

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY,
FLORIDA
Family Division
Case No. 501971 DR004137XXDIFD

In Re Marriage of
WILLIAM A. CABANA
Petitioner, Former Husband, pro se

and

SHARON ANN MAYO f/k/a
SHARON ANN CABANA
Respondent/Former Wife.

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Motion in Opposition to Deposition and Discovery

COMES NOW WILLIAM A. CABANA, pro se, respectfully objecting to Respondent's Notice of Taking Deposition Duces Tecum and Re-Notice of Taking Deposition Duces Tecum of financial bank documents. In support he offers,

1. The Wachovia (formerly SouthTrust Bank) records requested are for the personal account and sole use of the Petitioner's 88 year old Mother. In addition to the Petitioner's name on the account, is the name of the Mother's sister who resides in Rhode Island. Both Petitioner and Sister are on the account for the sole reason of administering the Mother's account in the event of her death or incapacity.
2. The Petitioner in no way uses this account for any reason for his personal purposes.
3. Personal financial documents and information are of the utmost privacy to a Floridian.

4. Sharon Mayo request for my personal financial records when she has failed to disclose her financial information pursuant to Request to Produce interrogatories of March 19, 2004, and for which she has failed to offer accurate financial records which would demonstrate a need for alimony, is a violation of the Florida Constitutional Right of Privacy (Article I Section 23) of all persons on the account.

5. William A. Cabana has previously moved this court to rule on the constitutionality of the Family Law Procedures and Chapter 61 discovery rules and statutes.

6. It is improper to set the deposition and discovery without a court ruling on the facial and as applied constitutionality of the Chapter 61 and Family Rules of Procedure relating to discovery of personal financial information 33 years after entrance of a dissolution of marriage judgment without a demonstrated need for support by the party requesting discovery.

7. The state lacks a compelling state interest to require the Petitioner to disclose personal financial information over 33 years after dissolution of his marriage when Sharon Ann Mayo has not complied with discovery requests for financial information and has not demonstrated a need for alimony.

8. The state lacks a compelling state interest to require the Petitioner to disclose personal financial information when a fairly recent financial affidavit on record with this court indicates the Petitioner's financial status, i.e. he has income below the United States Department of Health and Human Services 2004 poverty income level for a single person. The financial affidavit indicates his assets and liabilities and income.

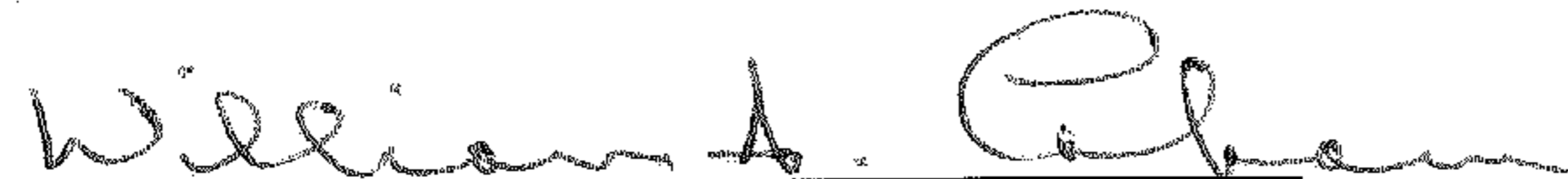
Respectfully submitted,



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Certificate of Service

I certify that a copy of this Motion in Opposition to Deposition and Discovery was mailed to Cathy L. Kamber, P.A., Attorneys for former wife., 1675 Palm Beach Lakes Boulevard, The Forum, Tower A, Suite 700, West Palm Beach, FL 33401 this 22nd day of June, 2005



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