

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 OBJECTION TO PLAINTIFF'S
SUBPOENA FOR VIDEO CONFERENCE DEPOSITION DUCES TECUM OF NON-
PARTY, RACHEL LEIRSCH**

Defendant, Frank Avellino ("Avellino"), pursuant to Rule 1.351, Florida Rules of Civil Procedure, objects to Plaintiff's Subpoena for Video Conference Deposition Duces Tecum of Non-Party, Rachel Leirsch (the "Subpoena") as follows:

1. With regard to Request No. 1, object to such documentation other than that relating to Frank Avellino's AOL account as irrelevant and not likely to lead to admissible evidence.
2. With regard to Request No. 2, object to that portion of such request that seeks documents concerning matters described in the Definitions and Instructions as vague, unintelligible, overbroad and not likely to lead to admissible evidence.
3. With regard to Request No. 4, object to that portion of such request that seeks documents concerning matters described in the Definitions and Instructions as vague,

unintelligible, overbroad and not likely to lead to admissible evidence as well as attorney client/
common interest privilege.

4. Objects to Schedule B. Copies of responsive documents will be provided in hard
copy.

WHEREFORE, Defendant Frank Avellino requests that the Court enter an order
sustaining his objections to the Subpoena and awarding any such other and further relief as the
Court deems just and proper.

HAILE, SHAW & PFAFFENBERGER, P.A.

Attorneys for Defendant Frank Avellino

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 2016, 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.

By: /s/ Gary A. Woodfield
Gary A. Woodfield, Esq.
Florida Bar No. 563102

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
Attorneys for Plaintiff

PETER G. HERMAN, ESQ.
THE HERMAN LAW GROUP, P. A.
1401 E. BROWARD BLVD., STE 206
FORT LAUDERDALE, FL 33301
pgh@thglaw.com
*Attorneys for Defendants Steven F. Jacob
and Steven F. Jacob CPA & Associates, Inc.*