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

Case No.: 50-2020-CA-000251-XXXX-MB

BOCA VIEW CONDOMINIUM ASSOCIATION, INC.,

Plaintiff,

vs.

ELEANOR LEPSELTER & EDWARD LEPSELTER,

Defendant.

PLAINTIFF'S EMERGENCY MOTION TO STAY PENDING APPEAL

Plaintiff, BOCA VIEW CONDOMINIUM ASSOCIATION, INC., by and through undersigned counsel, requests the Court enter an Order staying this matter and in particular the trial of this matter, and the orders dated June 28, 2022 setting trial, and the order dated August 30, 2022 which is the subject of the Petition for Writ of Certiori, denying rehearing, and states as grounds the following:

1. On August 31, 2022, Plaintiff filed a Petition for Writ of Certiorari in *Boca View Condominium Association v. Eleanor Lepselter, Edward Lepselter, David Shefet, and Dganit Shefet,* seeking review of this Court's Orders denying rehearing and prohibiting Plaintiff from taking the depositions of material witnesses David Shefet and Dganit Shefet.

2. The matter is currently on a trial docket beginning August 1, 2022, through September 23, 2022, pursuant to an Order dated June 28, 2022, and the court (see attached portion of transcript) has indicated his intention of trying this case the week of September 5, 2022.

3. Under Rule 9.310, Florida Rules of Appellate Procedure, this Court has discretion concerning whether to stay this matter pending completion of the current petition for writ of certiorari, as well as any conditions, if any, to place upon such a stay. *Ceritto v. Kovitch*, 406 So.2d 125 (Fla.4th DCA 1981).

4. The cases interpreting the Appellate Rule have held that in circumstance where the granting of the stay would preserve the status quo pending completion of the review, a stay should be granted by the trial Court. *City of Miami Beach v. Lansburgh,* 217 So. 2d 348 (Fla. 3d DCA 1969); *Hirsch v. Hirsch,* 309 So. 2d 47 (Fla. 3d DCA 1975). A stay in this matter would be appropriate because the stay would have the effect of preserving the pending status quo. Conversely, failure to grant the stay would irreparably harm the Plaintiff and defeat the very purpose of the appeal, because, without a stay, trial will progress without Plaintiff having the depositions of the Shefets as needed for them to present their case at trial. *Adkins v. Sotolongo,* 227 So. 3d 717, 719 (Fla. 3d DCA 2017) ("A trial court's denial of a party's right to depose a material witness has been found to constitute irreparable harm subject to certiorari review."); *Bush v. Schiavo,* 866 So. 2d 136, 140 (Fla. 2d DCA 2004) ("This error is not remediable on appeal because there is no practical way to determine after judgment how the denial of the right to depose alleged material witnesses would have affected the outcome of the declaratory judgment action").

5. No party would be prejudiced by the granting of the stay as they would simply reestablish the status quo and allow the parties to proceed with the review without any potential for the trial to occur before the review is complete.

WHEREFORE, Plaintiff respectfully request this Court enter and Order staying the trial in this matter and this court's orders dated June 28, 2022, and August 30, 2022, pending completion of the current petition for Writ of Certiorari before the 4th District Court of Appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 1st, 2022, a true and correct copy of the foregoing has been electronically filed with the Court and has been served via e-mail through the Florida Courts eService Portal upon all parties entitled to service, in accordance with rule 2.516, Florida Rules of Judicial Administration.

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EXHIBIT A

Filing # 156611770 E-Filed 09/01/2022 01:14:28 PM

IN THE DISTRICT COURT OF APPEAL
FOURTH DISTRICT OF FLORIDA

Appellate Case No.
Circuit Court Case No. 50-2020-CA-000251-XXXX-MB(AF)

BOCA VIEW CONDOMINIUM ASSOCIATION, INC.
-Petitioner

v.

ELEANOR LEPSELTER, EDWARD LEPSELTER, DGANIT SHEFET, AND DAVID SHEFET
-Respondent(s).

PETITION FOR WRIT OF CERTIORARI BY BOCA VIEW CONDOMINIUM ASSOCIATION, INC.

