

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

**NITRO MOBILE SOLUTIONS, LLC,
A Florida Limited Liability Corporation, and
PETER SLADE, an individual, and
MOLLIE SLADE, an individual,**

CASE NO.: 17-CA-010953

DIVISION: J

Plaintiff/Counter-Defendants,

v.

**EYE C SOLUTIONS, LLC,
A Florida Limited Liability Company, and
LISA MONNET, an individual,**

Defendants/Counter-Plaintiffs.

DEFENDANT'S MOTION FOR PROTECTIVE ORDER

COMES NOW, the Defendant, Lisa Monnet, by and through her undersigned counsel, hereby moves this Court for a Protective Order under Florida Rule of Civil Procedure 1.280(c) regarding the Plaintiff, Nitro Mobile Solutions, LLC, deposing the Defendant, Lisa Monnet, and in support thereof, states as follows:

1. In December 2017, Plaintiff, Nitro Mobile Solutions, LLC, filed suit against Defendant, Lisa Monnet, alleging fraud and making multiple accusations about her past and current dealings, as well as her personal business.
2. On March 5, 2018, Defendant, Lisa Monnet, filed a countersuit against Plaintiff, Nitro Mobile Solutions, LLC, for damages arising from breach of contract, tortious interference arising from Plaintiff's, Nitro Mobile Solutions, LLC, misuse of business introductions made by Defendant, Lisa Monnet, in an attempt to help the company.

3. On March 15, 2018 an article in the Tampa Bay Times was published citing that a
“Lawsuit hinges on whether Tampa businesswoman was friends with Richard Branson.”
(see **Exhibit 1**)
4. On March 20, 2018 the Plaintiff, Nitro Mobile Solutions, LLC, filed a Notice of Taking
Deposition, intending to take the Defendant’s, Lisa Monnet, Deposition on May 15, 2018
at 9:30 AM.
5. On April 4, 2018 another article was publish in regard to the present case, this time in the
Tampa Business Journal, citing “Court filing by Tampa tech firm against former interim
CEO sheds light on alleged investment hoax”. (see **Exhibit 2**)
6. On or about the beginning of April, after the notice of deposition was filed, Defendant,
Lisa Monnet, was notified of a website created to disseminate all of the information in
connection with the present case to the public, under the quote “The first and worst of all
frauds...” (see **Exhibit 3**)
7. On April 19, 2018 counsel for Defendant, Lisa Monnet, served a Subpoena Duces Tecum
on GoDaddy and Domains by Proxy in an effort to uncover the individual(s) behind the
website. (see **Exhibit 4**)
8. On May 7, 2018 the Plaintiff, Nitro Mobile Solutions, LLC, filed an amended notice of
Taking Video Deposition of the Defendant, Lisa Monnet, intending to take the
Defendant’s Deposition on the same day as previously noticed May 15, 2018 at 9:30 AM.
(see **Exhibit 5**)
9. On May 14, 2018 Defendant, Lisa Monnet, was unable to meet with counsel to prepare
for her deposition, as she was in the hospital. Counsel for Defendant, Lisa Monnet,
immediately notified counsel for Plaintiff, Nitro Mobile Solutions, LLC, upon learning

that Defendant, Lisa Monnet, was in no shape to prepare for or attend a deposition.

Defendant, Lisa Monnet, authorized the sharing of certain medical information to Plaintiff, Nitro Mobile Solutions, LLC, as a showing of good faith and truthfulness of her medical emergency.

10. At the request of Plaintiff's, Nitro Mobile Solutions, LLC, counsel, a rescheduled deposition was set for May 20, 2018, only a few days after being released from the hospital, assuming that Defendant, Lisa Monnet, would be better and could proceed.
11. On May 17, 2018 Defendant, Lisa Monnet, was still under a doctor's care, which involved both treatment and medication, causing counsel for Defendant, Lisa Monnet, to reschedule the deposition that was tentatively rescheduled, as given the circumstances it would have been improper to proceed.
12. On May 17, 2018 Plaintiff, Nitro Mobile Solutions, LLC, filed a Motion to Compel Deposition of Defendant, Lisa Monnet, attaching her medical information, that was disclosed in good faith as evidence of Defendant's, Lisa Monnet, unavailability. The medical information provided by Defendant's, Lisa Monnet, counsel to Plaintiff, Nitro Mobile Solutions, LLC, has since been made available online for public view, by way of the website and through various media leaks. **(see Exhibit 6)**
13. On June 4, 2018 the Tampa Bay Business Journal published another story, "Tampa Bay Defense Alliance launches financial review amid conflicting stories about former president's departure". The article discusses information known only to parties of this lawsuit. **(see Exhibit 7)**
14. In *Akhnoukh v. Benvenuto*, 219 So. 3d 96, 98 – 99, (Fla. 2d DCA 2017), the Second District Court of Appeals stated:

Rule 1.280(c) provides that a party or person from whom discovery is sought may seek a protective order and that the trial court may issue an order that denies or restricts discovery for “good cause shown.” When “justice requires,” the court may issue an “order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(Quoting *Fla. R. Civ. P.* 1.280(c)).

