

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

IN RE: THE MARRIAGE OF

CASE NO: 501971DR004137XXDIFD

WILLIAM A. CABANA,
Petitioner/Former Husband,

FAMILY DIVISION

and

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

ORDER ON FORMER WIFE'S MOTION FOR SANCTIONS

THIS CAUSE came before the Court upon Former Wife's Motion for Sanctions. The Court, having considered the testimony and evidence presented, and being otherwise fully advised in the premises,

FINDS and DECIDES as follows:

- 1) Former Husband filed four Notices of Production from Non-Party, directed to non-parties Wachovia Bank, Hyman Zacharia, C.P.A., Bell South and Benjamin Malvinni on or about July 25, 2005;
- 2) The proposed subpoenas annexed to the notices were not issuable by the Clerk of Court, as required by the Rules of Civil Procedure since Former Husband, a non lawyer, is representing himself *pro se* in the captioned matter;
- 3) Former Wife timely filed Objections to the Notices of Production;

- 4) Nonetheless, the Former Husband furnished copies of the subpoenas and Notices of Production from Non-Party, contrary to the specific dictates of Florida Rule of Civil Procedure 1.351 (b);
- 5) Wachovia bank thereupon furnished documents to Former Husband;
- 6) This Court has repeatedly advised Former Husband that he is responsible for complying with the rules of procedure if he continues to represent himself in this cause;
- 7) The Former Wife has incurred attorneys fees as a result of the foregoing, for which Former Husband should be held accountable. Former Wife's counsel has expended 1.7 hours at an agreed hourly rate of \$275.00 per hour, all of which the Court finds to be reasonable.

IT IS THEREUPON

ORDERED AND ADJUDGED as follows:

1. The Former Husband shall forthwith deliver to counsel for Former Wife any and all documents received by him from Wachovia Bank, Hyman Zacharia, C.P.A., Bell South and Benjamin Malvinni
2. No further subpoenas shall be issued on behalf of Former Husband in this matter except those issued by the Clerk of Courts or by counsel of record.
3. In the event that Former Husband propounds any further Notice of Production from Non-Party, he is hereby enjoined from forwarding copies of any such Notice of Production, or annexed proposed subpoena, to the person upon whom the subpoena is to be

served.

4. The Former Husband shall pay to Cathy L. Kamber, Esq. the sum of \$467.50 on or before November 1, 2005

5. The Court retains jurisdiction to enter such other and further orders as may be proper, including an award of attorney's fees to Former Wife.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida, this 28 day of September, 2005.

SIGNED & DATED

SEP 28 2005

CIRCUIT COURT JUDGE

JUDGE MARTIN H. COLIN

Cathy L. Kamber, Esq., 1675 Palm Beach Lakes Blvd., Suite 700, West Palm Beach, FL 33401

William A. Cabana, 1050 Capri Isles Blvd., #F105, Venice, FL 34292