

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION

TRAVIS FALLIGANT

CASE NO.: 50-2023-CA-012363

Plaintiff(s),

v.

MAHDI TAHA, D.O. and FLORIDA
CANCER SPECIALISTS & RESEARCH
INSTITUTE, LLC d/b/a FLORIDA
CANCER SPECIALISTS,

Defendant(s).

/

AGREED MOTION FOR JUROR QUESTIONNAIRE

COMES NOW, the Plaintiff, TRAVIS FALLIGANT, by and through the undersigned counsel and pursuant to Fl. R. Civ. P. 1.431 and respectfully moves the Court to allow the Plaintiff to distribute the attached questionnaire to be answered by jurors who have been called for jury duty at the time of the Plaintiff's trial and prior to any voir dire of those jurors. In support of this motion, the Plaintiff shows unto the Court:

1. The attached juror questionnaire would simplify the questioning of jurors, as well as save valuable court time by eliminating the necessity of questioning jurors concerning basic factual information. *See Juror Questionnaire attached hereto as Exhibit "A"*.
2. The purpose of this questionnaire is to provide the parties with pertinent information concerning the jurors in order that they may fairly exercise their peremptory strikes under Fl. R. Civ. P. 1.431(d), and Amendments V and VI of the U.S. Constitution.
3. To ensure fairness and reliability in the fact-finding processes, it is vital that the information available to the Plaintiff and the Defendants is accurate and thorough. *See,*

e.g., *Coleman v. Kemp*, 778 F.2d. 1487, 1542 (11th Cir. 1985), cert. denied, 476 U.S. 1164 (1986) (voir dire procedures inadequate to uncover prejudice); *Jordan v. Lippman*, 763 F.2d. 1265 (11th Cir. 1985) (jury selection procedures must be adequate to unearth prejudice; failure to expose potential prejudice of jurors requires reversal of conviction); *Hillsman v. State*, 159 So.3d 415, 419 (Fla. 4th DCA 2015); *see also Wyatt v. State*, 78 So.3d 512, 534 (Fla.2011) (The purpose of voir dire is to obtain a fair and impartial jury.); *Hillsman*, 159 So.3d at 420. Although a trial court “ ‘has considerable discretion in determining the extent of counsel's examination of prospective jurors,’ “ it “ ‘must allow counsel the opportunity to ascertain latent or concealed prejudgments by prospective jurors.’ “ *Id.* at 419. A trial court should also allow “questions on jurors' attitudes about issues where those attitudes are ‘essential to a determination of whether challenges for cause or peremptory challenges are to be made.’ “ *Id.* at 420.); *Mendez v. State*, 898 So.2d 1141, 1142–44 (Fla. 5th DCA 2005) (remanding for a new trial because the trial court abused its discretion by limiting defense counsel's right to conduct a meaningful voir dire pursuant to rule 3.300(b); *Morton v. State*, 667 So.2d 463, 463–64 (Fla. 1st DCA 1996) (remanding for a new trial because the trial court's restriction on defense counsel's inquiries during voir dire deprived the defendant of his right to a fair and impartial jury where it precluded him from laying a predicate for his defense).

4. A questionnaire is less intrusive and more efficient than asking each juror to identify his or her personal information in open court and consequently is the best method of establishing a clear record. The best avenue to achieve accurate and thorough jurors is to submit private and sensitive voir dire questions to prospective jurors in the form of a jury questionnaire. A questionnaire submitted to the prospective jurors will inquire, among other things, into the attitudes of the prospective jurors with regard any biases a prospective juror may hold.

Given the sensitive nature of these subjects, prospective jurors are more likely to answer fully and truthfully when asked privately about their views, via questionnaire, as opposed to openly in court before a group of strangers, or before the Court and its officers. Exposing one's personal beliefs in an uninvited open forum is intimidating to a courtroom novice especially when the information requested from the prospective juror is highly personal and opinionated in nature.

