

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.

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

Pursuant to Florida Rules of Civil Procedure 1.280, 1.340, 1.350, 1.380, and Local Rule No. 10A for the Seventeenth Judicial Circuit for Broward County Florida, Plaintiff Comerica Bank ("Plaintiff") hereby requests that this Court enter an ex-parte Order compelling Defendant Kenneth A. Frank ("Defendant") to answer, without objection, Plaintiff's First Set of Interrogatories (the "Interrogatories"), and to produce, without objection, documents responsive to Plaintiff's First Request for Production (the "RFP") (collectively, the "Discovery Requests"). In support of this Motion, Plaintiff avers as follows:

1. On July 10, 2012, Plaintiff served the Discovery Requests upon Defendant. True

and correct copies of the Discovery Requests are attached hereto as **Composite Exhibit “A.”**

2. Defendant’s responses to the Discovery Requests were due on or before Tuesday, August 14, 2012.

3. To date, Plaintiff has not received Defendant’s responses to the Discovery Requests. Moreover, Defendant has neither: (a) sought an enlargement of time by which to respond to the Discovery Requests, (b) objected to the Discovery Requests, or (c) moved this Court for a protective order.

4. Defendant’s *complete failure to respond* or object to the Discovery Requests has wrongfully deprived Plaintiff of its rightful opportunity to investigate its claim.

5. Pursuant to Local Rule No. 10A for the Seventeenth Judicial Circuit for Broward County Florida, Defendant’s failure to respond to the Discovery Requests and failure to request an extension of time by which to respond warrants the issuance of an order, without a hearing, requiring Defendant to respond to the Discovery Requests within ten (10) days of the Court’s order.

6. In addition, Defendant’s failure to respond to the Discovery Requests warrants this Court’s entry of an order compelling Defendant to respond to the Discovery Requests without objection. *See Fla. R. Civ. P. 1.380.*

7. Defendant will not be unfairly prejudiced if this Motion is granted, because (a) Defendant waived all objections to the Discovery Requests by failing to serve responses within the time permitted by Rules 1.340 and 1.350; and (b) the Discovery Requests are reasonably calculated to lead to the discovery of admissible evidence.

8. On the other hand, Plaintiff will be unfairly prejudiced if this Motion is not granted, because it will be deprived of discovery to which it is entitled.

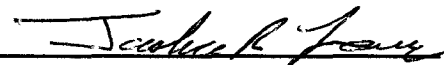
9. Plaintiff has attempted to resolve this issue in good faith, but has been unable to do so.

WHEREFORE, Plaintiff respectfully prays that this Court will enter an ex parte Order: (a) granting this Motion; (b) requiring Defendant to answer the Discovery Requests, without objection, within ten (10) days from the date of this Court's Order on this Motion; and (c) granting any other and further relief this Court deems necessary or appropriate.

Dated: August 16, 2012.

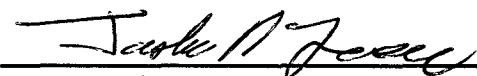
Respectfully Submitted,

HOLLAND & KNIGHT LLP
Counsel for Comerica Bank
515 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, Florida 33301
Telephone No: (954) 525-1000
Fax No: (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 **August 16, 2012**, a true and correct copy of the foregoing was served on all parties on the Service List below in the manner specified.


Joshua R. Levenson
Fla. Bar No. 0056208

SERVICE LIST

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

1261 S.E. 7 th Avenue Pompano Beach, FL 33060 By regular U.S. Mail	Pompano Beach, FL 33060 By regular U.S. Mail
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LAUDERDALE, INC., a Florida
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individually, ANGELA DIPILATO,
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LAUDERDALE-BY-THE-SEA, a
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Florida, WASTE MANAGEMENT
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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 NOTICE OF SERVING INTERROGATORIES TO KENNETH A. FRANK


Pursuant to Rule 1.340 of the Florida Rules of Civil Procedure, Plaintiff
Comerica Bank propounds the following written interrogatories to be answered by
Defendant Kenneth A. Frank separately and fully in writing under oath within
thirty (30) days after service hereof.

COMPOSITE EXHIBIT "A"

Dated: July 10, 2012

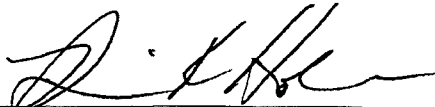
Respectfully Submitted,

HOLLAND & KNIGHT LLP
Counsel for Comerica Bank
515 East Las Olas Boulevard
Suite 1200
Fort Lauderdale, Florida 33301
Telephone No: (954) 525-1000
Fax No: (954) 463-2030

By: 
Brian K. Hole
Fla. Bar No. 0019968
Nicole C. Velasco
Fla. Bar No. 0028585

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 10, 2012, a true and correct copy of the foregoing was provided to all parties on the Service List below.

