

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FORMIAMI-DADE COUNTY FLORIDA

GENERAL JURISDICTION DIVISION
CASE NO.: 2018-027699-CA-01 (34)

ACQUALINA 1402, LLC,
A Florida Limited Liability Company,
Plaintiff(s),

v.

ANTONIO BROWN,
Defendant(s).

_____ /

ANTONIO BROWN,
Counter-Plaintiff

v.

ACQUALINA 1402, LLC,
A Florida Limited Liability Company,
Counter-Defendant.

_____ /

ANTONIO BROWN,
Third Party-Plaintiff,

v.

VLADIMIR KIRSANOV,
Third-Party Defendant.

_____ /

**PLAINTIFF'S MOTION FOR SANCTIONS AND FOR APPOINTMENT OF SPECIAL
MASTER TO PRESIDE AT DEFENDANT'S DEPOSITION**

Plaintiff, by and through undersigned counsel, hereby files its Motion For Sanctions and Appointment of Special Master to preside at Defendant's Deposition, and in support, Plaintiff states as follows:

LAW OFFICES OF GEORGE A. MINSKI, P.A.

2475 Hollywood Boulevard ♦ Hollywood, Florida 33020 ♦ Dade (305) 792-2200 ♦ Broward (954) 362-4214

1. During the (attempted) taking of his deposition Defendant, Antonio Brown, was extremely noncompliant and flagrantly disorderly, to the point that he frustrated the totality of the proceeding. Mr. Brown's shameful behavior warrants an order requiring him to re-appear for depositions, subject to terms and conditions that would assure an orderly and productive deposition.
2. As more fully set forth below, the Defendant's reprehensible behavior warrants the imposition of monetary sanctions. Furthermore, Defendant's tumultuous tirades, defiant rants, use of profane language and refusal to comport himself in a civilized and grown-up manner, during the "deposition¹," establishes good cause for appointing a special master to preside at the continuation of Defendant's deposition, at the Defendant's cost.

Status of Proceedings

3. This action was brought to recover damages as a result of the Defendant's breach of residential lease. While in possession and occupation of the Unit, Defendant and/or his invitees, ransacked the interior of the Unit, destroying furnishings and, going so far as throwing objects over the fourteenth floor balcony, crashing on to the pool deck below.
4. Defendant answered the complaint, denied liability and asserted a counterclaim.

Procuring The Defendant's Deposition

5. Plaintiff's attempts to schedule Defendant's deposition started as far back as February 11, 2019. At that time Plaintiff provided 2/27, 2/26, 3/12, 3/13, 3/26, 3/27 or 3/28 as proposed dates for the deposition. A copy of the email is attached hereto as **Exhibit "A."**

¹ The word "deposition" is in quotes to bring attention to the fact no meaningful discovery was able to be had due to the Defendant's disorderly conduct.

6. Plaintiff's counsel followed up on or about March 14, 2019 via email to Defendant's counsel, requesting dates in the next 5 weeks for the Defendant's deposition. A copy of the email is attached hereto as **Exhibit "B."**
7. Receiving no response, on Wednesday, March 20, 2019, the Plaintiff's counsel sent a second request for dates within 4 weeks. A copy of the email is attached hereto as **Exhibit "C."**
8. Having received no response to the March 20th email, Plaintiff's counsel sent an email advising of their intent to file a motion to compel unless a date for Defendant's deposition was provided before the end of the following business day. A copy of the email is attached hereto as **Exhibit "D."**
9. The following day Defendant's counsel responded and requested an extension through the weekend to speak to his client to determine his availability. The undersigned agreed to the weekend extension.
10. On Monday, March 25, 2019, Plaintiff's counsel emailed Defendant's counsel inquiring whether he spoke with the Defendant regarding deposition dates as promised. A copy of the email is attached hereto as **Exhibit "E."**
11. Receiving no reply to the March 25th email, Plaintiff's counsel sent a follow-up email requesting to know if Defendant's counsel had obtained available dates for his client's deposition and advising that the email should be considered Plaintiff's counsel's good faith effort to resolve the matter before seeking a court order. To which, Defendant's counsel provided the date of May 22, 2019 for the Defendant's deposition. A copy of the email chain is attached hereto as **Exhibit "F."**

