

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO. 12-034123 (07)

P & S ASSOCIATES GENERAL
PARTNERSHIP, etc. et al.,

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.

Defendants.

**DEFENDANT'S, FRANK AVELLINO, AMENDED MOTION FOR LEAVE
TO SERVE ADDITIONAL INTERROGATORIES TO PLAINTIFFS
PURSUANT TO FLA.R.CIV.P. 1.340(A)**

Defendant, Frank Avellino ("Avellino"), by and through his undersigned counsel, files this amended motion for Leave to Serve Additional Interrogatories to Plaintiffs pursuant to Florida Rule of Civil Procedure 1.340(a) and as grounds therefore states as follows:

1. Plaintiffs filed their initial Complaint on or about December 10, 2012. Since that time, Plaintiffs have amended the complaint five times, the most recent Fifth Amended Complaint was served on January 9, 2015.
2. Defendant has served three sets of interrogatories, each of which were directed at the previous versions of the complaint served by Plaintiffs.
3. At present, Defendant has served a total of 28 interrogatories.
4. However, since the previous interrogatories served by Defendant were directed to allegations contained in earlier versions of Plaintiffs' complaints, and each version of Plaintiffs' complaints changed material facts, theories of liability, damages and other allegations against

Defendant Avellino and the other Defendants, it is necessary to serve additional interrogatories to address the new allegations contained in the Fifth Amended Complaint. There exists good cause for and thus Defendant Avellino requests leave to serve an additional thirty interrogatories.

5. The relief sought herein should cause no prejudice to Plaintiffs.

6. On November 19, 2014, Defendant, Avellino, initially moved for leave to file additional interrogatories, which motion was never heard. Rather, on December 18, 2014, Judge Streitfeld entered an order dismissing, in part, Plaintiff's Fourth Amended Complaint. Plaintiffs have since filed their Fifth Amended Complaint that asserts new and different facts resulting in the need for additional interrogatories necessitating this amended motion.

WHEREFORE, Defendant, Frank Avellino, respectfully requests that his Amended Motion for Leave to Serve Additional Interrogatories be granted.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2015, the foregoing document is being served on those on the attached service list by electronic service via the Florida Court E-Filing Portal in compliance with Fla. Admin Order No. 13-49.

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