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IN THE DISTRICT COURT OF APPEAL  
THIRD DISTRICT OF FLORIDA

Case No. 3D2024-0334

J.B. HARRIS, P.A., et al.,

*Appellants/Defendants,*

v.

VIRAGE CAPITAL MANAGEMENT LP, et al.,

*Appellee/Plaintiff.*

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ON APPEAL FROM THE ELEVENTH  
JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY  
Lower Court Case No.: 22-23001 CA 01

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**APPENDIX TO APPELLEES VIRAGE CAPITAL MANAGEMENT, et  
al.'s MOTION TO CLARIFY**

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Gerald Greenberg  
Daniel R. Walsh  
GELBER SCHACHTER & GREENBERG, P.A.  
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*Counsel for Appellees Virage Capital Management  
and Virage SPV 1 LLC*

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Dated: September 26, 2024

Respectfully Submitted,

/s/ Gerald E. Greenberg

GERALD E. GREENBERG

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*Counsel for Appellees Virage Capital  
Management LP, et al.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 26, 2024, I filed the foregoing using the State of Florida's ePortal Filing System. I further certify that a copy of the foregoing has been served via email through the State of Florida's ePortal Filing System on all counsel of record listed on the Service List below.

**SERVICE LIST**

J.B. HARRIS  
The Law Offices Of  
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3760 Bird Road, Ste. 723  
Miami, Florida 33146  
Telephone: (786) 303-8333  
[jbharrisesq@gmail.com](mailto:jbharrisesq@gmail.com)

*/s/ Gerald E. Greenberg* \_\_\_\_\_  
GERALD E. GREENBERG

IN THE DISTRICT COURT OF  
APPEAL  
OF FLORIDA  
THIRD DISTRICT

April 3, 2024

J.B. Harris, P.A., et al.,

**3D2024-0334**

Appellant(s),

Trial Court Case No. 22-23001

v.

Virage Capital Management LP, et  
al.,

Appellee(s).

Appellee Virage Capital Management LP's Response in Opposition to Appellants' Motion for Stay is noted. Appellants' Reply in Opposition to Appellees' Challenge to Standing is also noted.

Upon consideration, Appellants' Motion to Stay Forced Sale of Stock in the Law Firm of Jonathan B. Harris, P.A. is granted, and the trial court's February 19, 2024, order is hereby stayed pending further order of this Court.

EMAS, MILLER and LOBREE, JJ., concur.

A True Copy  
ATTEST

*Mercedes M. Prieto*  
3D2024-0334 4/8/24  
Mercedes M. Prieto, Clerk  
District Court of Appeal  
Third District



CC: W Randall Bassett  
Hon. Tanya Brinkley  
Miami-Dade Clerk  
Drew Michael Dillworth  
Morgan Benjamin Edelboim  
Richard Milton Elias, II  
Todd Friedman  
Barry Jay Glickman  
Gerald Edward Greenberg  
Jonathan B. Harris  
Leslie K. Hillendahl  
Ana Diaz Noa  
Justin R Parafinczuk  
Roniel Rodriguez, IV  
Carlos Santisteban, Jr.  
Thomas W Stoeber, Jr.  
Daniel Robert Walsh

TS

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA

THIRD DISTRICT

JUNE 24, 2015

ELLER-I.T.O. STEVEDORING  
COMPANY, L.L.C., et al.,  
Appellant(s)/Petitioner(s),  
vs.  
LAZARO PANDOLFO AND OLGA  
ALVAREZ, etc.,  
Appellee(s)/Respondent(s),

CASE NO.: 3D15-0204

L.T. NO.: 13-4180

Upon consideration, petitioners' motion to stay mandate pending  
filing and resolution of petition for writ of mandamus in the Florida Supreme Court  
is hereby granted.

SUAREZ, LAGOA and SCALES, JJ., concur.



cc: Gonzalo R. Dorta  
Matias R. Dorta  
Jerry D. Hamilton  
Miami-Dade Clerk

Michael J. Dono  
Raul C. De La Heria  
James W. McCready, III

Robert W. Blanck  
Eric K. Gressman  
Hon. Lisa S. Walsh

la

**From:** [JB Harris, Esq.](#)  
**To:** [Ron Rodriguez IV](#)  
**Cc:** [Ron@rjrfirm.com](#); [Ron@rjr.company](#); [Gerald Greenberg](#); [Daniel Walsh](#); [jwebb@mitrani.com](#); [tfriedman@eliasllc.com](#); [carlos@csjrlaw.com](#)  
**Subject:** RE: Virag v. Harris Case No. 2022-23001-CA-01  
**Date:** Thursday, September 19, 2024 6:41:21 PM  
**Attachments:** [image001.png](#)

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[EXTERNAL EMAIL]

Ronnie, allow me to make it crystal clear to you: Your discovery requests carry no authority until the court lifts the stay. Enjoy your evening.

J.B. Harris, Esq.  
Senior Litigation Attorney  
**Mager Paruas LLC**  
2719 Hollywood Blvd., 2<sup>nd</sup> Fl.  
Hollywood, FL 33020  
Ph: 954.763.2800  
Em: [jb@mpjustice.com](mailto:jb@mpjustice.com)



---

**From:** Ron Rodriguez IV <[ron@judgmentsmia.com](mailto:ron@judgmentsmia.com)>  
**Sent:** Thursday, September 19, 2024 6:36 PM  
**To:** JB Harris, Esq. <[jb@mpjustice.com](mailto:jb@mpjustice.com)>  
**Cc:** [Ron@rjrfirm.com](mailto:Ron@rjrfirm.com); [Ron@rjr.company](mailto:Ron@rjr.company); [ggreenberg@gsgpa.com](mailto:ggreenberg@gsgpa.com); [dwalsh@gsgpa.com](mailto:dwalsh@gsgpa.com); [jwebb@mitrani.com](mailto:jwebb@mitrani.com); [tfriedman@eliasllc.com](mailto:tfriedman@eliasllc.com); [carlos@csjrlaw.com](mailto:carlos@csjrlaw.com)  
**Subject:** Re: Virag v. Harris Case No. 2022-23001-CA-01

Mr Harris-

Please send me a few dates in October to set your deposition in aid of execution.

Roniel Rodriguez IV  
Rodriguez & Associates Chartered

This message was sent through an electronic messaging system and may contain errors

Appx. 0004

related to formatting and compatibility.

On Sep 19, 2024, at 6:06 PM, JB Harris, Esq. <[jb@mpjustice.com](mailto:jb@mpjustice.com)> wrote:

Gentlemen, this matter is stayed. Period. End of story.

Regards.

J.B. Harris, Esq.  
Senior Litigation Attorney  
**Mager Paruas LLC**  
2719 Hollywood Blvd., 2<sup>nd</sup> Fl.  
Hollywood, FL 33020  
Ph: 954.763.2800  
Em: [jb@mpjustice.com](mailto:jb@mpjustice.com)  
<image001.png>

<09-18-24 Transcript from Motion to Stay P's Collection Action in Virage v.  
Harris Case No. 2022-23001-CA-01.pdf>

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
CASE NO. 2022-23001-CA-01

VIRAGE CAPITAL MANAGEMENT LP  
and VIRAGE SPV 1 LLC,

Plaintiffs,

-vs-

JONATHAN BERYL HARRIS, J.B.  
HARRIS P.A. and THE LAW OFFICES  
OF J.B. HARRIS P.A.,

Defendants.

\_\_\_\_\_ /

- - -

HEARING BEFORE THE HONORABLE TANYA BRINKLEY

Wednesday, September 18, 2024  
VIDEOCONFERENCE  
8:58 a.m. - 9:03 a.m.

APPEARANCES:

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On behalf of the Plaintiff:

JUDGMENTS MIA PLLC  
BY: RON RODRIGUEZ, ESQ.  
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On behalf of the Defendant:

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786-303-8333  
Jbharrisesq@gmail.com

- - -

## P R O C E E D I N G S

- - -

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2  
3 THE COURT: Virage Capital versus J.B.  
4 Harris.