5. Moreover, specific meaningful questions presented in a personal manner, such as in a pre-trial questionnaire, may reveal biases that the prospective juror does not even recognize as an impediment to jury service. This very situation was recognized by the United States Supreme Court wherein the Court noted that "a juror could, in good conscience, swear to uphold the law," but nevertheless be unaware that his preexisting beliefs "would prevent him or her from doing so." *Morgan*, 504 U.S. at 735-36, 112 S. Ct. at 2233.
6. A jury questionnaire will provide information necessary to help ensure that no improper bias or prejudice undermine the Parties' rights to a fair trial. The benefit derived from the use of a jury questionnaire far outweighs any burden which may result from employment of such a questionnaire in the Parties' case.
7. Further, the questionnaire would enable both the Plaintiff and the Defendant to focus their voir dire of prospective jurors on any issues raised by the questionnaire regarding a juror's qualifications to serve in this particular case.

GOOD FAITH CONFERRAL

I certify that prior to filing this motion, I discussed the relief requested in this motion by electronic mail on August 7, 2025, with Mary Jaye Hall, Esq. counsel for MAHDI TAHA, D.O. and FLORIDA CANCER SPECIALISTS & RESEARCH INSTITUTE, LLC d/b/a FLORIDA CANCER SPECIALISTS, who consented and agreed to the parts of this motion that Plaintiff

requests the Court to resolve.

WHEREFORE, the Parties jointly and respectfully request this Honorable Court enter an Order granting this Agreed Motion for Juror Questionnaire, along with any such other relief this Court deems appropriate.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been electronically filed and served using the Florida Courts E-Filing Portal this 7 day of August, 2025 to the attached Service List.

/s/ Christopher Bilecki

Brent R. Bigger, Esquire

FBN: 823961

Christopher J. Bilecki, Esquire

FBN: 58229

PAUL | KNOPF | BIGGER

1560 N. Orange Avenue Suite 300

Winter Park, FL 32789

Phone: 407-622-2111

Fax: 407-622-2112

Primary Email: PKBMailroom@projects.filevine.com

Primary Email: TeamBRB@pkblawfirm.com

Primary Email: teamcjb@pkblawfirm.com

Secondary Email: meckenzie@pkblawfirm.com

SERVICE LIST

Mary Jaye Hall, Esq.

Kelsey Weiss, Esq.

McEwan, Martinez, Dukes, Hall & Vancol, P.A.

108 E. Central Blvd

Orlando, FL 32801

T: 407-423-8571

MHall@mmdorl.com

slee@mmdorl.com

kweiss@mmdorl.com

kcruz@mmdorl.com

cwood@mmdorl.com

NOS@mmdorl.com

Counsel for Defendants, Mahdi Taha, D.O. and Florida Cancer Specialists

Exhibit A

Full Name: _____ **Juror/Summon#** _____

DOB: _____ **Age** _____, **Marital Status:** ___ Single, ___ Single w/Partner ___ Married, ___ Divorced, ___ Widowed

Area of Residence: _____ **Number of years residing in Miami-Dade:** _____

Other Cities/Countries you have resided _____

Place of Birth _____

Employer: _____ **Job Title:** _____ **Number of years** _____

If Retired, what was your previous profession: _____

Supervisory Title: _____ **Greatest No. of people you have supervised:** _____

Business Owners: If you have ever owned your own business, what is/was name of the business,
_____ Number of employees _____ and number of years, _____

Highest Level of Education: ___ Less than High School, ___ High School, ___ Tech School, ___ Some College,
___ Associates, ___ Bachelors, ___ Master's, ___ Post Grad

Major of Studies: _____, **Degree or Certificate earned:** _____

Spouse or significant other's profession/employment: _____

Number of children their ages and their professions if adults: _____

Military Service: Branch _____, Highest Rank _____, Number of years _____

Memberships in Organizations: Please list any memberships in Civic, Clubs, HOA, school org.,
Sports/Recreations Groups, Unions, Charitable Orgs., Non for Profits, Social, or Fraternal Orgs.

_____, **Position of leadership** _____

Prior Jury Service: ___ Yes, ___ No, if Yes, were you the foreperson, ___ Yes, ___ No

Hobbies and Interests outside of work: _____

Media Outlets you receive your news most often: ___ Local TV News Channels, ___ National News Channels
(ABC, CBS, NBC), ___ FOX News, ___ CNN, ___ MSNBC, ___ OANN, ___ NewsMax, ___ NPR, ___ Local Newspaper,
___ The New York Times, ___ Wall Street Journal, ___ Online News (Yahoo News, etc), ___ Facebook, ___ Twitter

Lawsuits: Have you or any member of your immediate family ever been a party to a lawsuit? ___ Yes ___ No

If yes, when and what was the nature of the lawsuit?