Original Proceeding Arising from a Lawsuit Pending in the
15th Judicial Circuit,
Palm Beach County, Florida
The Honorable John S. Kastrenakes, Presiding

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PETITION FOR WRIT OF CERTIORARI

Pursuant to Florida Rules of Appellate Procedure 9.030(b)(2)(A), and 9.100(c), Petitioner, Boca View Condominium Association, Inc. (“Petitioner”), petitions this Court for a writ of certiorari quashing a non-final order entered on August 30, 2022. denying Petitioner's Motion for Reconsideration and Request for Third Party Witness Depositions.

As this is a case where Petitioner is trying to assert that the Third Party Witnesses David and Dganit Shefet ("Shefets") were the financiers behind the funding of various legal actions, including, allegedly, this one, taken against the Association by various straw man litigants like Eleanor and Edward Lepselter ("Lepselters"), the Shefets are material witnesses and alleged real parties in interest in the litigation below. The trial court departed from the essential requirements of law in denying Petitioner the ability to finish the deposition of Dganit Shefet and take the deposition of David Shefet. The trial court also departed from the essential requirements of law, in imposing a discovery sanction without conducting an evidentiary hearing. Finally, the trial court departed from the essential

requirements of law in making findings of fact at a hearing, which was not noticed as an evidentiary hearing.

I. JURISDICTION.

Article V, Section 4(b)(3) of the Florida Constitution and Florida Rule of Appellate Procedure 9.030(b)(2) provide this Court with jurisdiction to issue writs of certiorari.

Generally, to grant certiorari relief, there must be: "(1) a material injury in the proceedings that cannot be corrected on appeal (sometimes referred to as irreparable harm); and (2) a departure from the essential requirements of the law." *Nader v. Fla. Dep't of Highway Safety & Motor Vehicles*, 87 So. 3d 712, 721 (Fla. 2012).

A trial court's order prohibiting the deposition of a material witness meets the jurisdictional requirement for certiorari relief. *See* Pet. 9-11. These cases are not aberrations. *See also Adkins v. Sotolongo,* 227 So. 3d 717, 719 (Fla. 3d DCA 2017) ("A trial court's denial of a party's right to depose a material witness has been found to constitute irreparable harm subject to certiorari review."); *Bush v. Schiavo,* 866 So. 2d 136, 140 (Fla. 2d DCA 2004) ("This error is not

remediable on appeal because there is no practical way to determine after judgment how the denial of the right to depose alleged material witnesses would have affected the outcome of the declaratory judgment action."); *Akhnoukh v. Benvenuto,* 219 So. 3d 96, 98 (Fla. 5th DCA 2017) ("Certiorari jurisdiction generally exists to review the denial of a motion to compel the deposition of a material witness."); *Marshall v. Buttonwood Bay Condo. Ass 'n, Inc.,* 118 So. 3d 901, 903 (Fla. 3d DCA 2013) ("this Court has jurisdiction to issue the writ because denying Marshall the opportunity to question the Association's representatives would cause him irreparable injury that could not be remedied on appeal."); *575 Adams, LLCv. Wells Fargo Bank, N.A.,* 197 So. 3d 1235, 1237 (Fla. 3d DCA 2016) ("an order prohibiting the taking of a material witness's deposition inflicts the type of harm that cannot be remedied on final appeal."); *Somarriba v. Ali,* 941 So.2d 526 (Fla. 3d DCA 2006) (same); *Expert Installation Serv., Inc. v. Fuerte,* 933 So.2d 1231 (Fla. 3d DCA 2006)same) *Solonina v. Artglass Int'l, LLC,* 256 So. 3d 971, 972 (Fla. 3d DCA 2018) (same).

Certiorari jurisdiction exists to review a discovery order

denying a party the right to depos a witness. *Hepco Data, LLC v. Hepco Medical, LLC,* 302 So. 3d 406 (Fla. 2d DCA 2020).

II. PREFACE.

References to the Appendix will be made by page number, i.e. **[A. pp___]** The Petitioner, Boca View Condominium Association, Inc., will be referred to as "Petitioner". The Respondents, Eleanor Lepselter and Edward Lepselter will be referred to as "Lepselters". The Respondents, Dganit and David Shefet, will be referred to as the "Shefets".

