

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.

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**PLAINTIFFS' MOTION FOR  
LEAVE TO SERVE ADDITIONAL  
INTERROGATORIES TO DEFENDANTS PURSUANT  
TO FLA.R.CIV.P. 1.340(A) AND FOR EXPEDITED RESPONSES**

Plaintiffs, by and through their undersigned counsel, file this Motion for Leave to Serve Additional Interrogatories to Defendants Frank Avellino and Michael Bienes (collectively, "Defendants") pursuant to Florida Rule of Civil Procedure 1.340(a), and For Expedited Responses, and as grounds therefore state as follows:

1. Plaintiffs' Fifth Amended Complaint was served on January 9, 2015.
2. Prior to serving the Fifth Amended Complaint, Plaintiffs served 30 interrogatories, including subparts, on Defendants.
3. It is necessary to serve additional interrogatories to address Defendants' newly asserted defenses to the Fifth Amended Complaint. Additionally, Plaintiffs are seeking to depose non-party Nancy Avellino, wife of Frank Avellino, who has information about facts at issue in the Fifth Amended Complaint, and whose deposition and production of documents



pursuant to a subpoena is the subject of a previous order by this Court. It appears that Ms. Avellino is avoiding service of Plaintiffs' subpoena and Plaintiffs desire to serve additional interrogatories requesting information on Ms. Avellino's whereabouts.

4. No more than four of the additional interrogatories will request information on Ms. Avellino's whereabouts, and Plaintiffs request that this Court require Defendants to respond to those interrogatories within 5 days to provide Plaintiffs with adequate time to locate and serve Ms. Avellino with the subpoena.

5. For the reasons set forth above, there exists good cause for Plaintiffs request for leave to serve an additional thirty interrogatories on Defendant Frank Avellino and an additional thirty interrogatories on Defendant Michael Bienes and to receive expedited responses.

6. The relief sought herein should cause no prejudice to Defendants as the information sought will not be duplicative and Defendant Frank Avellino and Defendant Bienes have sought and been granted leave to serve additional interrogatories onto Plaintiffs.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order (i) granting this motion; (ii) granting Plaintiffs leave to serve an additional thirty interrogatories on Defendant Frank Avellino and an additional thirty interrogatories on Defendant Michael Bienes; (iii) requiring Defendants to respond to interrogatories regarding the whereabouts of Nancy Avellino within five (5) days of service of such interrogatories on Defendants; and (iv) awarding such other and further relief as the Court deems just and proper.

Dated: August 11, 2015

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on August 11, 2015, a copy of the foregoing was filed with the Clerk of the Court via the E-filing Portal, and served via Electronic Mail by the E-filing Portal upon:

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