

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 ON PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER IN RESPONSE
TO THE DEPOSITION OF MICHAEL D. SULLIVAN**

AND

**AVELLINO'S MOTION TO COMPEL PLAINTIFFS TO PRODUCE ALL
DOCUMENTS RECEIVED FROM MICHAEL SULLIVAN**

THIS MATTER came before the Court on October 26, 2015, upon Plaintiffs' Motion for a Protective Order in Response to the Deposition of Michael D. Sullivan (the "Motion for Protective Order") and Defendant Avellino's Motion to Compel Plaintiffs to Produce All Documents Received from Michael Sullivan (the "Motion to Compel"). The Court, having reviewed the Motion for Protective Order and Motion to Compel and the responses and replies thereto, heard argument from counsel for the parties, and being otherwise duly advised in the premises, it is, hereby

ORDERED and **ADJUDGED** that:

1. The Motion for Protective Order and Motion to Compel are GRANTED, in part, and DENIED, in part, as follows:

- a. Prior to the deposition of Michael Sullivan (“Sullivan”) any documents responsive to the Re-Notice Taking Deposition Duces Tecum of Michael Sullivan filed in this action on October 5, 2015, or subsequent deposition notice of Sullivan, (the “Notice”), that Sullivan has in his possession, custody, or control, or that Defendants received from Sullivan, shall be produced to Plaintiffs. Upon receipt of the above documents from Sullivan or Defendants, Plaintiffs shall produce such documents to Defendants within seven business days of receipt and provide a privilege log as to any such documents withheld or that Plaintiffs believe are privileged and were inadvertently produced to Defendants.
- b. Any sworn statement provided by Sullivan to Plaintiffs is non-discoverable work product and shall not be produced to Defendants. Such statement may not be used at trial unless produced by Plaintiffs to Defendants before Sullivan is deposed. The Court shall address whether to produce other documents exchanged between Plaintiffs and Sullivan in connection with the Settlement Agreement they entered into upon Defendants filing a motion compelling their production.
- c. Plaintiffs shall make available all non-privileged documents produced by Sullivan to the Conservator for inspection and copying by Defendant Avellino, at cost to Defendant Avellino, at a time mutually convenient for Plaintiffs and Defendant Avellino. Plaintiffs shall provide a privilege log of all documents withheld.

DONE AND ORDERED in Chambers this ____day of November, 2015.

HONORABLE JACK TUTER
Circuit Court Judge

Copies furnished to:
All counsel of record