

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

CASE NO. 11-028447 (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, 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.

PLAINTIFF'S RESPONSES TO DEFENDANTS' REQUEST FOR PRODUCTION

Plaintiff Comerica Bank ("Plaintiff"), by and through its undersigned counsel, hereby
responds to the Request for Production served upon it by Defendants Ocean 4660, LLC, Hanna
Karcho-Polselli and Remo Polselli ("Defendants") and states as follows:

Requested Documents

1. A current payment ledger showing the application of all payments received on the
Subject Loan, since its inception.

Response: Pursuant to Florida Rule of Civil Procedure 1.350(b), Plaintiff is
producing all documents as they are kept in the usual course of business. The documents
are available for inspection at undersigned counsel's office at a mutually agreeable time

between the parties. Plaintiff, however, objects to the production of all confidential business documents or documents protected by either the attorney client privilege or the work product privilege, all of which are included on Plaintiff's privilege log.

2. Front and back copies of all checks or other payments received on the subject Loan, since its inception.

Response: Pursuant to Florida Rule of Civil Procedure 1.350(b), Plaintiff is producing all documents as they are kept in the usual course of business. The documents are available for inspection at undersigned counsel's office at a mutually agreeable time between the parties. Plaintiff, however, objects to the production of all confidential business documents or documents protected by either the attorney client privilege or the work product privilege, all of which are included on Plaintiff's privilege log.

3. Any and all correspondence between any of the Defendants and Plaintiff, or any of Plaintiff's representatives, including participating brokers, from the time Defendants first made application for the Subject Loan, until the inception of the Subject Loan, including, but not limited to, all negotiations concerning the terms and origination thereof.

Response: Pursuant to Florida Rule of Civil Procedure 1.350(b), Plaintiff is producing all documents as they are kept in the usual course of business. The documents are available for inspection at undersigned counsel's office at a mutually agreeable time between the parties. Plaintiff, however, objects to the production of all confidential business documents or documents protected by either the attorney client privilege or the work product privilege, all of which are included on Plaintiff's privilege log.

4. Any and all correspondence between any of the Defendants and Plaintiff concerning the Subject Loan, since its inception.

Response: Pursuant to Florida Rule of Civil Procedure 1.350(b), Plaintiff is producing all documents as they are kept in the usual course of business. The documents are available for inspection at undersigned counsel's office at a mutually agreeable time between the parties. Plaintiff, however, objects to the production of all confidential business documents or documents protected by either the attorney client privilege or the work product privilege, all of which are included on Plaintiff's privilege log.

5. Any and all correspondence specifically relating to the SWAP Agreement, including but not limited to those items which demonstrate how the SWAP Agreement was

negotiated with and/or explained to Defendants, and specifically including, but not limited to, those items mentioning or sent to or from Michael Malaga and/or Steve Davis.

Response: Pursuant to Florida Rule of Civil Procedure 1.350(b), Plaintiff is producing all documents as they are kept in the usual course of business. The documents are available for inspection at undersigned counsel's office at a mutually agreeable time between the parties. Plaintiff, however, objects to the production of all confidential business documents or documents protected by either the attorney client privilege or the work product privilege, all of which are included on Plaintiff's privilege log.

6. Any and all correspondence, including copies of all draft agreement(s) sent by or proposed to Plaintiff, including but not limited to those items which demonstrate how the Forbearance was negotiated with and/or explained to Defendants, how the payments were to be adjusted and/or re-amortized, and how the post-forbearance payments were to be applied.

Response: Pursuant to Florida Rule of Civil Procedure 1.350(b), Plaintiff is producing all documents as they are kept in the usual course of business. The documents are available for inspection at undersigned counsel's office at a mutually agreeable time between the parties. Plaintiff, however, objects to the production of all confidential business documents or documents protected by either the attorney client privilege or the work product privilege, all of which are included on Plaintiff's privilege log.

7. Any documents which are not privileged and are not encompassed by the previous requests, which are part of Plaintiff's loan file for the Subject Loan.

