

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

**ADVENTIST HEALTH SYSTEM SUNBELT
HEALTHCARE CORPORATION,
Complex Business Litigation Court**

v.

**PATRICIA L. MOLESKI,
Defendant.**

**COUNTER PLAINTIFF/DEFENDANT’S COUNTER-RESPONSE TO
PLAINTIFF’S RESPONSE TO HER MOTION/AFFIDAVIT TO
PROCEED ON APPEAL WITHOUT PREPAYMENT OF FEES AND
COSTS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Counter Plaintiff/Defendant, Patricia Moleski

and files this Counter-Response to Plaintiff’s Response to Counter

Plaintiff/Defendant’s Motion/Affidavit to Proceed on Appeal Without

Prepayment of Fees and Costs. In support of this counter- response, Moleski would show the Court the following.

1. *On April 21, 2011*, the Court issued an Order Setting Hearing for The Review of

In Camera Inspection and Determine Release of Records from a box submitted by Brad Conway. This box was submitted by Mr. Conway 2 weeks after Moleski terminated him. Moleski has no knowledge of the contents of the box, or where the box has been, or what was/has been placed into the box or taken out of the box. In addition, Judge Lauten took control of the box and has since recused himself from the case. The hearing regarding this box was scheduled for May 10, 2011, and Moleski was not notified of this hearing and was not called to attend the April 21, 2011 hearing as previously arranged by Judge Lauten and AHS counsel through the 1-800 number submitted to the court.

2. On April 21, 2011, the Court issued an Order Setting a Hearing and Case Management Conference (“**Conference**”) for Wednesday, May 18, 2011. Certain outstanding Motions will be heard at the Conference on May 18, 2011 and all parties are to appear in person at the Conference. AHS and its counsel is aware that Moleski is unemployed, caring for her child and elderly parents, and a permanent resident within the State of Ohio.

3. On April 21, 2011, Defendant filed a Motion/Affidavit to Proceed on Appeal Without Prepayment of Fees and Costs (“**Motion to Proceed on Appeal**”) in which Defendant states “I am entitled to redress because of my poverty I am unable to pay the costs of said proceeding or give security. . . .” Employees within AHS and their counsel seek to destroy Moleski’s rights under State/Federal

Whistleblower Statutes for which Moleski has provided proof within her amended counter claim. She seeks full execution of all Whistleblower Statutes from the Orange County Courts, but has found that that close relationship between AHS and the courts has compromised her rights provided by these Whistleblower Statutes.

4. Counter Plaintiff/Defendant did confer with Plaintiff prior to filing the motion within her phone conference with Kizziar regarding his opposition to her Motion to Disqualify Kest and has kept a record of that.

5. Counter Plaintiff/Defendant's request for "redress" in her Motion to Proceed on Appeal is not unclear and has been submitted in truth as to the facts that Moleski has no recourse to provide payment to the court.

6. The Counter Plaintiff/Defendant's Motion to Proceed on Appeal on the grounds that she is unable to make payment has been documented over the past 2 years, and Moleski has conferred properly with AHS counsel, and Moleski has provided full communication of her unemployed status.

7. Moleski has already voiced her sought relief to Kizziar via. phone conference to be reinstated permanently to AHS with seniority, given a written apology and full back pay for missed time with interest and punitive damages pertaining to her Whistleblower Counter Claim, as described in her Counter Claim. In addition, she seeks punitive and compensatory damages for the discriminative nature shown by AHS and its counsel regarding the instatement of Orange County Judges, as they

have been fully aware of their mutual monetary relationship with Adventist Health System.

THEREFORE, Moleski respectfully requests that this Court enter an order granting her Motion to Proceed on Appeal Without Prepayment of Fees and Costs. In addition, Moleski has provided her sought relief from the courts regarding her Whistleblower Counter Claim and her Motion to Proceed on Appeal Without Prepayment of Fees and Costs.

DATED: April 22, 2011.

RESPECTFULLY SUBMITTED,

By: /s/ *Patricia Moleski*

38340 Tamarac Blvd. #210

Willoughby, Ohio

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 Kestand 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 Kest 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

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished and Submitted to:

BROAD AND CASSEL

390 North Orange Avenue, Suite 1400

Orlando, Florida 32801

Telephone: (407) 839-4200

Facsimile: (407) 425-8377

-and-

James H. Kizziar, Jr., Esquire

Texas State Bar No. 11547600

BRACEWELL & GIULIANI LLP

106 South St. Mary's Street, Suite 800

San Antonio, Texas 78205

Telephone: (210) 226-1166