III. FACTS ON WHICH PETITIONER RELIES.

Petitioner alleges, in the Complaint below, that this litigation was born way back in August of 2014 when the Shefets recorded the transfers of two (2) units they owned within the condominium governed by Petitioner to their company, Cool Spaze, LLC ("Cool Spaze"), without obtaining required Association approval. **[A. 1, pp 6-29]** Subsequently, Petitioner did not review a lease application due to the unapproved transfer and invited Cool Spaze and the Shefets to apply for membership approval. Instead of complying to avoid litigation altogether, Cool Spaze initially sought to file an

arbitration action against Petitioner, however after it was determined that the arbitration action would be dismissed for lack of jurisdiction on title disputes, in 2015 Cool Spaze filed a litigation in Palm Beach County Circuit Court against Petitioner about this transfer, which is still pending today. **[A. 1, pp 6-29].** After Cool Spaze filed the 2015 action, it sent a records request in 2016 to Petitioner for essentially the exact same documents that the Lepselters would ask for from Petitioner years later, and are the subject of the litigation below. **[A. 1, pp 6-29].** Denied its request, Cool Spaze filed an arbitration which was dismissed for lack of jurisdiction due to the title dispute already pending before the Palm Beach County Circuit Court. **[A. 1, pp 6-29].** Denied these records, a few months later, the Shefets then admittedly turned to a straw person owner, Eileen Breitkreutz, - without a similar title issue to theirs and their corporation's, - to send the identical document request to Petitioner. **[A. 1, pp 6-29].** The Shefets financed an arbitration, and then a litigation by Breitkreutz against Petitioner, the Shefets even using their own attorney, Jonathan Yellin (who was also one of Lepselters' attorneys in the arbitration action

leading to the trial *de novo* case below) to represent Breitkreutz. **[A. 1, pp 6-29].**

Ultimately, Petitioner prevailed in the litigation with Breitkreutz, and in the course of that litigation, another Shefet attorney, Ryan Poliakoff, testified that the Shefets "had the pockets" to fund these serial requests for documents, and, in two occasions, at her deposition and the ensuing trial *de novo*, Breitkreutz testified that the Shefets had fully funded the Breitkreutz litigation and indemnified Breitkreutz if she lost the case. **[A. 1, pp 6-29].**

Having now lost the Breitkreutz case in December 2018, the Shefets almost immediately turned to the Lepselters, on February 2019, again lending their own attorney, Yellin, to send an almost identical records request that Cool Spaze and Breitkreutz had sent. **[A. 1, pp 6-29].** While the Petitioner offered to make the records available for Eleanor Lepselter's inspection on February 25, 2019, the request was not made in good faith as she was acting as a straw person (woman?) for the Shefets. **[A. 1, pp 6-29].** Further, the Shefets (through the Lepselters) were trying to circumvent the caselaw that prohibits someone who is in litigation with a

condominium association to obtain though a statutory records request what they should obtain through discovery.

Eleanor Lepselter filed an arbitration after Petitioner, applying its business judgment[1] to determine whether the request was made for good faith and a proper purpose, denied the Shefets', Breitkreutz' and Eleanor Lepselter's attorney [Yellin] access to the

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[1] "In conformity with these statutory and common law tenets, Florida courts have extended business-judgment deference to common interest associations, uniformly shielding "a condominium association's decision if that decision is within the scope of the association's authority and is reasonable — that is, not arbitrary, capricious, or in bad faith" from judicial review. *Hollywood Towers Condo. Ass'n, Inc. v. Hampton*, 40 So. 3d 784, 787 (Fla. 4th DCA 2010)… [T]he business judgment rule is generally viewed as a historically accepted principle of managerial prerogative. See Bruce T. Rosenbaum, The Presumptions and Burdens of the Duty of Loyalty Regarding Target Company Defensive Tactics, 48 Ohio St. L.J. 273, 274 (1987); see also Data Key Partners v. Permira Advisers LLC, 849 N.W.2d 693, 701 (Wis. 2014) (second alteration in original) (quoting Reget v. Paige, 626 N.W.2d 302, 310 (Wis. Ct. App. 2001)) ("[T]he business judgment rule 'immunize[s] individual directors from liability and protects the board's actions from undue scrutiny by the courts.'"). Consistent with this view, the rule does not need to be raised in defensive pleadings to shield corporate conduct from judicial review. Instead, it applies presumptively by operation of law. See In re Great Lakes Comnet, Inc., 586 B.R. 718, 725 (Bankr. W.D. Mich. 2018) ("The business judgment rule is not an affirmative defense. Rather, it is a substantive and procedural presumption . . . .")" See *New Horizons Condo. Master Ass'n, Inc. v. Harding*, 336 So. 3d 796 (Fla. 3d DCA 2022)

same records. After the arbitrator ruled for the Lepselters, Petitioner filed, as is their right under §718.1255, Fla. Stat., a Complaint for a trial *de novo*. **[A. , pp 5-67].**

