

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. Cindy Anthony's deposition was taken on April 9, 2009 in the above-styled cause of action.
2. During the deposition, Cindy Anthony refused to answer the following questions, attached hereto as Exhibit "A":

Q: How about from you? Did she ever use your credit cards without your permission?

A: It's not relevant to this case.

Q: Not my question. Did she ever take and use your credit cards without your permission?

A: It's not relevant to the case.

MR. CONWAY: It's an ongoing investigation. Just, you know --

MR. DILL: Well it's an ongoing -- time out. Time out.

BY MR. DILL:

Q: It is an ongoing investigation of you? Are you being investigated in that?

MR. CONWAY: We don't know. We don't know the answer to that, Mr. Dill.

Q: Well, I'm going to ask the question, then. The question is pretty specific. Okay? As far as your interactions with your daughter, did Casey ever take money from you by using your credit cards without your permission?

A: It's not relevant to this case.

Q: That's not -- that isn't really for you to decide.

A: I'm not answering the question.

Q: Okay. You're refuse -- I just want to make sure, and you can discuss this with your attorney as far as your refusal -- and again, ma'am, I'm going to tell what you Mr. Morgan told your attorney earlier that this isn't a situation where, you know, this is treated lightly by the rules. If somebody refuses to answer a valid question, we might have to come back -- we might have to come back --

A: It's not valid to this young lady --

Q: Ma'am --

A: -- that's sitting here.

Q: Ma'am, ma'am.

A: Mr. Morgan went on TV --

Q: Ma'am --

A: -- and said that the reason he's doing this is because he wants his client cleared, so the reason I'm here is to clear his client. It has nothing to do with my daughter's and my relationship.

Q: I appreciate that.

A: So let's move on to Ms. Gonzalez so that Mr. Morgan can go home and I can go home --

Q: Okay. I --

A: -- because I am very tired.

Q: I understand --

A: It's been a long day.

Q: I understand you are tired, but let's get back to my question. Okay?

A: I'm not answering it.

p. 104, L22 -- p. 106, L23

* * *

Q: Yeah. My question was, was there a point in time when your daughter had used your credit cards without your permission?

MR. CONWAY: My client's position on that is that she doesn't want to answer that question right now. That the purpose of this deposition has gone way far afield. That the question, giving the current pending criminal charges, prevent her daughter from getting a fair trial and so she doesn't want to answer that question.

MR. DILL: And I understand, but you understand the rules, Brad.

MR. CONWAY: I do.

MR. DILL: You're an experienced attorney. She may not want to answer the question right now, but what I want to know from a legal standpoint is what basis legally are you asserting for her not to answer the question?

MR. CONWAY: That the question is entirely irrelevant; that it will not lead to evidence that would be admissible in any way, shape or form in the civil trial.

MR. DILL: Let me -- just for your edification, because I don't want to come back here and I will tell you this, the relevance of it is if, in fact, there is a financial issue concerning her daughter, that tends to prove that her daughter was not hiring a baby-sitter, or, in fact, a nanny.

And also if her daughter wasn't working and was having to steal money from family members or other people, for instance, Amy Huizenga and other people who were stolen from by Casey, that would also tend to prove that she wasn't hiring or paying for a nanny, Zanny the nanny person.

That is the relevance, and that's why I'm asking it. I'm not asking it to impede any criminal case. I'm not interested and we're not interested in depriving her of her right to fair trial, but I am interested in getting answers to my questions. So, as we say, we want to clear this person, Zenaida Gonzalez, in this lawsuit, and that's what I'm here to do. That's what we've been doing this morning. That is the reason for the question.

MR. CONWAY: We're here to help you do that, Mr. Dill, and in terms of payment, she's already established that she doesn't know whether Zanny the nanny was paid or not, so --

MR. DILL: I don't want -- listen. I'm not going to argue with you about the case.

MR. CONWAY: I understand.

MR. DILL: We're trying to --

MR. CONWAY: I know.

MR. DILL: -- get everybody out of here, as you know.

MR. CONWAY: Yep.

MR. DILL: So I just want to understand. The legal basis that you were asserting, before we go back in front of Judge Rodriguez, is that she doesn't want to answer it. Is there another reason?

MR. CONWAY: My client does not want to answer that because it's going to affect her daughter's ability to get a fair trial on pending criminal charges.

MR. DILL: Okay. And I assume you've advised her of the implications of that.

MR. CONWAY: We have discussed it.

BY MR. DILL:

Q: All right. So, ma'am, just so I'm clear and I want -- if you can just -- I understand. These questions I'm asking you about your daughter and the credit card, you're refusing to answer those questions?

A: It's not relevant.

Q: Are you --

MR. CONWAY: Just yes or no.

Q: -- refusing to answer the questions?

