

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO.: CACE 12-034123 (07)

P & S ASSOCIATES GENERAL  
PARTNERSHIP, etc. et al.,

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.,

Defendants.

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**DEFENDANT MICHAEL BIENES'S MOTION FOR  
LEAVE TO SERVE ADDITIONAL INTERROGATORIES TO PLAINTIFF**

Defendant Michael Bienes, pursuant to Rule 1.340, Florida Rules of Civil Procedure, moves for leave to serve additional interrogatories to Plaintiff, stating:

1. Plaintiffs filed their initial Complaint on December 10, 2012. Since then, Plaintiffs have amended the complaint four times, the most recent being the Fourth Amended Complaint, which was served on or about October 5, 2014.

2. Since each amendment to the initial Complaint changes the material facts, and alters Plaintiffs' theories of damages, liability, and other allegations against the Defendant and others, it is necessary that Defendant serve yet another set of interrogatories to Plaintiff in order to discover the facts underlying the allegations set out in the Fourth Amended Complaint. Defendant believes this can be accomplished through an additional set of 30 or fewer interrogatories.

3. No party to this action will be prejudiced by the relief requested in this motion. To the contrary, if Defendant is denied the leave he seeks, he will be unduly prejudiced. Defendant's

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ability to discover the facts underlying Plaintiffs' fourth iteration of allegations against him and defend this action at trial will be severely hampered, if not entirely foreclosed.

**WHEREFORE**, Defendant respectfully requests that this Court enter an Order granting him leave to serve an additional 30 interrogatories to Plaintiffs pursuant to Rule 1.340, Florida Rules of Civil Procedure, and awarding any such other and further relief that the Court deems just and proper.

Respectfully submitted,

/s/ Shane P. Martin \_\_\_\_\_

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*Counsel for Defendant, Michael Bienes*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on November 21, 2014, a true and correct copy of the foregoing document was served via E-mail to: **(i)** Thomas E. Messana, Esq., Thomas Zeichman, Esq., Messana, P.A., 401 East Las Olas Boulevard, Suite 1400, Ft. Lauderdale, FL 33301 ([tmessana@messana-law.com](mailto:tmessana@messana-law.com), [tzeichman@messana-law.com](mailto:tzeichman@messana-law.com)) (Counsel for Plaintiffs); **(ii)** Leonard K. Samuels, Esq., Etan Mark, Esq., Steven D. Weber, Esq., Zachary P. Hyman, Esq., Berger Singerman LLP, 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, FL 33301 ([lsamuels@bergersingerman.com](mailto:lsamuels@bergersingerman.com), [emark@bergersingerman.com](mailto:emark@bergersingerman.com), [sweber@bergersingerman.com](mailto:sweber@bergersingerman.com), [zhyman@bergersingerman.com](mailto:zhyman@bergersingerman.com)) (Counsel for Plaintiff Margaret Smith); **(iii)** Peter G. Herman, Esq., Tripp Scott, 110 S.E. 6<sup>th</sup> Street, 15<sup>th</sup> Floor, Ft. Lauderdale, FL 33301 ([pgh@trippscott.com](mailto:pgh@trippscott.com)) (Counsel for Steven Jacob and Steven F. Jacob CPA and Associates); **(iv)** Paul V. DeBianchi, Esq., Paul V. DeBianchi, P.A., 111 S.E. 12<sup>th</sup> Street, Ft. Lauderdale, FL 33316 ([Debianchi236@bellsouth.net](mailto:Debianchi236@bellsouth.net)); **(v)** Gary A. Woodfield, Esq., Haile, Shaw & Pfaffenberger, P.A., 660 U.S. Highway One, Third Floor, North Palm Beach, FL 33408 ([gwoodfield@haileshaw.com](mailto:gwoodfield@haileshaw.com), [bpetroni@haileshaw.com](mailto:bpetroni@haileshaw.com), [eservice@haileshaw.com](mailto:eservice@haileshaw.com)) (Counsel for Defendant Frank Avellino); **(vi)** Harry Winderman, Esq., One Boca Place, 2255 Glades Road, Boca Raton, FL 33431 ([harry4334@hotmail.com](mailto:harry4334@hotmail.com)); **(vii)** Matthew Triggs, Esq., Andrew Thomson, Esq. Proskauer Rose LLP, 2255 Glades Road, Suite 421 Atrium, Boca Raton, FL 33431 ([mtriggs@proskauer.com](mailto:mtriggs@proskauer.com), [athomson@proskauer.com](mailto:athomson@proskauer.com), [florida.litigation@proskauer.com](mailto:florida.litigation@proskauer.com)); and **(viii)** Robert J. Hunt, Esq., Debra D. Klingsberg, Esq., Hunt & Gross, P.A., 185 Spanish River Boulevard, Suite 220, Boca Raton, FL 33431 ([bobhunt@huntgross.com](mailto:bobhunt@huntgross.com), [dklingsberger@huntgross.com](mailto:dklingsberger@huntgross.com), [eService@huntgross.com](mailto:eService@huntgross.com), [Sharon@huntgross.com](mailto:Sharon@huntgross.com)).

/s/ Shane P. Martin \_\_\_\_\_

Shane P. Martin