

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

CASE NO. 12-034123 (7)

S&P ASSOCIATES, GENERAL PARTNERSHIP,
ET AL.

Plaintiffs,

v.

MICHAEL D. SULLIVAN, an individual, ET AL.,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFFS' MOTION TO COMPEL: (1) DEFENDANT MICHAEL BIENES
TO PRODUCE DOCUMENTS AND (2) ISSUANCE OF
SUBPOENA DUCES TECUM WITH DEPOSITION OF DIANNE BIENES**

THIS MATTER came before the Court on Plaintiffs' Motion to Compel (i) Defendant Michael Bienes to Produce Documents and (ii) Issuance of Subpoena *Duces Tecum* with Deposition upon Dianne Bienes (the "Motion"). The Court, having reviewed the Motion, having heard argument from counsel for the parties, and being otherwise duly advised in the premises, it is, hereby:

ORDERED and **ADJUDGED** as follows:

1. The Motion is GRANTED in part and DENIED in part, as follows.
2. Defendant Michael Bienes' (the "Defendant") specific objections to Plaintiffs' Fourth Request for Production of Documents to Defendant Michael Bienes (the "Requests") are overruled (except with respect to request No. 27 of the Requests, which was withdrawn by Plaintiffs) and Defendant shall produce all documents and electronically stored information

responsive to the Requests no later than May 20, 2015, however, Defendant shall only be required to produce electronically stored information responsive to the Requests in a format that is accessible to and viewable by Plaintiffs.

3. To the extent that Defendant asserts that a privilege prevents production of any documents responsive to the Requests, Defendant shall produce a privilege log to Plaintiffs no later than May 20, 2015.

4. Defendant shall immediately amend his response to the Requests to state that he is not withholding any documents on the basis of any general objections to the Requests.

5. Defendant Micheal Bienes' Objection to Plaintiff's Notice of Intent to Serve Subpoena *Duces Tecum* with Deposition to Dianne Bienes is overruled and the Subpoena *Duces Tecum* with Taking Deposition of Dianne Bienes on Oral Testimony (the "Subpoena") may be issued.

6. Dianne Bienes has the right to object to the Subpoena, and this Court will hold a hearing on any objections that she asserts.

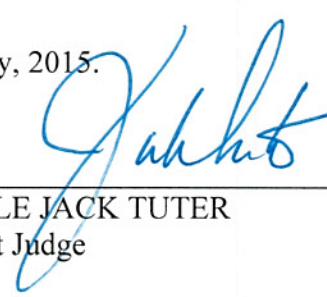
7. 45 days before her deposition pursuant to the Subpoena, Dianne Bienes shall:

- a. produce a privilege log that identifies all documents that are responsive to the Subpoena that she asserts are privileged (or are subject to her right of privacy) to Plaintiffs and Defendant.
- b. produce documents responsive to the Subpoena that Dianne Bienes does not assert are privileged (the "Responsive Documents") to Defendant.

8. Within 5 days of Defendant receiving the Responsive Documents, Defendant shall (i) produce a privilege log identifying all the Responsive Documents that Defendant claims

are privileged to Plaintiffs; and (ii) produce all the Responsive Documents that Defendant does not claim are privileged to Plaintiffs.

DONE AND ORDERED in Chambers this 8 day of May, 2015.



HONORABLE JACK TUTER
Circuit Court Judge

Copies furnished to:

Thomas M. Messana, Esq. who is directed to serve same upon all interested parties.
Jonathan Etra, attorney for Dianne Bienes