

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.

STEVEN F. JACOB, an individual, ET AL.,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN
PART DEFENDANT FRANK AVELLINO'S MOTION
FOR PROTECTIVE ORDER REGARDING HIS DEPOSITION**

THIS MATTER came before the Court on Defendant Frank Avellino's Motion for Protective Order Regarding His Deposition (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 in part and DENIED in part as follows:
 - a. Defendant Frank Avellino ("Avellino") is excused from appearing for deposition on July 17, 2015, as previously ordered by this Court's order dated June 16, 2015.
 - b. Defendant Avellino shall appear for deposition on September 9, 2015, at Berger Singerman LLP, One Town Center Road, Suite 301, Boca Raton, Florida 33486 at 10:00 a.m (the "Deposition").
 - c. Defendant Avellino's failure to appear at the Deposition may result in the imposition of sanctions including but not limited to striking any and all

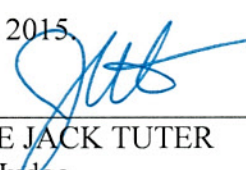
pleadings filed by Defendant Avellino in this action, as well as imposition against Defendant Avellino of an award of attorney's fees to Plaintiffs for all attorney's fees and costs incurred by Plaintiffs in preparing for the Deposition, Avellino's deposition scheduled for June 9, 2015, and Defendant Avellino's deposition scheduled for July 16, 2015.

d. In the event that Defendant Avellino does not appear for the Deposition, Defendant Avellino shall submit a notarized affidavit to the Court, no later than September 11, 2015, that sets forth the reasons that Defendant Avellino did not appear for the Deposition.

i. If Defendant Avellino does not appear for the Deposition due to any medical reason, Defendant Avellino shall submit to the Court, no later than September 11, 2015, a notarized affidavit by a licensed Doctor of Medicine ("M.D.") that sets forth the reasons that Defendant Avellino did not appear for the Deposition and that includes an attestation from the M.D. that due to Defendant Avellino's medical condition, which will be described in the affidavit, Defendant Avellino was physically unable to appear for the Deposition.

e. The depositions of Plaintiffs and Michael D. Sullivan shall not occur prior to Plaintiffs conducting the depositions of Defendant Avellino and Defendant Michael Bienes.

DONE AND ORDERED in Chambers this 28 day of July, 2015.



HONORABLE JACK TUTER
Circuit Court Judge

Copies furnished to:
All counsel of record