12. On April 2, 2019, Plaintiff served its notice setting the Defendant's deposition for May 22, 2019. See DE 47.
13. Sensing the likelihood of the Defendant not appearing, and wanting to avoid spending needless time preparing, in an abundance of caution, on May 17, 2019, Plaintiff's counsel emailed Defendant's counsel to confirm the Defendant's deposition for May 22, 2019.
14. Not surprisingly Defendant's counsel responded that the Defendant would not be able to appear, that "we will need to reschedule for a later date," (but offered none) and asked whether he should file for a protective order. A copy of the email chain is attached as **Exhibit "G."**
15. It becoming apparent that that the Defendant was dragging his feet and would not submit for deposition without a court order, Plaintiff's counsel advised Defendant's counsel to immediately file for a protective order.
16. On August 21, 2019², the Court heard argument on Defendant's Motion for Protective Order, denied same, and ordered the Defendant to appear for deposition "on any Tuesday within the next 30 days, Defendant to select which Tuesday."
17. On August 26, 2019, Plaintiff's counsel followed up with Defendant's counsel as to which Tuesday Defendant would be appearing. Defendant's counsel responded and stated that Mr. Brown is in the NFL and has a "crazy schedule." Mr. Heitner stated that he would have to get back to Plaintiff. A copy of the email chain is attached hereto as **Exhibit "H."**
18. On September 3, 2019, Defendant's counsel advised that Mr. Brown would not appear for

² Due to a rotation in the Judicial Section, obtaining a hearing date was prolonged.

his deposition because Mr. Brown had not received approval from his employer, the Oakland Raiders, to miss time to appear for his court ordered deposition. Mr. Heitner instead offered dates in October during the Oakland Raiders' 'bye-week.' (It bears pointing out that in a subsequent email Mr. Heitner makes it clear that he had not yet confirmed the dates he was suggesting.) A copy of the email is attached hereto as **Exhibit "I."**

19. Plaintiff's counsel replied that they were not available, as it was during the week of Yom Kippur, which is observed by Plaintiff's counsel, and that Plaintiff's counsel's week was already 'booked' with other hearings scheduled, including a Summary Judgment hearing on that Friday. (Ironically a few days afterwards, on Saturday September 7, 2019, Brown was released by the Oakland Raiders and signed a contract with the New England Patriots, resulting in Brown having a different 'bye-week' altogether.)
20. Not hearing further from Defendants' counsel regarding alternate dates for Defendant's deposition, and upon the expiration of the Thirty (30) days as per the Court's order dated August 17th, on September 18th Plaintiff filed a motion seeking to find the Defendant in contempt of court for failing to comply as ordered. See DE 76.
21. The very next day after the Motion for Contempt was filed, Defendants' counsel offered to produce the Defendant for deposition for Tuesday, September 24, 2019, a date already scheduled for the depositions of Defendant's agent's corporate representative, Rosenhaus Sports Representation.
22. Ultimately, an agreed order was entered directing the Defendant to appear for deposition in Miami-Dade County on September 24, 2019 and providing for the Rosenhaus depositions to be re-scheduled. A copy of the email chain is attached as **Exhibit "J."**

The Defendant Thwarts The Deposition

23. Problems started arose even before the deposition began. Although scheduled to start at 9:30 a.m., the Defendant did not arrive until nearly 10:00 a.m.
24. Once the deposition started, almost immediately, the Defendant was belligerent and pugnacious, refusing to answer the most routine of questions, despite there being no objection to the questioning coming from his counsel.
25. Rather than answering the questions posed, the Defendant chanted, over and over, as if a mantra, a narrative of his own warped concept of the proceeding, namely; that we should only address his counterclaim. But even when asked questions regarding the counterclaim the Defendant was obstructive.
26. Acting as if he was above the rule of law, the Defendant proceeded to make a mockery of the deposition process. Defendant's antics were so unreasonable that barely twenty (20) minutes into the deposition, his counsel asked for a break to he could speak with the Defendant about his demeanor.
27. When the deposition resumed, the Defendant began texting on his cell phone. Regardless of multiple requests from his own counsel, and from the undersigned, the Defendant continued texting; it is not clear whether Defendant was texting an acquaintance on an unrelated matter, or texting counsel, concerning the deposition questions. Either way, it was highly inappropriate.
28. After approximately another 20-30 minutes, the Defendant required another break. When the deposition resumed the Defendant increased his level of obstructive behavior. At one

point, the Defendant refused to answer any questions, instead saying “next question³” no less than 10 times.

