

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

COMERICA BANK,  
a Texas banking association,

CASE NO. 11-028447 (03)

Plaintiff,

vs.

OCEAN 4660, LLC a Florida limited liability  
company, OCEANSIDE LAUDERDALE,  
INC., a Florida corporation, KENNETH A.  
FRANK, individually, ANGELA DIPILATO,  
individually, TOWN OF LAUDERDALE-  
BY-THE-SEA, a political subdivision of the  
State of Florida, WASTE MANAGEMENT  
INC. OF FLORIDA d/b/a SOUTHERN  
SANITATION SERVICE, a Florida  
corporation, AFFINITY MECHANICAL  
INC., a Florida corporation, and BROWARD  
COUNTY, a political subdivision of the State  
of Florida,

Defendants.

---

**AMENDED NOTICE OF HEARING**  
*(Cancels the hearing on February 6, 2013)*

**"THIS HEARING WAS SCHEDULED USING THE  
ONLINE CALENDAR SCHEDULING SYSTEM"**

**YOU ARE HEREBY NOTIFIED** that we shall call up for hearing before the  
**Honorable Mily Rodriguez Powell**, one of the judges of the above-styled Court, in his  
Chambers at the **Broward County Courthouse, 201 Southeast Sixth Street, Room 998, Fort  
Lauderdale, Florida 33301**, on **Thursday, February 28, 2013 at 8:45 a.m.**, or as soon  
thereafter as we may be heard:

**PLAINTIFF'S MOTION TO COMPEL BETTER ANSWERS AND RESPONSES  
FROM DEFENDANT KENNETH A. FRANK**

**and**

**DEFENDANT OCEANSIDE LAUDERDALE, INC. AND KENNETH FRANK'S MOTION  
TO STAY PROCEEDINGS WITH INCORPORATED MEMORANDUM OF LAW**

PLEASE BE GOVERNED ACCORDINGLY.

**CERTIFICATE OF GOOD FAITH**

I hereby certify that I have made a good faith attempt to resolve this matter prior to my noticing this motion for hearing, and the issues before the Court may be heard and resolved by the court within five (5) minutes.

**IMPORTANT**

**"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Room 470, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711"**

**Holland & Knight LLP**

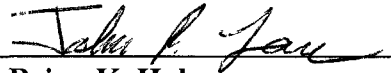
*Counsel for Plaintiff*

515 East Las Olas Boulevard, Suite 1200

Fort Lauderdale, FL 33301

Tel: (954) 525-1000; Fax: (954) 463-2030

By:



**Brian K. Hole**

Florida Bar No.: 0019968

[brian.hole@hklaw.com](mailto:brian.hole@hklaw.com)

**Joshua R. Levenson**

Florida Bar No.: 0056208

[joshua.levenson@hklaw.com](mailto:joshua.levenson@hklaw.com)

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 28<sup>th</sup> day of January, 2013, a copy of the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the Service List below in the authorized manner specified.




**Joshua R. Levenson**

Florida Bar No.: 0056208

## SERVICE LIST

Krystol L. Rappuhn, Esq. 55 E. Long Lake Road, Suite 204 Troy, Michigan 48085-4738 (248) 645-5400 - Office (313) 319-0743 - Cellular (248) 879-3124 - Facsimile <i>Co-Counsel for Ocean 4660, LLC</i> <b>[Via U.S. Mail only]</b>	Michael Tobin, Esq. Rothman & Tobin, P.A. 11900 Biscayne Boulevard, Suite 740 Miami, Florida 33181 Phone: (305) 895-3225 Fax: (305) 895-7175 E-mail: <a href="mailto:mtobin@rothmanandtobin.com">mtobin@rothmanandtobin.com</a> <i>Counsel for Ocean 4660, LLC, Hanna Karcho-Polselli and Remo Polselli</i> <b>[Via E-mail]</b>
Eduardo M. Soto, Esq. Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. 2525 Ponce de Leon Blvd., Suite 700 Coral Gables, FL 33134 Phone: (305) 854-0800 Fax: (305) 854-2323 E-mail: <a href="mailto:esoto@wsh-law.com">esoto@wsh-law.com</a> <i>Counsel for Town of Lauderdale-By-The-Sea</i> <b>[Via E-mail]</b>	Maya A. Moore, Esq. Joni Armstrong Coffey, Esq. County Attorney for Broward County Office of the County Attorney Governmental Center, Suite 423 115 South Andrews Avenue Fort Lauderdale, FL 33301 Phone: (954) 357-7600 Fax: (954) 357-7641 E-mail: <a href="mailto:mmoore@broward.org">mmoore@broward.org</a> <i>Counsel for Broward County</i> <b>[Via E-mail]</b>
Oceanside Lauderdale, Inc. 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 <b>[Via U.S. Mail]</b>	Kenneth A. Frank, <i>Pro Se</i> 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 E-mail: <a href="mailto:kenknaassociates@gmail.com">kenknaassociates@gmail.com</a> <b>[Via U.S. Mail and E-mail]</b>

<b>Waste Management Inc. of Florida</b> d/b/a Southern Sanitation Service c/o Registered Agent, CT Corporation System 1200 South Pine Island Road Plantation, FL 33324 <b>[Via U.S. Mail]</b>	Angela Dipilato 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 <b>[Via U.S. Mail]</b>
Affinity Mechanical Inc. c/o Edward J. Bender, Registered Agent 2805 E. Oakland Park Boulevard, #144 Fort Lauderdale, FL 33306 Phone: (954) 332-8363 Fax: (954) 688-2524 <b>[Via U.S. Mail]</b>	Angela Dipilato 1323 S.E. 3 <sup>rd</sup> Avenue Pompano Beach, FL 33060 <b>[Via U.S. Mail]</b>
Motion Elevator, Inc. c/o Registered Agent, Rose Portelli 5915 Park Drive Margate, FL 33063 <b>[Via U.S. Mail]</b>	Rose Portelli 5915 Park Drive Margate, FL 33063 <b>[Via U.S. Mail]</b>
Euro Fist Choice Enterprises, Inc. c/o Registered Agent, Michal Holovka 1261 S.E. 7 <sup>th</sup> Avenue Pompano Beach, FL 33060 <b>[Via U.S. Mail]</b>	Michal Holovka 1261 S.E. 7th Avenue Pompano Beach, FL 33060 <b>[Via U.S. Mail]</b>

 17th Judicial Circuit	
<b>Case Schedule Receipt:</b>	
<b>Sequence Number:</b>	<b>5</b>
<b>Judge Name:</b>	<b>Rodriguez-Powell, Mily</b>
<b>Case Number:</b>	<b>CACE11028447</b>
<b>Schedule Date:</b>	<b>02/28/2013</b>
<b>Scheduling Attorney Name:</b>	<b>Joshua, Royas, Levenson</b>
<b>Motion Title:</b>	<b>1. Plaintiff's Motion to Compel Better Answers and Responses from Defendant Kenneth A. Frank; 2. Defendant Oceanside Lauderdale, Inc. and Kenneth Frank's Motion to Stay Proceedings with Incorporated Memorandum of Law.</b>
<b>Case Entry Date:</b>	<b>Mon Jan 28 12:05:22 EST 2013</b>
<div>Print</div>	