

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.

**DEFENDANT FRANK AVELLINO'S MOTION FOR PROTECTIVE
ORDER REGARDING HIS DEPOSITION**

Defendant, Frank Avellino, by and through his undersigned counsel, files this Motion for Protective Order Regarding his Deposition and as grounds therefor states as follows:

1. Plaintiffs' counsel has scheduled the deposition of Frank Avellino ("Avellino") to be taken on June 9, 2015.
2. Avellino is not available to have his deposition taken on June 9, 2015 because he has medical issues which necessitate treatment in New York on that date.
3. In addition, in order to be properly prepared for the deposition, there is outstanding discovery owed from Plaintiffs, some of which Plaintiff has objected to and refused to produce and some of which has been agreed to be produced but to date no such production has been provided. Avellino has filed a Motion to Compel the production of such documents. Avellino's deposition should not proceed until the requested documents are produced.
4. The undersigned counsel has requested that Plaintiffs' counsel reschedule Avellino's deposition, and has provided Plaintiffs' counsel with 26 alternative dates in July and

August that Avellino can be available to be deposed. However, to date Plaintiffs' counsel has refused to move the date to one of the alternative dates proposed.

5. There is no prejudice to moving the date of Avellino's deposition because the parties had agreed to conduct depositions only after the matter was at issue, which just occurred. In addition, Plaintiff's counsel has requested and obtained from the Court an extension to respond to Avellino's pending Motion for Summary Judgment until after Avellino's deposition is conducted.

WHEREFORE Defendant Frank Avellino respectfully requests that this Court enter an Order granting his Motion for Protective Order to reschedule the June 9, 2015 date for his deposition to one of the alternative dates proposed by Defendant's counsel.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of 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 this 5th day of June, 2015.

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