

# App. 7

IN THE CIRCUIT COURT FOR PASCO COUNTY, FLORIDA  
CIVIL ACTION

**DGP PRODUCTS INC. d/b/a NUMERIC RACING,**

Plaintiff,

v.

CASE NO: 20-CA-000889-CA-AXWS  
DIVISION: G

**FAITH ELYZABETH ANTONIO,**

Defendant.

**PLAINTIFF'S  
OBJECTION TO DEFENDANT'S NOTICE OF  
PRODUCTION TO NONPARTY COHEN & GRIEB, P.A.**

DGP Products Inc. d/b/a Numeric Racing ("**Plaintiff**"), pursuant to Florida Rule of Civil Procedure 1.351(b), hereby objects to the Notice of Production From Nonparty Cohen & Grieb, P.A. (the "**NPNP**") issued by Faith Elyzabeth Antonio ("**Defendant**").

Plaintiff objects to the NPNP because the documents requested are encompassed by the accountant-client privilege. Cohen & Grieb, P.A. is a certified public accountant. Plaintiff is and has been Cohen & Grieb, P.A.'s client for purposes of providing accounting services. Cohen & Grieb, P.A. has in its possession confidential information that was not and is not intended to be disclosed to third persons. Plaintiff has claimed and hereby reasserts its claim to the protections afforded by the accountant-client privilege.

The invocation of the privilege, which is hereby reaffirmed, allows Plaintiff to refuse to disclose, and to prevent any other person (including Cohen & Grieb, P.A.) from disclosing, the contents of any communication between Plaintiff and Cohen & Grieb, P.A. in the rendition of accounting services, as well as any other confidential information obtained by Cohen & Grieb, P.A. from Plaintiff for the purpose of rendering accounting advice. *Id.* The accountant client privilege applies. § 90.5055, Fla. Stat.

Defendant has not even attempted to demonstrate why it is necessary to obtain Cohen & Grieb, P.A.'s files. Defendant has not issued any discovery to Plaintiff directly to seek any of these documents. Instead, Defendant's tactics are designed only to harass and burden Plaintiff's accountants to obtain information to which she would not otherwise be entitled.

The NPNP is overly-broad, both in temporal scope and in the scope of documents requested. Defendant seeks the entire file on Plaintiff "for the Tax Calendar years of 2014 through 2020." In the Complaint, Plaintiff has only alleged wrongdoing between January 2015 and November 2019. Financial records from periods before and after Defendant's employment are not relevant to this action alleging theft and other misappropriation of Plaintiff's assets nor are reasonably calculated to lead to the discovery of admissible evidence.

The requests in the NPNP should be stricken and no subpoena to Cohen & Grieb, P.A. should be permitted until these objections are properly addressed. If the Court were to overrule this objection in whole or in part, Plaintiff requests that the Court proceed with an *in camera* review of the documents before allowing Defendant to receive or to review the documents. *Lyons v. Lyons*, 162 So. 3d 212 (Fla. 4<sup>th</sup> DCA 2015).



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**NUMERIC RACING**