5 MR. HARRIS: Good morning, Your Honor.  
6 J.B. Harris here on behalf of myself.

7 THE COURT: Good morning.

8 MR. HARRIS: Opposing counsel has not  
9 appeared that I see. Yeah, I --

10 MR. RODRIGUEZ: Judge, good morning. Ron  
11 Rodriguez on behalf of the Judgment Creditor.

12 MR. HARRIS: Oh, there he is.

13 THE COURT: Oh, good morning,  
14 Mr. Rodriguez. I'm not quite sure why this matter  
15 is on the calendar. I know the Third DCA issued a  
16 stay, so I don't know that there's anything for me  
17 to do, much less than anything that the Third DCA  
18 has permitted me to do, which is fine. So, I am  
19 not inclined to do anything, unless I'm missing  
20 something, gentlemen.

21 MR. HARRIS: Your Honor, if I may. This  
22 particular stay would go to stopping Virage from  
23 their collection initiative, which they've taken  
24 following the Court's stay on the sale of my law  
25 firm's stock.

1                   So, they -- 108 days after the Third issued  
2                   that stay order as to the sale of my firm's stock,  
3                   Mr. Rodriguez then sent me discovery toward --  
4                   toward execution in aid -- in aid of execution.  
5                   He then -- he's seeking to garnish my wages at a  
6                   job that I just started before I even drew my  
7                   first paycheck.

8                   So, the point is this, Your Honor. There  
9                   is no prejudice to Virage to stay in the  
10                  collection proceedings. The Third DCA has this  
11                  under advisement. They are reviewing everything.

12                  There is also an appeal down in Texas,  
13                  which will be -- an order will be issued by the  
14                  end of the year because the judges down there,  
15                  interestingly enough, they have to run for  
16                  re-election. One of the judges on the panel lost  
17                  their seat, so there will be an order or an  
18                  opinion coming out by the end of the year.

19                  So, this is a very limited non-prejudicial  
20                  simple request to enter an order staying  
21                  Mr. Rodriguez's attempt to engage in discovery in  
22                  aid of execution to issue writs of garnishment to  
23                  my employee -- employer, to just keep things in  
24                  the status quo.

25                  Like you said, the Third issued a stay, and

1           there's no reason in the world that the circuit  
2           court should, you know, go against that spirit of  
3           things while --

4           THE COURT: Thank you, Mr. Harris.

5           Mr. Rodriguez, any response?

6           MR. RODRIGUEZ: Just briefly: One, I have  
7           no idea and do not understand the relief that he's  
8           seeking from this Court. As this Court has  
9           pointed out, the only issue on appeal is an order  
10          entered by this Court pursuant to a Florida  
11          Supreme Court opinion and Florida law.

12          The Third will ultimately decide that  
13          matter. They stayed that order. That's the only  
14          thing pending before the appellate court.

15          What we do have is an unsatisfied final  
16          judgment with execution that was issued for over  
17          two years. Mr. Harris owes my client \$790,000  
18          with interest over two years.

19          The lifespan of a judgment in the state of  
20          Florida is 20 years. I am merely seeking  
21          discovery in aid of execution to assist my client  
22          in exercising its right in the enforcement of the  
23          judgment.

24          There is no case law. There is no  
25          statutory law that Mr. Harris has provided this

1 Court to substantiate the need to stay the  
2 execution proceedings pending an appeal of an  
3 order that's already been stayed.

4 THE COURT: Gentlemen, I am not going to  
5 enter any other orders in this action. Obviously,  
6 you're governed by the stay issued by the Third  
7 District Court of Appeals.

8 Mr. Harris, while I don't disagree with you  
9 that the Third DCA is sort of in control of these  
10 proceedings, I also don't want to overstep my  
11 boundaries and issue any other orders in this case  
12 until they give me direction.

13 MR. HARRIS: Okay. Thank you, Judge.

14 THE COURT: All right. Thank you,  
15 gentlemen.

16 MR. RODRIGUEZ: Thank you, Judge.

17 THE COURT: Mr. Rodriguez, I need a -- yes,  
18 I don't need anything for today.

19 All right, gentlemen. Thank you.

20 MR. RODRIGUEZ: Thank you, Judge.

21 (Thereupon, at 9:03 a.m., this proceeding  
22 was concluded.)  
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CERTIFICATE OF REPORTER

- - -

I, Jackie Mentecky, Court Reporter, State of Florida at Large, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript, page 1 through 7, is a true and complete record of my stenographic notes.

Dated this 19th day of September 2024.

*Jackie Mentecky* 

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Jackie Mentecky, Court Reporter

