

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

Case No.: 11-28447(03)

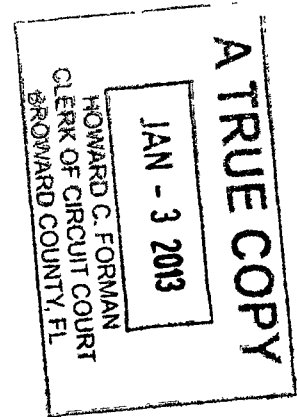
COMERICA BANK,
a Texas Banking association,

Plaintiff,

vs.

OCEAN 4660, LLC a Florida limited
liability company, OCEANSIDE
LAUDERDALE, INC., a Florida
corporation, KENNETH A. FRANK,
individually, ANGELA DIPILATO,
individually, *et. al.*

Defendants.



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

Defendant, OCEANSIDE LAUDERDALE, INC., (hereinafter "OCEANSIDE") *Pro Se*, and KENNETH A. FRANK, (hereinafter "FRANK") *Pro Se*, hereby files this Motion to Stay Proceedings pursuant to Florida Rules of Civil Procedure 1.550(b) and Florida Rules of Appellate Procedure 9.310 and moves this Honorable Court to stay any and all further proceedings in the trial court pending the outcome of the Defendant(s) NOTICE(S) OF APPEAL and as grounds therefore states the following:

Facts and Background

1. The Plaintiff(s) instituted this action against Defendant(s) Ocean 4660, LLC, Oceanside Lauderdale, Inc., Kenneth A. Frank, *et. al.* on or about November 17, 2011. This is a *complex* foreclosure action in which the Plaintiff Comerica Bank seeks to foreclose upon the real property of Defendant Ocean 4660, LLC., and which Defendant(s) Oceanside Lauderdale, Inc. and Kenneth A. Frank claim a lien upon said property. In this action, the Defendant Frank has called into question weather the Plaintiff has “ standing to bring the lawsuit “.

2. The Defendant(s) Oceanside and Frank initially retained William Watson Trick, Esq. to represent them. On or about May 23, 2012, while at the Courthouse, on a separate matter, Plaintiff’s counsel, specifically Brian K. Hole, Esq., threatened Defendant Oceanside and Frank’s counsel with sanctions under Chapter 57 of Florida Statutes and, to attack him personally, if he continued to represent the Defendants. Faced with such a threat, Defendants counsel William Trick withdrew his representation because: (i) Brian K. Hole, Esq. suggested that Defendants counsel would be faced personally with sanctions, (ii) the potential for a conflict of interests, and (iii) he thought he would not be able to sustain his own defense against such unscrupulous adversaries as Comerica Bank and Holland & Knight, LLP and still be able to effectively represent the defendants.

3. Thereafter, the Defendants retained Charmaine Comprosky, Esq. Within one week of being retained Defendants counsel received a telephone call from Brian K. Hole, Esq. (Plaintiffs counsel), whereas, Defendants new counsel was threatened with sanctions if she continued to represent the Defendants within this action. As a result, the Defendants counsel withdrew.

4. William Trick, Esq. felt that he could not afford to defend himself if personally attacked by the law firm of Holland & Knight and their client Comerica Bank, who will stop at nothing to foreclose upon the afore-mentioned real property and strip Defendants Oceanside and Frank of their day in court. Charmaine Comprosky, Esq. immediately withdrew without explanation.

5. Since Plaintiff's counsel's unconscionable tortious interference with Defendants counsel, the Defendant Oceanside Lauderdale, Inc. has not been able to retain new counsel because it cannot afford the retainers being requested after the preceding events in this case. Defendant Frank has had to represent himself.

6. Plaintiff and plaintiff's counsel knew that they were resorting to unscrupulous litigation tactics and unfair competition in tortiously interfering with Oceanside and Frank's attorney-client relationship in an effort to prevent the defendants' from imposing their defenses and having their day in court. Said tortious interference was intentional and improper.

