

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

CASE NO.: 12-034123 (07)

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

Plaintiffs,

v.

MICHAEL D. SULLIVAN, *et al.*,

Defendants.

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**PLAINTIFFS' RESPONSE TO DEFENDANT MICHAEL BIENES'  
MOTION FOR PROTECTIVE ORDER REGARDING HIS DEPOSITION**

Plaintiffs P & S Associates, General Partnership (“P&S”), S & P Associates, General Partnership (“S&P”) (“Plaintiffs”), by and through their undersigned attorneys, file this Response to Defendant Michael Bienes’ Motion for Protective Order Regarding His Deposition.

In support thereof, Plaintiffs state as follows:

1. Bienes’ Motion for Protective Order was filed on June 8, 2015 despite the fact that the deposition notice was filed on April 13, 2015.

2. In an effort not to involve the Court, and not seek sanctions for Bienes’ improper and dilatory conduct, counsel for Plaintiff proposed entry of an agreed order attached hereto as **Exhibit A**. This proposed order essentially mirrors the order submitted in connection with Mr. Avellino’s Motion for Protective Order under identical circumstances, and following this Court’s ruling.

3. Counsel for Bienes suggested that we submit the attached order simply denying the Motion for Protective Order. See the attached proposed order from counsel for Bienes attached hereto as **Exhibit B**.

4. Undersigned counsel advised counsel for Bienes that entry of the order he suggested, an order simply denying the Motion for Protective Order, would be far worse for Bienes because he would be required to appear at deposition and subject to sanctions for not appearing. When I mentioned this to counsel for Bienes, counsel requested that we schedule Bienes' Motion for Protective Order in front of Your Honor.

5. Plaintiff would be willing to accept either the order attached hereto as Exhibit A proposed by Plaintiff, or the order attached hereto as Exhibit B as proposed by counsel for Bienes. If the order attached hereto as Exhibit B is entered, it will necessarily be followed by a Motion for Sanctions.

6. Undersigned counsel is still at a loss as to what type of order counsel for Bienes is looking for from the Court.

**WHEREFORE**, Plaintiffs request that this Court enter either the order attached hereto as Exhibit A or the order attached hereto as Exhibit B, awarding Plaintiff attorney's fees in connection with these filings, and such other and further relief as the Court may deem just and appropriate under the circumstances.

Dated: June 16, 2015

BERGER SINGERMAN LLP  
*Attorneys for Plaintiffs*  
350 East Las Olas Blvd, Suite 1000  
Fort Lauderdale, FL 33301  
Telephone: (954) 525-9900  
Direct: (954) 712-5138  
Facsimile: (954) 523-2872

By: s/ LEONARD K. SAMUELS  
Leonard K. Samuels  
Florida Bar No. 501610  
lsamuels@bergersingerman.com  
Etan Mark  
Florida Bar No. 720852  
emark@bergersingerman.com  
Steven D. Weber  
Florida Bar No. 47543  
sweber@bergersingerman.com

and

MESSANA, P.A.  
Attorneys for Plaintiffs  
401 East Las Olas Boulevard, Suite 1400  
Ft. Lauderdale, FL 33301  
Telephone: (954) 712-7400  
Facsimile: (954) 712-7401  
Email: tmessana@messana-law.com  
By: /s/ Thomas M. Messana

Thomas M. Messana, Esq.  
Florida Bar No. 991422  
Brett D. Lieberman, Esq.  
Florida Bar No. 69583  
Thomas G. Zeichman, Esq.  
Florida Bar No. 99239

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16th day of June, 2015, a true and correct copy of the foregoing document was served on the following parties:

Peter G. Herman, Esq.  
Tripp Scott  
110 SE 6<sup>th</sup> Street  
15<sup>th</sup> Floor  
Fort Lauderdale, FL 33301  
Tel.: 954-525-7500  
Fax.: 954-761-8475  
[pgh@trippscott.com](mailto:pgh@trippscott.com)  
*Attorneys for Steven Jacob; Steven F. Jacob  
CPA & Associates, Inc.*

Gary A. Woodfield, Esq.  
Haile, Shaw & Pfaffenberger, P.A.  
660 U.S. Highway One, Third Floor  
North Palm Beach, FL 33408  
Tel.: 561-627-8100  
Fax.: 561-622-7603  
[gwoodfiled@haileshaw.com](mailto:gwoodfiled@haileshaw.com)  
[bpetroni@haileshaw.com](mailto:bpetroni@haileshaw.com)  
[eservices@haileshaw.com](mailto:eservices@haileshaw.com)  
*Attorneys for Frank Avellino*

Thomas M. Messana, Esq.  
Messana, P.A.  
401 East Las Olas Boulevard, Suite 1400  
Fort Lauderdale, FL 33301  
Tel.: 954-712-7400  
Fax: 954-712-7401  
[tmessana@messana-law.com](mailto:tmessana@messana-law.com)  
*Attorneys for Plaintiff*

Mark F. Raymond, Esq.  
[mraymond@broadandcassel.com](mailto:mraymond@broadandcassel.com)  
Jonathan Etra, Esq.  
[jetra@broadandcassel.com](mailto:jetra@broadandcassel.com)  
Christopher Cavallo, Esq.  
[ccavallo@broadandcassel.com](mailto:ccavallo@broadandcassel.com)  
Broad and Cassel  
One Biscayne Boulevard, 21st Floor  
2 S. Biscayne Boulevard  
Miami, FL 33131  
Tel.: 305-373-9400  
Fax.: 305-373-9443  
*Attorneys for Michael Bienes*

By: s/Leonard K. Samuels  
Leonard K. Samuels

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.

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**ORDER ON MICHAEL BIENES' MOTION  
FOR PROTECTIVE ORDER REGARDING HIS DEPOSITION**

THIS MATTER came before Defendant Michael Bienes' Motion for Protective Order Regarding His Deposition. The Court, having reviewed the Motion and being otherwise duly advised in the premises, it is, hereby

**ORDERED** and **ADJUDGED** as follows:

1. The Motion is ruled upon as follows:

Bienes is excused from appearing for deposition on June 16, 2015. The parties have agreed, and it is so ordered, that Michael Bienes appear at deposition on July 17, 2015 at Berger Singerman LLP, 350 E. Las Olas Blvd., Suite 1000, Fort Lauderdale, FL 33301 at 10:00 a.m.

DONE AND ORDERED in Chambers this \_\_\_ day of June, 2015.

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HONORABLE JACK TUTER  
Circuit Court Judge

Copies furnished to:  
All counsel of record

EXHIBIT A

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

CASE NO. 12-034123 (7)

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**ORDER ON MICHAEL BIENES' MOTION  
FOR PROTECTIVE ORDER REGARDING HIS DEPOSITION**

THIS MATTER came before Defendant Michael Bienes' Motion for Protective Order Regarding His Deposition. The Court, having reviewed the Motion and being otherwise duly advised in the premises, it is, hereby

**ORDERED** and **ADJUDGED** as follows:

1. The Motion is denied.

DONE AND ORDERED in Chambers this \_\_\_ day of June, 2015.

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HONORABLE JACK TUTER  
Circuit Court Judge

Copies furnished to:  
All counsel of record

EXHIBIT B