

DBS:mls
W82/74-010

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.: 502016CA014473XXXXMB
Division: AE

JOHN LEOPOLDO FIORILLA
as trustee f/b/o JOHN LEOPOLDO
FIORILLA TRUST U/A/D 06-25-2003,

Plaintiff,

vs.

KLAYMAN & TOSKES, P.A., a Florida
Corporation; LAWRENCE L. KLAYMAN;
and STEVEN D. TOSKES,

Defendants.

**DEFENDANT, KLAYMAN & TOSKES, P.A.'S, OBJECTIONS TO
PLAINTIFF'S FIRST REQUEST FOR PRODUCTION AND
FIRST SET OF INTERROGATORIES**

Defendant, KLAYMAN & TOSKES, P.A., by and through undersigned counsel, hereby files its objections to Plaintiff, JOHN LEOPOLDO FIORILLA as trustee f/b/o JOHN LEOPOLDO FIORILLA TRUST U/A/D 06-25-2003's, First Request for Production and First Set of Interrogatories served with the Summons and Complaint. A substantive response as to all Requests and Interrogatories will be forth coming.

1. Defendant objects to the definitions of "K&T", "Klayman", "Toskes" and "Manasseh" due to the inclusion of "attorneys" in their definitions. All communications between K&T, Klayman, Toskes, Manasseh and their attorneys are attorney-client protected communications.

2. Defendant objects to the definition of "document" or "documents" as it is overbroad in scope with respect to subject matter. The definition also includes items which are

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is irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence.

3. Defendant objects to the definition of “communication” to the extent it includes any communications which are attorney-client protected communications.

4. Defendant objects to Plaintiff’s instruction in Paragraph Number 30 of the Request for Production which states that: “[T]he relevant time period for the creation and/or transmission of any Documents is January 1, 2010 through the present” and in Paragraph Number 3 of the First Set of Interrogatories which states that: “The scope of these interrogatories is limited to the period between January 1, 2010 through the date of this Request, unless otherwise stated.” This time period is overbroad in scope. This time period includes matters after Plaintiff terminated the attorney-client relationship with Defendants and is therefore overbroad. Any time period following Plaintiff’s termination of the attorney-client relationship with Defendants is irrelevant and immaterial to the matters at issue in this cause and is not reasonably calculated to lead to the discovery of admissible evidence.

5. With request to Request for Production Number 7, Defendant objects to the Request as it is overbroad in scope with respect to subject matter and time. The Request includes information protected by the work-product doctrine and the attorney-client privilege. To the extent the Request seeks any communications after Plaintiff’s termination of the attorney client-relationship with Defendants on May 11, 2012, the Request seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence.

6. With respect to Request for Production Number 15, Defendant objects to the extent it seeks any communications after Plaintiff's termination of the attorney client-relationship with Defendants on May 11, 2012 on the basis that the Request seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence. The Request includes information protected by the work-product doctrine and the attorney-client privilege.

7. With respect to Request for Production Number 16, Defendant objects on the basis that the Request includes information protected by the work-product doctrine and the attorney-client privilege.

8. With respect to Request for Production Number 17, Defendant objects on the basis that the Request includes information protected by the work-product doctrine and the attorney-client privilege. In addition, the Request seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence.

9. With respect to Request for Production Number 18, Defendant objects on the basis that the Request includes confidential proprietary business information and seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence.

10. With respect to Request for Production Number 19, Defendant objects on the basis that the Request includes confidential proprietary business information and seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence.

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11. With respect to Request for Production Number 20, Defendant objects on the basis that the Request includes confidential proprietary business information and seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence.

12. With respect to Request for Production Number 22, Defendant objects on the basis that the Request seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence.

13. With respect to Request for Production Number 23, Defendant objects on the basis that the Request seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence.

14. With respect to Request for Production Number 24, Defendant objects to the extent it seeks any communications, documents or file materials after Plaintiff's termination of the attorney client-relationship with Defendants on May 11, 2012 on the basis that the Request seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence. Further, the Request is overbroad in scope with respect to subject matter and time and includes information and documents protected by the work-product doctrine and the attorney-client privilege.

15. With respect to Request for Production Number 25, Defendant objects to the Request on the basis that the Request seeks documents which are irrelevant and immaterial to the

matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence.

16. With respect to Request for Production Number 26, Defendant objects to the Request on the basis that the Request seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence.

17. With respect to Request for Production Number 27, Defendant objects to the extent it seeks any communications, documents or file materials after Plaintiff's termination of the attorney client-relationship with Defendants on May 11, 2012 on the basis that the Request seeks documents which are irrelevant and immaterial to the matters at issue in this cause and which are not reasonably calculated to lead to the discovery of admissible evidence. Further, the Request is overbroad in scope with respect to subject matter and time and includes information and documents protected by the work-product doctrine and the attorney-client privilege.

18. With respect to Interrogatory Number 1, Defendant objects to the Interrogatory on the basis that it is overbroad in scope with respect to time and that it seeks information which is irrelevant and immaterial to the matters at issue in this cause and which is not reasonably calculated to lead to the discovery of admissible evidence.

19. With respect to Interrogatory Number 2, Defendant objects to the Interrogatory on the basis that it seeks information which is irrelevant and immaterial to the matters at issue in this cause and which is not reasonably calculated to lead to the discovery of admissible evidence.

20. With respect to Interrogatory Number 3, Defendant objects to the Interrogatory on the basis that it is overbroad in scope with respect to time and that it seeks information which is

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irrelevant and immaterial to the matters at issue in this cause and which is not reasonably calculated to lead to the discovery of admissible evidence.

21. Nothing herein should be construed to waive any objections which may be available to any other Request for Production or Interrogatory not expressly referenced herein. Defendant specifically reserves its right to all other available objections.

WE HEREBY CERTIFY that on this 17th day of **February, 2017**, I electronically filed the foregoing with the Clerk of the Court by using the Florida Court's E-Filing Portal which will send a notice of electronic filing to all counsel on the attached Service List.

KELLER LANDSBERG PA
Counsel for Defendants
Broward Financial Centre, Suite 1400
500 East Broward Boulevard
Fort Lauderdale, FL 33394
Telephone: (954) 761-3550
Facsimile: (954) 525-2134
Email: david.keller@kellerlandsberg.com
Email: laura.kelly@kellerlandsberg.com
Email: dena.sacharow@kellerlandsberg.com
Email: marie.sanchez@kellerlandsberg.com

By: /s/ Dena B. Sacharow
D. David Keller
Florida Bar No.: 288799
Dena B. Sacharow
Florida Bar No.: 84640

SERVICE LIST

Theodore Babbitt, Esq.
BABBITT & JOHNSON, P.A.
1641 Worthington Rd., Suite 100
West Palm Beach, FL 33409
Ph: 561-684-2500
Fax: 561-684-6308
Email: TedBabbitt@Babbitt-Johnson.com
Email: DCodding@Babbitt-Johnson.com

William B. Lewis, Esq.
James Fakhoury, Esq.
MORGAN & MORGAN, P.A.
Business Trial Group
515 N. Flagler Drive, Suite 2125
West Palm Beach, FL 33401
Ph: 561-227-5858
Fax: 561-227-5859
Email: WLewis@forthepeople.com
Email: JFakhoury@forthepeople.com

Counsel for Plaintiff

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