

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

CASE NO.: 12-034123 (07)

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

Plaintiffs,

v.

MICHAEL D. SULLIVAN, et al.,

Defendants.

**DEFENDANT, FRANK AVELLINO'S RESPONSE TO PLAINTIFFS' FOURTH
REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant, Frank Avellino, responds and objects to Plaintiffs' Fourth Request for Production of Documents dated January 23, 2015 (the "Request") as follows:

GENERAL OBJECTIONS

Defendant objects to the characterization of the Request as continuing in nature which goes beyond the obligations set forth in Rule 1.280(e), Florida Rules of Civil Procedure.

Defendant objects to the production of documents at the offices of plaintiff's counsel. Documents will be produced or made available for inspection at a mutually convenient location in Palm Beach County, Florida or as otherwise agreed to between the parties.

Defendant objects to the definition of "You" or "Your" or "Defendant" to the extent that it seeks privileged communications with their attorneys and accountants.

Defendant objects to this request to the extent it requires the production of documents in a manner otherwise as permitted by the Florida Rules of Civil Procedure.

Defendant objects to the time frame specified – January 1, 1992 to the present – on the grounds that it is overbroad and unduly burdensome.

Defendant objects to the request to produce electronically stored information (“ESI”) are overly broad and unduly burdensome in that it applies to documents, materials and ESI the retrieval of which would require the hiring or retention of costly professionals, assuming the existence of such information.

DEFENDANTS' RESPONSE TO REQUEST FOR PRODUCTION

1. All documents concerning any transfers and/or payments of funds from Sullivan & Powell/Solutions In Tax to You.

RESPONSE: Defendant has no responsive documents.

2. All documents concerning any transfers and/or payments of funds from Michael D. Sullivan & Assoc. to You.

RESPONSE: Defendant has no responsive documents.

3. All documents concerning any transfers and/or payments of funds from Michael D. Sullivan to You.

RESPONSE: Defendant has no responsive documents.

4. All documents concerning any transfers and/or payments of funds from Michael D. Sullivan & Assoc. to 27 Cliff, LLC.

RESPONSE: See documents attached (Bates stamp# AVELLINO_P&S000692).

5. All documents concerning any transfers and/or payments of funds from Sullivan & Powell/ Solutions In Tax to 27 Cliff, LLC.

RESPONSE: Defendant has no responsive documents.

6. All documents concerning any transfers and/or payments of funds from Michael D. Sullivan to 27 Cliff, LLC.

RESPONSE: Defendant has no responsive documents.

7. All documents sent from Sullivan & Powell / Solutions In Tax, Michael D. Sullivan, and/or Michael D. Sullivan & Assoc. to You.

RESPONSE: See documents attached (Bates stamp# AVELLINO_P&S000693 – AVELLINO_P&S000709).

8. All documents sent from Sullivan & Powell / Solutions In Tax, Michael D. Sullivan, and/or Michael D. Sullivan & Assoc. to 27 Cliff, LLC.

RESPONSE: Defendant has no responsive documents.

9. To the extent not already produced in response to a request, all documents concerning 27 Cliff, LLC.

RESPONSE: Objection. This request seeks personal financial information protected from disclosure by Florida's Constitution, which information is irrelevant to this dispute. Subject to and without waiving such objection, see documents responsive to Request No 4.

10. All documents concerning the "referral fees" that You identified in Your Response to Interrogatory No. 12 of Plaintiffs' First Set of Interrogatories to Defendant Frank Avellino.

RESPONSE: See document produced in response to Request No. 4 and documents previously produced in this matter.

11. All documents concerning the "referral fees" that You identified in Your Response to Interrogatory No. 24 of Plaintiffs' First Set of Interrogatories to Defendant Frank Avellino.

RESPONSE: See response to Request No. 10.

12. All documents and communications exchanged between You and any person identified in response to Interrogatory No. 1 of Frank Avellino's First Set of Interrogatories that relate to S&P and/or P&S.

RESPONSE: Objection. Seeks attorney client privileged communication.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 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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