7. On July 19, 2012, the Defendant Kenneth A. Frank filed a Motion to Dismiss the Complaint. The *primary* basis of Defendant Frank's Motion to Dismiss the Complaint is the Plaintiff's lack of standing to bring and maintain the foreclosure action and lack of jurisdiction over the Defendant Kenneth Frank. On August 28, 2012, the Court denied the Defendant Kenneth A. Frank's Motion to Dismiss the Complaint.

8. On September 18, 2012, the Defendant Kenneth A. Frank filed a timely Notice of Appeal of the Court's Order denying Defendant Frank's Motion to Dismiss the Complaint. Notice of Appeal and order denying Defendant Frank's Motion to Dismiss the Complaint are annexed hereto as Exhibit "A", and incorporated herein by reference.

9. On September 07, 2012, Defendant(s) Oceanside Lauderdale, Inc. and Kenneth A. Frank, *Pro Se* filed a Motion to Disqualify Plaintiff's Counsel for threatening Defendant Oceanside Lauderdale, Inc and Kenneth A. Frank's counsel. On December 10, 2012, the Court denied Defendant(s) Oceanside Lauderdale, Inc. and Kenneth A. Frank's Motion to Disqualify Plaintiff's Counsel. At the December 10, 2012, hearing on the aforementioned Motion to Disqualify the Plaintiff's counsel argued that disqualification was too severe a penalty. The Court seemed to agree. Defendant Kenneth A. Frank has filed a Notice of Appeal of the Court's Order denying Defendant Oceanside Lauderdale, Inc and Kenneth Frank's Motion to Disqualify Plaintiff's counsel. A Copy of the Defendant Kenneth A. Frank's Notice of Appeal of the Court's Order denying Defendant(s) Motion to Disqualify Plaintiff's Counsel is annexed hereto as Exhibit "B", and incorporated herein by reference.

10. As a result of Plaintiff's Counsels actions, the Defendant Oceanside Lauderdale, Inc. is presently without counsel and requires additional time to retain new counsel to defend itself within this action. The Defendant's due process rights are not being recognized or protected and the Defendant wishes to participate to the fullest extent possible. Pending is Plaintiff's Motion for Judicial Default against Defendant Oceanside Lauderdale, Inc. Should the Court not stay these proceedings pending the outcome of the pending Appeals and until such time as Defendant Oceanside can retain new counsel the Defendant Oceanside will be irreparably harmed. Likewise, Defendant Frank will be irreparably harmed.

11. Defendant Oceanside Lauderdale, Inc. wishes to participate in these proceedings and requests this Court enter an Order staying further proceedings until the Defendant is in a position

to obtain representation.

12. Moreover, since both Orders of the Court are presently under appeal a “stay” of further proceedings is appropriate until such time as the Appellate Court has ruled on the Defendants Appeals.

13. A “stay” is necessary in this matter to maintain the *status quo* during interlocutory appeals because “[i]n the absence of a stay, the trial court may proceed with all matters”. This Court is empowered by Fla. App. Rule 9.310 to “stay” the Orders it has entered pending Appellate review. Likewise, the Court has the inherent power to stay the effect of interlocutory orders and manage its cases.

14. A “stay” will not prejudice any party to this action.

MEMORANDUM OF LAW

I. Stay Pending Appellate Review

Stays are commonly sought to maintain the *status quo* during interlocutory appeals. Florida’s constitution creates the right to appeal orders of various kinds in art. V, section 4(b)(1). The party’s rights to appeal orders would empty if orders and judgments were not stayed pending review. This Court has authority to issue a stay pending review to preserve the *status quo* until the issues raised on appeal are resolved. *Perez v. Perez*, 769 So. 2d 389, 397 (Fla. 3d DCA 1999), *review denied*, 763 So. 2d 1044 (Fla. 2000); *Offerman v. Offerman*, 643 So. 2d 1194 (Fla. 5th DCA 1994). As the Court noted in *Perez, supra*:

This Court has authority to issue a stay under Rule 9.310(f), Florida Rules of Appellate Procedure, for the purpose of preserving the *status quo* during an appellate proceeding.