In August of 2021, in accordance with its theory of the case, Petitioner filed Notices of Deposition for the Shefets. **[A. 2, pp 68-85].** Petitioner obviously struck a nerve, as the Lepselters and the Shefets filed multiple objections and motions protective order related to the Shefets' depositions. **[A. 3, 4, pp 86-130].** Both the Lepselters and the Shefets argued that the Shefets testimony and financial records were irrelevant to the case, even though the claim that the Shefets are financing the Lepselters as straw persons seeking documents and pursuing this litigation for the benefit of the Shefets is central to Petitioner's case.

Based upon these motions, the trial court below entered two orders that collectively limited the scope of the Shefets' depositions and limited the documents to be produced. **[A. 5, 6, pp 131-136]**. Several motions for protective order from the Respondents later, the deposition of Dganit Shefet occurred on May 11, 2022. **[A. 7, pp 137-161].** Petitioner was unable to complete the deposition of

Dganit Shefet, nor begin the deposition of David Shefet. **[A. 7, pp 137-161].** Unfortunately, the Shefets' attorney objected to multiple questions asked that were within the scope of allowed inquiry under the trial court's previous orders, requiring the Petition to file a Motion to Compel. **[A. 7, pp 137-161].** Remarkably, the trial court not only denied this request, it sanctioned Petitioner without any request for sanctions from the Respondents, prohibiting finishing the Dganit Shefet deposition or even beginning the deposition of David Shefet. **[A. 8, 9, pp 162-238].** When confronted with relevant excerpts of its prior order of protection vis-à-vis the Shefets, the Court noted that the sanction was **not** a result of directly violating said order by asking relevant questions of Petitioner's interest, but its "spirit" instead. Petitioner then filed a Motion for Rehearing as to this order. **[A. 10, pp 239-270].** The trial court below denied this motion, necessitating this Petition. **[A. 11, 12, pp 271-343].** Meanwhile, this matter is on a trial docket that began on August 1, 2022. **[A. 13, pp 344-345].**

IV. RELIEF SOUGHT.

The nature of relief sought by the Petitioner is a Writ of

Certiorari quashing the order of the trial court reversing the order denying the Motion for Rehearing, and ordering that the deposition of Dganit Shefet be completed and that the deposition of David Shefet be allowed to proceed in the trial court below.

V. ARGUMENT.

A. THE TRIAL COURT DEPARTED FROM THE ESSENTIAL REQUIREMENTS OF LAW IN PROHIBITING PETITIONER FROM COMPLETING THE DEPOSITIONS OF THE SHEFETS.

Petitioner has brought this action against the Lepselters as a trial *de novo* to challenge the holding that they violated §718,111, Fla. Stat., related to the document requests for the Lepselters. Among other arguments, the Petition argues that: 1) the Lepselters' request is not made in good faith required by §617.1602(3)(a), Fla. Stat., as they are a straw person for the real party (who is funding this action), the Shefets; and 2) the Shefets are using the Lepselters to obtain records that under *Gelinas v. Barry Quadrangle CAI,* 74 N.E. 3d 49 (Ill. App. 2017), the Shefets, who are involved in litigation with the Petitioner, cannot obtain through a statutory document request. As such, the Shefets are clearly material witnesses as well as the real parties in interest in the case.

The Right of discovery is to be liberally construed to end that

any matter not privileged and which is relevant to subject matter involved in pending action must be disclosed. *Saunders v. Florida Keys Elec.,* 471 So.2d 89 (Fla. 3d DCA 1985); *Lazarus Homes Corp. v. Gustman*, 340 So.2d 513 (Fla. 3d DCA 1976); *Marine Inv. Co. v. Van Voorhis*, 162 So.2d 909 (Fla. 1st DCA 1964).

Discovery is appropriate if it consists of requests relevant to subject matter involved in the litigation of it appears reasonably calculated to lead to discovery of admissible evidence. *Dodson v. Persell,* 390 So.2d 704 (Fla. 1980), on remand 392 So.2d 1008.