<p><b>\$790000</b> 5:17</p> <p><b>11th</b> 11</p> <p><b>19th</b> 7:11</p> <p><b>202223001ca01</b> 2022</p> <p><b>2nd</b> 2:10</p> <p><b>action</b> 6:5</p> <p><b>advisement</b> 4:11</p> <p><b>after</b> 4:1</p> <p><b>against</b> 5:2</p> <p><b>aid</b> 4:4,4,22 5:21 (4)</p> <p><b>already</b> 6:3</p> <p><b>also</b> 4:12 6:10</p> <p><b>am</b> 8,8 3:18 5:20 6:4,21 (6)</p> <p><b>anything</b> 3:16,17,19 6:18 (4)</p> <p><b>appeal</b> 4:12 5:9 6:2</p> <p><b>appeals</b> 6:7</p> <p><b>appearances</b> 2:1</p> <p><b>appeared</b> 3:9</p> <p><b>appellate</b> 5:14</p> <p><b>are</b> 4:11</p> <p><b>assist</b> 5:21</p> <p><b>attempt</b> 4:21</p> <p><b>authorized</b> 7:6</p> <p><b>because</b> 4:14</p> <p><b>before</b> 1 4:6 5:14</p> <p><b>behalf</b> 2:3,8 3:6,11 (4)</p> <p><b>beryl</b> 1</p>	<p><b>biscayne</b> 2:5</p> <p><b>boulevard</b> 2:5,10</p> <p><b>boundaries</b> 6:11</p> <p><b>briefly</b> 5:6</p> <p><b>brinkley</b> 1</p> <p><b>c</b> 3:1</p> <p><b>calendar</b> 3:15</p> <p><b>capital</b> 2022 3:3</p> <p><b>case</b> 5:24 6:11</p> <p><b>certificate</b> 7:2</p> <p><b>certify</b> 7:6</p> <p><b>circuit</b> 11,11 5:1</p> <p><b>client</b> 5:17,21</p> <p><b>collection</b> 3:23 4:10</p> <p><b>coming</b> 4:18</p> <p><b>complete</b> 7:9</p> <p><b>concluded</b> 6:22</p> <p><b>control</b> 6:9</p> <p><b>counsel</b> 3:8</p> <p><b>county</b> 11</p> <p><b>court</b> 11 3:3,7,13 5:2,4,8,8,10,11,14 6:1,4,7,14,17 7:5,18 (18)</p> <p><b>court's</b> 3:24</p> <p><b>creditor</b> 3:11</p> <p><b>d</b> 3:1</p> <p><b>dated</b> 7:11</p> <p><b>day</b> 7:11</p>	<p><b>days</b> 4:1</p> <p><b>dca</b> 3:15,17 4:10 6:9 (4)</p> <p><b>decide</b> 5:12</p> <p><b>defendant</b> 2:8</p> <p><b>defendants</b> 1</p> <p><b>direction</b> 6:12</p> <p><b>disagree</b> 6:8</p> <p><b>discovery</b> 4:3,21 5:21</p> <p><b>district</b> 6:7</p> <p><b>down</b> 4:12,14</p> <p><b>drew</b> 4:6</p> <p><b>e</b> 3:1,1</p> <p><b>employee</b> 4:23</p> <p><b>employer</b> 4:23</p> <p><b>end</b> 4:14,18</p> <p><b>enforcement</b> 5:22</p> <p><b>engage</b> 4:21</p> <p><b>enough</b> 4:15</p> <p><b>enter</b> 4:20 6:5</p> <p><b>entered</b> 5:10</p> <p><b>esq</b> 2:4,9</p> <p><b>even</b> 4:6</p> <p><b>everything</b> 4:11</p> <p><b>execution</b> 4:4,4,22 5:16,21 6:2 (6)</p> <p><b>exercising</b> 5:22</p> <p><b>final</b> 5:15</p>
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<p><b>fine</b> 3:18</p> <p><b>firm's</b> 3:25 4:2</p> <p><b>first</b> 4:7</p> <p><b>fl</b> 2:33020</p> <p><b>floor</b> 2:10</p> <p><b>florida</b> 11 2:33181 5:10,11,20 7:6 (6)</p> <p><b>following</b> 3:24</p> <p><b>foregoing</b> 7:7</p> <p><b>g</b> 3:1</p> <p><b>garnish</b> 4:5</p> <p><b>garnishment</b> 4:22</p> <p><b>gentlemen</b> 3:20 6:4,15,19 (4)</p> <p><b>give</b> 6:12</p> <p><b>go</b> 3:22 5:2</p> <p><b>going</b> 6:4</p> <p><b>good</b> 3:5,7,10,13 (4)</p> <p><b>governed</b> 6:6</p> <p><b>harris</b> 1,1,1 2:9,9 3:4,5,6,8,12,21 5:4,17,25 6:8,13 (16)</p> <p><b>has</b> 3:8,18 4:10 5:8,25 (5)</p> <p><b>he</b> 3:12 4:5</p> <p><b>he's</b> 4:5 5:7</p> <p><b>hearing</b> 1</p> <p><b>here</b> 3:6</p> <p><b>hollywood</b> 2:10</p> <p><b>honor</b> 3:5,21 4:8</p>	<p><b>honorable</b> 1</p> <p><b>i'm</b> 3:14,19</p> <p><b>idea</b> 5:7</p> <p><b>inclined</b> 3:19</p> <p><b>initiative</b> 3:23</p> <p><b>interest</b> 5:18</p> <p><b>interestingly</b> 4:15</p> <p><b>is</b> 3:12,15,18 4:8,9,12,19 5:9,15,20,24,24 6:9 7:8 (14)</p> <p><b>issue</b> 4:22 5:9 6:11</p> <p><b>issued</b> 3:15 4:1,13,25 5:16 6:6 (6)</p> <p><b>its</b> 5:22</p> <p><b>jackie</b> 7:5,18</p> <p><b>jb</b> 1,1 2:9,9 3:3,6 (6)</p> <p><b>jbharrisesq@gmailcom</b> 2:11</p> <p><b>job</b> 4:6</p> <p><b>jonathan</b> 1</p> <p><b>judge</b> 3:10 6:13,16,20 (4)</p> <p><b>judges</b> 4:14,16</p> <p><b>judgment</b> 3:11 5:16,19,23 (4)</p> <p><b>judgments</b> 2:4</p> <p><b>judicial</b> 11</p> <p><b>just</b> 4:6,23 5:6</p> <p><b>keep</b> 4:23</p> <p><b>know</b> 3:15,16 5:2</p> <p><b>large</b> 7:6</p> <p><b>law</b> 1 3:24 5:11,24,25 (5)</p>	<p><b>less</b> 3:17</p> <p><b>lifespan</b> 5:19</p> <p><b>like</b> 4:25</p> <p><b>limited</b> 4:19</p> <p><b>llc</b> 1</p> <p><b>lost</b> 4:16</p> <p><b>lp</b> 2022</p> <p><b>management</b> 2022</p> <p><b>matter</b> 3:14 5:13</p> <p><b>may</b> 3:21</p> <p><b>me</b> 3:16,18 4:3 6:12 (4)</p> <p><b>mentecky</b> 7:5,18</p> <p><b>merely</b> 5:20</p> <p><b>mia</b> 2:4</p> <p><b>miami</b> 2:33181</p> <p><b>miamidade</b> 11</p> <p><b>missing</b> 3:19</p> <p><b>morning</b> 3:5,7,10,13 (4)</p> <p><b>much</b> 3:17</p> <p><b>my</b> 3:24 4:2,5,6,23 5:17,21 6:10 7:9 (9)</p> <p><b>myself</b> 3:6</p> <p><b>n</b> 3:1</p> <p><b>need</b> 6:1,17,18</p> <p><b>no</b> 2022 4:9 5:1,7,24,24 (6)</p> <p><b>nonprejudicial</b> 4:19</p> <p><b>notes</b> 7:9</p>
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<p><b>o</b> 3:1</p> <p><b>obviously</b> 6:5</p> <p><b>offices</b> 1</p> <p><b>oh</b> 3:12,13</p> <p><b>one</b> 4:16 5:6</p> <p><b>only</b> 5:9,13</p> <p><b>opinion</b> 4:18 5:11</p> <p><b>opposing</b> 3:8</p> <p><b>order</b> 4:2,13,17,20 5:9,13 6:3 (7)</p> <p><b>orders</b> 6:5,11</p> <p><b>other</b> 6:5,11</p> <p><b>out</b> 4:18 5:9</p> <p><b>over</b> 5:16,18</p> <p><b>overstep</b> 6:10</p> <p><b>owes</b> 5:17</p> <p><b>p</b> 3:1</p> <p><b>pa</b> 1,1 2:9</p> <p><b>page</b> 7:8</p> <p><b>panel</b> 4:16</p> <p><b>particular</b> 3:22</p> <p><b>paycheck</b> 4:7</p> <p><b>pending</b> 5:14 6:2</p> <p><b>permitted</b> 3:18</p> <p><b>plaintiff</b> 2:3</p> <p><b>plaintiffs</b> 1</p> <p><b>pllc</b> 2:4</p>	<p><b>point</b> 4:8</p> <p><b>pointed</b> 5:9</p> <p><b>prejudice</b> 4:9</p> <p><b>proceeding</b> 6:21</p> <p><b>proceedings</b> 4:10 6:2,10 7:7 (4)</p> <p><b>provided</b> 5:25</p> <p><b>pursuant</b> 5:10</p> <p><b>quite</b> 3:14</p> <p><b>quo</b> 4:24</p> <p><b>r</b> 3:1</p> <p><b>reason</b> 5:1</p> <p><b>record</b> 7:9</p> <p><b>reelection</b> 4:16</p> <p><b>relief</b> 5:7</p> <p><b>report</b> 7:7</p> <p><b>reporter</b> 7:2,5,18</p> <p><b>request</b> 4:20</p> <p><b>response</b> 5:5</p> <p><b>reviewing</b> 4:11</p> <p><b>right</b> 5:22 6:14,19</p> <p><b>rodriguez</b> 2:4 3:10,11,14 4:3 5:5,6 6:16,17,20 (10)</p> <p><b>rodriguez's</b> 4:21</p> <p><b>ron</b> 2:4 3:10</p> <p><b>ron@rjrfirmcom</b> 2:6</p> <p><b>run</b> 4:15</p> <p><b>s</b> 3:1</p>	<p><b>said</b> 4:25</p> <p><b>sale</b> 3:24 4:2</p> <p><b>seat</b> 4:17</p> <p><b>see</b> 3:9</p> <p><b>seeking</b> 4:5 5:8,20</p> <p><b>sent</b> 4:3</p> <p><b>september</b> 18 7:11</p> <p><b>should</b> 5:2</p> <p><b>signature</b> 7:17</p> <p><b>simple</b> 4:20</p> <p><b>so</b> 3:16,18 4:1,8,17,19 (6)</p> <p><b>something</b> 3:20</p> <p><b>sort</b> 6:9</p> <p><b>spirit</b> 5:2</p> <p><b>spv</b> 1</p> <p><b>started</b> 4:6</p> <p><b>state</b> 5:19 7:5</p> <p><b>status</b> 4:24</p> <p><b>statutory</b> 5:25</p> <p><b>stay</b> 3:16,22,24 4:2,9,25 6:1,6 (8)</p> <p><b>stayed</b> 5:13 6:3</p> <p><b>staying</b> 4:20</p> <p><b>stenographic</b> 7:9</p> <p><b>stenographically</b> 7:7</p> <p><b>stock</b> 3:25 4:2</p> <p><b>stopping</b> 3:22</p>
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<p><b>substantiate</b> 6:1</p> <p><b>suite</b> 2:5</p> <p><b>supreme</b> 5:11</p> <p><b>sure</b> 3:14</p> <p><b>taken</b> 3:23</p> <p><b>tanya</b> 1</p> <p><b>texas</b> 4:12</p> <p><b>than</b> 3:17</p> <p><b>thank</b> 5:4 6:13,14,16,19,20 (6)</p> <p><b>their</b> 3:23 4:17</p> <p><b>there's</b> 3:16 5:1</p> <p><b>thereupon</b> 6:21</p> <p><b>these</b> 6:9</p> <p><b>they've</b> 3:23</p> <p><b>thing</b> 5:14</p> <p><b>things</b> 4:23 5:3</p> <p><b>third</b> 3:15,17 4:1,10,25 5:12 6:6,9 (8)</p> <p><b>through</b> 7:8</p> <p><b>today</b> 6:18</p> <p><b>toward</b> 4:3,4</p> <p><b>transcript</b> 7:8</p> <p><b>true</b> 7:8</p> <p><b>two</b> 5:17,18</p> <p><b>ultimately</b> 5:12</p> <p><b>under</b> 4:11</p> <p><b>understand</b> 5:7</p>	<p><b>unless</b> 3:19</p> <p><b>unsatisfied</b> 5:15</p> <p><b>until</b> 6:12</p> <p><b>versus</b> 3:3</p> <p><b>very</b> 4:19</p> <p><b>videoconference</b> 18</p> <p><b>virage</b> 2022,1 3:3,22 4:9 (5)</p> <p><b>vs</b> 1</p> <p><b>wages</b> 4:5</p> <p><b>want</b> 6:10</p> <p><b>what</b> 5:15</p> <p><b>which</b> 3:18,23 4:13</p> <p><b>while</b> 5:3 6:8</p> <p><b>why</b> 3:14</p> <p><b>will</b> 4:13,13,17 5:12 (4)</p> <p><b>world</b> 5:1</p> <p><b>would</b> 3:22</p> <p><b>writs</b> 4:22</p> <p><b>yeah</b> 3:9</p> <p><b>year</b> 4:14,18</p> <p><b>years</b> 5:17,18,20</p> <p><b>yes</b> 6:17</p> <p><b>you're</b> 6:6</p> <p><b>your</b> 3:5,21 4:8</p> <p><b>903</b> 8 6:21</p> <p><b>915</b> 2:5</p> <p><b>2024</b> 18 7:11</p>	<p><b>2719</b> 2:10</p> <p><b>12555</b> 2:5</p> <p><b>33020</b> 2:33020</p> <p><b>33181</b> 2:33181</p> <p><b>3057734875</b> 2:6</p> <p><b>7863038333</b> 2:11</p>
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**From:** [JB Harris, Esq.](#)  
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**Subject:** Virag v. Harris Case No. 2022-23001-CA-01  
**Date:** Thursday, September 19, 2024 6:07:07 PM  
**Attachments:** [image001.png](#)  
[09-18-24 Transcript from Motion to Stay P's Collection Action in Virage v. Harris Case No. 2022-23001-CA-01.pdf](#)

