

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 FRANK AVELLINO'S OBJECTION TO PLAINTIFF'S
NOTICE OF INTENT TO SERVE SUBPOENA DUCES TEUM WITH DEPOSITION
UPON NANCY AVELLINO**

Defendant, Frank Avellino ("Avellino"), pursuant to Rule 1.351, Florida Rules of Civil Procedure, objects to Plaintiff's Notice of Intent to Serve Subpoena Duces Tecum with Deposition Upon Nancy Avellino (the "Subpoena") on grounds that it: (a) seeks documents, materials or electronically stored information (ESI) concerning the private financial information of both Nancy Avellino, who is not a party to this lawsuit, and of Frank Avellino, both of which are protected from disclosure by Florida's Constitution; (b) is overbroad and unduly burdensome in that the Subpoena requests nearly two dozen categories of documents, materials and ESI the retrieval of which (assuming for the sake of argument it even exists and is in the possession, custody or control of Mrs. Avellino) going back more than twenty years which would require the hiring or retention of costly professionals; (c) seeks information which is protected by a recognized privilege or immunity from disclosure pursuant to applicable law; and (d) otherwise

calls for disclosure of information that is irrelevant and not likely to lead to the discovery of admissible evidence.

WHEREFORE, Defendant Frank Avellino request that the Court enter an Order sustaining his objections to the Subpoena, denying Plaintiff's request to issue the Subpoena, and awarding any such other and further relief as the Court deems just and proper.

Dated this 24th day of February, 2015.

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By: /s/ Gary A. Woodfield
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of February, 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.

By: /s/ Gary A. Woodfield
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