

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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**Former Husband's Motion To Discovery Requests**

Comes now the former husband WILLIAM A. CABANA, pro se, respectfully objecting to Respondent's Notice of Hearing and Motion to Compel Financial Affidavit.

In support he offers,

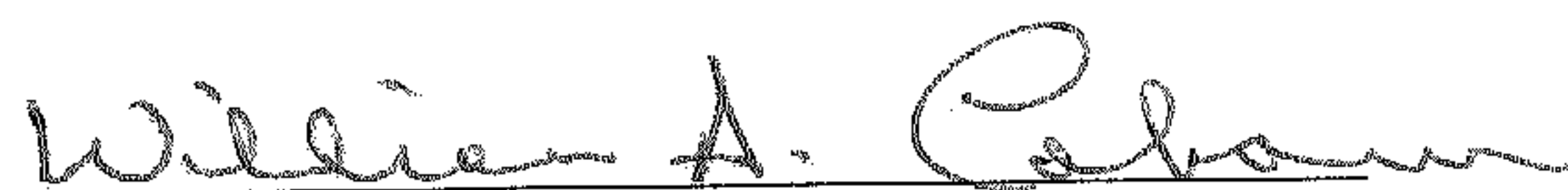
1. Former Husband, on March 19, 2004, filed a financial affidavit with this court. It is part of the court record. It was filed concurrently with a Supplemental Petition for Modification of Alimony. Former Wife's counsel has ignored this fact and is harassing Former Husband with request for yet another Financial Affidavit.
2. Former Wife's obligation to file a Financial Affidavit and respond to interrogatories as required in the Supplemental Petition for Modification proceedings filed March 19, 2004 has been intentionally ignored. She is in violation of Rules 1.340, 1.380 and 12.285 of the Florida Family Law Rules of Procedure and Rule 1.350 of the Florida Rules of Civil Procedure. She does not come to court with "Clean Hands."

3. On or about April 19, 2005, Former Wife served a Request for Financial Affidavit. Said request had a 30-day period for response.
4. On or about May 10, 2005, the opposing attorney, in an attempt to harass the Former Husband, erroneously filed Former Wife's Motion To Compel Financial Affidavit indicating that Former Husband was obligated to serve his Financial Affidavit by May 4, 2005. This date was far short of the 30 day time period allotted for response to the April 19, 2005 filing.
5. Personal financial documents and information are of the utmost privacy to a Floridian.
6. Production of personal financial information pursuant to statute violates the Petitioner's Fla., Con Article I Section 23 Right to Privacy.
7. The state lacks a compelling state interest to require the Petitioner to disclose personal financial information over 30 years after dissolution of his marriage.
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.

WHEREFORE former husband prays that this Honorable Court enter an order declaring Chapter 61 financial discovery provisions impermissibly infringe the Fl. Con. Art. I Section 23 Right to Privacy; deny request for attorney fees and costs as Former wife comes with unclean hands and in fact the information requested had been on file and provided to the Former spouse.

Furthermore, grant Former Husband's motion to terminate alimony and declare Chapter 61 alimony sections impermissibly infringe the Fl. Con. Art. I Section 23 Right to Privacy.

Respectfully submitted,



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Certificate of Service

I certify that a copy of this Motion to Discovery Requests was mailed and faxed to Cathy L. Kamber, Esq., 1675 Palm Beach Lakes Boulevard, The Forum, Tower A, Suite 700, West Palm Beach, FL 33401, this 16th day of May, 2005



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