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[EXTERNAL EMAIL]

Gentlemen, this matter is stayed. Period. End of story.

Regards.

J.B. Harris, Esq.  
Senior Litigation Attorney  
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IN THE CIRCUIT COURT OF THE 11th  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. 2022-23001 CA 13

VIRAGE CAPITAL MANAGEMENT, LP  
and VIRAGE SPV 1 LLC,

Judgment Creditors,

vs.

JONATHAN BERYL HARRIS,  
THE LAW OFFICES OF J.B. HARRIS, P.A.,  
and J.B. HARRIS, P.A.

Judgment Debtors.

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**JUDGMENT CREDITORS' INTERROGATORIES IN AID OF EXECUTION**

Judgment Creditors Virage Capital Management, LP and Virage SPV 1 LLC, pursuant to Rules 1.280, 1.340, and 1.560 of the Florida Rules of Civil Procedure, request that Judgment Debtors Jonathan B. Harris, The Law Offices of J.B. Harris, P.A., and J.B. Harris, P.A. respond to this first set of interrogatories in aid of execution.

**INSTRUCTIONS**

1. Jonathan B. Harris, The Law Offices of J.B. Harris, P.A., and J.B. Harris, P.A. are directed to answer, separately and fully, and within the time allowed, each of the following interrogatories in writing and under oath pursuant to of the Florida Rule of Civil Procedure 1.340.

2. The terms “you” and “your” refer to Judgment Debtors Jonathan B. Harris, The Law Offices of J.B. Harris, P.A., and J.B. Harris, P.A. and, unless the matters are privileged, their attorneys and accountants.

3. The terms “identification” and “identify” when used in reference to an individual

mean to state the individual's full name, present address, present employment position, and business affiliation. When used in reference to a person other than an individual, such terms mean to state the nature of that person (i.e., a corporation, a partnership, a trust, or other organization), and the name, present address, and principal place of business.

4. The terms "identification" and "identify" when used to refer to a document or documents mean to state the date, the signor or signors, the addressee of the document, if any, the type of document (i.e., letter, fax, e-mail, memorandum, telegram, notice, contract, etc.) and such other terms of description, identifying the document or documents with sufficient particularity to meet the requirements for its or their inclusion in a request for the production of documents pursuant to Rule 1.350 of the Florida Rules of Civil Procedure. If any such document was, but is no longer in your possession or control, state the disposition of that document and the reason for such disposition. In lieu of identifying any document, a true and correct copy may be annexed to the answers to these interrogatories and incorporated into the answers by specific reference.

#### **DEFINITIONS**

5. "You," "your," and "Judgment Debtors" mean and refer to Jonathan B. Harris, The Law Offices of J.B. Harris, P.A., J.B. Harris, P.A., or any other person or entity in which the foregoing have or had any interest or control, including their current and former attorneys, agents, and representatives.

6. "Document(s)" means any tangible thing, writing, recording or reproduction in any manner, any visual or auditory data in your possession, custody or control, including without limitation, electronically stored information as defined by the Florida Rules of Civil Procedure, computer data bases, hard drives, storage tapes or disks, all e-mail data (including attachments thereto), any digital version of any requested information, and any papers or other format on which

words have been written, printed, typed, digitally embedded or otherwise affixed, correspondence, memoranda, plans, briefs, transcripts, stenographic or handwritten notes, telegrams, telexes, facsimiles, letters, reports, budgets, forecasts, presentations, analyses, training or instructional handbooks or manuals, graphs or charts, ledgers, invoices, diaries or calendars, minute books, meeting minutes, computer print-outs, prospectuses, financial statements, checks, bank statements, annual, quarterly or other filings with any governmental agency or department, annual reports (including schedules thereto), statistical studies, articles appearing in publications, press releases, video or audio tapes, and shall mean originals or a copy where the original is not in your possession, custody or control, and every copy of every document where such copy is not an identical copy of an original (whether different from the original by reason of any notation made on such copy or for any other reason).

7. “Communication” means any oral utterance made, heard or overheard to another person or persons, whether in person or by telephone or otherwise, as well as every written document and every other mode of intentionally conveyed meaning.

8. “Judgment Creditors” and “Virage” mean Virage Capital Management, LP and Virage SPV 1 LLC.

9. As used herein, the words “concerning,” “pertaining to,” “regarding,” “reflecting,” or “relating to” shall mean: relating to, referring to, containing, concerning, describing, mentioning, constituting, supporting, corroborating, demonstrating, proving, evidencing, refuting, disputing, rebutting, controverting and/or contradicting.

10. Words in the singular include the plural, and vice versa, and the words “and” and “or” include “and/or.” The past tense includes the present tense when the clear meaning is not distorted by the change of tense.

## INTERROGATORIES

1. What is the name, address, and telephone number of the person or persons participating in the answering of these interrogatories? For each person, if applicable, list the person's relationship with Jonathan B. Harris, The Law Offices of J.B. Harris, P.A., and J.B. Harris, P.A., as well as the number of each interrogatory which the person participated in answering.
  
2. Over the past five years, have you possessed, or do you currently possess, any interest in real estate? If yes, please list the location of the real estate, the nature of your interest in the real estate, the date you acquired the interest, and the amount paid by you for that interest; and state, describe, and specify in detail each and every parcel of real property, fee simple or leasehold, in the State of Florida, or elsewhere, in which you have any direct or indirect interest, including giving an accurate location and address of the property, a description of the ownership interest (joint tenant by the entirety, tenant in common, sole owner, etc.), the reference to the deed or other instrument under which you acquired title to the interest held, and the names and addresses of all mortgagees and other persons possessing any mortgage lien or other encumbrance upon all or any property or properties listed in answer hereto, stating fully as to each the type of mortgage lien or other encumbrance, date incurred or acquired, face amount thereof and balance due and whether or not payments are in arrears.