29. Soon thereafter, the Defendant started announcing a countdown, starting at “five (5) minutes,” and counting down the minutes thereafter. Before noon the Defendant left the conference room. After a few minutes had passed, Mr. Heitner went into the hallway to check on the Defendant. Upon his return Mr. Heitner announced that the Defendant had left, and volunteered, to the effect, that Plaintiff’s counsel could now file its motion for sanctions.

30. Although the deposition “commenced” at 10:00 a.m., and the Defendant walked out shortly before noon, much of the time in between was wasted going ‘around in circles’ trying to get the Defendant to participate in a meaningful, non-evasive/obstructive manner.

31. The deposition was videotaped, and the recording will be filed of record as soon as it is available, so then, rather than just reading about the Defendant’s efforts to avoid answering questions, the Court may actually see the Defendant’s shenanigans.

Sanctions

32. A court's determination of the sanction to impose for a party's failure to comply with discovery depends both on the circumstances of the case and what, if any, prejudice the opposing party has suffered. Morris v. Muniz, 252 So. 3d 1143 (Fla. 2018).

33. Trial court, which expressly found that defendant “knew what was going on” and had “total disregard for the consequences” of pending action, and which found that defendant's

³ Taking a page from Bill Belichick’s “Guide to Dealing with the Media”?

actions amounted to willful disregard, did not abuse its discretion in imposing admittedly severe sanctions for discovery violations by striking answer and entering default judgment against defendant. Mercer v. Raine, 443 So. 2d 944 (Fla. 1983).

34. The rationale underlying the sanction of striking a party's pleadings is that a party who has been guilty misconduct in the prosecution or defense of a civil proceeding should not be permitted to continue to employ the very institution it has subverted to achieve her ends. Empire World towers v. CDR Creances SA, 89 So. 3^d 1034, (Fla. 3rd DCA 2012).
35. The imposition of sanctions via awarding fees is warranted for a party's dilatory discovery tactics. Weiss v. Rachlin & Cohen, 745 so. 2d 527 (Fla. 3rd DCA 1999). Discovery violations, where appropriate, may well form the basis for adverse inferences. Moreover, in extreme cases, discovery violations may justify restrictions on a party's ability to submit evidence on points where the party's improper conduct frustrated the opposing party's ability to present her case. Pataro V Pataro, 224 So. 2d 824 (fla. 3rd DCA 2017) citing to Briarwood Capital, LLC v. Lennar Corp., 160 So.3d 544, 546 (Fla. 3d DCA 2015).
36. Efforts to thwart discovery warranted entry of default; evidence reflected Party's continuous pattern of willful, contemptuous and contumacious disregard of lawful court orders concerning its obligation to comply with reasonable discovery requests. AVD Enterprises v Network Acceptance Corp., 555 So. 2d 401 (Fla. 3rd DCA 1989).
37. Sanctions of dismissal of counter claim and striking of answer and affirmative defenses were warranted where defendant had engaged in bad faith "games playing" with the court and opposing counsel by delaying and thwarting orderly process of discovery. HZJ, Inc., Wysocki, 511 So. 2d 1088 (Fla. 3rd DCA 1987).

38. Trial court acted within its discretion in awarding attorney fees to opposing party as a discovery sanction against party who failed to provide meaningful answers at his deposition. Roco Tobacco v Fla. Div. of Alcoholic Beverages, 934 So. 2d 479 (Fla. 3rd DCA 2004). Where certain questions which an investigator employed by counsel for plaintiffs in a negligence action refused to answer on a discovery deposition, relating to his photographing of the scene of accident, were proper and should have been answered, under the Rules of Civil Procedure, it was proper for the court to require payment by plaintiffs of reasonable expense resulting from necessity of defendant bringing a motion to compel answers. Goldstein v Great Atlantic & Pacific Tea Co., 118 So. 2d 253 (Fla. 3rd DCA 1960).
39. In the instant case the Defendant's actions constituted a deliberate failure to comply with a discovery deposition. After being ordered to appear for deposition, the Defendant's disruptive behavior, refusal to answer questions, continuous texting, and walking out before the deposition was concluded, amounted to conduct tantamount to disobedience of the court's order. The egregious nature of Defendant's efforts to thwart his deposition requires the imposition of sanctions.
40. Since August 15, 2019, Plaintiff's counsel has expended approximately forty seven (40) in connection with Defendant's deposition, including but not limited to responding to , preparing for and attending the hearing on Defendant's Motion for Protective order, exchanging emails regarding Defendant's deposition with Defendant's counsel, preparing, organizing and appearing at the deposition, researching and drafting this comprehensive motion. A detailed transaction report describing the services rendered and time spent is

attached as “**Exhibit K.**” As this time was incurred and wasted due to Defendant’s antics, Defendant should be ordered to pay for this time.