Under the unique circumstances of this case to date and its current track, a “stay” pending Appellate review is appropriate to prevent the Defendant(s) Oceanside and Frank from suffering severe harm absent the entry of a stay. *Campbell v. Chitty*, 37 Fla. Weekly D2036 (Fla. 1st DCA Aug. 23, 2012).

II. Stay pursuant to Rule 1.550

Under Rule 1.550(b), this Court has the inherent authority to stay its previous orders. When an issue under appeal is of significant importance it should be stayed and finally determined by the appellate court. *Barnett v. Barnett bank of Jacksonville, N.A.*, 338 So. 2d 888 (1st DCA 1976).

Defendant Frank’s Appeal:

- i. Plaintiff’s lack of standing to bring and maintain the foreclosure action. Plaintiff has failed to demonstrate that it owns and holds the note;
- ii Lack of jurisdiction over the Defendant Frank.

Defendant Oceanside’s Appeal:

- i. Plaintiff’s interference with Defendant Oceanside’s right to counsel and to participate in the litigation and defend within the action;
- ii. Deprivation of Defendants right to a fair trial and access to the Court.

Here, the issues under appeal are of significant importance requiring a stay pending appellate review.

III. Plaintiff's Counsel's Threats Tortiously Interfered With Defendants' Counsel, caused the Defendants to be deprived of their counsel of choice, and violated the Florida Bar's Rules of Professional Conduct

Plaintiff's Attorney Brian K. Hole, Esq. contacted two former attorneys' retained by Defendants Oceanside and Frank and stated that " his client Comerica Bank has authorized him to " move for sanctions if they desire to represent Defendants Oceanside and Frank " and to do whatever it takes to expedite the foreclosure of the real property ". William Trick, Esq. felt that that he could not afford to defend himself against such a personal attack and withdrew his representation of the defendants. Plaintiff's counsel did so intentionally, with full knowledge that he was depriving the defendants of their counsel of choice, interfering with Oceanside and Frank's attorney-client relationship and substantially violating the Rules of Professional Conduct of the Florida Bar.

Generally, the defendants have a right to a fair trial, access to the court, and to be represented by the counsel of their choice. Plaintiff and Plaintiffs' counsel have infringed on these rights. Under Rule 4-4.4 of the Rules of Professional Conduct of the Florida Bar, plaintiff's counsel was prohibited from violating any legal rights of the defendants.

Rule 4-4.4 states in pertinent part:

" In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person or knowingly use methods of obtaining evidence that violate the legal rights of such a person..... "

Here, the threats issued to defendants' counsel have violated Rule 4-4.4 and caused the defendants embarrassment, delay, a substantial burden, damages, and will continue to do so.

As this Court knows, in a foreclosure action the Plaintiff must establish its "standing to bring and maintain a lawsuit". Plaintiff is aware that both Defendants intended to challenge plaintiffs standing. Not surprisingly, the plaintiff wishes to avoid the complex litigation in this area, and possibly have the fact exposed that they "do not have standing". As a result, they have resorted to this "*rambo style litigation*" and improper, unlawful, and unethical litigation practices.

The rule for disqualification is well established; it is a two-prong test based on Model Code of Professional Responsibility Canon 9 which prohibited the appearance of impropriety under the former Florida Rules of Professional Responsibility. The first prong does not require proof of actual wrongdoing but rather states that "there must exist a *reasonable possibility* that some specifically identifiable impropriety in fact occurred." Rentclub, Inc. v. Transamerica Rental Fin. Corp., 811 F. Supp. 651, 654. The second prong focuses on the public and states that "the likelihood of public suspicion must outweigh the social interest that will be served by counsel's continued participation." See id. The test in Florida is interesting in that unlike the American Bar Associations' Model Rules, Florida law clearly prohibits the *appearance* of impropriety. See, State Farm Mutual Auto Co. v. K.A.W., et. al., 575 So. 2d 630, 633 (Fla. 1991)(*holding* that "the Florida Supreme Court ruled that attorneys must still avoid even the appearance of professional impropriety). In fact, it has been held that "even the appearance of impropriety may, under the appropriate circumstances, require prompt remedial action from the court....." Consequently, any doubt is to be resolved in favor of disqualification.

