

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

P&S ASSOCIATES, GENERAL  
PARTNERSHIP, a Florida limited liability  
company, *et al.*,

CASE NO: 12-034123 CACE (07)  
JUDGE: JACK TUTER

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, *et al.*,

Defendants.

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**ORDER ON DEFENDANTS' FRANK AVELLINO AND MICHAEL BIENES MOTION  
FOR REHEARING ON ORDER ON PLAINTIFF'S MOTION TO STRIKE,  
DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS AND SUMMARY  
JUDGMENT AND PLAINTIFF'S MOTION FOR SANCTIONS**

THIS CAUSE came before the court on Defendants' Frank Avellino and Michael Bienes Motion for Rehearing as to the court's March 14, 2017 Order on Plaintiff's Motion to Strike, Defendants' Motion for Judgment on the Pleadings and Summary Judgment and Plaintiff's Motion for Sanctions. Under Florida law, "a trial court has the inherent authority to reconsider a non-final order and modify or retract it." *Precision Tune Auto Care, Inc. v. Radcliff*, 731 So. 2d 744, 745 (Fla. 4th DCA 1999); *see also, Muth v. AIU Ins. Co.*, 982 So. 2d 749, 752 (Fla. 4th DCA 2008) ("The purpose of a motion for rehearing is to give the trial court an opportunity to consider matter which it overlooked or failed to consider . . . and to correct any error if it becomes convinced that it has erred." (citation and internal quotations omitted)). After a careful review of the instant motion, the record, and the applicable law, it is hereby:

ORDERED that Defendants' Frank Avellino and Michael Bienes Motion for Rehearing as to the court's March 14, 2017 Order on Plaintiff's Motion to Strike, Defendants' Motion for

Judgment on the Pleadings and Summary Judgment and Plaintiff's Motion for Sanctions is DENIED.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 22 day of May, 2017.

  
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JACK TUTER  
CIRCUIT COURT JUDGE

Copies to:  
All counsel of record