

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.

_____/

**DEFENDANTS FRANK AVELLINO AND MICHAEL BIENES' JOINT MOTION FOR
ORDER GRANTING APPROVAL OF FILING DOCUMENTS UNDER SEAL**

Defendants, Frank Avellino and Michael Bienes (collectively the "Defendants"), by and through their undersigned counsel, pursuant to CLP 5.14, move this Court for an order granting approval of filing documents under seal and in support thereof state as follows:

1. Defendants are filing a motion for summary judgment simultaneously with this motion.
2. In support of their summary judgment motion, Defendants rely upon the following discovery served in this action:
 - a. Plaintiffs' Third Supplemental Responses to Avellino's First Set of Interrogatories;
 - b. Documents identified in response to Interrogatory 4 of Plaintiffs' Third Supplemental Responses to Avellino's First Set of Interrogatories;
 - c. Plaintiffs' Responses to Avellino's Second Set of Interrogatories; and
 - d. Plaintiffs' Supplemental Response to Bienes' First Set of Interrogatories.

3. On March 7, 2014, this court entered and Agreed Confidentiality Order in which discovery responses such as those identified above were deemed to be confidential and whose public dissemination was prohibited.

4. Accordingly, Defendants request that the Court grant their motion and permit them to file the above identified discovery pleadings and documents under seal.

WHEREFORE, Defendants request that this Court enter an order: 1) granting Defendants' motion for order granting approval of filing documents under seal; and 2) directing the Clerk to maintain the documents under seal until further order of this Court; 3) grant such other relief as may be just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April 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.

HAILE, SHAW & PFAFFENBERGER, P.A.

Attorneys for Defendants

660 U.S. Highway One, Third Floor

North Palm Beach, FL 33408

Phone: (561) 627-8100

Fax: (561) 622-7603

gwoodfield@haileshaw.com

bpetroni@haileshaw.com

eservices@haileshaw.com

By: /s/ Gary A. Woodfield

Gary A. Woodfield, Esq.

Florida Bar No. 563102

BROAD AND CASSEL

Attorneys for Michael Bienes

One Biscayne Tower, 21st Floor

2 South Biscayne Blvd.

Miami, FL 33131

Phone (305) 373-9400

Fax (305) 37309433

mraymond@broadandcassel.com

jetra@broadandcassel.com

smartin@broadandcassel.com

ssmith@broadandcassel.com

msoza@broadandcassel.com

manchez@broadandcassel.com

By: /s/ Mark Raymond

Mark Raymond (373397)

Jonathan Etra (686905)

Shane P. Martin (056306)

SERVICE LIST

THOMAS M. MESSANA, ESQ.
MESSANA, P.A.
SUITE 1400, 401 EAST LAS OLAS BOULEVARD
FORT LAUDERDALE, FL 33301
tmessana@messana-law.com
Attorneys for P & S Associates General Partnership

LEONARD K. SAMUELS, ESQ.
ETHAN MARK, ESQ.
STEVEN D. WEBER, ESQ.
BERGER SIGNERMAN
350 EAST LAS OLAS BOULEVARD, STE 1000
FORT LAUDERDALE, FL 33301
emark@bergersingerman.com
lsamuels@bergersingerman.com
sweber@bergersingerman.com
DRT@bergersingerman.com
Attorneys for Plaintiff

PETER G. HERMAN, ESQ.
TRIPP SCOTT, P.A.
15TH FLOOR
110 SE 6TH STREET
FORT LAUDERDALE, FL 33301
pgh@trippscott.com
le@trippscott.com
*Attorneys for Defendants Steven F. Jacob
and Steven F. Jacob CPA & Associates, Inc.*