

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.

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**NOTICE OF EVIDENTIARY HEARING**

**(15 minutes)**

**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 **Monday, December 10, 2012 at 8:30 a.m.**, or as soon  
thereafter as we may be heard:

**DEFENDANT OCEANSIDE LAUDERDALE, INC AND KENNETH FRANK'S MOTION  
TO DISQUALIFY PLAINTIFF'S COUNSEL, STAY PROCEEDINGS AND FOR  
SANCTIONS 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*

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By:



**Brian K. Hole**

Florida Bar No.: 0019968

**Nicole C. Velasco**

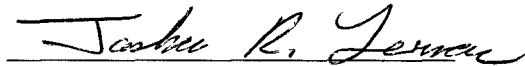
Florida Bar No.: 0028585

**Joshua R. Levenson**

Florida Bar No.: 0056208

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on this 26<sup>th</sup> day of November, 2012, 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**

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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 <b>By regular U.S. Mail</b>	Affinity Mechanical Inc. c/o Edward J. Bender, Registered Agent 2805 E. Oakland Park Boulevard, #144 Fort Lauderdale, FL 33306 <b>By regular U.S. Mail</b>

Angela Dipilato 2310 East Atlantic Boulevard, Suite 206 Pompano Beach, FL 33062 <b>By regular U.S. Mail</b>	Rose Portelli 5915 Park Drive Margate, FL 33063 <b>By regular U.S. Mail</b>
Motion Elevator, Inc. c/o Registered Agent, Rose Portelli 5915 Park Drive Margate, FL 33063 <b>By regular U.S. Mail</b>	Michal Holovka 1261 S.E. 7th Avenue Pompano Beach, FL 33060 <b>By regular 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>By regular U.S. Mail</b>	