15. “The trial court has broad discretion in determining whether a protective order is warranted under the circumstances.” *Smith v. Southern Baptist Hosp., Inc.*, 564 So. 2d 1115, 1118 (Fla. 1st DCA 1990).
16. Unquestionably, “[a] trial court possesses broad discretion in overseeing discovery, and protecting the parties that come before it.” See *Bush*, 866 So. 2d at 138 (citing *Rojas v. Ryder Truck Rental, Inc.*, 625 So. 2d 106, 107 (Fla. 3d DCA 1993)). To that end, rule 1.280(c), Florida Rules of Civil Procedure provides that where good cause is demonstrated, the trial court “may make any order to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense that justice requires....” The burden of demonstrating good cause for the issuance of such a protective order, however, falls upon the party seeking that relief. See *Bush*, 866 So. 2d 5 at 138; *Office of Att’y Gen. v. Millennium Commc’ns & Fulfillment, Inc.*, 800 So. 2d 255, 258 (Fla. 3d DCA 2001).
17. Good cause exists as the Defendant, Lisa Monnet, has now on multiple occasions had her private information leaked to the press causing annoyance and embarrassment.
18. Defendant’s, Lisa Monnet, countersuit involves issues of sexual harassment and exploitation, causing the subject matter of the litigation to warrant protection as it alluded to sensitive issues for which Defendant, Lisa Monnet, will endure unnecessary embarrassment and undue emotional burden.

19. Furthermore, good cause exists as the Defendant, Lisa Monnet, has now also had this present court case publicized, by way of telephone calls to all of the “business relationships” alleged in Defendant’s, Lisa Monnet, counter suit, and an inflammatory website to disseminate the inflammatory pleadings, news articles alleging false information and making false claims based on this information that Defendant, Lisa Monnet, is untruthful, causing further annoyance and embarrassment as well as undue burden and expense attempting to find the source of the dissemination of misinformation. **(see Exhibit 8)**

20. Defendant, Lisa Monnet, and counsel are facing an unduly burdensome and oppressive battle on keeping the contents of a Video Deposition private, as many private family, and personal medical issues, have already been disseminated to the public, through the website and press.

21. Furthermore, many of the matters sought by the Plaintiff, Nitro Mobile Solutions, LLC, can be discovered through interrogatories, through deposition on written questions or by non-video means.

- a. Furthermore, being that the Plaintiff’s have utilized their personal laptops and smart phones to record communications between other individuals without their consent or knowledge, we respectfully request that if the Defendant, Lisa Monnet, is to be deposed that the use, inclusion and/ or possession of any such devices during the deposition proceeding be strictly excluded, specifically that all laptops, smart phones or any other device that could be utilized for audio or visual recording of the Deposition are excluded from the room as to allow the parties, their counsel and this court for the purposes of reaching a just and

accurate decision in this case. be specifically and strictly excluded from the room where aforementioned deposition is occurring, this exclusion applies specifically any and all devices utilized for audio and/or video recording of the Deposition are excluded from the room as to allow the parties, their counsel and this court to obtain an accurate record as to enable the court to reach a just and accurate decision in this case.

22. Finally, the Defendant, Lisa Monnet, respectfully requests that if the Defendant, Lisa Monnet, is to be deposed that the contents of the Deposition are sealed and are only available to the counsel for the respective parties and this court for the purposes of reaching a just and accurate decision in this case.

WHEREFORE, the Defendant, Lisa Monnet, respectfully requests the Court enter an Order granting the Defendant's, Motion for Protective Order and finding that:

- a. The Plaintiff, Nitro Mobile Solutions, LLC, is prohibited from deposing the Defendant, Lisa Monnet, by means of Videotaped deposition;
- b. To the extent any discovery be permitted to be served on the Defendant, Lisa Monnet, that it be limited to written requests; and,
- c. any other relief deemed necessary and appropriate by the Court.

Date: August 22, 2018

Submitted by:

____/s/ LeesaAnn N.

Dodds_____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing pleading has been furnished to the Clerk of Court and a copy to Plaintiff's Attorney, Dean E. Kent, Esq., dkent@trenam.com; pholliday@trenam.com; Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis, P.A., 2700 Bank of America Plaza, 101 E. Kennedy Blvd., Tampa FL 33602 by e-service on this 22th day of August, 2018.

____/s/ LeesaAnn Dodds_____

LEESAANN N. DODDS, ESQ.
Attorney for Defendants