9. Please list any safe deposit box or other similar storage facility that you have or use, and please identify the institution in which you rent, lease, or use such facility, the box or other identifying number for such facility, the name under which the facility is rented, leased, or used, and the contents of such facility.
10. Do you have any interest in any stocks, bonds, mutual funds, money market funds, or other securities or negotiable instruments? If yes, please list a full description of the stock, bond, security, or negotiable instrument, the par or face value of the stock, bond, security, or negotiable instrument, the registered and beneficial holders of the stock certificates, bond, security, or negotiable instrument, the maturity dates or the dates on which interests or dividends are payable, and the custodian of all documents evidencing the interest.
11. Do you have any interest in chattel that is worth over \$1,000? If yes, please list the chattel, the value of the chattel, your interest in the chattel, and the location of the chattel.

12. State if you or your spouse or former spouse, if any, own any jewelry, and, if so, describe who owns it, the nature or type of jewelry, the purchase price, the purchase year, and the insurance value.

13. Are you, your spouse and/or former spouse, if any, or your children directors, members, partners, officers, employees, trustees, beneficiaries, or independent contractors of any corporation, trust or business entity? If yes, list their names, their titles, and the name and address of the corporation, trust or business entity.

14. State the nature, name, and address of any business venture in which you or your spouse and/or former spouse, if any, are engaged, whether full time or part time, which generates income to you and list the owners of such business, total income of such business during the last taxable year, and the average monthly income for the last five years.

15. Please list the name and address of the source of any money you have received during the last five years and the amount of money received from that source.

16. Since January 1, 2018, have you closed any checking, savings, share draft, money market, certificate of deposit, or other money account; conveyed or disposed of any real or personal property; given or sold anything of value to any person, including a relative or in-law; or otherwise allowed anything of value to leave your possession or control? If yes, please list what you have closed, conveyed, disposed, given, sold, or allowed to leave your possession and to whom you conveyed, disposed, gave, or sold the property.

17. Since January 1, 2018, have you made any payments or conveyances, of any kind, including gifts and loans, to persons related to you by blood or marriage? If yes, give the names of the persons to whom you made payments or conveyances, the dates of those payments or conveyances, and the amounts of the payments or the property conveyed.

18. Please list the full case name and a detailed status of any *Engle* or *Broin* case in which you currently have, or at any time over the past five years had, a fee interest, and include any and all counsel arrangements and or fee arrangements, written or otherwise, for each case.

19. Please list the full case name and a detailed status of any case which you have, or over the past five years, pledged as collateral to secure credit, funding, money, fees, or any other financial benefit of any kind.

20. Please state, describe, and specify in detail whether you are the legatee, devisee, or beneficiary of any will, estate, trust, or trust fund; and if so, give the nature of the interest, the amount payable, and when it is or will be received, and references to any court proceedings.

21. Please state, describe, and specify in detail all engagements, fee agreements, fee-splitting agreements, or other agreements for payment for legal service between you and any other person or entity; including but not limited to the fee arrangement, the procedural status of the underlying case, and expected fee recoveries.

Dated: March 17, 2023

Respectfully Submitted,

/s/Gerald E. Greenberg

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*Counsel for Judgment Creditors*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 17, 2023, a true and correct copy of the foregoing was furnished by electronic mail and U.S. mail to all parties on the Service List below.

**SERVICE LIST**

J.B. Harris (*pro se*)  
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/s/Gerald E. Greenberg  
GERALD E. GREENBERG

IN THE CIRCUIT COURT OF THE 11th  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. 2022-23001 CA 13

VIRAGE CAPITAL MANAGEMENT LP  
and VIRAGE SPV 1 LLC,

Judgment Creditors,

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JONATHAN BERYL HARRIS,  
THE LAW OFFICES OF J.B. HARRIS, P.A.,  
and J.B. HARRIS, P.A.

Judgment Debtors.

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**JUDGMENT CREDITORS' MOTION TO ORDER JUDGMENT DEBTORS TO  
COMPLETE FACT INFORMATION SHEET IN AID OF EXECUTION**

Judgment Creditors Virage Capital Management LP and Virage SPV 1 LLC, pursuant to Rule 1.560, Florida Rules of Civil Procedure, move for the Court to require Judgment Debtors Jonathan B. Harris, The Law Offices of J.B. Harris, P.A., and J.B. Harris, P.A., to serve verified Form 1.977 Fact Information Sheets, including all required attachments. The grounds upon which Judgment Creditors base this motion are as follows:<sup>1</sup>

1. On November 14, 2022, a Final Declaratory Judgment was entered in the District Court of

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<sup>1</sup> Because Judgment Debtors have yet to furnish “security for satisfaction of the judgment which is required in this state[.]” Fla. Stat. § 55.509(2), Judgment Debtors’ (bordering-on-frivolity) request to stay enforcement is ineffective and subject to dismissal. *See, e.g., Jackson v. Alexander*, 706 So. 2d 364, 365 (Fla. 1st DCA 1998) (“Because Petitioner failed to post bond, his section 55.509 action is ineffective and subject to dismissal.”); *see also Katz v. N.M.E. Hosps., Inc.*, 842 So. 2d 853, 854 (Fla. 4th DCA 2002) (“Absent a supersedeas bond . . . in relation to the judgment [awarding attorney’s fees], judgment creditors are entitled to pursue execution and collection of the judgment.”); *Finst Dev., Inc. v. Bemaor*, 449 So. 2d 290, 291 (Fla. 3d DCA 1983) (appellant entitled to stay of judgment for attorney’s fees and costs only by posting good and sufficient bond).

Harris County, Texas 127th Judicial District, Case No. 2019-22971, against the Judgment Debtors and in favor of the Judgment Creditors, in the amount of (1) \$759,568.50 in attorney's fees incurred through final judgment; (2) \$85,000.00 in conditional appellate attorney's fees for representation in the intermediate court of appeals; (3) \$85,000.00 in conditional appellate attorney's fees for representation in the Texas Supreme Court; and (4) \$31,200.00 in costs. Interest accrues on the Judgment at 5.5% per annum.

2. On December 12, 2022, a Notice of Recording of Foreign Judgment was entered in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Case No. 2022-23001-CA, domesticating the Harris County, Texas Final Declaratory Judgment.
3. Pursuant to Rule 1.560, Florida Rules of Civil Procedure, at Judgment Creditors' request, this Court "*shall* order" Judgment Debtors to complete and serve on Judgment Creditors' counsel a Form 1.977 Fact Information Sheet(s) under oath, including all required attachments, within forty-five (45) days of the Court's Order or such other reasonable time as determined by the Court.<sup>2</sup> *See* Fla. R. Civ. P. 1.560(b) (emphasis added); *see also Dopico-Cab v. Dopico-Cab*, 434 So. 2d 30, 31 (Fla. 3d DCA 1983) (holding that discovery in aid of execution could be properly conducted in connection with judgment awarding attorney's fees).
4. Rule 1.560 provides that in order to execute on a judgment, a judgment creditor may obtain discovery from the judgment debtor. *See* Fla. R. Civ. P. 1.560(a). Among the options available to a judgment creditor is an order directing the judgment debtor to serve a verified Fact Information Sheet regarding its assets. *See* Fla. R. Civ. P. 1.560(b). A judgment

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<sup>2</sup> Judgment Creditors submit to the Court that a reasonable time would be 30 days from entry of an Order.

debtor's failure to obey an order directing it to serve a Fact Information Sheets is grounds for contempt. *See id.*

For the foregoing reasons, Judgment Creditors request that the Court (1) order Judgment Debtors to complete, under oath, Florida Rules of Civil Procedure Form 1.977 (Fact Information Sheet), including production of all required attachments; and (2) require Judgment Debtors to serve the completed Fact Information Sheets and produce all required attachments within 30 days of the Court's Order.

