

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

Case No. 12-034123 (07)
Complex Litigation Unit

PHILIP J. VON KAHLE, as Conservator of
P&S Associates, General Partnership and
S&P Associates, General Partnership

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.,

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL: (1) DEFENDANT FRANK
AVELLINO TO PRODUCE DOCUMENTS AND (2) ISSUANCE OF SUBPOENA
DUCES TECUM WITH DEPOSITION OF NANCY AVELLINO**

THIS MATTER came before the Court on Plaintiffs' Motion to Compel: (i) Defendant Frank Avellino to Produce Documents and (ii) Issuance of a Subpoena *Duces Tecum* with Deposition of Nancy Avellino (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 as follows.
2. Defendant Frank Avellino's (the "Defendant") general objection to time frame and specific objection to Plaintiffs' Fourth Request for Production of Documents to Defendant Frank Avellino (the "Requests") are overruled and Defendant shall serve an amended response within fifteen (15) days from the date of this order.

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3. To the extent that Defendant asserts that a privilege (including objections based on personal or financial privacy) 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 Frank Avellino's Objection to Plaintiff's Notice of Intent to Serve Subpoena *Duces Tecum* with Deposition Upon Nancy Avellino is overruled and a Subpoena *Duces Tecum* with Deposition Upon Nancy Avellino (the "Subpoena") may be issued.

5. Nancy Avellino has the right to object to the Subpoena, and this Court will hold a hearing on any objections that she asserts.

6. 45 days before her deposition pursuant to the Subpoena, Nancy Avellino shall:

- a. produce a privilege log that identifies all documents that are responsive to the Subpoena that she asserts are privileged (including objections based on personal or financial privacy) to Plaintiffs and Defendant; and
- b. produce documents responsive to the Subpoena that Nancy Avellino does not assert are privileged (the "Responsive Documents") to Defendant.

7. Within 10 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 ^{12th}~~20~~ 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.
Nancy Avellino, 223 Coral Ln Palm Beach, FL 33480