

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA**

ANTHONY LORENZO,

Plaintiff,

v.

CASE NO.: 2008 CA 8108 SC

CITY OF VENICE, et al.,

Defendants.

SUBPOENA FOR HEARING

THE STATE OF FLORIDA:

TO: John Patten
1258 Barbara Drive, #207
Venice, FL 34292

YOU ARE COMMANDED to appear before the Honorable Robert B. Bennett, Jr., Judge of the Court, at the South County Courthouse, 4000 South Tamiami Trail, in Venice Florida, on June 30, 2008, at 1:30 p.m., or as soon thereafter as the Court will allow, to testify in this action, in response to the attached Motion and Notice of Hearing. If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED on this 24th day of June, 2008.

Jeffery A. Boone, Esq.



For the Court

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IN AND FOR SARASOTA COUNTY, FLORIDA**

ANTHONY LORENZO,

Plaintiff,

v.

CASE NO.: 2008 CA 8108 SC

CITY OF VENICE, et al.,

Defendants.

**EMERGENCY MOTION TO PROTECT COMPUTER
OF DEFENDANT SIMMONDS UNTIL FURTHER
ORDER OF COURT**

John G. Simmonds, a Defendant in this cause, files this Motion to Protect his Computer From Examination by Plaintiff's computer expert until further order of Court, and says:

1. Defendant Simmonds' personal computer is presently under lock and key at Venice City Hall, pursuant to order entered by this Court.
2. Plaintiff's attorney has stated her computer expert, pursuant to Court order, will examine the defendants' computers, including that of Defendant Simmonds, as early as Tuesday, June 24, 2008.
3. A delay in the examination of Simmond's computer by Plaintiff will not prejudice Plaintiff because the computer is under lock and key at Venice City Hall and cannot be touched by Simmonds.
4. On June 15, 2008, local resident John Patten placed on his website certain private emails transmitted between Defendant Simmonds and Venice Jet Center, LLC, Manager Art Nadel, who is a resident of Sarasota, Florida (Exhibit "A").

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5. The posting of emails referenced in Paragraph 4 was done by Patten without the knowledge and permission of Simmonds and/or Nadel.

6. By Affidavit attached to this Motion (Exhibit "B"), Nadel states he has never had any contact, electronically or otherwise, with John Patten or his web site. By Affidavit attached to this Motion (Exhibit "C"), Defendant Simmonds states he has consulted with John Patten on various occasions, both electronically and verbally, but did not copy subject emails or otherwise furnish them to Patten.

7. John Patten holds himself out in the community as a computer expert and lets it be known he has been hired to set up web sites, prepare computer programs, repair computers and to perform other tasks done by computer experts.

8. In the past, Defendant Simmonds hired Patten to repair/service his computer. The computer Patten worked on is the same one that is locked up at Venice City Hall. The computer email address is the same now as it was when Patten worked on it.

9. Two of the private and personal email entries on Exhibit "A" were transmitted only between John Simmonds and Art Nadel, and three of the private and personal email entries were copied only to Attorney E. G. Boone. By Affidavit (Exhibit "D"), Mr. Boone states he did not release or furnish said email entries to Patten.

10. Simmonds, Nadel and Boone have not forwarded or blind copied the five subject emails to any other person or entity.

11. John Patten has refused to reveal how he obtained the private and personal email entries between Simmonds and Art Nadel.

12. Defendant Simmonds has a legal right to have a computer expert other than the expert hired by the Plaintiff to examine his computer in an attempt to determine how and if the email entries were stolen from his computer.

13. Further, if Simmonds' computer and email files have been compromised by someone "hacking in" and stealing his emails, Simmonds' computer expert should have the ability to determine what other files may have been altered, added or deleted by a "hacker" before Plaintiff's expert scrapes Simmonds' computer.

14. Patten obviously knows how he obtained the stolen emails and if he has other illegally obtained emails of Defendant Simmonds.

WHEREFORE, Defendant Simmonds prays for the following relief:

- a. That Defendant Simmonds' personal computer now held at Venice City Hall not be examined by any computer expert until an expert selected by Simmonds has first had the opportunity to attempt to determine if and how certain email entries were extracted from his computer without his knowledge or permission.
- b. That the examination take place in the presence of Plaintiff's computer expert and shall be accomplished within 30 days from the date of the Order.
- c. To require John Patten, under subpoena and under oath, to inform the Court how he obtained the private and personal email entries in Exhibit "A" to this motion.
- d. Any and all other relief this Court deems just and proper.

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