Response: Pursuant to Florida Rule of Civil Procedure 1.350(b), Plaintiff is producing all documents as they are kept in the usual course of business. The documents are available for inspection at undersigned counsel's office at a mutually agreeable time between the parties. Plaintiff, however, objects to the production of all confidential business documents or documents protected by either the attorney client privilege or the work product privilege, all of which are included on Plaintiff's privilege log.

8. To the extent they are not encompassed by prior requests or protected by privilege, all documents which relate to, or which would serve to support or refute, the allegations contained in Plaintiff's Second Amended Complaint.

Response: Pursuant to Florida Rule of Civil Procedure 1.350(b), Plaintiff is producing all documents as they are kept in the usual course of business. The documents are available for inspection at undersigned counsel's office at a mutually agreeable time

between the parties. Plaintiff, however, objects to the production of all confidential business documents or documents protected by either the attorney client privilege or the work product privilege, all of which are included on Plaintiff's privilege log.

9. To the extent they are not encompassed by prior request or protected by privilege, all documents which relate to, or which would serve to support or refute, Defendants' Answer & Affirmative Defenses to Plaintiff's Second Amended Complaint.

Response: Pursuant to Florida Rule of Civil Procedure 1.350(b), Plaintiff is producing all documents as they are kept in the usual course of business. The documents are available for inspection at undersigned counsel's office at a mutually agreeable time between the parties. Plaintiff, however, objects to the production of all confidential business documents or documents protected by either the attorney client privilege or the work product privilege, all of which are included on Plaintiff's privilege log.

Dated: October 15, 2012

Respectfully submitted,

HOLLAND & KNIGHT LLP

Counsel for Plaintiff

515 East Las Olas Boulevard, Suite 1200

Fort Lauderdale, FL 33301

Telephone: 954/525-1000

Fax: 954/463-2030

By: 

Brian K. Hole

Fla. Bar No. 0019968

brian.hole@hklaw.com

Nicole C. Velasco

Fla. Bar No. 0028585

nicole.velasco@hklaw.com

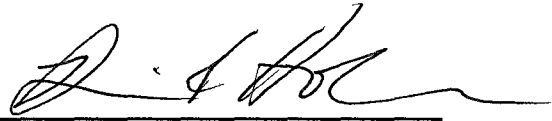
Joshua R. Levenson

Fla. Bar No. 0056208

joshua.levenson@hklaw.com

CERTIFICATE OF SERVICE

I hereby certify that on **October 15, 2012**, a true and correct copy of the foregoing was served on all parties on the Service List below in the manner specified.



Brian K. Hole
Fla. Bar No. 0019968

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> [Via Email]	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> [Via Email]
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> [Via Email]	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> [Via Email]
Oceanside Lauderdale, Inc. 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 [Via U.S. Mail]	Kenneth A. Frank 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 [Via 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 [Via U.S. Mail]	Affinity Mechanical Inc. c/o Edward J. Bender, Registered Agent 2805 E. Oakland Park Boulevard, #144 Fort Lauderdale, FL 33306 [Via U.S. Mail]

Angela Dipilato 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 <i>[Via U.S. Mail]</i>	Angela Dipilato 1323 S.E. 3rd Avenue Pompano Beach, FL 33060 <i>[Via U.S. Mail]</i>
Motion Elevator, Inc. c/o Registered Agent, Rose Portelli 5915 Park Drive Margate, FL 33063 <i>[Via U.S. Mail]</i>	Rose Portelli 5915 Park Drive Margate, FL 33063 <i>[Via U.S. Mail]</i>
Euro Fist Choice Enterprises, Inc. c/o Registered Agent, Michal Holovka 1261 S.E. 7 th Avenue Pompano Beach, FL 33060 <i>[Via U.S. Mail]</i>	Michal Holovka 1261 S.E. 7th Avenue Pompano Beach, FL 33060 <i>[Via U.S. Mail]</i>