Relevant, hereto is the matter of The Florida Bar v. McKenzie, 557 So. 2d 31 (Fla. Supreme Court 1990). In McKenzie, the Florida Supreme Court held that threatening opposing counsel resulted in violation(s) of the following disciplinary rules of the former code of professional responsibility: 1-102(A)(1)(a lawyer shall not violate a disciplinary rule), 1-102(A)(5)(a lawyer shall not engage in conduct prejudicial to the administration of justice), 1-102(A)(6)(a lawyer shall not engage in conduct reflecting adversely on fitness to practice law), 7-102(A)(2)(a lawyer shall not knowingly advance an unwarranted claim or defense), and 7-106(C)(1)(a lawyer shall not state or allude to matters which are irrelevant or are not supported by admissible evidence). The same holds true herein, these and numerous other violation(s) of the Florida Bar's Rules of Professional Conduct have occurred herein. In the instant action, Plaintiff's counsel has also violated Rule 4-4.1 of the Florida Bar's Rules of Professional Conduct, as it relates to making statements to third persons.

In the instant action, the Defendant Oceanside has been placed at an unfair disadvantage.

This Court should heed the words of bankruptcy Judge A. Jay Cristol in In Re Servicio, Inc., 149 B.R.1009 (S.D. Fla. Bank. 1993), and step in to reject these attempts to affront the basic principles of fairness:

“ But when a shame that the need for law business is so desire
that attorneys do not care if they give the appearance of evil
or impropriety.....”

The Defendants Oceanside and Frank have legal rights and this Court should afford them an impartial and fair tribunal in order to air these rights in an arena free from stench.

Although this Court, did not disqualify Plaintiff's counsel for its actions in threatening Defendant's counsel, there must be some relief to allow Defendant Oceanside access to the court and a fair trial.

Based on the foregoing, it is respectfully requested that the case be stayed pending Appellate review of the Order(s) appealed from and until such time as Defendant oceanside can retain new counsel.

IV. Stay of Proceedings

The Defendant(s) Oceanside and Frank requests that all matters in this case, including all discovery, be stayed until an Order is rendered on Defendant's Motion to Stay and Appellate review. To allow this matter to continue on its current course without the matters raised in this Motion being addressed will cause significant prejudice to the Defendants.

- CONCLUSION -

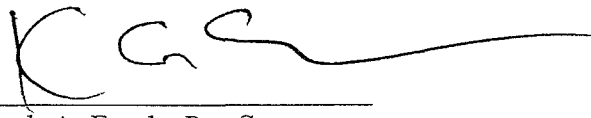
The unscrupulous conduct of Brian K. Hole, Esq. causes disrespect of the entire legal profession. He has tortiously interfered with Defendant(s) Oceanside and Frank's attorney-client relationship placing the Defendants at an unfair advantage to the extent that Defendant Oceanside may never get its day in Court. Accordingly, Defendants respectfully request that this Court stay all further proceedings pending Appellate review and until such time as Defendant Oceanside can retain new counsel. A failure to stay these proceedings will have a devastating effect on the Defendants.

The undersigned has forwarded a copy of this motion to counsel for Plaintiff and conferred with counsel regarding this motion and they do not agree to this motion.

WHEREFORE, Defendant(s) Oceanside and Frank respectfully request that consistent with Florida R. Civ. P. 1.550(b) and Fla. App. R. 9.310, that this Court grant a stay of any and all further proceedings until a ruling in Florida Fourth District Court of Appeals is rendered and until Defendant Oceanside has had sufficient time to retain new counsel, and for such other and further relief as to this Court may deem just and proper.

Dated this 3rd day of January, 2012.