41. Further, the Defendant has demonstrated that he will not willingly submit for nor meaningfully participate in his deposition. Accordingly, the Court should order the Defendant to re-appear for deposition but appoint a special master to attend the deposition, authorize the special master with the power to rule on deposition objections and report to the court any recommendations for further sanctions if the special master believes sanctions are appropriate. Moreover, because it is the Defendant’s caustic attitude that necessitates the appointment of a special master, the Defendant should be ordered to post Ten Thousand (\$10,000.00) Dollars in his counsel’s trust account, in advance, to be applied to compensate the special master for his services.

42. In the alternative to requiring the defendant to submit to a deposition, as the Defendant clearly refused to meaningfully participate in his deposition, the Court should enter an order refusing to allow the Defendant to support or oppose all claims or defenses, and prohibiting the Defendant from introducing designated matters in evidence.

WHEREFORE, Plaintiff requests the entry of an Order:

- a. awarding Plaintiff’s fees incurred due to the Defendant having frustrated efforts to take his deposition, to be paid to Plaintiff within 10 days;
- b. ordering the Defendant to appear for deposition;
- c. appointing a special master with the Defendant being required to pay for same in advance;
- d. or enter an order refusing to allow the Defendant to support or oppose all claims or

defenses, and prohibiting the Defendant from introducing designated matters in evidence; and

e. awarding such other relief as the Court deems just and proper.

Respectfully Submitted,

By: /s/George A. Minski, Esq.

George A. Minski, Esq.

FBN. 724726

gminski@minskilaw.com

Christin C. Gallardo, Esq.

FBN: 798231

cgallardo@minskilaw.com

LAW OFFICES OF GEORGE A. MINSKI, P.A.

Counsel for Plaintiff

2475 Hollywood Boulevard

Hollywood, FL 33020

Dade: 305-792-2200

Broward: 954-362-4214

Primary email: dgomez@minskilaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Florida Courts E-Filing Portal, pursuant to Fla. Sup. Ct. Admin. Order AOSC13-49 on this 2nd day of October, 2019 to **Darren A. Heitner, Esq.** counsel for Defendant, darren@heitnerlegal.com.

By: /s/George A. Minski

George A. Minski, Esq.

FBN. 724726

Email: cgallardo@minskilaw.com

On Mon, Feb 11, 2019 at 10:38 AM Christin Gallardo <cgallardo@minskilaw.com> wrote:

Good Morning Darren:

Based on the emails from last week, we notified our client the depo was cancelled for now. Please file a notice of cancellation and send us a copy.

We would like to schedule your client's deposition and that of Juan Manuel Nefi. We have availability on the following dates: February 27 and 28th, March 12 and 13th or March 26, 27 and 28th. We anticipate one day for Mr. Brown and one day for Mr. Nefi. Please advise as to whether these dates are agreeable. If not, please provide alternative dates in February/March.

Best Regards,

Christin Coleman Gallardo

Attorney at Law

Law Offices of George A. Minski, P.A.

2475 Hollywood Boulevard

Hollywood, FL 33020

Tel 305-792-2200

Tel 954-362-4214

Fax 786-472-6990

email cgallardo@minskilaw.com

EXHIBIT "A"

From: Christin Gallardo <cgallardo@minskilaw.com>
Sent: Thursday, March 14, 2019 1:18 PM
To: 'Darren Heitner' <darren@heitnerlegal.com>; 'Alan Wilmot' <alan@heitnerlegal.com>
Cc: Dora Gomez <dgomez@minskilaw.com>
Subject: RE: Aqualina v Brown, deposition cancellation, deposition dates

Hi Darren:

We would prefer to do limited discovery before mediation. We want to take your client and the trainer, Manuel Nefi. We will also make our corporate representative available. Please let me know yours and your client's availability in the next 5 weeks.

Thanks,

Christin Coleman Gallardo
Attorney at Law
Law Offices of George A. Minski, P.A.
2475 Hollywood Boulevard
Hollywood, FL 33020
Tel 305-792-2200
Tel 954-362-4214
Fax 786-472-6990
email cgallardo@minskilaw.com

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Christin Gallardo

From: Christin Gallardo
Sent: Wednesday, March 20, 2019 8:49 AM
To: 'Darren Heitner'; 'Alan Wilmot'
Cc: 'Dora Gomez'; George Minski
Subject: RE: Aqualina v Brown, deposition cancellation, deposition dates

SECOND REQUEST

Darren:

Please provide dates for your client's deposition within the next four weeks. Should we not hear back from you by close of business tomorrow with dates, we will unilaterally set it.