By: 
Brian K. Hole
Fla. Bar No. 0019968

SERVICE LIST

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 and facsimile	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 and facsimile
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<p>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 and facsimile</p>	<p>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 and facsimile</p>
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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 FIRST SET OF INTERROGATORIES TO KENNETH A. FRANK

Plaintiff Comerica Bank ("Plaintiff") propounds the following written interrogatories to be answered by Defendant Kenneth A. Frank ("Frank"), in writing under oath within the time provided by Rule 1.340, or within such time as may be agreed to or required by further order of Court.

DEFINITIONS AND INSTRUCTIONS

1. Throughout this request, the singular includes the plural, the masculine includes the feminine and neuter, "and" includes "or," "any" includes "all," and vice versa. The words "include" and "including" shall be construed without limitation.

2. "You" and "yours" shall mean Frank and all of his past or present employees, agents, or representatives; as well as all other persons acting or purporting to act on his behalf.

3. "Property" shall mean the real property located in Broward County, Florida that is more particularly described in paragraph 39 of the Complaint.

4. "Person" shall mean any natural person, firm, partnership, association, proprietorship, joint venture, corporation, company, governmental agency, or other organization or business entity.

5. "Documents" shall mean the original and any identical copy, whether in paper or electronic data form, regardless of origin or location, of any writing or record of any type or description in the possession, custody or control of you or of any other person or persons, representatives, agents or attorneys acting on behalf of you, whether relating to fact, opinion, event, recollection or intention, whether draft or final, original or reproduction, including but not limited to the original and any non-identical copy of the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand: affidavits, agreements, communications, correspondence, telegrams, memoranda, letters, interoffice or intra-office communications, statements, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, summaries or records of meetings or conferences, summaries or records, studies, surveys, notebooks, charts, graphs, certificates, licenses, drawings, drafts, working papers, applications, resumes, pamphlets, books, periodicals, photographs, tapes, discs, data sheets or data processing cards, or any other written, recorded, transcribed, filmed, or graphic matter.

6. "Communications" shall be construed in its broadest sense and shall mean directly or indirectly describing, setting forth, discussing, mentioning, commenting upon, supporting, contradicting, or referring to the subject or topic in question, either in whole or in part, whether by correspondence, telephone, meeting, telegrams, notes, letters, telecopy transmissions, e-mails, or any occasion of joint or mutual presence as well as the transfer of any document from one person to another.

7. The terms "relate to," "related to," or "relating to" shall be construed in their broadest sense and shall mean comprise, consist of, refer to, contain, mention,

describe, embody, constitute, support, corroborate, demonstrate, prove, evidence, show, refute, dispute, rebut, controvert, contradict, negate, reflect or be in any way logically or factually connected to, whether directly or indirectly.

8. "Identify," when used with reference to a natural person means state:

- (a) his full name and address (or if the present is not known, his last known address);
- (b) the full name and address of each of his employers, each corporation of which he is an officer or director and each business in which he is a principal;
- (c) his present (or, if the present is not known, his last known) position and his position or positions at the time of the act to which the interrogatory answer relates; and
- (d) such other information sufficient to enable Plaintiff to identify the person.

9. "Identify," when used with reference to any entity other than a natural person, means:

- (a) state the full name of the entity, the type of entity (e.g. corporation, partnership, etc.) the address of its principal place of business, its principal business activity and, if it is a corporation, the jurisdiction under the laws of which it has been organized and the date of such organization;
- (b) identify each of the entities' officers, directors, shareholders or other principals;
- (c) state whatever other information you may have concerning the existence or identity of the entity.

10. "Identify," when used with reference to a document or communication, means state:

- (a) its nature (e.g. letter, telegram, memorandum, chart, report, study), date, author, date and place of preparation and the name and address of each addressee, if there is an addressee;
- (b) the identify of each signer to the document or communication;
- (c) the title or heading of the document or communication;

- (d) its substance;
- (e) its present (or, if the present is not known, the last known) location and custodian;
- (f) the identity of each person to whom a copy was sent and each date of its receipt and each date of its transmittal or other disposition by (1) you and (2) any other person (naming such other person) who, at the time, either received, transmitted or otherwise disposed of such document or communication and each copy thereof;
- (g) the circumstances of each such receipt and each transmittal or other disposition, including identification of the person from whom received and the person to whom transmitted.

11. You may, in lieu of identifying any document, attach a true copy of such document or communications as an exhibit to your answers to these interrogatories, along with an explicit reference to the interrogatory to which each such attached document or communication relates.

12. In answering each interrogatory, identify each document or communication or act (a) relied upon in the preparation of each answer; (b) which forms all or part of the basis for that answer; (c) which corroborates the answer; and (d) the substance of which forms all or part of the answer.