Dated: April 11, 2023

Respectfully Submitted,

/s/Gerald E. Greenberg

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*Counsel for Judgment Creditors*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 11, 2023, I filed the foregoing using the State of Florida's ePortal Filing System. I further certify that a copy of the foregoing has been served via email through the State of Florida's ePortal Filing System and by electronic mail and U.S. mail to all parties on the Service List below.

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/s/Gerald E. Greenberg  
GERALD E. GREENBERG

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2022-023001-CA-01

SECTION: CA13

JUDGE: Gina Beovides

**Virage Capital Management LP et al**

Plaintiff(s)

vs.

**Harris, Jonathan Beryl et al**

Defendant(s)

**ORDER DENYING EMERGENCY MOTION TO STAY EXECUTION OF WRIT OF  
GARNISHMENT**

**THIS CAUSE** came before the Court on Judgment Debtors Jonathan B. Harris, The Law Offices of J.B. Harris, P.A., and J.B. Harris, P.A.'s ("Judgment Debtors[']") Emergency Motion to Stay Execution of Writ of Garnishment Pending the Outcome of Texas Appeal. The Court has reviewed the Motion, the relevant submissions, heard oral argument, and is fully advised in the premises. For the reasons set forth below, the Court denies the request to stay enforcement proceedings.

**I. Introduction and Brief Background**

This is an action involving enforcement of a judgment entered in the state of Texas in favor of Virage Capital Management LP and Virage SPV 1 LLC ("Judgment Creditors") and against Judgment Debtors. On November 14, 2022, a final declaratory judgment was entered in the District Court of Harris County, Texas 127th Judicial District, Case No. 2019-22971, against Judgment Debtors in the amount of (1) \$759,568.50 in attorney's fees incurred through final judgment; (2) \$85,000.00 in conditional appellate attorney's fees for representation in the intermediate court of appeals; (3) \$85,000.00 in conditional appellate attorney's fees for representation in the Texas Supreme Court; and (4) \$31,200.00 in costs. The Texas judgment was decided following a bench

trial. (*See* Foreign J. [D.E. 1]; Aff. of Foreign J. [D.E. 2]). All parties were represented by counsel. The Texas action was not *ex parte* or by default, and a final declaratory judgment was entered in favor of Judgment Creditors.

On December 6, 2022, Judgment Creditors elected to pursue enforcement of the Texas judgment in Florida. (*See* [D.E. 1, 2]). A notice of recording of foreign judgment was entered in this Court, Case No. 2022-23001-CA, domesticating the Texas judgment on December 12, 2022. (*See* Notice of Recording [D.E. 5]). The Clerk of Court mailed the notice of recording of the foreign judgment to Judgment Debtors. *See* Fla. Stat. § 55.505(2); (*see also* [D.E. 6-13]).

Judgment Creditors served discovery in aid of execution on March 17, 2023—after the thirty-day statutory waiting period. *See* Fla. Stat. §§ 55.503, 55.505; (*see* Notice of Interrogs. [D.E. 18]). This discovery was served on Jonathan B. Harris, the entity debtors, and Judgment Debtors' Texas counsel. (*See* Notice of Interrogs. [D.E. 18]). On April 11, 2023, Judgment Creditors filed (1) a motion for issuance of writ of garnishment and (2) a motion to order Judgment Debtors to complete fact information sheet in aid of execution. (*See* [D.E. 20, 21]). Both were served on Judgment Debtors. (*See* [D.E. 20, 21]). A writ of garnishment against TD Bank, National Association was issued by the Clerk of Court on April 13, 2023. (*See* [D.E. 26]). Thereafter, Garnishee, TD Bank, National Association was served on April 14, 2023. (*See* [D.E. 28]).

Presently, Judgment Debtors have submitted an emergency motion to stay enforcement in Florida of the Texas judgment. Judgment Debtors request the Court: (1) stay enforcement of the judgment by way of garnishment or other enforcement proceedings; and (2) enter a protective order to prohibit discovery in aid of execution of the foreign judgment. Judgment Creditors oppose the requested relief and insist Judgment Debtors fail to set forth any valid basis for this Court to stay enforcement of the writ of garnishment or the domesticated judgment. For the reasons that follow, the Court agrees with Judgment Creditors' position and denies staying enforcement of the foreign judgment.

## II. Discussion

The Florida Enforcement of Foreign Judgments Act provides a mechanism for enforcing foreign judgments against Florida residents and assets. *See* Fla. Stat. § 55.501, *et seq.* Once a foreign judgment is domesticated pursuant to the Act, the judgment has the same effect as a Florida judgment. *See* Fla. Stat. § 55.503; *Systemax, Inc. v. Fiorentino*, 283 So. 3d 415, 424 (Fla. 3d DCA 2019). Relevant to the present motion, a judgment debtor may obtain a stay if certain statutory requirements are satisfied. None of these statutory requirements is present here, however, warranting denial of Judgment Debtors’ request to stay enforcement proceedings.

First, Section 55.509(1) says that a court “shall stay enforcement of a foreign judgment” if “the judgment debtor files an action contesting the jurisdiction of the court which entered the foreign judgment or the validity of the foreign judgment *and* records a lis pendens directed toward the foreign judgment.” Fla. Stat. § 55.509(1) (emphasis added). A review of the record and Judgment Debtors’ motion establish that a lis pendens was not timely filed or recorded pursuant to Section 55.509(1). The Court thus finds that Judgment Debtors are not entitled to a stay of enforcement pursuant to the plain language of Section 55.509(1).

Second, Section 55.509(2) unambiguously provides that a court “shall stay enforcement of the foreign judgment for an appropriate period” where “the judgment debtor shows the circuit . . . court any ground upon which enforcement of a judgment of any circuit . . . court of this state would be stayed” and by posting “the same security for satisfaction of the judgment which is required in this state.” Fla. Stat. § 55.509(2). The statute requires the posting of an adequate bond in the event of a stay of execution of a foreign judgment in this state. The Court concludes the language of this section is mandatory and the amount of the bond to be posted must be sufficient to satisfy the Texas judgment—specifically, equal to the amount of the Texas judgment. *See, e.g., Jackson v. Alexander*, 706 So. 2d 364, 365 (Fla. 1st DCA 1998) (“Because Petitioner failed to post bond, his section 55.509 action is ineffective and subject to dismissal.”); *see also Katz v. N.M.E. Hosps., Inc.*,

842 So. 2d 853, 854 (Fla. 4th DCA 2002) (“Absent a supersedeas bond . . . in relation to the judgment [awarding attorney’s fees], judgment creditors are entitled to pursue execution and collection of the judgment.”); *see also Ashkenazy v. LSREF2 Clover REO 2, LLC*, 12-80687-Civ, 2012 WL 12931941, at \*1 (S.D. Fla. Oct. 18, 2012) (explaining “a failure to post a bond in an action under Fla. Stat. § 55.509 could result in dismissal of such action”).

Judgment Debtors maintain that a choice-of-law provision in the *underlying contract action in Texas* requires the Court to apply Texas law to this Florida *post-judgment* enforcement proceeding. The Court is unpersuaded that Texas law applies to this Florida proceeding. Indeed, precedent establishes that this enforcement action—brought by Judgment Creditors in Florida pursuant to the Act—does not arise out of or relate to the contract. It is a separate proceeding relating to the *enforcement* of a Texas judgment *in Florida*. *See, e.g. Nicor Int’l Corp. v. El Paso Corp.*, 292 F. Supp. 2d 1357, 1364 n.4 (S.D. Fla. 2003) (“The parties’ choice of law provision in the PSA provides that ‘this contract shall be governed by the laws of the State of Texas, U.S.A.’ The issue of whether to recognize a foreign judgment, however, is not a matter concerning the contract.” (citation omitted)); *cf. Turner Entm’t Co. v. Degeto Film GmbH*, 25 F.3d 1512, 1520 (11th Cir. 1994) (“actions to recognize and enforce foreign judgments in diversity cases are matters of state law”).

In short, the Court applies Florida law to this Florida enforcement proceeding, and thus, finds Judgment Debtors’ failure to post a bond forecloses relief under the unambiguous language of Section 55.509(2). *See Fla. Stat. § 55.509(2)* (requiring, as a mandatory condition, that “the same security for satisfaction of the judgment which is required in this state”); *see also Finst Dev., Inc. v. Bemaor*, 449 So. 2d 290, 291 (Fla. 3d DCA 1983) (appellant entitled to stay of judgment for attorney’s fees and costs only by posting good and sufficient bond); *cf. Capital Bank v. MVB, Inc.*, 683 So. 2d 1175, 1176 (Fla. 3d DCA 1996) (error to discharge bond providing for costs, interest and attorney’s fees, and damages for delay before attorney’s fees finalized).

