## IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO.: 08-CA-24573

ZENAIDA GONZALEZ,

Plaintiff,

VS.

CASEY ANTHONY,

Defendant.

EMERGENCY MOTION FOR PROTECTIVE ORDER
REGARDING AND OBJECTION TO TAKING DEPOSITION
OF PLAINTIFF, ZENAIDA GONZALEZ, BEFORE CASEY
ANTHONY'S DEPOSITION IS COMPLETED

Plaintiff, ZENAIDA GONZALEZ, by and through the undersigned counsel, files this Motion for Protective Order Regarding and Objection to Taking Deposition of Plaintiff, Zenaida Gonzalez, Before Casey Anthony's Deposition is Completed, and would show unto the Court the following:

- 1. ZENAIDA GONZALEZ has been trying to take CASEY ANTHONY'S deposition since the filing of this lawsuit on September 24, 2008. CASEY ANTHONY has avoided questioning for an extraordinary period of time by raising the Fifth Amendment as a shield. Now that the criminal trial is over, CASEY ANTHONY is still stonewalling. To make matters worse, she is improperly trying to use the Fifth Amendment as a sword, by trying to leapfrog in front of ZENAIDA GONZALEZ in the deposition process.
- 2. While ZENAIDA GONZALEZ has been trying to depose CASEY ANTHONY for years. CASEY ANTHONY just recently asked for a deposition date from ZENAIDA GONZALEZ. Per the Court's scheduling Order, Plaintiff provided a date. However, it is

1

fundamentally unfair to permit CASEY ANYTHONY to move forward with discovery in this manner, while stalling ZENAIDA GONZALEZ from doing the same.

- 3. The deposition of CASEY ANTHONY was taken on November 8, 2011 and during the deposition, CASEY ANTHONY refused to answer questions despite the absence of any valid Fifth Amendment Privilege. ZENAIDA GONZALEZ has moved to compel answers so that meaningful discovery can be obtained. In the meantime, CASEY ANTHONY has scheduled the deposition of Plaintiff, ZENAIDA GONZALEZ, for November 22, 2011 at 9:00 a.m. Plaintiff should be allowed to finish CASEY ANTHONY'S deposition before CASEY ANTHONY is allowed to take ZENAIDA GONZALEZ'S deposition.
- 4. CASEY ANTHONY should not gain an advantage by refusing to answer questions. In other words, she should not be able to delay answering questions posed to her until after she hears what ZENAIDA GONZALEZ has to say. She should not be able to thwart discovery from her side and plow full speed ahead with discovery from the other side. In all fairness, CASEY ANTHONY'S deposition needs to be completed first. ZENAIDA GONZALEZ has been trying to take it for years. CASEY ANTHONY should not now be able to pop up and skip to the front of the line.

WHEREFORE, Plaintiff requests this Court to enter an Order granting this Motion for Protective Order and sustaining the objection stated herein.

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on <u>Mountary 2011</u>, I electronically filed the foregoing with the Clerk of the Courts by using the ECF system which will send a notice of electronic filing to the following: Charles Greene, Esquire, Law Offices of Charles M. Greene, P.A., 28 E. Washington Street, Orlando, FL 32801 and to Andrew J. Chmelir, Esq., 351 E. State Road 434, Suite A, Winter Springs, FL 32708.

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