional Development Program formed in 1999. This program serves as a catalyst for Central Florida’s individuals, organizations, businesses, and governments to act together in making the region of Florida globally competitive. *My Region* has Partners, Regional Partners, an Executive Board of Advisors, a Regional Board of Advisors, and staff. Affiliations from within *My Region* organization are two Regional Board members/partners who are employed by Adventist Health System/Sunbelt Corp and includes as an outreach partner, the whole system of Florida Hospital Orlando. The Defendant and counter plaintiff feels that she will not receive fair treatment before the judge because of his association and this shows possible prejudice or bias against her. The relevant facts and the reasonable fear of prejudice engendered by them are



specifically described in the Affidavit of Patricia Moleski, the defendant and counter plaintiff, which is attached to this motion and incorporated herein by reference.

10. The Plaintiff, Florida Hospital, employs Becky Neimann as its Marketing Director & Director of Development, and she oversees the Fitch Rating for the Plaintiff - Adventist Health System. Des Cummings is employed by the Plaintiff, Adventist Health System, and sits on its Board. He is also the Executive Vice President for the Florida Division of Adventist Health System, and the Executive Vice President of Florida Hospital. Adventist Health System employs both and both are members of *My Region, a company operated by President Shelley Lauten and wife of Judge Frederick Lauten*. Becky Neimann sits on *My Region's* Board of Advisors, and Des Cummings sits as an acting Central Florida Partnership Officer to *My Region*. Most significant is the fact that one of *My Region's* acting Outreach Partners is the whole entity of Florida Hospital. Florida Hospital is one of the largest hospitals in the United States and is one of the Plaintiff's forty-one Adventist Health System's hospitals within its hierarchy. *See screen shots of My Region Website attached*. *My Region* serves seven counties within the State of Florida and its acting President is the wife of Judge Lauten, who presides over this case. *My Region's* goals and objectives are listed within its website:

### **My Region's Goals & Objectives**

With seven counties, 86 cities, thousands of business and community leaders, and millions of concerned residents, how can *myregion.org* effectively help Central Florida organize to create a better future? By setting clear goals and objectives, we can give regional leaders the roadmap they need to move our region into tomorrow.

### **Our Goals:**

- Organize and train regional leaders
- Conduct regional research to guide regional efforts
- Identify key issues and opportunities
- Nurture an understanding of regional collaboration

**Our Desired Outcomes:**

Build a new regional mentality  
Strengthen and create regional coalitions  
Maximize opportunities and address challenges

**Our Key Initiatives:**

Create the common framework for regional dialogue  
Evaluate the challenges and opportunities of our region  
Prepare leaders within our region

**Five core values:**

**Inclusion:** The development of a regional framework is dependent upon participation at every level. Inclusive representation of profession, background, gender, race, geography, thought and action will insure success.

**Partnerships:** Regionalism is the triumph of cooperation over competition. Collaborative partnerships have proven successful because they recognize and maximize the strengths and expertise of every participant.

**Regional Thinking:** In the new millennium, technology has virtually erased the traditional boundaries of doing business. "Location" no longer ensures profitability. The Central Florida Region must be able to respond effectively and efficiently to the demands of the global marketplace.

**Exploration & Discovery:** A common knowledge base of community assets across the seven-county region will enable leaders to set aside parochial priorities in order to address critical challenges and visualize opportunities for the future.

**Consensus Building:** One of the most important components of *myregion* is the opportunity to build relationships and provide a "safe" environment for dialogue and debate. These discussions will build a comprehensive understanding of the competitive realities facing the region and the need for integrated thinking and regional action.

*Therefore*, the defendant and counter plaintiff, Patricia Moleski, has recently discovered facts that show reasonable cause for her to fear that she will not receive fair treatment before the judge currently presiding over this cause. Because of his wife's leadership role as acting President of *My Region*, and his tertiary degree of association to *My Region* and one of its largest constituents, Adventist Health System, these facts meet the criteria for Florida Rule 2.130(d) and should disqualify Judge Frederick Lauten from this case.

**Rule 2.160(d) sets forth the following bases for a disqualification motion, at least one of which must be shown in the motion:**

1. that the party fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge;
2. that the judge before whom the case is pending, or some person related to said judge by consanguinity or affinity within the third degree, is a party thereto or is interested in the result thereof;
3. that the judge is related to an attorney or counselor of record in the cause by consanguinity or affinity within the third degree; or
4. that the judge is a material witness for or against one of the parties to the cause.

**WHEREFORE**, The Defendant/Counter Plaintiff respectfully requests that the Court enter an order disqualifying the judge presiding over this cause and providing for the reassignment of the case to another judge of this Court, all in accordance with section 38.10, Florida Statutes and Rule 2.130 of the Florida Rules of Judicial Administration. In addition, the defendant seeks the court to hold in the evidence vault the box forwarded to Judge Lauten from Brad Conway, and to protect the information contained within it until this motion is resolved.