Third, Section 55.607 grants this Court discretionary authority to issue a stay of enforcement action where a judgment debtor “*obtained* a stay of judgment from the foreign court.” Fla. Stat. § 55.607 (emphasis added). In other words, Florida allows enforcement of a foreign judgment despite a pending appeal and permits a stay pending appeal *only* if a stay has been obtained from the foreign court. Judgment Debtors have not obtained a stay of the Texas judgment—a mandatory statutory requirement—and thus, this Court does not have discretion to stay enforcement of the judgment. Indeed, the Florida statute’s plain language requires a judgment debtor to “obtain[] a stay from the foreign court” before this Court can enter a stay. *See* Fla. Stat. § 55.607; *see also, e.g., Garnac Grain Co., Inc. v. Mejia*, 962 So. 2d 408, 410 (Fla. 4th DCA 2007) (rejecting the notion that an enforcement action should not proceed due to a pending foreign appeal).

Notwithstanding, Judgment Debtors state that an initial brief in the Texas appeal has been filed and try to address the merits of the underlying Texas proceeding. However, a trial court can grant a stay of enforcement only if the judgment debtor has obtained a stay in the foreign court. *See* Fla. Stat. § 55.607. Judgment Debtors, here, have *not* obtained a stay of the judgment in Texas. Additionally, a trial court, in an enforcement proceeding, is precluded from inquiring into the merits of the judgment or the logic or consistency of the foreign court decision. *See, e.g., Frank v. Frank*, 306 So. 3d 1151, 1154 (Fla. 3d DCA 2020) (the full faith and credit clause of the Constitution precludes any inquiry into the merits of the cause of action, the logic or consistency of the decision, or the validity of the legal principles on which the judgment is based). The Court thus lacks discretion under Section 55.607 to stay this proceedings, especially considering the undisputed fact that a mandatory statutory condition is not satisfied.

In sum, the Court finds that Judgment Debtors fail to set forth any valid statutory basis for this Court to stay enforcement of the Texas judgment in Florida. The plain language of the Act controls and merits denial of Judgment Debtors’ stay request.

As to the Judgment Debtors' request for a protective order on discovery in aid of execution, the Court is similarly unpersuaded. Discovery in aid of execution is broad and is authorized to explore all aspects of a judgment debtor's financial condition and assets, including inquiring of related persons. *See, e.g., 2700 N. Ocean, LLC v. Sternberg*, 139 So. 3d 379, 380 (Fla. 3d DCA 2014) ("It is clear that Rule 1.560 permits a judgment creditor to obtain discovery in aid of execution from any person in the manner provided in the Rules of Civil Procedure." (cleaned up)); *Regions Bank v. MDG Frank Helmerich, LLC*, 118 So. 3d 968, 970 (Fla. 2d DCA 2013) ("Broad discovery of a debtor's assets is permitted postjudgment—the debtor's assets, whether held individually or jointly, are relevant to collecting the debt owed."). Moreover, to obtain a protective order, the moving party has the burden of showing good cause and demonstrating that justice requires protection against "annoyance, embarrassment, oppression, or undue burden or expense." Fla. R. Civ. P. 1.280(c). The burden of demonstrating good cause for the issuance of such a protective order falls upon the party seeking that relief. *See Off. of Att'y Gen. v. Millennium Commc'n & Fulfillment, Inc.*, 800 So. 2d 255, 258 (Fla. 3d DCA 2001).

Judgment Debtors raise one principal argument in support of their request for entry of a protective order—that is, discovery should commence only after the Texas appeal. The Court is unconvinced that this contention supports a protective order from discovery in aid of execution.

First, the Act, which the Court finds applies to this enforcement proceeding, permits enforcement of a foreign judgment even if it is currently being appealed. *See Fla. Stat. § 55.603*. Second Judgment Debtors' have not demonstrated good cause for a protective order; especially since it has failed to support assertions by any affidavits or other evidence to establish that answering interrogatories cause "annoyance, embarrassment, oppression, or undue burden or expense." Fla. R. Civ. P. 1.280(c); *see also RPS, Inc. v. Travel Max Intern., Inc.*, 823 So. 2d 243, 245 (Fla. 4th DCA 2002) ("Florida law allows a judgment creditor to have liberal rights of discovery in aid of execution."). Third, the Court cannot engage in a merits analysis of the

underlying appeal to prevent Judgment Creditors from obtaining proper and relevant discovery regarding possible sources for collection of the Texas judgment. *See Friedman v. Heart Inst. of Port St. Lucie, Inc.*, 863 So. 2d 189, 194 (Fla. 2003) (noting the “general rule in Florida is that personal financial information is ordinarily discoverable only in aid of execution after judgment has been entered”).

In short, the Court finds that Judgment Debtors fail to carry their burden and are not entitled to the protective order they seek. The Judgment Debtors are thus ordered to respond to Judgment Creditors’ propounded discovery.

Lastly, Judgment Debtors’ emergency motion challenges the validity of the writ of garnishment. The Court, however, rejects this argument. Section 77.01, Florida Statutes grants Judgment Creditors the ability to garnish funds held in Judgment Debtors’ bank accounts. *See Fla. Stat. § 77.01* (“Every person or entity who has . . . recovered judgment in any court against any person or entity has a right to a writ of garnishment, in the manner hereinafter provided, to subject any . . . debt due to defendant by a third person . . . tangible or intangible personal property of defendant in the possession or control of a third person.”). After judgment has been obtained against a judgment debtor, but before the writ of garnishment is issued, a judgment creditor shall file a motion stating the amount of the judgment. *See Fla. Stat. § 77.03*.

A motion for issuance of writ of garnishment was filed on April 11, 2023 (and served on all parties) and a writ was issued thereafter—on April 13. (*See* [D.E. 21, 26]). The minimal statutory requirements were thus satisfied. *See Fla. Stat. § 77.03*; *see also United Presidential Life Ins. Co. v. King*, 361 So. 2d 710, 713 (Fla. 1978) (“[W]e hold that neither due process under the Fourteenth Amendment of the United States Constitution nor any provision of the Florida Constitution requires prior notice to a judgment debtor and a hearing before a writ of garnishment may issue.”); *Aronowitz v. Health-Chem Corp.*, 04-60750-Civ, 2006 WL 8431480, at \*4 (S.D. Fla. Aug. 24, 2006) (“[C]ourts and commentators alike have widely interpreted the post-judgment

statute—Section 77.03—according to its plain language to permit issuance of a post-judgment writ of garnishment without a court order.” (collecting cases)).

As Judgment Creditors have obtained a judgment against Judgment Debtors, the Court finds Judgment Creditors have a right to a writ of garnishment. Further, the Court concludes the writ of garnishment is valid and was properly served on TD Bank, National Association.

### III. Conclusion

Under the Full Faith and Credit Clause of the United States Constitution and through the mechanism of the Florida Enforcement of Foreign Judgments Act, this Court must enforce the Texas judgment with equal force as any other judgment of this state. The Judgment Debtors fail to set forth any valid statutory basis for this Court to stay enforcement of the Texas judgment in Florida and present no good cause to stay discovery in aid of execution.

Accordingly, it is **ORDERED AND ADJUDGED** that Jonathan B. Harris, The Law Offices of J.B. Harris, P.A., and J.B. Harris, P.A.’s Emergency Motion to Stay Execution of Writ of Garnishment Pending the Outcome of Texas Appeal is **DENIED**. Jonathan B. Harris, The Law Offices of J.B. Harris, P.A., and J.B. Harris, P.A. must respond to any outstanding discovery and complete Form 1.977 Fact Information Sheet(s) under oath, including all required attachments, within 45 days of the Court’s Order.

