

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

**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.**

**Former Husband's Motion To Deny Former Wife's Motion To Vacate
Ex-Parte Order Granting Former Husband's Ex-Parte Motion to
Compel Discovery Pursuant To Administrative Order No. 5.011-9/92,
Subsection B**

COMES NOW WILLIAM A. CABANA, pro se, respectfully files his Motion To Deny Former Wife's Motion To Vacate Ex-Parte Order Granting Former Husband's Ex-Parte Motion to Compel Discovery Pursuant To Administrative Order No. 5.011-9/92, Subsection B. In support he offers,

1. On December 12, 2005 Former Husband filed his Ex-Parte Motion to Compel production by Former Wife in compliance with Requests to Produce with certificate of service dates of June 13, 2005, August 5, 2005 and August 20, 2005.
2. On November 30, 2005, in compliance with Administrative Order No. 5.011 Section A, Former Husband sent opposing counsel a list of items still outstanding in an attempt to resolve the issue. (Exhibit A)

3. Former Wife has not complied with the Family Law Rules of Procedure 12.285 in providing subject production. The following is a list of items that have yet to be produced based on the above Requests to Produce.

Request to Produce with certificate of service dated June 13, 2005 and attached 4 page list of documents:

- A. Item 3. Tax returns for 2003 and 2004.
- B. Item 4. Intangible Personal Property Tax returns for 2002 thru 2004.
- C. Item 6. Income and expense statements for rental properties along with leases, receipts, invoices or other evidence substantiating entries on the statements.
- D. Item 7. Copies of credit card statements to the extent not previously produced.
- E. Missing records of income other than pay statements.
- F. Item 15. Promised but not provided to date.
- G. Item 20. Income and expense statements from Sherry Cleaning business along with receipts, invoices or other evidence substantiating entries on the statements.
- H. Item 23. Promised but not provided to date.
- I. Item 27. All documents specified in Florida Family Law Rules of Procedure 12.285 (d)(1) thru (17).
- J. Item 29. Copies of any evidence, which will be used in court.
- K. Item 30. Nothing has been provided.
- L. Item 33. Nothing has been provided

Request To Produce with certificate of service dated August 5, 2005 – Wachovia records:

- A. A copy of the signed court orders, subpoenas or order authorizing the disclosure of the financial records for the above referenced deposition.
- B. A detailed listing of the records disclosed.
- C. Copies of all the documents to be admitted as evidence in court.

4. Former Husband denies the allegations in paragraph 2. Former wife has neglected to mention section A of Administrative Order No. 5.011 which states: “No motions to compel discovery will be heard unless the motion or notice of hearing bears a certificate of moving counsel to the effect that he or she contacted opposing counsel and attempted to resolve the discovery dispute without a hearing, but that the matter could not be resolved.”


5. At the time of filing the Ex-Parte Motion to Compel on December 12, 2005, Former Husband had complied with Administrative Order No. 5.011 Sections A and B while Former Wife had “completely” failed to respond with the list of subject production.
6. On December 13, 2005, documents in response to the August 20th Request to Produce were received by Former Husband after the Ex-parte Motion to Compel had been filed.
7. Former Husband denies the allegations in paragraph 3 of her compliance with the three requests to produce. On November 30, 2005, Former Wife was faxed a list of sixteen (16) items that were outstanding. On December 13, 2005, She only responded with two (2) of those outstanding items.
8. Former Husband requires the subject production items to prepare for the trial in this matter, which is specially set on January 5, 2006. Former Wife has resisted all efforts of Former Husband to obtain the above listed documents.
9. Former Husband has incurred costs as a result of Former Wife’s continued abuse of the discovery process for which Former Wife should be held answerable.

WHEREFORE WILLIAM A. CABANA prays that the Court take jurisdiction over this matter, enter such orders as are appropriate to expedite consideration of this motion, and:

1. Deny Former Wife’s requests to vacate this court’s order of December 13, 2005 and to compel subject production of outstanding items listed in paragraph 3 above.
2. Awarding WILLIAM A. CABANA all costs pursuant to F.S. §86.011 and F.S. §57.041, this motion.