Litigants may seek discovery into any non-privileged matter that is relevant to the subject matter at hand. Fla. R. Civ. P. 1.280(b) and 1.340(b). "The right of discovery... is to be liberally construed' and any information falling under the scope described in the rules "must be disclosed." *Lazarus Homes Corp. v. Gustman,* 340 So.2d 513 (Fla. 3d DCA 1976)(citing *Marine Inv. Co. v. Van Voorhis,* 162 So.2d 909, 910 (Fla. 1st DCA 1964)(emphasis supplied). Analysis of the relevance of a production request looks to the subject matter of the pending action and is thus inclusive of and broader than just the "precise issues framed by the

pleadings." *Charles Sales Corp. v. Rovenger*, 88 So.2d 551, 554 (Fla. 1956).

The trial court below has not conducted any sort of fact finding or summary judgment below, so denial of a deposition of material witnesses is a departure from the essential requirements of law. *Ruiz v. Steiner*, 599 So.2d 196 (Fla. 3d DCA 1992); *Publix Markets, Inc. v. Hernandez*, 167 So.3d 350 (Fla. 3d DCA 2015). The bar is fairly low to show that a witness is "material," and a witness can be even not essential to a claim or defense (which the Shefets clearly are since Petitioner also alleges they are the real parties in interest) to be found as material. *Nucci v. Simmons*, 20 So.3d 388 (Fla. 2d DCA 2009). Where, as here, a party has been denied the opportunity to depose a material witness, certiorari is appropriate to reverse that order. *Cavey v. Wells*, 313 So.3d 188 (Fla. 2d DCA 2021); *Sabol v. Bennett*, 672 So.2d 93 (Fla. 3d DCA 1996).

Further, the trial court departed from the essential requirements of law in not granting the Motion for Rehearing and compelling answers to the certified questions in the Motion to Compel. Questions as to the Shefets financial records are relevant

in this case to show their ongoing funding of this (and other) lawsuits against the Petitioner. When financial records are relevant, financial discovery must be allowed over any privacy objections. *Foster v. Bank of America,* 215 So.3d 158 (Fla. 3d DCA 2017)*; Letchworth v. Pannone*, 168 So.2d 288 (Fla. 5th DCA 2015). The financial discovery is also relevant, alternatively and independently, to show the biases of the Shefets. *Brown v. Mittelman*, 152 So.3d 602 (Fla. 4th DCA 2014); *Lytal, Reiter et. al. v. Malay*, 133 So.3d 1178 (Fla. 4th DCA 2014); *Katzman v. Rediron Fabrication, Inc.* 76 So. 3d 1060 (Fla. 4th DCA 2011).

The Trial Court, therefore, departed from the essential requirements of law in failing to grant the Motion for Rehearing and failing to allow the depositions of the Shefets.

B. THE TRIAL COURT DEPARTED FROM THE ESSENTIAL REQUIREMENTS OF LAW IN DENYING THE PETITIONER'S FUNDAMENTAL DUE PROCESS RIGHTS.

The trial court clearly departed from the essential requirements of law where it deprived Petitioner of its due process right to be heard. *See Dobson v. U.S. Bank Nat'l Ass'n,* 217 So.3d

1173, 1174 (Fla. 5th DCA 2017) (“The right to be heard at an evidentiary hearing includes more than simply being allowed to be present and to speak. Instead, the right to be heard includes the right ‘***to introduce evidence at a meaningful time and in a meaningful manner.***’ ”); *Pena,* 273 So.3d 237, 240 (Fla. 3d DCA 2019) (“One of the basic elements of due process is the right of each party to be apprised of all the evidence upon which an issue is to be decided, with the right to examine, explain or rebut such evidence.”).

