

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

ROBIN KLEIN ,

Plaintiff,

v.

CASE NO.: 2018 CA 006742 NC

TRANSGUARD INSURANCE
COMPANY OF AMERICA, INC., et
al.,

Defendants.

**ORDER DENYING JEROME PIVNIK’S MOTION FOR
A PROTECTIVE ORDER REGARDING HIS APRIL 2, 2020 DEPOSITION**

BEFORE THE COURT without a hearing in 2018-CA-6742 is Defendant Jerome Pivnik’s Motion for a Protective Order Regarding his April 2, 2020 Deposition [DIN 131].[1] The Court also received and reviewed Plaintiff Robin Klein’s opposition [DIN 133]. The Court is very familiar with this case and the extensive procedural history in not only in the 2018 case but in the 2013 case as well.


Mr. Pivnik seeks to delay his deposition to allow his attorneys to physically be present with him during his deposition, which cannot be accomplished due to on-going COVID-19 pandemic as well as various executive branch agency orders restricting travel and assembly. In contrast, Plaintiff’s opposition lays out well the struggles associated with setting Mr. Pivnik’s deposition.

The Court notes the *only* basis for Mr. Pivnik’s motion is to permit the physical contact between himself and his attorneys. He concedes, though, there is no rule of law requiring this. Attorneys for many years prior to COVID-19 have successfully used video conferencing to conduct important depositions. Today is no different, except those video depositions are now becoming virtually ubiquitous. Mr. Pivnik will still have his attorney “present,” it just will be by video.

Mr. Pivnik's motion lays out no prejudice to Mr. Pivnik should the deposition continue as scheduled for a video deposition. The Court denies Mr. Pivnik's motion.

DONE AND ORDERED in Sarasota County, Florida, on March 31, 2020.

[1] The Court is filing this Order in both cases.


3/31/2020 12:21 PM 2018 CA
006742 NC
e-Signed 3/31/2020 12:21 PM 2018 CA 006742 NC
CIRCUIT JUDGE

SERVICE CERTIFICATE

On Monday, March 31, 2020, the Court caused the foregoing document to be served via the Clerk of Court's case management system, which served the following individuals via email (where indicated). On the same date, the Court also served a copy of the foregoing document via First Class U.S. Mail on the individuals who do not have an email address on file with the Clerk of Court:

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