

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup> 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.

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

Defendant, Frank Avellino, responds to Plaintiffs' Sixth Request for Production of Documents dated February 26, 2016 (the "Request") as follows:

**GENERAL OBJECTIONS**

Object to producing documents at the offices of Plaintiffs' counsel. Documents will be produced at a mutually convenient location.

Objects to the time period of January 1, 1960 to the present set forth in Q. of the definitions and instructions as overly broad and burdensome and not likely to lead to admissible evidence.

## DEFENDANTS' RESPONSE TO REQUEST FOR PRODUCTION

1. All e-mails or other electronically stored information that has been produced by You to a party in litigation since December 8, 2008, which was created on or before July 9, 2010.

**RESPONSE:       Objection. This request is overly broad, burdensome and not likely to lead to admissible evidence. Further, the term "litigation" is not defined. Avellino interprets such term to relate to civil actions between private parties. Avellino has provided discovery in several such actions in the past seven or more years. Such discovery is in the possession of Avellino's attorneys in storage facilities (if it has been retained). To respond to this request, undersigned counsel would be required to retrieve from an offsite storage facility dozens of boxes of materials, cull through all such materials and attempt to locate e-mails that may have been produced in such actions that were created on or before July 9, 2010. None of these other actions involve or relate to the Partnerships involved in this action or any issues raised herein. The existence of such emails, regardless of their content, has no bearing or relevance in this action. Avellino should not be required to expend the time and cost involved in such an exercise that has no relationship or relevance to any issue in this action.**

2. All documents which relate to or were otherwise relied upon in your responses to Plaintiffs' Third Set of Interrogatories.

**RESPONSE:       Avellino is not aware of any responsive documents.**

3. All documents and communications which relate to or were otherwise relied upon in your responses to Plaintiffs' Fifth Set of Interrogatories.

**RESPONSE: Defendant has not been served with a Fifth Set of Interrogatories by Plaintiffs in this action.**

4. All documents and communications which relate to or were otherwise relied upon in your responses to Plaintiffs' First Request for Admissions.

**RESPONSE: See AVELLINO\_P&S000692**

5. All documents and communications which support your Affirmative Defenses in this matter.

**RESPONSE: P&S and S&P's Amended Partnership Agreements; books and records of the Partnerships that reflect the calculation and payment of management fees; order appointing the Conservator.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of April, 2016, 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.

**HAILE, SHAW & PFAFFENBERGER, P.A.**

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