By: 
Oceanside Lauderdale Inc., Pro Se
Kenneth A. Frank, Corporate Representative

By: 
Kenneth A. Frank, *Pro Se*

2310 East Atlantic Boulevard, Suite 206
Pompano Beach, Florida 33062
Tel: (914) 563-4510
Fax: (954) 786-2785

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing motion has been mailed first-class U.S. Mail to HOLLAND & KNIGHT, LLP, c/o BRIAN K. HOLE, ESQ., Florida Bar No.: 0019968, 515 East Las Olas Boulevard, 12th Floor, Fort Lauderdale, Florida 33302-4070, Attorney's for

Plaintiff Comerica Bank on this 3rd day of January, 2013.

By: 
Kenneth A. Frank, *Pro Se*

EXHIBIT A

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

COMERICA BANK,
a Texas banking association,

Plaintiff,

v.

OCEAN 4660, LLC., a Florida limited
liability company, *et al.*

Defendants

CASE NO.: CACE 11- 028447(03)

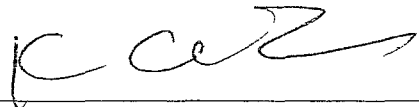
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- NOTICE OF APPEAL -

KENNETH A. FRANK, takes and enters his Appeal to the Court of Appeals of Florida, 4th District to review the ORDER(S) of the Circuit Court for the 17th. Judicial Circuit In and For Broward County, Florida, bearing the date of August 28, 2012. the nature of the ORDER(S) Appealed from is Order granting Plaintiff's Ex Parte Motion to Compel Answers to Interrogatories and Production of Documents from Defendant and Order denying Defendant Kenneth Frank's Motion to Dismiss Complaint for Lack of Jurisdiction over the Defendant and Lack of Standing

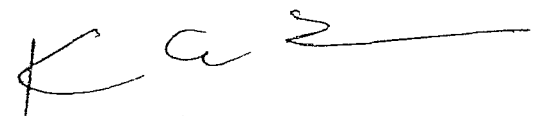
All parties to said cause are called upon to take Notice of the Entry of this Appeal.

Exhibit 'A'


Kenneth A. Frank, *Pro Se*
- Appellant -

I HEREBY CERTIFY THAT I HAVE FURNISHED COPIES TO ALL PARTIES TO THIS SUIT.

I hereby certify that a copy of the foregoing has been sent to HOLLAND & KNIGHT, LLP., Brian Hole, Esq , attorney for Plaintiff Comerica Bank, by U.S. Mail to 515 East Las Olas Boulevard, SunTrust Center Suite 1200, Fort Lauderdale, Florida 33302, this 17th day of September, 2012.


Kenneth A. Frank. *Pro Se*

2310 East Atlantic Boulevard, Suite 206
Pompano Beach, Florida 33062
Telephone: (914) 563-4510
Facsimile: (954) 786-2785

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

ORDER ON PLAINTIFF'S EX PARTE MOTION TO COMPEL ANSWERS TO
INTERROGATORIES AND PRODUCTION OF DOCUMENTS FROM DEFENDANT

THIS MATTER came before the Court on Plaintiff Comerica Bank s ('Plaintiff') Ex
Parte Motion to Compel Answers to Interrogatories and Production of Documents from
Defendant Kenneth A Frank, and the Court has read the moving papers, is well advised in the
premises and finds there is good and sufficient cause for Plaintiff's Ex-Parte Motion to Compel

Accordingly, it is **ORDERED AND ADJUDGED** that

1 Plaintiff's Ex-Parte Motion to Compel is **GRANTED**

2. Defendant Kenneth A. Frank shall answer, without objection, Plaintiff's First Set of Interrogatories and shall produce, without objection, documents responsive to Plaintiff's First Request for Production, both dated July 10, 2012.

3. Defendant Kenneth A. Frank shall serve Plaintiff with such answers and documents within ten (10) days from the date of this Order.

DONE AND ORDERED in Chambers in Broward County, Florida, this _____ day of _____, 2012.