Respectfully Submitted,

/s/ Patricia Moleski – Pro Se Litigant

Patricia L. Moleski – Pro Se Litigant

38340 Tamarac Blvd. #210

Willoughby, Ohio 44094

440-521-8863

CERTIFICATE OF SERVICE - IN COMPLIANCE WITH RULE 1.070. PROCESS

**I HEREBY CERTIFY** that a copy of the foregoing has been furnished by US Mail/FedEx Certified and specified for signature at of delivery this \_\_\_ day of \_\_\_\_\_ to Judge Frederick Lauten, 425 North Orange Ave. Orlando, Fla. 32801 and to Nicolette Vilmos-BROAD AND CASSEL, 390 North Orange Avenue Suite 1400 Orlando, Florida 32801 and Jim Kizziar 106. S. St. Mary's Street # 800 San Antonio, Texas 78205-3603. In addition, this motion was sent by fax to Judge Lauten - 407-835-5088 and Nicolette Vilmos - (407) 425-8377 and Jim Kizziar – (210) 226-1133 .

Signed,

/s/ Patricia Moleski

Patricia Moleski | 38340 Tamarac Blvd. #210 | Willoughby, Ohio 44094 | 440-521-8863

IN THE CIRCUIT COURT OF THE NINTH  
JUDICIAL CIRCUIT, IN AND FOR  
ORANGE COUNTY, FLORIDA.  
CASE NO.: 2009-CA-019445

Adventist Health System,  
Counter Defendant, Plaintiff

Vs.

Patricia L. Moleski,  
Counter Plaintiff, Defendant

\_\_\_\_\_ /

AFFIDAVIT OF PATRICIA L. MOLESKI

THE STATE OF OHIO BEFORE ME, the undersigned notary public, on this date personally appeared PATRICIA L. MOLESKI, whom upon being duly sworn, upon her oath stated the following:

12. My name is Patricia L. Moleski. I am over the age of twenty-one years. I have never been convicted of a felony. I am of sound mind and competent to make this affidavit. All of the facts stated in this affidavit are based on my personal knowledge and are true and correct.
13. I am a Pro Se litigant in case CA-019445-O in which Judge Lauten presides.
14. Judge Lauten has made numerous rulings on behalf of the Plaintiff Adventist Health System.
15. Judge Lauten's wife is the President of MyRegion, which partners with Florida Hospital, as well as two employees from Adventist Health System. This shows a conflict of interest and creates bias and prejudice, giving probable cause for the defendant to file for disqualification.
16. Judge Lauten has taken control of attorney client information and possibly turned information over to Adventist Health System without my knowledge of the contents turned over to the court by previous counsel, Brad Conway.

17. Because of the relation of business between Adventist Health System and Judge Lauten's wife, I seek the disqualification of Judge Lauten, as I do not feel that I will receive an impartial outcome in my case. The relationship between Shelley Lauten and Adventist Health System and its employees are attached to this affidavit and motion for disqualification. *See screen shots from MyRegion website.*
18. The judge's relative/wife, Shelley Lauten, by affinity or consanguinity within the third degree is counsel, or interested either as a plaintiff or defendant, or in the issue of which the judge has, either directly or through such relative, a more than de minimis pecuniary interest. This shows a conflict of interest and Defendant/counter plaintiff feels that she will not receive a fair trial and that previous rulings have violated her rights to due process considering the severity of the relationship between Judge Lauten, his wife and Adventist Health System.
19. I found information on the internet revealing that Judge Lauten's wife, Shelley Lauten, has substantial relationships with the entity of Adventist Health System's, Florida Hospital System, and two of Adventist Health System's board members, Becky Neimann and Des Cummings, all of whom are partners or regional directors.
20. I have enclosed screen shots from the website of MyRegion showing the relationship between Shelley Lauten and Adventist Health System and its employees and one of its hospitals.