Thus, the trial court prohibiting Petitioner from taking the Shefets' deposition for allegedly violating the “spirit” of an order offends the fundamental notions of due process and permeates throughout the entire proceeding. Without the Shefets' depositions, Petitioner is unable to prove its theory of the case. *See Foster v. Bank of America,* N.A., 215 So.3d 158, 160 (Fla. 3d DCA 2017) (“A trial court departs from the essential requirements of law and causes irreparable harm when it denies a party discovery to establish the elements necessary to prove that party’s case.”). Without the Shefets' deposition, Petitioner cannot adequately

prepare for the trial. *See Crepage v. City of Lauderhill,* 774 So.2d 61, 65 (Fla. 4th DCA 2000) ("The opportunity to be heard at an evidentiary hearing requires time to secure the attendance of witnesses and to prepare for the presentation of evidence and argument."). Finally, without the Shefets' deposition, the trial court would be able to enter judgment without giving Petitioner the opportunity to fully litigate the case. *State, Dep't of Fin. Servs. v. Branch Banking & Tr. Co.,* 40 So.3d 829, 833 (Fla. 1st DCA 2010) ("General principles of due process prohibit entry of an order affecting the parties' legal rights before the parties have been given a full opportunity to litigate all factual and legal issues pertaining to those rights.").

Accordingly, the trial court clearly departed from the essential requirements of law by denying Petitioner's due process right to be heard. *K.G. v. Fla. Dep't of Child. & Families,* 66 So.3d 366, 369 (Fla. 1st DCA 2011) ("We therefore find the violation of the mother's right to be heard was a clear departure from the essential requirements of the law amounting to a miscarriage of justice.").

C. THE TRIAL COURT DEPARTED FROM THE ESSENTIAL REQUIREMENTS OF LAW AND VIOLATED PETITIONER'S DUE PROCESS RIGHTS BY MAKING

FACTUAL FINDINGS AT A HEARING NOT NOTICED AS AN EVIDENTIARY HEARING

Under Florida law, a trial court cannot impose a discovery sanction without holding an evidentiary hearing. *Pomelli v. Pomelli*, 328 So.3d 376 (Fla. 3d DCA 2021); *Tobin v. Tobin*, 117 So.3d 893 (Fla. 4th DCA 2013); *Franchi v. Shapiro*, 650 So.2d 161 (Fla. 3d DCA 1995). As the Court can see from the hearing Notice, **[A. 14 pp 344-345]**, the hearing on the Motion to Compel that resulted in the sanctions order prohibiting the depositions of the Shefets, as well as the hearing on the Motion for Rehearing, was not scheduled as an evidentiary hearing. **[A. 14, pp 344-345].** Inappropriately conducting an evidentiary hearing that is not noticed as same is inappropriate, and grounds for a reversal. *Williams v. Sapp*, 255, So.3d 912 (Fla. 1st DCA 2018); *Messing v. Nieradka*, 230 So.3d 962 (Fla. 2nd DCA 2017). *See also*, *Bergmann v. Slater*, 922 So.2d 1100, 1112, n.1 (finding that the court in *Bergmann* violated the Plaintiff's due process rights by dissolving the lis pendens when the notice of hearing only request a hearing date on the motion to discharge lis pendens).

The hearings below were not noticed as evidentiary hearings,

and as such the Order denying the Motion for Rehearing must be reversed.

D. THE TRIAL COURT'S ERROR CANNOT BE REMEDIED ON POST-JUDGMENT APPEAL

Certiorari relief is appropriate where a court's order depart from the essential requirements of law resulting in material injury that cannot be corrected on post judgment appeal. *DeLoach v. Aird*, 989 So.2d 652 (Fla. 2d DCA 2007). Since there is no practical way on appeal to determine how the requested discovery would have affected the outcome of the proceeding, the Petitioner has no adequate remedy on appeal. *Bushong v. Peel,* 85 So.3d 511 (Fla. 2d DCA 2012). Thus, the injury cannot be corrected on post-judgment appeal, and a writ of certiorari would be appropriate.

VI. REQUEST FOR RELIEF.

For the foregoing reasons, Petitioner respectfully requests that this Court quash the trial court's order of August 30, 2022, denying the Motion for Rehearing on the trial court's sanction order denying Portioner the right to depose the Shefets.

CERTIFICATE OF COMPLIANCE

The undersigned attorney hereby certifies that this Petition (i) was prepared using Bookman Old Style 14-point proportionally spaced font in accordance with Florida Rule of Appellate Procedure 9.045(b); and, (ii) has 3,158 words and thus complies with and does not exceed the 13,000 word count limit set forth in Florida Rule of Appellate Procedure 9.100(g), as calculated by the word-processing system used to prepare the Petition.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 1st day September 2022, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Courts using the Florida Courts E-Filing Portal and served on this day via transmission of Notices of Electronic Filing generated by the Florida Courts E-Filing Portal to the Service List below.

/s/ John R. Sheppard
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