CIRCUIT COURT JUDGE

AUG 28 2012

Copies to:

Krystol L. Rappuhn, Esq. 55 E. Long Lake Road, Suite 204 Troy, Michigan 48085-4738 <i>Co-Counsel for Ocean 4660, LLC</i> By regular U.S. Mail	Michael Tobin, Esq. Rothman & Tobin, P.A. 11900 Biscayne Boulevard, Suite 740 Miami, Florida 33181 <i>Co-Counsel for Ocean 4660, LLC</i> By regular U.S. Mail
Eduardo M. Soto, Esq. Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. 2525 Ponce de Leon Blvd., Suite 700 Coral Gables, FL 33134 <i>Counsel for Town of Lauderdale-By-The-Sea</i> By regular U.S. Mail	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 <i>Counsel for Broward County</i> By regular U.S. Mail
Charmaine J. Comprosky, Esq. LAW OFFICE OF CHARMAINE J. COMPROSKY, P.A. 2310 East Atlantic Boulevard, Suite 204 Pompano Beach, Florida 33062 <i>Counsel for Oceanside Lauderdale, Inc.</i> By regular U.S. Mail	Kenneth A. Frank 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 By regular U.S. Mail
Waste Management of Florida d/b/a Southern Sanitation Service c/o Registered Agent, CT Corporation System 1200 South Pine Island Road Plantation, FL 33324 By regular U.S. Mail	Affinity Mechanical Inc. c/o Edward J. Bender, Registered Agent 2805 E. Oakland Park Boulevard, #144 Fort Lauderdale, FL 33306 By regular U.S. Mail

A True Copy

MILY RODRIGUEZ-POWELL

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, et al

Defendants

**ORDER ON KENNETH A. FRANK'S MOTION TO DISMISS COMPLAINT FOR
LACK OF JURISDICTION OVER THE DEFENDANT, LACK OF STANDING AND
ALTERNATIVE MOTION TO STRIKE THE COMPLAINT, AND TO QUASH
SERVICE OF PROCESS WITH INCORPORATED MEMORANDUM OF LAW**

THIS MATTER came before the Court on Tuesday, August 28 2012 upon Defendant Kenneth A Frank's 'Motion to Dismiss Complaint for Lack of Jurisdiction over the Defendant Lack of Standing and Alternative Motion to Strike the Complaint, and to Quash Service of Process with Incorporated Memorandum of Law (the 'Motion ') The Court has reviewed the Motion, heard argument of all parties, and is otherwise fully advised in the premises

Accordingly, it is ORDERED and ADJUDGED that the Motion is

*denied. An Answer shall be filed within
20 days of this order.*

DONE AND ORDERED in Chambers, in Broward County, Florida. on this 28 day of
August 2012

MILY RODRIGUEZ POWELL

Mily B. Powell

CIRCUIT COURT JUDGE

cc Service List Attached

AUG 28 2012

ATRUECOPY!

EXHIBIT B

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

COMERICA BANK,
a Texas banking association,

Plaintiff,

v.

CASE NO.: CACE 11- 028447(03)

OCEAN 4660, LLC., a Florida limited
liability company, *et. al*

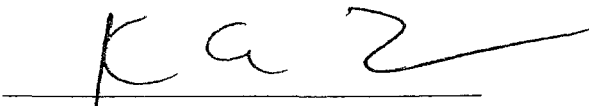
Defendants.

- NOTICE OF APPEAL -

KENNETH A. FRANK, takes and enters his Appeal to the Court of Appeals of Florida,
4th District to review the ORDER of the Circuit Court for the 17th. Judicial Circuit In and
For Broward County, Florida, bearing the date of December 10, 2012, the nature of the ORDER
Appealed from is Order denying Defendant Kenneth A. Frank's Motion to Disqualify Plaintiff's
Counsel.


All parties to said cause are called upon to take Notice of the Entry of this Appeal.

Exhibit 'B'


Kenneth A. Frank, *Pro Se*
- Appellant -

I HEREBY CERTIFY THAT I HAVE FURNISHED COPIES TO ALL PARTIES TO THIS SUIT.

