

IN THE COUNTY COURT OF THE 15<sup>TH</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
PALM BEACH COUNTY, FLORIDA

CASE NO.: 502006CC011126XXX NB  
DIV.: RH

QUADRILLE HOMEOWNERS ASSOCIATION,  
INC., a Florida Corporation not-for-profit,  
Plaintiff,

vs.

GERALD KEITH DOWNES,  
Defendant.

COPIES  
COUNTY CIVIL DIVISION  
2007 SEP 18 10:04 AM  
SHARON A. DEAN  
CLERK & COMPTROLLER

**DEFENDANT'S MOTION TO ENJOIN NOAM KOLE FROM BRINGING A GUN  
TO DEPOSITIONS OR OTHER PROCEEDINGS, OR IN THE ALTERNATIVE,  
THAT ALL PROCEEDINGS TAKE PLACE AT THE PALM BEACH COUNTY  
COURTHOUSE, MAIN JUDICIAL COMPLEX**

COMES NOW, the Defendant, Gerald Keith Downes, by and through the undersigned counsel and files this Motion to enjoin Noam Kole From Bringing a Gun to Depositions or Other Proceedings, or in the Alternative, That All Proceedings Take Place at the Palm Beach County Courthouse, Main Judicial Complex and in support thereof:

1. This is an action for injunctive relief that is currently pending before the Court.
2. The Defendant, homeowner, Gerald Keith Downes, (hereinafter "DOWNES") maintains that the actions of the Association are discriminatory.
3. Noam Kole (hereinafter "Kole"), the president of the Association, is acting in the capacity of the Corporate representative, and hence has attended and will be attending depositions and other proceedings.
4. On September 18, 2007, counsel for DOWNES took the deposition of Noam Kole.

5. KOLE appeared at the deposition and admitted to carrying a gun at all times and to having a gun with him at that time.

6. Although KOLE ostensibly agreed to the request that he place the gun in his car, and indicated that he had placed the gun in the car. DOWNES has concerns as to whether KOLE continues to carry the gun. —

7. Although counsel for the Plaintiff Homeowners Association has represented that KOLE would not bring the gun to depositions, DOWNES is concerned that KOLE will not actually comply without a court order specifically addressing this matter.

8. Based upon the past behavior of KOLE within the community, DOWNES is fearful that KOLE will in the future bring the gun to depositions and other proceedings.

9. The issues presented in the case are highly emotional and there is a rapidly escalating tension between the KOLE and the Defendant. Immediately after the deposition KOLE sought to insight DOWNE by making gestures such as blowing kisses.

10. Notwithstanding KOLE's right to carry a gun, there is no reason or justification for KOLE to bring the gun into depositions or any other proceedings in this matter. The issue is not KOLE's right to carry a gun, but the issues of safety and security at the depositions and/or proceedings.

11. DOWNES would request that the Court enter an Order enjoining Noam Kole from carrying a gun into depositions or other proceedings.

12. In the alternative, DOWNES would request that the Court enter an Order requiring that all depositions and other proceedings in this matter take place at the Palm Beach County Court house, specifically, the Main Judicial Complex.

13. If additional fees and costs are incurred the Plaintiff should be responsible for any

and all additional fees that may be incurred.

WHEREFORE, the Defendant, Gerald Keith Downes, respectfully request that this Court:

a. Grant his Motion;

b. Enter an Order enjoining Noam Kole from bringing a gun into any

depositions, mediation, or other proceeding in this matter; or in th alternative,

c. Enter an order requiring that any and all decoctions, or other proceedings

be held at the Palm Beach County Court House Main Judicial Complex and that the Plaintiff be responsible for any additional fees and costs incurred;

d. Grant any other relief deemed fair and just.

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail to Keith F. Backer, Esq., Backer Law, P.A., The Arbor, Suite 420, 400 South Dixie Highway, Boca Raton, FL 33432 and by fax to 561-361-3491 on this 3<sup>rd</sup> day of October 2007.

**CATHY L. PURVIS LIVELY, ESQUIRE, P.A.**

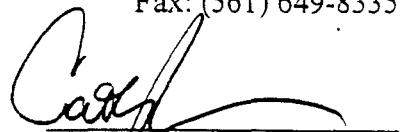
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