13. If all of the information furnished in answer to all or part of an interrogatory is not within the personal knowledge of the affiant, identify each person to whom all or part of the information furnished is a matter of personal knowledge and each person who communicated to the affiant any part of the information furnished.

14. If additional space is required, please attach additional sheets.

INTERROGATORIES

1. Please explain in detail why you recorded a Notice of Mechanics Lien on November 4, 2010 in Official Records Book 47501 at Page 1818 of the Public Records of Broward County, Florida.
2. Please explain in detail why you recorded a Notice of Pendency on January 11, 2010 in Official Records Book 46790 at Page 604 of the Public Records of Broward County, Florida.

3. Please explain in detail why you recorded a Notice of Mechanics Lien on January 21, 2011 in Official Records Book 47664 at Page 42 of the Public Records of Broward County, Florida.

4. Please explain in detail why you recorded a Notice of Lis Pendens in Book 48272 at Page 1346 of the Public Records of Broward County, Florida.

5. Please explain in detail why you recorded a Notice of Mechanics Lien on July 8, 2011 in Official Records Book 48025 at Page 223 of the Public Records of Broward County, Florida.

6. Please explain in detail why you recorded a Notice of Lis Pendens in Book 48300 at Page 259 of the Public Records of Broward County, Florida.

9. Please explain in detail why you recorded an Affidavit on January 26, 2012 in Official Records Book 48472 at Page 776 of the Public Records of Broward County, Florida..
10. Please state whether you have obtained any judgments against Ocean 4660, LLC and, if so, please describe in detail the nature of the case(s), the case number(s) and court(s) where the action(s) was (were) filed, and the amount(s) of the judgment(s).

11. Please state whether you have obtained any judgments relating to the Property and, if so, please describe in detail the nature of the case(s) and the amount(s) of the judgment(s) (if applicable), and the case number and court where the action was filed.
12. Please explain in detail the basis for your belief that you have an interest in the Property.

13. Please answer whether you contend your interest in the Property is superior to that of Comerica Bank and, if so, explain in detail why your interest is superior to Comerica Bank.

VERIFICATION

I swear or affirm that the answers provided to the foregoing are true and correct.

KENNETH A. FRANK

STATE OF _____)
: ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by KENNETH A. FRANK, who is personally known to me or has produced _____ as identification.

Notary Public
Name of Notary Printed:

My commission expires:

(NOTARY SEAL)

My commission number is:

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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 FIRST REQUEST FOR PRODUCTION
TO DEFENDANT KENNETH A. FRANK**

Pursuant to Florida Rule of Civil Procedure 1.350, Comerica Bank
("Plaintiff") requests Defendant Kenneth A. Frank ("Frank") to examine and/or copy
the following designated items within thirty (30) days from the date of service
hereof, or at such other time as may be agreed upon by the office of the undersigned.
Attention is directed to the "DEFINITIONS" and "INSTRUCTIONS," which are to

be complied with in producing documents pursuant to Florida Rule of Civil Procedure 1.350.

DEFINITIONS

1. "You" and "yours" shall mean Frank and all of his past or present employees, agents, or representatives, as well as all other persons acting or purporting to act on his behalf.

2. "Property" shall mean the real property located in Broward County, Florida that is more particularly described in paragraph 39 of the Complaint.

3. The term "person" shall mean and include natural persons, corporations, partnerships, governmental entities, and any and all other forms of organization and agreement, in addition to any officer, director, consultant, advisor (legal or otherwise), stockholder, employee, agent or partner thereof.

4. The term "document" shall mean any kind of written, electronic, or graphic matter, however produced or reproduced, including all electronically stored or generated material, of any kind or description, whether or not sent or received by Estate, including originals, copies or drafts and both sides thereof, and including but not limited to: papers, books, letters, correspondence, telegrams, cables, telex messages, memoranda, notes, notations, work papers, inter-office or internal memoranda, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, or of conferences, or other meetings, affidavits, subpoenas, notices, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars,

appointment books, diaries, lists, tabulations, sound recordings, computer print-outs, data processing input and output, microfilms, and other records kept by electronic, photographic, or other mechanical means, minutes of meetings of board of directors, executive committees, or any other writings or recordings similar to any of the foregoing, however denominated by Frank, or his present or former partners, attorneys, counsel, accountants, auditors, agents, employees and all persons acting or previously acting on his behalf. The term "document" includes all of the above materials, whether asserted privileged or not.

5. The use of a verb in any tense shall be construed as the use of a verb in all other tenses, whenever necessary to bring within the scope of the specification all responses which might otherwise be construed to be outside its scope.

