

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

CASE NO.: 08-CA-24573

ZENAIDA GONZALEZ,

Plaintiff/Counter Defendant,

vs.

CASEY ANTHONY,

Defendant/Counter Plaintiff.

_____ /

MOTION TO COMPEL

COMES NOW the Plaintiff, ZENAIDA GONZALEZ, by and through the undersigned attorneys, and pursuant to Rule 1.380, Florida Rules of Civil Procedure files this Motion to Compel and would show unto the Court the following:

1. Lee Anthony's deposition was taken on February 27, 2009 in the above-styled cause of action.
2. During the deposition, Lee Anthony, upon advice of counsel, refused to answer the following questions, attached hereto as Exhibit "A":

Q: Do you know who the father of Caylee - -

A: I do not know with 100 percent -

Mr. Luka: Objection. Certify. You, you don't have to answer that question.

The Witness: Okay

Mr. Morgan: And the basis?

Mr. Luka: The basis is it's irrelevant to this - - to the defamation suit.

Mr. Morgan: Well, the relevance would be, you know, could that person have had something to do with the disappearance.

Mr. Luka: Again, if you want to go before the judge, you can go before the judge. But I'm not certifying the question because, again I don't think it has anything –

Mr. Mitnik: You are instructing him not to answer it?

Mr. Luka: That's correct.

Mr. Morgan: We respect that.

Mr. Mitnik: We don't agree with it, but we'll take it to the judge.

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Q: When you're going through these possibilities, and I know - - I hate to ask it, but I have to. Is one of the possibilities that has gone through your mind is that your sister was the one responsible for the disappearance?

Mr. Luka: I'm going to object and certify that question. Don't answer.

Mr. Morgan: Do you – are you instructing him not to answer?

Mr. Luka: Yes. I'm instructing him not to answer that question.

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3. These questions are proper discovery deposition questions and no privilege applies.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order compelling Lee Anthony to answer these questions and request the Court to grant attorney's fees and costs incurred in bringing this Motion and any further relief that this Court deems appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by mail this 14th day of March, 2009 to Jonathan Kasen, Esq., 633 S.E. 3rd Avenue, Suite #203, Ft. Lauderdale, FL 33301 and to Thomas B. Luka, Esq., 390 N. Orange Avenue, Suite 1630, Orlando, FL 32801.



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Attorneys for Plaintiff

1 Q Okay. So Caylee, Caylee was born and she came
2 home to that house --

3 A Yes.

4 Q -- on Hope Spring?

5 A Yes.

6 Q And she and Casey resided there --

7 A Yes.

8 Q -- until -- okay. Now --

9 A Until June.

10 Q -- do, do you know who the father of Caylee --

11 A I do not know with 100 percent --

12 MR. LUKA: Objection. Certify. You, you
13 don't have to answer that question.

14 THE WITNESS: Okay.

15 MR. MORGAN: And the basis?

16 MR. LUKA: The basis is it's irrelevant to
17 this -- to the defamation suit.

18 MR. MORGAN: Well, the relevance would be, you
19 know, could that person have had something to do
20 with the disappearance.

21 MR. LUKA: Again, if you want to go before the
22 judge, you can go before the judge. But I'm
23 certifying the question because, again, I don't
24 think it has anything --

25 MR. MITNIK: You're instructing him not to

1 answer it?

2 MR. LUKA: That's correct.

3 MR. MORGAN: We respect that.

4 MR. MITNIK: We don't agree with it, but we'll
5 take it to the judge.

6 MR. MORGAN: Yeah, we don't agree -- we don't
7 agree with it, but we'll take it.

8 BY MR. MORGAN:

9 Q Because one of the things for us and -- is,
10 you know, we have a -- we have our burden to prove our
11 case. But part of our burden, you know, is, you know,
12 this is the person who the police questioned, this
13 Zenaida Gonzalez here.

14 And if we're able to prove who actually had
15 the child, that's part of our case as well, that's part
16 of our duty as well. That -- that's why I was asking
17 that question, never to be offensive, but that there
18 could be someone else out there.

19 A In all due respect, you -- you're not going to
20 be -- you're not going to find that answer from me. I
21 would have kicked that door down a long time ago myself.

22 Q Thank you.

23 A That's as, you know, as well as I can say it.
24 If I ever had any indication on whoever had Caylee,
25 anybody, the President of the United States down, all I

1 absolutely. I also be- -- there's a possibility it
2 could be an umpteen amount of people. My, my, my point
3 is that, you know, I will take everything that somebody
4 tells me. And until I can prove something, until I can
5 see it for myself --

6 Q Can I ask you a very difficult question?

7 A Shoot.

8 Q When you're going through these possibilities,
9 and I know -- I hate to ask it, but I have to. Is one
10 of the possibilities that has gone through your mind is
11 that your sister was the one responsible for the
12 disappearance?

13 MR. LUKA: I'm going to object and certify
14 that question. Don't answer.

15 MR. MORGAN: Do you -- are you instructing him
16 not to answer?

17 MR. LUKA: Yes. I'm instructing him not to
18 answer that question.

19 BY MR. MORGAN:

20 Q I, I was kind of putting words in your mouth,
21 and I didn't mean to be, 'cause you said you didn't do
22 it -- you didn't ask her the way I did.

23 A No.

24 Q But when you -- when you finally -- whatever
25 way you ask it, whenever you said, hey, you know, Casey,