Thanks,
Christin

Christin Coleman Gallardo
Attorney at Law
Law Offices of George A. Minski, P.A.
2475 Hollywood Boulevard
Hollywood, FL 33020
Tel 305-792-2200
Tel 954-362-4214
Fax 786-472-6990
email cgallardo@minskilaw.com

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From: Darren Heitner <darren@heitnerlegal.com>

Sent: Thursday, March 21, 2019 6:30 AM

To: Christin Gallardo <cgallardo@minskilaw.com>

Cc: Alan Wilmot <alan@heitnerlegal.com>; Dora Gomez <dgomez@minskilaw.com>; George Minski <gminski@minskilaw.com>

Subject: Re: Aqualina v Brown, deposition cancellation, deposition dates

Good morning Christin and apologies for the late reply; I was in an all day mediation yesterday. Please provide me through the weekend to speak with my client to best determine his availability (which is tough to peg down based on his constantly changing schedule). Thanks.

On Wed, Mar 20, 2019 at 8:48 AM Christin Gallardo <cgallardo@minskilaw.com> wrote:

SECOND REQUEST

Darren:

Please provide dates for your client's deposition within the next four weeks. Should we not hear back from you by close of business tomorrow with dates, we will unilaterally set it.

Thanks,

Christin

Christin Coleman Gallardo

Attorney at Law

Law Offices of George A. Minski, P.A.

2475 Hollywood Boulevard

Hollywood, FL 33020

Christin Gallardo

From: Christin Gallardo
Sent: Monday, March 25, 2019 4:47 PM
To: 'Darren Heitner'
Cc: 'Alan Wilmot'; 'Dora Gomez'; 'George Minski'
Subject: RE: Aqualina v Brown, deposition cancellation, deposition dates

Hi Darren: please let me know whether you were able to speak to your client this weekend regarding deposition dates.
Thanks in advance,
Christin

Christin Coleman Gallardo
Attorney at Law
Law Offices of George A. Minski, P.A.
2475 Hollywood Boulevard
Hollywood, FL 33020
Tel 305-792-2200
Tel 954-362-4214
Fax 786-472-6990
email cgallardo@minskilaw.com

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Christin Gallardo

From: Darren Heitner
Sent: Wednesday, March 27, 2019 1:29 PM
To: Christin Gallardo
Cc: Alan Wilmot; Dora Gomez; George Minski
Subject: Re: Aqualina v Brown, deposition cancellation, deposition dates

Christin-

As I'm sure you can appreciate, my client's schedule is constantly changing. That stated, I suggest we tentatively notice it for May 22, as long as your client will be available on the same date. I'd like to try to handle both depositions on the same day. Thanks.

On Wed, Mar 27, 2019 at 1:20 PM Christin Gallardo <cgallardo@minskilaw.com> wrote:

Good Afternoon Darren:

Please let me know if you have obtained available dates for your client's deposition. Please consider this my good faith effort to resolve this matter before seeking a court order.

Best regards,

Christin

Christin Coleman Gallardo

Attorney at Law

Law Offices of George A. Minski, P.A.

2475 Hollywood Boulevard

Hollywood, FL 33020

Tel 305-792-2200

Tel 954-362-4214

Fax 786-472-6990

Christin Gallardo

From: Darren Heitner
Sent: Friday, May 17, 2019 11:03 AM
To: Christin Gallardo
Cc: Alan Wilmot
Subject: Re: Aqualina v. Brown, Deposition

Christin-

Thanks for reaching out on this. I have actually been discussing this particular issue with my client and his NFL agent this morning. Unfortunately, the Raiders will require my client's presence and participation in OTAs in Oakland from May 21 through June 15.

As such, we will need to reschedule the deposition for a later date.

Please let me know if you will work with me to re-notice his deposition or whether I should file a motion for protective order with the court. I am awaiting the delivery of a letter from the Raiders which I intend to attach to the motion, if required to file same.

Thanks.

On Fri, May 17, 2019 at 10:50 AM Christin Gallardo <cgallardo@minskilaw.com> wrote:

Good morning Darren, Can you please confirm the deposition of your client for next week, May 22nd.