6. Terms in the singular include the plural and terms in the plural include the singular.

7. The term "relating to" as used herein is defined to mean referring to, evidencing, pertaining to, consisting of, reflecting, concerning or in any way logically or factually connected with the matter discussed.

8. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the specification all responses which might otherwise be construed to be outside its scope. "Each" and "every" shall be construed synonymously, as shall the words "any" and "all."

9. As used in this request for production, the term "correspondence" means all letters, faxes, e-mails, writings or memorandums, authored or received by

any of the persons whose names appear in this request for production or authored or received by their employees, agents or independent contractors. This term also includes every attachment to such correspondence or any documents that accompany such correspondence.

INSTRUCTIONS

1. **Manner of Production.** Documents produced pursuant to this request shall be separately produced for each paragraph of this request, or, in the alternative, shall be identified as complying with the particular paragraph or paragraphs of the request to which they are responsive, if the documents produced for inspection are produced as they are kept in the usual course of business.

2. **Privileged Documents.** In the event that you wish to assert attorney/client privilege, work product exclusion, or any other privilege as to any document requested, then as to each such document subject to such assertion, you shall provide an identification of the document, including (a) the nature of the document, (b) the date of the document, and (c) the author, sender and recipient, together with a summary statement of the subject matter of such document in sufficient detail to permit the court to reach a ruling in the event of a motion to compel and an indication of the factual and legal basis for the assertion of the privilege.

3. **Documents Not in Possession, Custody, or Control.** If you are unable to produce any document requested, state the reasons why you are unable to produce such document. A negative response to any request without further

explanation will be deemed to be your response that the requested document is not in your possession, custody or control, as interpreted by controlling case law.

4. **Documents No Longer in Possession, Custody, or Control.** With respect to documents of which you once had possession, custody or control, but no longer have possession, custody or control, please identify the document and state why the document is no longer in your possession, custody or control and identify the person who currently has possession, custody or control of the documents.

5. In the event that documents are not in your possession, you are hereby requested to deliver original consent forms directing the appropriate agency or entity to supply the information that you are unable to request.

DOCUMENTS REQUESTED

1. Any and all documents supporting the validity of the Notice of Mechanics Lien you recorded on November 4, 2010 in Official Records Book 47501 at Page 1818 of the Public Records of Broward County, Florida.

2. Any and all documents supporting the validity of the Notice of Pendency you recorded on January 11, 2010 in Official Records Book 46790 at Page 604 of the Public Records of Broward County, Florida.

3. Any and all documents supporting the validity of the Notice of Mechanics Lien you recorded on January 21, 2011 in Official Records Book 47664 at Page 42 of the Public Records of Broward County, Florida.

4. Any and all documents supporting the validity of the Notice of Lis Pendens you recorded in Book 48272 at Page 1346 of the Public Records of Broward County, Florida.

5. Any and all documents supporting the validity of the Notice of Mechanics Lien you recorded on July 8, 2011 in Official Records Book 48025 at Page 223 of the Public Records of Broward County, Florida.

6. Any and all documents supporting the validity of the Notice of Lis Pendens you recorded in Book 48300 at Page 259 of the Public Records of Broward County, Florida.

7. Any and all documents supporting the validity of the Lien you recorded on July 8, 2011 in Official Records Book 48025 at Page 217 of the Public Records of Broward County, Florida.

8. Any and all documents supporting the validity of the Lien you recorded on July 8, 2011 in Official Records Book 48025 at Page 223 of the Public Records of Broward County, Florida.

9. Any and all documents supporting the statements in the Affidavit you recorded on January 26, 2012 in Official Records Book 48472 at Page 776 of the Public Records of Broward County of the Public Records of Broward County, Florida.

10. True and correct copies of any and all judgments you have obtained against Defendant Ocean 4660, LLC.

11. True and correct copies of any and all judgments you have obtained in connection with the Property.

Dated: July 10, 2012

Respectfully Submitted,

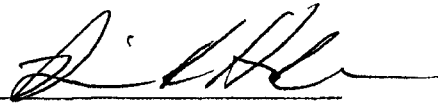
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CERTIFICATE OF SERVICE

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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 and facsimile	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 and facsimile
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 and facsimile	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 and facsimile
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 Inc. 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	Angela Dipilato 1323 S.E. 3rd Avenue Pompano Beach, FL 33060 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	Rose Portelli 5915 Park Drive Margate, FL 33063 By regular U.S. Mail
Euro Fist Choice Enterprises, Inc. c/o Registered Agent, Michal Holovka 1261 S.E. 7 th Avenue Pompano Beach, FL 33060 By regular U.S. Mail	Michal Holovka 1261 S.E. 7th Avenue Pompano Beach, FL 33060 By regular U.S. Mail

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

Copies to:

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