

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’S, FRANK AVELLINO, MOTION FOR LEAVE
TO SERVE ADDITIONAL INTERROGATORIES TO PLAINTIFFS
PURSUANT TO FLA.R.CIV.P. 1.340(A)**

Defendant, Frank Avellino (“Avellino”), by and through his undersigned counsel, hereby moves the Court for Leave to Serve Additional Interrogatories to Plaintiffs pursuant to Florida Rule of Civil Procedure 1.340(a) and as grounds therefore states as follows:

1. Plaintiffs filed their initial Complaint on or about December 10, 2012. Since that time, Plaintiffs have amended the complaint four times, the most recent, Fourth Amended Complaint, was served on or about October 5, 2014.
2. Defendant has served three sets of interrogatories, each of which were directed at the previous versions of the complaint served by Plaintiffs.
3. At present, Defendant has served a total of 28 interrogatories.
4. However, since the previous interrogatories served by Defendant were based upon the earlier versions of Plaintiffs’ complaints, and each version of Plaintiffs’ complaints change the material facts, theories of liability, damages and other allegations against Defendant Avellino

and the other Defendants, it is necessary to serve additional interrogatories to address the new allegations contained in the Fourth Amended Complaint. Undersigned counsel suggests the need for and thus requests leave to serve an additional thirty interrogatories.

5. There is no prejudice to the Plaintiffs as discovery is ongoing and the matter is not ready to be set for trial.

WHEREFORE, Defendant Frank Avellino respectfully requests that his Motion for Leave to Serve Additional Interrogatories be granted.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of November, 2014, 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.

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