

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

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

CASE NO.: 12-034123 (07)  
COMPLEX LITIGATION UNIT

Plaintiffs,

v.

MICHAEL D. SULLIVAN, et al.,  
Defendants.

---

**ORDER GRANTING DEFENDANT FRANK AVELLINO'S  
AND MICHAEL BIENES'S *ORE TENUS* MOTION REGARDING  
ORDER EXEMPTING CIVIL COURT RECORD FROM PUBLIC ACCESS**

THIS CAUSE came before the Court on December 4, 2014, upon the *ore tenus* motion (the "Ore Tenus Motion") by Defendants Frank Avellino and Michael Bienes regarding the Court's December 2, 2014 Order Exempting Civil Court Record from Public Access (the "Exemption Order"). The Court, having considered the Motion and being otherwise fully advised in the premises, hereby

**ORDERS and ADJUDGES that:**

1. The Ore Tenus Motion is **GRANTED**.
2. The Court acknowledges and the record shall reflect that Defendants did not and do not agree to the relief requested in Plaintiffs' December 1 Motion for An Order Granting Approval of Filing Settlement Documents Under Seal (the "Motion to Seal").
3. Accordingly, entry of the Exemption Order is and shall be without prejudice to Defendants' right to raise as grounds for setting aside the Exemption Order the Motion to Seal's failure to comply with the requirements of Rule 2.420(e) of the Rules of Judicial Administration, including but not limited to its failure to (i) set forth the specific legal authority and any applicable legal standards for determining that Plaintiffs' Response to Michael Sullivan's Motion to Enforce/Dismiss should be kept confidential, or (ii) include a signed certification by the moving

parties or their attorneys that the motion was made in good faith and is supported by a sound factual and legal basis as required under subparagraph (e)(1)(C) of the Rule.

4. Similarly, entry of the Exemption Order is and shall be without prejudice to Defendants' rights to raise as grounds for setting aside the Exemption Order the facts that (i) Defendants were denied the opportunity afforded them under subparagraph (e)(1)(C) to file a response to the Motion to Seal within 10 days of its filing prior to entry of an order on such motion, or (ii) that no hearing was held on the Motion to Seal within 30 days of its filing as required under subparagraph (e)(2) of the Rule.

**DONE AND ORDERED** in Chambers at Ft. Lauderdale, Broward County, Florida this \_\_\_\_\_ day of December, 2014.

JEFFREY E. STREITFELD

\_\_\_\_\_  
The Honorable Jeffrey E. Streitfeld  
CIRCUIT COURT JUDGE

DEC 19 2014  
A TRUE COPY

Copies furnished to those parties identified on the following Service List:

**SERVICE LIST**

THOMAS M. MESSANA, ESQ.  
MESSANA, P.A.  
SUITE 1400, 401 E LAS OLAS BLVD  
FORT LAUDERDALE, FL 33301  
tmessana@messana-law.com  
*Attorneys for P & S Associates General Partnership*

LEONARD K. SAMUELS, ESQ.  
ETHAN MARK, ESQ.  
STEVEN D. WEBER, ESQ.  
BERGER SIGNERMAN  
350 E LAS OLAS BLVD, STE 1000  
FORT LAUDERDALE, FL 33301  
emark@bergersingerman.com  
lsamuels@bergersingerman.com  
sweber@bergersingerman.com  
*Attorneys for Plaintiff*

PETER G. HERMAN, ESQ.  
TRIPP SCOTT, P.A.  
15<sup>TH</sup> FLOOR  
110 SE 6<sup>TH</sup> ST  
FORT LAUDERDALE, FL 33301  
pgh@trippscott.com  
[ele@trippscott.com](mailto:ele@trippscott.com)  
*Attorneys for Defendants Steven F. Jacob  
and Steven F. Jacob CPA & Associates, Inc.*

JONATHAN ETRA, ESQ.  
MARK F. RAYMOND, ESQ.  
SHANE MARTIN, ESQ.  
CHRISTOPHER CAVALLO, ESQ.  
BROAD AND CASSEL  
ONE BISCAYNE TOWER, 21<sup>ST</sup> FLOOR  
2 SOUTH BISCAYNE BLVD.  
MIAMI, FL 33131  
mraymond@broadandcassel.com  
jetra@broadandcassel.com  
smartin@broadandcassel.com  
*Attorneys for Michael Bienes*

GARY WOODFIELD ESQ  
SUSAN YOFFEE ESQ  
HAILE SHAW & PFAFFENBERGER  
660 US HWY ONE, THIRD FLOOR  
NORTH PALM BEACH FL 33408  
gwoodfield@haileshaw.com  
syoffee@haileshaw.com  
cmarino@haileshaw.com  
bpetroni@haileshaw.com  
sborges@haileshaw.com  
*Attorneys for Frank Avellino*