I hereby certify that a copy of the foregoing has been sent to HOLLAND & KNIGHT, LLP., Brian Hole, Esq., attorney for Plaintiff Comerica Bank, by U.S. Mail to 515 East Las Olas Boulevard, SunTrust Center Suite 1200, Fort Lauderdale, Florida 33302, this 26th day of December, 2012.


Kenneth A. Frank, *Pro Se*

2310 East Atlantic Boulevard, Suite 206
Pompano Beach, Florida 33062
Telephone: (914) 563-4510
Facsimile: (954) 786-2785

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

ORDER ON DEFENDANTS OCEANSIDE LAUDERDALE, INC. AND
KENNETH FRANK'S MOTION TO DISQUALIFY PLAINTIFF'S COUNSEL,
STAY PROCEEDINGS AND FOR SANCTIONS
WITH INCORPORATED MEMORANDUM OF LAW

THIS MATTER came before the Court on December 10, 2012, upon Defendants Oceanside Lauderdale, Inc and Kenneth Frank's Motion to Disqualify Plaintiff's Counsel, Stay Proceedings and for Sanctions with Incorporated Memorandum of Law (the "Motion") The Court has heard argument of counsel, reviewed the matter, and is otherwise fully advised in the premises

Accordingly, it is ORDERED AND ADJUDGED that said Motion is hereby

Denied.

Exhibit 'A'

CASE NO. 11-028447 (03)

[Handwritten signature across the lines]

DONE AND ORDERED in Chambers, in Broward County, Florida, on this 10th day of
December 2012

Milly Rodriguez Powell

CIRCUIT COURT JUDGE

cc Service List Attached

MILY RODRIGUEZ POWELL

DEC 10 2012

A TRUE COPY

SERVICE LIST

Krystol L Rappuhn, Esq 55 E Long Lake Road, Suite 204 Troy Michigan 48085 4738 E-mail krystol_rappuhn@yahoo.com <i>Co Counsel for Ocean 4660 LLC</i> By regular U S Mail	Michael Tobin, Esq Rothman & Tobin, P A 11900 Biscayne Boulevard Suite 740 Miami Florida 33181 E-mail mtobin@rothmanandtobin.com <i>Co- Counsel for Ocean 4660 LLC</i> By regular U S Mail
Eduardo M Soto Esq Weiss Serota Helfman Pastoriza Cole & Boniske P L 2525 Ponce de Leon Blvd Suite 700 Coral Gables, FL 33134 E mail esoto@wsh-law.com <i>Counsel for Town of Lauderdale-By The-Sea</i> By regular U S Mail	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 E mail mmoore@broward.org <i>Counsel for Broward County</i> By regular U S Mail
Oceanside Lauderdale, Inc 2310 East Atlantic Boulevard Suite 206 Pompano Beach, FL 33062 By regular U S Mail	Kenneth A Frank 2310 East Atlantic Boulevard, Suite 206 Pompano Beach FL 33062 By regular U S Mail
Waste Management of Florida d/b/a Southern Sanitation Service c/o Registered Agent, CT Corporation System 1200 South Pine Island Road Plantation, FL 33324 By regular U S Mail	Affinity Mechanical Inc c/o Edward J Bender, Registered Agent 2805 E Oakland Park Boulevard #144 Fort Lauderdale, FL 33306 By regular U S Mail
Angela Dipilato 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 By regular U S Mail	Rose Portelli 5915 Park Drive Margate, FL 33063 By regular U S Mail
Motion Elevator Inc c/o Registered Agent, Rose Portelli 5915 Park Drive Margate, FL 33063 By regular U S Mail	Michal Holovka 1261 SE 7th Avenue Pompano Beach, FL 33060 By regular U S Mail
Euro Fist Choice Enterprises, Inc c/o Registered Agent Michal Holovka 1261 SE 7th Avenue Pompano Beach, FL 33060 By regular U S Mail	Brian K Hole, Esq Joshua R Levenson, Esq Holland & Knight 515 E Las Olas Blvd, Suite 1200 Ft Lauderdale, FL 33301 By regular U S Mail