

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CIVIL DIVISION

AILEEN PASKOFF,

Case No. 205010CAXXXX030473MB-AA

Plaintiff,

vs.

AVATAR PROPERTY & CASUALTY  
INSURANCE COMPANY

Defendant

**PLAINTIFF'S MOTION TO COMPEL DEPOSITION**  
**OF JOHN ADHIA**

COMES NOW, the Plaintiff, AILEEN PASKOFF ("PLAINTIFF"), by and through her undersigned counsel and pursuant to Rule 1.310 of the Florida Rules of Civil Procedure, hereby moves this Honorable Court for entry of an order compelling John Adhia ("ADHIA") to appear for deposition within thirty (30) days of this Order, and as grounds therefore states the following:

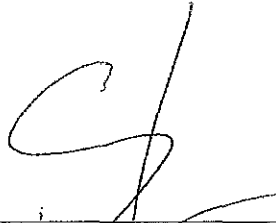
1. On or about March 5, 2012, Plaintiff sent correspondence to the Defendant requesting that the Defendant provide dates for the Deposition of ADHIA. Correspondence attached herein as Exhibit "A".
2. To date, counsel for Defendant has not provided undersigned with available dates for the deposition.
3. Plaintiff's counsel requires this deposition as part of discovery. ADHIA is a fact witness in this case.
4. During the deposition of Joseph Jarmy ("JARMY"), Plaintiff's counsel was made aware that ADHIA visited Plaintiff and her property during the claim adjustment process (Jarmy deposition (73:11-74:3) (Exhibit "B")).
5. ADHIA had a conversation with Plaintiff, the nature of which is unknown (Jarmy deposition 76:13-77:13) (Exhibit "C").

6. ADHIA'S conversation with Plaintiff and observations are relevant to this case.

**WHEREFORE**, for the foregoing reasons, Plaintiff, AILEEN PASKOFF, hereby respectfully requests that this Honorable Court enter an order compelling JOHN ADHIA to appear for deposition, and for any and all relief this Court deems just and proper.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via facsimile and U.S. Mail on this 16<sup>th</sup> day of March, 2012, to Mark T. Babcock, Esquire and William J. McFarlane, III, Esquire, McFarlane, Dolan & Barnett, 210 North University Drive, 6<sup>th</sup> Floor, Coral Springs, Florida 33071.



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SHAUN J. MARKER, ESQUIRE  
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Attorneys for Plaintiff

# MERLIN

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March 5, 2012

VIA FACSIMILE (954) 340-0055 and by U.S. Mail

Mark Babcock, Esquire  
McFarlane, Dolan & Barnett  
10394 West Sample Road, Suite 201  
Coral Springs, FL 33065

**Re: Aileen Paskoff v Avatar Property & Casualty Insurance Company**  
**Claim No.:** 20100249  
**Policy No.:** HOFL100197503  
**DOL:** 7/22/2010

Dear Mr. Babcock:

During Joe Jarmy's deposition, you indicated that you will amend Defendant's privilege log to include the claim activity log notes and any other material from the claim file that was not initially listed to which you will assert privilege. Please forward a copy of the amended privilege log as soon as possible.

Be advised that my client would like to continue Don Livengood's deposition. Particularly in light of his statements at the first part of his testimony where he states Avatar's investigation into alleged fraud is still ongoing. My schedule is fairly open the first week of May. Please provide me with yours and Mr. Livengood's availability for that time frame and have our offices coordinate the deposition. We would also like to depose Avatar's CEO, John Adhia, preferably during the same week we depose Don Livengood. Please provide us with available dates for this deposition also. Unless we hear from you within the next 10 days regarding John Adhia's availability for deposition, we will file a Motion to Compel Deposition with the Court.

Please do not hesitate to call my office if you have any questions or if you would like to discuss further.

Sincerely,

MERLIN-LAW GROUP, P.A.

SHAUN J. MARKER, ESQUIRE

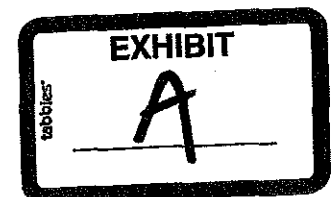
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\* \* \* Communication Result Report ( Mar. 5. 2012 2:09PM ) \* \* \*

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Date/Time: Mar. 5. 2012 2:09PM

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March 5, 2012

VIA FACSIMILE (954) 340-0055 and by U.S. Mail

Mark Babcock, Esquire  
 McFarlane, Dolon & Barnett  
 10394 West Sample Road, Suite 201  
 Coral Springs, FL 33065

Re: Alteen Paskoff v Avatar Property & Casualty Insurance Company  
 Claim No.: 20100249  
 Policy No.: HOFL180197503  
 DOL: 7/22/2010

Dear Mr. Babcock:

During Joe Jarmy's deposition, you indicated that you will amend Defendant's privilege log to include the claim activity log notes and any other material from the claim file that was not initially listed to which you will assert privilege. Please forward a copy of the amended privilege log as soon as possible.

