

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case No. 1:11-cv-22026-MGC

**DR. BERND WOLLSCHLAEGER**, et al.,

Plaintiffs,

v.

**FRANK FARMER**, et al.,

Defendants.

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**ANSWER TO FIRST AMENDED COMPLAINT**

The defendants answer as follows.

1. Denied.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.
7. Admitted.
8. Admitted.
9. Denied.
10. Denied.
11. Without knowledge, therefore, denied.
12. Without knowledge, therefore, denied.

13. Without knowledge, therefore, denied.
14. Without knowledge, therefore, denied.
15. Without knowledge, therefore, denied.
16. Without knowledge, therefore, denied.
17. Without knowledge, therefore, denied.
18. Without knowledge, therefore, denied.
19. Without knowledge, therefore, denied.
20. Admitted that Defendant Farmer is the State Surgeon General, authorized to enforce the provisions of law affecting the practice of health care professionals, including s. 790.338, Fla. Stat. Otherwise denied.
21. Admitted that Defendant Dudeck is secretary of the Agency for Health Care Administration, authorized to enforce provisions of law affecting health care facilities, including s. 790.338, Fla. Stat. Otherwise denied.
22. Admitted that Defendant Thomas is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
23. Admitted that Defendant Rosenberg is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
24. Admitted that Defendant Zachariah is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.

25. Admitted that Defendant Tucker is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
26. Admitted that Defendant Espinola is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
27. Admitted that Defendant Stringer is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
28. Admitted that Defendant Orr is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
29. Admitted that Defendant Winchester is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
30. Admitted that Defendant Sandi is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
31. Admitted that Defendant Nuss is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.

32. Admitted that Defendant Lage is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
33. Admitted that Defendant Bearison is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
34. Admitted that Defendant Mullins is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
35. Admitted that Defendant Goersch is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
36. Admitted that Defendant Levine is a member of the Board of Medicine, which is charged with adopting rules and conducting disciplinary proceedings involving physicians, including s. 790.388, Fla. Stat. Otherwise denied.
37. Without knowledge, therefore, denied.
38. Without knowledge, therefore, denied.
39. Without knowledge, therefore, denied.
40. Denied.
41. Without knowledge, therefore, denied.
42. Denied.
43. Without knowledge, therefore, denied.
44. Without knowledge, therefore, denied.

45. Without knowledge, therefore, denied.
46. Denied.
47. Without knowledge, therefore, denied.
48. Without knowledge, therefore, denied.
49. Without knowledge, therefore, denied.
50. Without knowledge, therefore, denied.
51. Without knowledge, therefore, denied.
52. Without knowledge, therefore, denied.
53. Without knowledge, therefore, denied.
54. Without knowledge, therefore, denied.
55. Without knowledge, therefore, denied.
56. The law speaks for itself, otherwise denied.
57. Federal and state law speak for themselves, otherwise denied.
58. State law speaks for itself, otherwise denied.
59. The law speaks for itself, otherwise denied.
60. The law speaks for itself, otherwise denied.
61. The law speaks for itself, otherwise denied.
62. The law speaks for itself, otherwise denied.
63. The law speaks for itself, otherwise denied.
64. The law speaks for itself, otherwise denied.
65. Denied.
66. The law speaks for itself, otherwise denied.
67. Denied.

68. Denied.

69. The Board of Medicine's minutes speak for themselves, otherwise denied.

70. Denied.

71. Denied.

72. Denied.

73. Without knowledge, therefore, denied.

74. Without knowledge, therefore, denied.

75. Without knowledge, therefore, denied.

76. Without knowledge, therefore, denied.

77. Without knowledge, therefore, denied.

78. Without knowledge, therefore, denied.

79. Without knowledge, therefore, denied.

80. Without knowledge, therefore, denied.

81. Without knowledge, therefore, denied.

82. Without knowledge, therefore, denied.

83. Without knowledge, therefore, denied.

84. Without knowledge, therefore, denied.

85. Without knowledge, therefore, denied.

86. Without knowledge, therefore, denied.

87. Without knowledge, therefore, denied.

88. Without knowledge, therefore, denied.

89. The defendants adopt their previous responses.

90. The Constitution speaks for itself.

91. The Constitution speaks for itself.

92. Denied.

93. Denied as to subparagraphs (a), (b) and (c).

94. All matters not specifically admitted are hereby denied.

### **AFFIRMATIVE DEFENSES**

1. The complaint fails to state a claim on which relief can be granted.

Respectfully submitted,

PAMELA JO BONDI  
ATTORNEY GENERAL

*s/ Jason Vail*

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Jason Vail (FBN 298824)  
Assistant Attorney General

Diane G. Dewolf (FBN 59719)  
Deputy Solicitor General  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, FL 32399  
(850) 414-3300

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to counsel of record through use of the Court's CM/ECF system on October 4, 2011.

*s/ Jason Vail*

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