

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
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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**DEFENDANTS' JOINT UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME TO COMPLY WITH ORDER DATED AUGUST 15, 2014**

Defendants, Frank Avellino and Michael Bienes (“Defendants”), file this Joint Unopposed Motion for Enlargement of Time to Comply with Order dated August 15, 2014 (the “Joint Motion”), stating:

1. On August 15, 2014, the Court entered an order requiring Defendants to submit any further support for their objections to requests 13 through 21 of the Subpoena *Duces Tecum* Without Deposition of Irving H. Picard, Esq., SIPA Trustee for Bernard L. Madoff Investment Solutions, dated July 18, 2014 (the “Subpoena”) on or before September 2, 2014. The August 15 Order gave Plaintiffs, in turn, until September 11, 2014, to respond to any submissions by Defendants.

2. Defendants require a brief, two-week enlargement of time to comply with the August 15 Order.

3. Accordingly, Defendants request entry of an order granting them until September 16, 2014, to provide any further support for their objections to requests 13 through 21 of the Subpoena, and providing Plaintiffs a corresponding enlargement until September 25, 2014, to respond to the Defendants’ submissions, if any.

4. The undersigned counsel certifies that on September 2, 2014, pursuant to Complex Litigation Unit Procedures 5.3, he conferred with counsel for Plaintiffs concerning the issues raised

in this Joint Motion, and that counsel for Plaintiff advised that he does not oppose and does consent to the relief requested herein.

5. This Joint Motion has not been interposed for a dilatory purpose, and no party to this action will be prejudiced if the requested enlargements are granted.

**WHEREFORE**, Defendants request that the Court enter an order granting their Joint Motion, and awarding such other relief as the Court deems just and proper.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing is being sent by electronic service via the Florida Courts E-Filing Portal in compliance with Fla. Admin. Order No. 13-49 to all parties on the attached service list this 2nd day of September, 2014.

/s/ Shane P. Martin  
Shane P. Martin, Esq.

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