Thanks in advance,

Christin Coleman Gallardo

Attorney at Law

Law Offices of George A. Minski, P.A.

2475 Hollywood Boulevard

Hollywood, FL 33020

Tel 305-792-2200

Tel 954-362-4214



Fax 786-472-6990

email cgallardo@minskilaw.com

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--
HEITNER LLP
Darren Heitner / Founder
darren@heitnerlegal.com / 954-558-6999

Heitner Legal, P.L.L.C.
heitnerlegal.com  

Christin Gallardo

From: Darren Heitner
Sent: Monday, August 26, 2019 2:43 PM
To: Christin Gallardo
Cc: Dora Gomez; Alan Wilmot; George Minski
Subject: Re: SERVICE OF COURT DOCUMENT - Case No. 2018-027699-CA-01 (34)

Christin,

I know you are aware of this, but my client is in the NFL and has a crazy schedule. To make matters worse, he is on the West Coast. I am trying to find his availability, which also needs to be coordinated with the team. As soon as I have information for you, I will be providing it.

On Mon, Aug 26, 2019 at 2:25 PM Christin Gallardo <cgallardo@minskilaw.com> wrote:

Hi Darren: Please let me know what Tuesday Brown is appearing. We need to get this arranged with a location and court reporter.

Best Regards, Christin

From: Christin Gallardo <cgallardo@minskilaw.com>
Sent: Thursday, August 22, 2019 10:09 AM
To: 'Darren Heitner' <darren@heitnerlegal.com>; Dora Gomez <dgomez@minskilaw.com>
Cc: 'Alan Wilmot' <alan@heitnerlegal.com>; George Minski <gminski@minskilaw.com>
Subject: RE: SERVICE OF COURT DOCUMENT - Case No. 2018-027699-CA-01 (34)

Hi Darren:

If you dismiss your counterclaim we would be willing to do the depo via video from there as you suggest.

Thanks, Christin

From: Darren Heitner <darren@heitnerlegal.com>
Sent: Wednesday, August 21, 2019 5:37 PM
To: Dora Gomez <dgomez@minskilaw.com>
Cc: Christin Gallardo <cgallardo@minskilaw.com>; Alan Wilmot <alan@heitnerlegal.com>
Subject: Re: SERVICE OF COURT DOCUMENT - Case No. 2018-027699-CA-01 (34)

Thanks.

Christin- Are you willing to do a video deposition of Mr. Brown whereby he goes to a court reporter's office and you are able to see him testify live?

I am trying to avoid an issue with the team and a fine imposed on my client. Since there is a fee shifting provision surrounding this case, we all have a mutual interest in keeping costs down.

On Wed, Aug 21, 2019 at 4:40 PM Dora Gomez <dgomez@minskilaw.com> wrote:

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA	
Case No.:	2018-027699-CA-01 (34)
Case Style:	Aqualina 1402 LLC v. Antonio Brown
Document(s):	1. Order on Antonio Brown's Motion to Quash 2. Order on Defendant's Motion For Protective Order
Sender:	Law Offices of George A. Minski, P.A. Tel: 305-792-2200
EMAIL TO:	
Darren A. Heitner, Esq.	darren@heitnerlegal.com

"A hard copy of the attached document(s) will not be sent by U.S. Mail unless specifically requested".

The transmission of this e-mail message constitutes service under Florida Rule of Judicial Administration 2.516.

Best Regards,

Dora Gomez

Legal Assistant to George A. Minski, Esq.

and Christin Coleman Gallardo, Esq.

LAW OFFICES OF GEORGE A. MINSKI, P.A.

2475 Hollywood Blvd.

Hollywood, FL 33020

Dade Tel: 305-792-2200

Broward Tel: 954-362-4214

Fax: 786-472-6990

Email: dgomez@minskilaw.com

If you have an apple and I have an apple and we exchange apples then you and I will still each have one apple. But if you have an idea and I have an idea and we exchange these ideas, then each of us will have two ideas. - George Bernard Shaw



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Darren A. Heitner, Esq.

Founder

HEITNER LEGAL, P.L.L.C.

P: 954-558-6999

E: darren@heitnerlegal.com W: www.heitnerlegal.com

Author, How to Play the Game: What Every Sports Attorney Needs to Know



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Founder

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Christin Gallardo

From: Darren Heitner
Sent: Tuesday, September 3, 2019 11:50 PM
To: Christin Gallardo
Cc: Alan Wilmot; Dora Gomez; George Minski
Subject: Re: SERVICE OF COURT DOCUMENT - Case No. 2018-027699-CA-01 (34)

Christin-

We have asked permission from the Raiders and have not received approval for our client to miss time, which will be required if forced to be deposed on a Tuesday in September.