FURTHER AFFIANT SAITH NOT

PATRICIA L. MOLESKI \_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned notary public, by the aforesaid PATRICIA L. MOLESKI, on this the \_\_\_ day of \_\_\_\_\_ to certify which witness my hand and seal of office. NOTARY PUBLIC \_\_\_\_\_

IN THE CIRCUIT COURT OF THE NINTH  
JUDICIAL CIRCUIT, IN AND FOR  
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Counter Plaintiff, Defendant

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Screen Shots - Exhibit

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**Staff Directory**



**Shelley Lauten**

President, *myregion.org*

Phone: 407-835-2444

Email: [shelley.lauten@orlando.org](mailto:shelley.lauten@orlando.org)

Shelley Lauten is President of *myregion.org*, a Regional Development Program formed in 1999 to serve as a catalyst for Central Florida's individuals, organizations, businesses, and governments to act together in making our region globally competitive. Since it was established, *myregion.org* has gained state and national recognition for its ground-breaking work that includes the first-ever Central Florida Regional SourceBook, a framework for regional collaboration throughout the seven-county region along with a library of original research completed with key

community partners: the Central Florida Regional Indicators Report, Penn Design Central Florida, Central Florida Values Study, Naturally Central Florida – Fitting the Pieces Together, and The Central Florida Social Capital Survey bringing contemporary and meaningful data to the question, “How Shall We Grow?”

Shelley is especially proud of *myregion.org's* leadership in “How Shall We Grow?” an eighteen-month initiative to address projected regional growth in Central Florida. Along with nine other partner organizations, this project brought together seven counties, 86 cities and over 20,000 residents in large meetings and small throughout the region to create a Shared Regional Growth. The consensus document, presented to the community at a Regional Summit in August 2007, recommends a focus on Four Cs – Conservation, Centers, Corridors and Countryside – for future land use and development throughout Central Florida through the year 2050. Shelley and *myregion.org* continue to provide support to the Congress of Regional Leaders as they develop and implement regional policies on issues that matter most to residents of Central Florida: the environment, water, transportation and land use.

While her primary responsibilities focuses on Regional Research and Resolves (*myregion.org*), one of four (4) “lines of business” for the [Central Florida Partnership](#), Shelley also performs duties supporting the other lines of business as well as other initiatives and goals of the Partnership. Also, Shelley served as the Florida Director for the Urban Land Institute (ULI) Florida Initiative on Regional Collaboration, established to identify new opportunities for the State of Florida to support and encourage communities around the state to collaborate regionally.

Prior to her work with *myregion.org* and the Central Florida Partnership, Shelley held key executive positions at Walt Disney World and the Arnold Palmer Golf Management Company. She is married to Fred and has two children, Christopher (23) and Victoria (21). She was raised in Melbourne Beach, Florida and has called Orlando her home for over 30 years.

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## **HOW SHALL WE GROW? CENTRAL FLORIDA REGIONAL GROWTH VISION**

### **PARTNERS**

#### **HOW SHALL WE GROW? FUNDING PARTNERS**

Brevard County Metropolitan Planning Organization  
East Central Florida Regional Planning Council  
Florida Department of Community Affairs  
Florida Department of Transportation  
Lake-Sumter Metropolitan Planning Organization  
METROPLAN ORLANDO  
*myregion.org*  
Orlando Regional Chamber of Commerce  
Polk County Transportation Planning Organization  
Volusia County Metropolitan Planning Organization

#### **HOW SHALL WE GROW? PROGRAMMING PARTNERS**

Central Florida Regional Planning Council  
MSCW  
Progress Energy  
UCF Metropolitan Center for Regional Studies  
WKMG-TV

#### **HOW SHALL WE GROW? COMMUNITY OUTREACH PARTNERS**

African American Chamber of Commerce of Central Florida  
American Society of Landscape Architects – Florida Chapter



Asociación Borinqueña  
Brevard County Board of County Commissioners  
Brevard County Library System  
Bright House Networks  
Chuluota Community Association  
City of Orlando  
City of St. Cloud  
City of Tavares  
City of Winter Springs  
Cocoa Civic Center  
Community Vision  
Daytona Beach Community College  
Daytona Beach Community College Television  
Downtown Development Board, City of Orlando  
El Nuevo Dia  
Embarq  
Envision Seminole  
Equinox Documentaries, Inc.  
Eustis Community Center

Florida Chamber Foundation  
Florida High Tech Corridor Council  
[Florida Hospital](#)

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Florida Chamber Foundation  
Florida High Tech Corridor Council  
[Florida Hospital](#)

**Ms. Becky Niemann**  
Florida Hospital East Orlando  
7727 Lake Underhill Road  
Orlando, FL 32822  
Email: [becky.niemann@flhosp.org](mailto:becky.niemann@flhosp.org)



### **Des Cummings, Jr., Ph.D.**

#### **Florida Hospital Foundation**

Since 1908, the mission of Florida Hospital has been to extend a healing ministry that makes our community a healthier place to live. We are accomplishing this mission by building the most advanced health care programs and services in Central Florida.

"Linking cutting-edge healthcare research with the clinical service demands that our ever-expanding region will require in the years ahead is an important part of our corporate mission. The Central Florida Partnership provides access to the economic development initiatives that are growing our region while nurturing relationships among Central Florida's founding organizations and newcomers who bring innovation and enthusiasm to our marketplace."