A: Yes.

p. 109, L23 – p. 112, L 23

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

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order compelling Cindy 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 24th day of April, 2009 to Jonathan Kasen, Esq., 633 S.E. 3rd Avenue, Suite #203, Ft. Lauderdale, FL 33301 and to Bradley A. Conway, Esq., 390 N. Orange Avenue, Suite 1630, Orlando, FL 32801.



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Attorneys for Plaintiff

1 Q Let me ask you that question now.

2 A Wasn't that correct?

3 Q Is it your understanding or did you ask Casey
4 why was it -- let me reask it.

5 Did you ask Casey why was it that she had
6 taken money from your mother if, in fact, she was
7 working?

8 A I can't remember if I asked her that. What I
9 made -- what I made her do is talk to my mom, and I had
10 her and my mom work it out. It was not between me and
11 Casey. It was between my mother and Casey.

12 Q Did it cause you some concern, though, knowing
13 that this had taken place and that Casey may have been
14 hiring a baby-sitter from money that she had coming in
15 from a job? Did that cause you any concern in your mind?

16 A I did not put the two and two together at that
17 time.

18 Q Was that the only time she'd stolen something
19 from your family members?

20 A Casey has only ever taken something from her
21 grandmother.

22 Q How about from you? Did she ever use your
23 credit cards without your permission?

24 A It's not relevant to this case.

25 Q Not my question. Did she ever take and use

1 your credit cards without your permission?

2 A It's not relevant to the case.

3 MR. CONWAY: It's an ongoing investigation.

4 Just, you know --

5 MR. DILL: Well, it's an ongoing -- time out.

6 Time out.

7 BY MR. DILL:

8 Q Is it an ongoing investigation of you? Are
9 you being investigated in that?

10 MR. CONWAY: We don't know. We don't know the
11 answer to that, Mr. Dill.

12 Q Well, I'm going to ask the question, then.
13 The question is pretty specific. Okay? As far as your
14 interactions with your daughter, did Casey ever take
15 money from you by using your credit cards without your
16 permission?

17 A It's not relevant to this case.

18 Q That's not -- that isn't really for you to
19 decide.

20 A I'm not answering the question.

21 Q Okay. You're refuse -- I just want to make
22 sure, and you can discuss this with your attorney as far
23 as your refusal -- and again, ma'am, I'm going to tell
24 what you Mr. Morgan told your attorney earlier that this
25 isn't a situation where, you know, this is treated

1 lightly by the rules. If somebody refuses to answer a
2 valid question, we might have to come back -- we might
3 have to come back --

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5 Q Ma'am --

6 A -- that's sitting here.

7 Q Ma'am, ma'am.

8 A Mr. Morgan went on TV --

9 Q Ma'am --

10 A -- and said that the reason he's doing this is
11 because he wants his client cleared, so the reason I'm
12 here is to clear his client. It has nothing to do with
13 my daughter's and my relationship.

14 Q I appreciate that.

15 A So let's move on to Ms. Gonzalez so that Mr.
16 Morgan can go home and I can go home --

17 Q Okay. I --

18 A -- because I'm very tired.

19 Q I understand --

20 A It's been a long day.

21 Q I understand you're tired, but let's go back
22 to my question. Okay?

23 A I'm not answering it.

24 Q All right. Well, I just want to make sure --
25 maybe your attorney can advise you. In Florida we have

1 MR. DILL: That's fair.

2 MR. CONWAY: -- slow it down because you're
3 getting like three questions into one and it's
4 impossible --

5 THE WITNESS: And you keep changing the
6 question.

7 MR. CONWAY: Cindy, let me --

8 MR. DILL: I understand, but I -- being
9 cognizant of the court reporter, I will endeavor to
10 do that.

11 MR. CONWAY: And I don't care if you ask 20
12 questions, if you can just do it one at a time.

13 MR. DILL: Gotcha.

14 MR. CONWAY: Okay? It makes it easier for me,
15 her and you, and we could get through this a lot
16 quicker. Okay? So you guys ready to go back on?

17 THE VIDEOGRAPHER: Stand by, Gentlemen, while
18 I get the tape rolling. The time his 3:11. We are
19 back on the record.

20 MR. CONWAY: Do you want to re-ask your
21 question?

22 BY MR. DILL:

23 Q Yeah. My question was, was there a point in
24 time when your daughter had used your credit cards
25 without your permission?

1 MR. CONWAY: My client's position on that is
2 that she doesn't want to answer that question right
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17 I'm asking you about your daughter and the credit card,
18 you're refusing to answer those questions?

19 A It's not relevant.

20 Q Are you --

21 MR. CONWAY: Just yes or no.

22 Q -- refusing to answer the questions?

23 A Yes.

24 Q Okay. Now, were there ever any conversations
25 between you and your daughter Casey concerning taking