But we have a solution that causes no prejudice to your client. Our client has a bye week the week of October 7. The 9th is Yom Kippur. We can make the 8th, 10th or 11th work. These dates are provided in good faith, in an attempt to come to a resolution on choosing a date for deposition without further court intervention.

Please let me know ASAP whether one of those dates will work so that we can coordinate with our client. To be clear, he would be appearing in person in South Florida. Thanks.

On Mon, Aug 26, 2019 at 1:43 PM Darren Heitner <darren@heitnerlegal.com> wrote:
Christin,

I know you are aware of this, but my client is in the NFL and has a crazy schedule. To make matters worse, he is on the West Coast. I am trying to find his availability, which also needs to be coordinated with the team. As soon as I have information for you, I will be providing it.

On Mon, Aug 26, 2019 at 2:25 PM Christin Gallardo <cgallardo@minskilaw.com> wrote:

Hi Darren: Please let me know what Tuesday Brown is appearing. We need to get this arranged with a location and court reporter.

Best Regards, Christin

EXHIBIT I

From: Christin Gallardo <cgallardo@minskilaw.com>
Sent: Thursday, August 22, 2019 10:09 AM
To: 'Darren Heitner' <darren@heitnerlegal.com>; Dora Gomez <dgomez@minskilaw.com>
Cc: 'Alan Wilmot' <alan@heitnerlegal.com>; George Minski <gminski@minskilaw.com>
Subject: RE: SERVICE OF COURT DOCUMENT - Case No. 2018-027699-CA-01 (34)

Hi Darren:

If you dismiss your counterclaim we would be willing to do the depo via video from there as you suggest.

Thanks, Christin

From: Darren Heitner <darren@heitnerlegal.com>
Sent: Wednesday, August 21, 2019 5:37 PM
To: Dora Gomez <dgomez@minskilaw.com>
Cc: Christin Gallardo <cgallardo@minskilaw.com>; Alan Wilmot <alan@heitnerlegal.com>
Subject: Re: SERVICE OF COURT DOCUMENT - Case No. 2018-027699-CA-01 (34)

Thanks.

Christin- Are you willing to do a video deposition of Mr. Brown whereby he goes to a court reporter's office and you are able to see him testify live?

I am trying to avoid an issue with the team and a fine imposed on my client. Since there is a fee shifting provision surrounding this case, we all have a mutual interest in keeping costs down.

On Wed, Aug 21, 2019 at 4:40 PM Dora Gomez <dgomez@minskilaw.com> wrote:

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA	
Case No.:	2018-027699-CA-01 (34)
Case Style:	Aqualina 1402 LLC v. Antonio Brown
Document(s):	1. Order on Antonio Brown's Motion to Quash 2. Order on Defendant's Motion For Protective Order
Sender:	Law Offices of George A. Minski, P.A. Tel: 305-792-2200

EMAIL TO:

Darren A. Heitner, Esq. darren@heitnerlegal.com

"A hard copy of the attached document(s) will not be sent by U.S. Mail unless specifically requested".

The transmission of this e-mail message constitutes service under Florida Rule of Judicial Administration 2.516.

Best Regards,

Dora Gomez

Legal Assistant to George A. Minski, Esq.

and Christin Coleman Gallardo, Esq.

LAW OFFICES OF GEORGE A. MINSKI, P.A.

2475 Hollywood Blvd.

Hollywood, FL 33020

Dade Tel: 305-792-2200

Broward Tel: 954-362-4214

Fax: 786-472-6990

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George Minski

From: George Minski
Sent: Wednesday, September 18, 2019 5:48 PM
To: 'Darren Heitner'
Cc: 'Alan Wilmot'; Christin Gallardo
Subject: RE: Meet and Confer re: AQUALINA 1402 LLC vs ANTONIO BROWN

A pending motion not set for hearing, much less ruled upon, like your motion to quash, accomplishes nothing. I have tried to accommodate your request but you insist on having only your way. I have no concerns appearing before the Judge under these circumstances, particularly since you have not asked the Patriots yet and cannot confirm they will allow Brown to leave. The Judge will most likely pick an arbitrary date and order Brown to appear and in the interim I will proceed with the Rosenhaus depositions. I made my proposal, proceed at your own risk.