Be advised that my client would like to continue Dan Livengood's deposition. Particularly in light of his statements at the first part of his testimony where he states Avatar's investigation into alleged fraud is still ongoing. My schedule is fairly open the first week of May. Please provide me with yours and Mr. Livengood's availability for that time frame and have our offices coordinate the deposition. We would also like to depose Avatar's CEO, John Adhia, preferably during the same week we depose Don Livengood. Please provide us with available dates for this deposition also. Unless we hear from you within the next 10 days regarding John Adhia's availability for deposition, we will file a Motion to Compel Deposition with the Court.

Please do not hesitate to call my office if you have any questions or if you would like to discuss further.

Sincerely,

MERLIN LAW GROUP, P.A.

SHAWN J. MARKER, ESQUIRE

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1 or card or anything, for example?

2 A. I don't have it with me, no.

3 Q. Okay. So how many fans or pieces of dry-  
4 out equipment would need to be in a property the  
5 size of Ms. Paskoff's in your understanding of it at  
6 least?

7 A. I'd have to go through the layout.

8 Q. Do you know if 911 Restoration did  
9 additional dry-out work at her property?

10 A. I'm not sure exactly.

11 Q. Who was present during the third  
12 inspection of Ms. Paskoff's property? You were out  
13 there three times. Right?

14 A. I believe so, yeah.

15 Q. Who was there on the third one?

16 A. I took Mr. Stan Trim and John Adia.

17 Q. How do you spell John's name?

18 A. I'm not sure exactly.

19 Q. Is it John or Jonathan?

20 A. I believe it's John. That's all I know.

21 Q. J-o-h-n?

22 A. Correct.

23 Q. Adia. A-d --

24 A. A-d-i-a.

25 Q. And Stanley Trim, T-r-i-m. Right?

1 A. Correct.

2 Q. Anybody else that accompanied you on that  
3 third inspection?

4 A. No.

5 Q. Who was there at the property?

6 A. Mrs. Paskoff.

7 Q. Okay. Anybody else? Maybe a public  
8 adjuster?

9 A. I don't think he was there.

10 Q. Anyone else that you can recall?

11 A. I'm not exactly sure, no.

12 Q. Who is John Adia?

13 A. He's the CEO of the company.

14 Q. The CEO of the company went to  
15 Ms. Paskoff's house.

16 A. Yes.

17 Q. Why?

18 A. They were down here for a visit and  
19 wanted to stop by.

20 Q. Is that usual?

21 A. For him sometimes. It's very rare.

22 Q. What was the CEO of the company -- that's  
23 the CEO of Avatar. Right?

24 A. Uh-huh.

25 Q. What was he down here for?

1 Q. Did he take any photographs or any notes  
2 or anything?

3 A. No.

4 Q. Did you take any photographs or notes  
5 during that third inspection?

6 A. Not that I recall.

7 Q. Did Stanley?

8 A. Not that I recall, no.

9 Q. What was the purpose of that third  
10 inspection?

11 A. I believe they wanted to meet her and go  
12 over some stuff.

13 Q. What did they want to go over?

14 A. I guess they were talking --

15 MR. BABCOCK: Hold on one second. Don't  
16 disclose any conversations you may have had  
17 with John. Any discussions that may have  
18 taken place, any settlement negotiations which  
19 may have taken place I'm going to instruct you  
20 not to answer those questions as there's a  
21 work product privilege for that and a  
22 settlement communication privilege for that.

23 THE WITNESS: Okay.

24 MR. MARKER: How did we get into a work  
25 product and settlement privilege for that?

1 MR. BABCOCK: Them going out to the  
2 property to conduct an inspection, any  
3 discussions that may have taken place between  
4 employees of Avatar, that's privileged.

5 BY MR. MARKER:

6 Q. And I'm just asking about any  
7 conversations that you all had with Ms. Paskoff or  
8 any of her representatives during that inspection.  
9 Okay? So do you recall any conversations that  
10 either of you or the three of you had with  
11 Ms. Paskoff?

12 A. They were mostly talking. I was in the  
13 background.

14 Q. Were you right there observing what  
15 happened?

16 A. I was more or less in the kitchen.

17 Q. Had anything changed at the property since  
18 your last couple of inspections?

19 A. Not to my knowledge I don't recall.

20 Q. You don't know if work had been started?

21 A. No, there has been no work started at  
22 that time.

23 Q. Was Ms. Paskoff still living in the  
24 property at that time?

25 A. To my knowledge, yes.