

IN THE CIRCUIT COURT IN AND FOR THE SIXTH JUDICIAL CIRCUIT,
IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION

JEREMIAH'S INTERNATIONAL TRADING
COMPANY, Inc. d/b/a
AMERICA'S AUCTION NETWORK,

Plaintiff,

vs.

No.:15-CA-000055CI-15
UCN: 522015CA000055XXCICI

SAOWANEE S. PAGE,

Defendant.

ORDER OVERRULING DEFENDANT'S OBJECTIONS TO SUBPOENAS

This cause came before the Court on April 7, 2015, on Defendant's Objection to Plaintiff's January 26, 2015 Amended Notice of Production. The Court having been informed and advised, it is now ORDERED and ADJUDGED that Defendant's Objection to Plaintiff's January 26, 2015 Amended Notice of Production is OVERRULED.

Plaintiff Jeremiah's International Trading Company, Inc. d/b/a America's Auction Network ("AAN") filed an Amended Notice of Production from nonparties including Wells Fargo Bank, Bank of America, the E-Gold Claims Process Administrator, Embassy Mortgage Group, Cho Lon Jewelry, Lexus Financial Services, and SunTrust Mortgage. Defendant filed an objection to each subpoena but later withdrew her objection to the issuance of a subpoena to Cho Lon Jewelry.

Defendant is a former employee of AAN, which sells jewelry and other items through television auctions. Defendant's duties at AAN included matching mountings with precious stones. AAN's Verified Complaint states that during her tenure with AAN, from September 10, 2007, through July 4, 2014, Defendant stole various jewelry items from AAN with a cumulative

value of over a quarter of a million dollars. The Verified Complaint further states that Defendant was in a bankruptcy when she began work with AAN, where her gross annual earnings before withholdings ranged from \$22,000 to \$35,000. Nonetheless, the Verified Complaint states that she has acquired two different properties and that she purchased and then completely paid off a mortgage on a six-figure residence from 2010 through 2012.

The Court finds that the issuance of the subpoenas is justified for the following reasons:

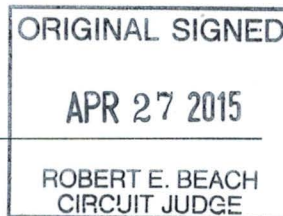
- (1) Due to the nature of this case, which deals with allegations of theft by Defendant, AAN is entitled to inquire into Defendant's financial information in an attempt to prove its allegations. In particular, AAN is seeking to trace the proceeds of the alleged thefts. *Friedman v. Heart Institute*, 863 So.2d 189, 194 (Fla. 2003) ("A party's finances, if relevant to the disputed issues of the underlying action, are not excepted from discovery under this rule of relevancy, and courts will compel production of personal financial documents and information if shown to be relevant by the requesting party.")
- (2) AAN has provided a Verified Complaint signed and notarized by AAN's owner. *Elsner v. E-Commerce Coffee Club*, 126 So.3d 1261, 1264 (Fla. 4th DCA 2013) (stating that "[t]he plaintiff's verified amended complaint provided a reasonable evidentiary basis for the financial discovery.")
- (3) The allegations of the Verified Complaint are sufficient to show substantial financial activity which appears inconsistent with Defendant's known resources and therefore justifies an inquiry into her financial affairs.
- (4) The appropriate time frame for the subpoenas is from September 10, 2007, when Defendant began work with AAN, through the present.

(5) The Court overrules all objections, including evidentiary objections, made by Defendant during the hearing.

Counsel for AAN may prepare subpoenas for the time frame stated above, with appropriately updated dates, and serve the same on Wells Fargo Bank, Bank of America, the E-Gold Claims Process Administrator, Embassy Mortgage Group, Lexus Financial Services, and SunTrust Mortgage.

DONE and ORDERED in Chambers, at Pinellas County, Florida on this ____ day of April, 2015.

Honorable Robert Beach
Senior Circuit Civil Judge



Copies provided to:

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