From: Darren Heitner <darren@heitnerlegal.com>
Sent: Wednesday, September 18, 2019 5:41 PM
To: George Minski <gminski@minskilaw.com>
Cc: Alan Wilmot <alan@heitnerlegal.com>; Christin Gallardo <cgallardo@minskilaw.com>
Subject: Re: Meet and Confer re: AQUALINA 1402 LLC vs ANTONIO BROWN

We are not agreeing to #3. It has nothing to do with Mr. Brown's deposition and there is a pending motion concerning same. What you wish to do with their deposition cannot be included in this motion. Please advise. Otherwise, we will respond to your pending motion for contempt and indicate that the reason we could not schedule the deposition for Tuesday was because you insisted on including something completely unrelated. I need an answer now so I can coordinate with the Patriots.

On Wed, Sep 18, 2019 at 5:36 PM George Minski <gminski@minskilaw.com> wrote:

Darren, you were waiting for my reply? I got back to you in a matter of hours. Considering you have had several months' time to arrange the deposition, I find your demand for instant gratification to be mildly amusing. Here is a proposed order, please advise.

George A. Minski, Esq.

Law Offices of George A. Minski, P.A.

2475 Hollywood Boulevard

Hollywood, FL 33020

Tel 305-792-2200

Fax 786-472-6990

email gminski@minskilaw.com

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From: Darren Heitner <darren@heitnerlegal.com>

Sent: Wednesday, September 18, 2019 5:03 PM

To: George Minski <gminski@minskilaw.com>

Cc: Alan Wilmot <alan@heitnerlegal.com>; Christin Gallardo <cgallardo@minskilaw.com>

Subject: Re: Meet and Confer re: AQUALINA 1402 LLC vs ANTONIO BROWN

George-

One has nothing to do with the other. I'm proposing producing Brown pursuant to an agreed order requiring his appearance. The court can determine sanctions if he does not appear. But I need to know right now. I've been waiting for your reply and spoke with Ms. Gallardo but she said she needed to speak with you. We need to inform the Patriots today if you wish to proceed with the deposition on Tuesday.

On Wed, Sep 18, 2019 at 4:58 PM George Minski <gminski@minskilaw.com> wrote:

This coming Tuesday are Rosenhaus depositions. Are you proposing producing Brown pursuant to an agreed order requiring his appearance, providing for sanctions if he fails to appear and moving the Rosenhaus depositions, withdrawing your motion to quash?

From: Darren Heitner <darren@heitnerlegal.com>

Sent: Wednesday, September 18, 2019 1:34 PM

To: George Minski <gminski@minskilaw.com>

Cc: Alan Wilmot <alan@heitnerlegal.com>; Christin Gallardo <cgallardo@minskilaw.com>

Subject: Meet and Confer re: AQUALINA 1402 LLC vs ANTONIO BROWN

Mr. Minski,

We are in receipt of the Motion for Contempt. Before formally responding to same, and as a measure of good faith and so as not to abuse judicial resources, if I can confirm Mr. Brown's attendance in South Florida for a deposition this coming Tuesday, will you drop the motion and file a notice to take his deposition accordingly?

Please advise. Thanks.



Darren A. Heitner, Esq.

Founder

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EXHIBIT K

Client	Trans Date	Tmkr	H P	Tcode/ Task Code	Rate	Hours to Bill	Amount		Ref #
Client ID 1329.001 Acqualina 1402 LLC									
1329.001	09/26/2019	1	P	1	400.00	2.70	1,080.00	Work on Motion for Sanctions	311
1329.001	09/27/2019	2	P	1	300.00	0.10			312
1329.001	09/27/2019	4	P	1	75.00	0.30			
1329.001	09/27/2019	4	P	1	75.00	0.30			
1329.001	09/27/2019	1	P	1	400.00	3.50	1,400.00	Finalize Draft Motion for Sanctions	315
1329.001	09/30/2019	2	P	1	300.00	1.50	450.00	Edit, review motion; cull email for exhibits; preparation of same for attachment to motion.	316
1329.001	09/30/2019	2	P	1	300.00	0.70	210.00		317
1329.001	10/01/2019	2	P	1	300.00	0.30	90.00		318
Total for Client ID 1329.001					Billable	53.00	17,987.50	Acqualina 1402 LLC Antonio Brown	
GRAND TOTALS									
					Billable	53.00	17,987.50		