

IN THE SIXTH JUDICIAL CIRCUIT COURT
IN AND FOR PINELLAS COUNTY, FLORIDA

MELVIN SEMBLER and BETTY
SEMBLER,

Plaintiffs,
vs.

UCN: 522003CA006649XXCICI
REF NO: 03-6649-CI-13

RICHARD R. BRADBURY,

Defendant

SUPPLEMENTAL ARGUMENT TO MOTION TO COMPEL ANSWERS
TO DEFENDANTS' FIRST SET OF INTERROGATORIES

Plaintiffs, MELVIN SEMBLER and BETTY SEMBLER, by and through their undersigned counsel, hereby file this Supplemental Argument To Motion To Compel Answers To Defendant's First Set Of Interrogatories and in support thereof state as follows:

The Defendant has been stalking the **Semblers** for several years and has continuously harassed them, under the guise of being "an activist". He admits that he has used information obtained from the **Semblers'** garbage, including the medical device involved in this case, "to call attention to the plight of the victims" of organizations charitably supported by the **Semblers**.¹ For this reason, he sought to engage in conduct so outrageous, that is would bring about shame and humiliation to the **Semblers**.

In interrogatories number 7, 10 through 14 of his First Set of Interrogatories to the **Semblers**, the Defendant is seeking information which

¹ Bradbury's answer to number 6 of Melvin Sembler's First Set of Interrogatories.

is not relevant to the issues in the case, but can only be useful to him in his relentless campaign to publicly demean and humiliate the **Semblers**.

Interrogatories 10 through 14 seek information about medical care received by the **Semblers**, the last two interrogatories seek the information for a period of 24 years. The **Semblers** have filed a Motion for Leave To Plead Punitive Damages and have attached to it a Second Amended Complaint which seeks nominal and punitive damages. This being the case, any information regarding medical care received by the **Semblers** is not relevant nor would lead to any evidence admissible at trial. The **Semblers** request that the Court sustain their objections to interrogatories 10 through 14.

The issue addressed in interrogatory number 7, whether the Ambassador or his wife told anyone that he had prostate cancer, is not the relevant issue in this case. The Defendant did not advertise that the Ambassador had prostate cancer. In fact, he does not even mention that condition in the advertisements that he published. Instead, he published to the world that the penile pump that he had obtained from the Semblers' garbage belonged to the Ambassador. The invasion of privacy comes from the public display, without the **Semblers'** knowledge or consent, of an item of such intimate nature. It is that action that makes Bradbury's conduct so outrageous and offensive to the sensibilities of average people. Therefore, the interrogatory, as worded, is neither relevant nor will it lead to any discoverable information and the objection should be sustained.

WHEREFORE it is respectfully requested that the Court sustain the objections raised by the **Semblers'** to the Defendants's interrogatories.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: THOMAS H. McGOWAN, ESQ., 150 Second Avenue North, Suite 870, St. Petersburg, FL 33701, this 19th day of November, 2004.



LEONARD S. ENGLANDER
SPN-182821/FBN 198846
ANA-MARIA CARNESOLTAS
SPN 02516567 / FBN 0279201
Englander & Fischer, P.A.
P.O. Box 1954
St. Petersburg, FL 33731-1954
(727) 898-7210
Fax: (727) 898-7218
Attorney for Plaintiffs