3. For such and other relief that may be proper.

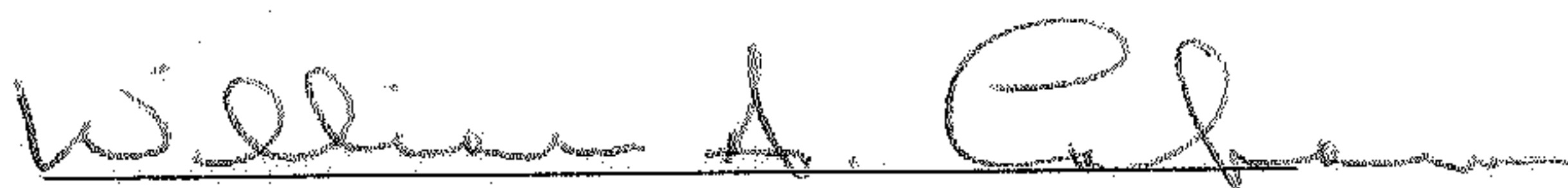
Respectfully submitted,

 Dated: December 20, 2005

William A. Cabana, pro se
1050 Capri Isles Blvd., Apt F-105
Venice, FL 34292
Telephone/Fax: 941-480-1395
Email: bcabana2@comcast.net

Certificate of Service

I certify that a copy of this Former Husband's Motion To Deny Former Wife's Motion To Vacate Ex-Parte Order Granting Former Husband's Ex-Parte Motion to Compel Discovery Pursuant To Administrative Order No. 5.011-9/92, Subsection B was faxed and 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 20 day of December, 2005



William A. Cabana, pro se
1050 Capri Isles Blvd., Apt F-105
Venice, FL 34292
Telephone/Fax: 941-480-1395
Email: bcabana2@comcast.net

WILLIAM A. CABANA
1050 Capri Isles Blvd., # F-105
Venice, FL 34292

Phone/Fax (941)480-1395
bcabana2@comcast.net

November 29, 2005

Cathy L. Kamber, Esq.
1675 Palm Beach Lakes Boulevard
The Forum, Tower A, Suite 700
West Palm Beach, FL 33401

Re: Case No. 501971DR004137XXDIFD

Dear Ms. Kamber:

This faxed letter is to advise you that per my Requests to Produce, there are still items outstanding that have not been provided to me. The following is a list of those items:

A. Request to Produce with certificate of service dated June 13, 2005 and attached 4 page list of documents.

1. Item 3. Tax returns for 2003 and 2004. If they have not been filed, you will need to supply a statement of verification from her CPA and some evidence of an extension granted by the IRS.
2. Item 4. If no Intangible Personal Property Tax returns were filed for 2002 thru 2004, you will need to supply a statement of verification from her CPA.
3. Item 6. Income and expense statements for rental properties along with leases, receipts, invoices or other evidence substantiating entries on the statements.
4. Item 7. Copies of credit card statements to the extent not previously produced. This is your authorization to do so.
5. Item 14. Missing records of income other than pay statements.
6. Item 15. Promised but not provided to date.
7. Item 20. Income and expense statements from Sherry Cleaning business along with receipts, invoices or other evidence substantiating entries on the statements.
8. Item 23. Promised but not provided to date.
 - a. Item 27. All documents specified in Florida Family Law Rules of Procedure 12.285 (d)(1) thru (17).
9. Item 29. Copies of any evidence, which will be used in court.
10. Item 30. Nothing has been provided.
11. Item 33. Nothing has been provided

B. Request To Produce with certificate of service dated August 5, 2005 – Wachovia records

1. A copy of the signed court orders, subpoenas or order authorizing the disclosure of the financial records for the above referenced deposition.
2. A detailed listing of the records disclosed.
3. Copies of all the documents to be admitted as evidence in court.

EXHIBIT A

C. Request to Produce with certificate of service dated August 20, 2005 – Colonial Bank and Paypal records

1. A copy of the signed court orders, subpoenas or order authorizing the disclosure of the financial records for the above referenced deposition.
2. A detailed listing of the records disclosed.
3. Copies of all the documents obtained from Colonial Bank and Paypal, Inc. to be admitted as evidence in court.

For the August 20, 2005, Request to Produce you have indicated this evidence is available for inspection at your office. You are aware that it is extremely inconvenient and prohibitively expensive for me to travel across state to view your evidence. Offering the evidence in this manner effectively prohibits my access to them.

Sending this information to me is not burdensome and offering the evidence in your office deviates from your previous methods in complying with requests to produce. I respectfully request that you reconsider imposing this restriction and to mail copies of the documents in the normal manner as you have in the past.

Since time is of the essence, you are requested to send me all the requested information within ten (10) days of the date hereof.

Respectfully yours,



William A. Cabana