**DONE and ORDERED** in Chambers at Miami-Dade County, Florida on this 20th day of September, 2023.

2022-023001-CA-01 09-20-2023 4:06 PM  


2022-023001-CA-01 09-20-2023 4:06 PM

Hon. Gina Beovides

**CIRCUIT COURT JUDGE**

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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IN THE CIRCUIT COURT OF THE 11th  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. 2022-23001 CA 13

VIRAGE CAPITAL MANAGEMENT LP  
and VIRAGE SPV 1 LLC,

Judgment Creditors,

vs.

JONATHAN BERYL HARRIS,  
THE LAW OFFICES OF J.B. HARRIS, P.A.,  
and J.B. HARRIS, P.A.

Judgment Debtors.

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**JUDGMENT CREDITORS' MOTION FOR ORDER TO SHOW CAUSE  
AND TO HOLD JUDGMENT DEBTORS IN CONTEMPT**

Judgment Creditors Virage Capital Management LP and Virage SPV 1 LLC (collectively, "Judgment Creditors") move, pursuant to Florida Rule of Civil Procedure 1.560(b), for issuance of an Order to Show Cause why Judgment Debtors Jonathan Beryl Harris, The Law Offices of J.B. Harris, P.A., and J.B. Harris, P.A. (collectively, "Judgment Debtors") should not be held in contempt for violating the Court's September 20, 2023 Order Denying Emergency Motion to Stay Execution of Writ of Garnishment [D.E. 48] (the "September 20 Order").

1. Judgment Creditors served discovery in aid of execution on March 17, 2023 – after the thirty-day statutory waiting period. *See* Fla. Stat. §§ 55.503, 55.505; (*see also* Notice of Interrogs. [D.E. 18]). This discovery was served on Jonathan B. Harris, the entity debtors, and Judgment Debtors' Texas counsel. (*See* Notice of Interrogs. [D.E. 18]). Similarly, on April 11, 2023,

Judgment Creditors filed a motion to order Judgment Debtors to complete Form 1.977 Fact Information Sheet(s) in aid of execution. (*See* [D.E. 21]).

2. In the September 20 Order – over six months after discovery requests were served – the Court ordered that Judgment Debtors “must respond to any outstanding discovery and complete Form 1.977 Fact Information Sheet(s) under oath, including all required attachments, within 45 days of the Court’s Order.” [D.E. 48].

3. Judgment Debtors’ discovery responses, including the fully completed Form 1.977 Fact Information Sheet(s), were due to Judgment Creditors on November 6, 2023.<sup>1</sup>

4. In other words, Judgment Debtors had approximately 234 days to respond to Judgment Creditors’ interrogatories and 209 days to complete Form 1.977 Fact Information Sheet(s).

5. Instead of responding to the interrogatories or form requests, Judgment Debtors engaged in a broad and frivolous campaign to attack a valid domesticated judgment and circumvent this Court’s Orders. Specifically, and since discovery was served, Judgment Debtors have (1) filed *two* separate lawsuits (in federal and state court) against Judgment Creditors; (2) filed *two* motions for injunctive relief (one of which was summarily denied by this Court); (3) sought to baselessly conduct three depositions of Judgment Creditors; and (4) submitted multiple filings and motions in federal and state court. Most critically, some of these frivolous filings were submitted during

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<sup>1</sup> The 45th day fell on November 4, 2023, which was a Saturday. Because the deadline fell on a weekend, Judgment Debtors were permitted until the next day that was not a Saturday, Sunday, or legal holiday to complete Forms 1.977 – i.e., November 6, 2023. *See* Fla. R. Jud. Admin 2.514(a)(1) (“When the period is stated in days . . . begin counting from the next day that is not a Saturday, Sunday or legal holiday; count every day, including intermediate Saturdays, Sundays, and legal holidays; and include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday . . . [then] the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday[.]”).

the 45-day period that Judgment Debtors were ordered to respond to discovery and complete Form 1.977 Fact Information Sheet(s).

6. Put simply, Judgment Debtors' have failed to timely provide the completed Form 1.977 Fact Information Sheet(s), including all required attachments. Judgment Debtors have also failed to respond to Judgment Creditors' First Set of Interrogatories [DE 18].

7. Contrary to Judgment Debtors' supposition in their motion for extension of time, Judgment Creditors offered Judgment Debtors a more than 24-hour *extension of time* to submit their responses before this motion was filed. However, rather than respond to Judgment Creditors' offer (which they were not required to make), Judgment Debtors chose, instead, to file a motion for enlargement of time, baselessly accusing Judgment Creditors of intimidation and threatening contempt if Judgment Debtors did not respond in 24 hours. A cursory view of the docket in this case quickly reveals that Judgment Debtors have had more than six months to respond to the discovery issued in this case and have had more than 45 days since the Court's Order requiring a response. Certainly, this is more than enough time for an attorney to respond to basic financial discovery, especially considering Judgment Creditors have had the time to file multiple (frivolous) legal actions and other gratuitous filings during those 45 days. The Court should not allow Judgment Creditors to grant themselves an extension via their motion and should impose a contempt fine effective on the date the responses were due.

8. Failure to obey a Court Order requiring responses to discovery or requiring the completion of Form 1.977, including all required attachments "may be considered contempt of court." *See Fla. R. Civ. P. 1.560(b); see also H.K. Dev., LLC v. Greer*, 32 So. 3d 178, 183 (Fla. 1st DCA 2010) ("Purposeful disobedience of a court order that has not been stayed or appealed is quintessentially contumacious."); *Johnson v. Allstate Ins. Co.*, 410 So. 2d 978, 980 (Fla. 5th DCA 1982) ("A party

may not ignore a valid order of court except at its peril. There are avenues of redress by appellate review for orders which may be erroneous, but so long as such orders are entered by a court which has jurisdiction of both the subject matter and the parties, they cannot be completely ignored without running the risk that an appropriate sanction may be imposed.”).

9. “In [civil contempt proceedings] there is no presumption of innocence and the burden of proof is upon the party bringing the charge to prove the facts charged by a preponderance of the evidence. Where a court order and its violation are established or admitted the burden is on the accused to show facts which would excuse his default.” *Martin v. State*, 194 So. 2d 8, 11 (Fla. 3d DCA 1967) (internal quotations omitted).

10. “[T]he primary purpose of a civil contempt proceeding is to compel future compliance with a court order. A civil contempt sanction is coercive in nature and is avoidable through obedience.” *Chetram v. Singh*, 937 So. 2d 716, 718–19 (Fla. 5th DCA 2006) (quoting *Gregory v. Rice*, 727 So. 2d 251, 253 (Fla. 1999)).

Accordingly, Judgment Creditors move for an Order to Show Cause setting a hearing date for Judgment Creditors to present evidence of Judgment Debtors’ non-compliance with the Court’s September 20 Order. If the Court finds Judgment Debtors in violation of the Court’s Order, then Judgment Creditors request that the Court impose a \$100.00 fine, applicable to each Judgment Debtor, for each day that Judgment Debtors continue to violate the Court’s September 20 Order. Further, Judgment Creditors request the Court order Judgment Debtors to pay their reasonable attorney’s fees and costs incurred in connection with its efforts to secure Judgment Debtors’ compliance with the Court’s September 20 Order, as a sanction for Judgment Debtors’ willful failure to comply with the Court’s Order.

Dated: November 8, 2023

Respectfully Submitted,

/s/Gerald E. Greenberg

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*Counsel for Judgment Creditors*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 8, 2023, I filed the foregoing using the State of Florida's ePortal Filing System. I further certify that a copy of the foregoing has been served via email through the State of Florida's ePortal Filing System.

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*Limited Appearance for J.B. Harris, P.A. and  
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1320 S. Dixie Highway, Suite 1275  
Coral Gables, FL 33134  
Email: [jbharrisesq@gmail.com](mailto:jbharrisesq@gmail.com)

/s/Gerald E. Greenberg  
GERALD E. GREENBERG

IN THE DISTRICT COURT OF  
APPEAL  
OF FLORIDA  
THIRD DISTRICT

J.B. Harris, P.A., et al.,

**3D2024-0334**

Appellant(s),

Trial Court Case No. 22-23001

v.

Virage Capital Management LP,

et al.,

Appellee(s).

**APPELLANTS MOTION FOR ORDER TO SHOW CAUSE**

COMES NOW Appellants, J.B. Harris, P.A., et al., by and through undersigned counsel and pursuant to the Florida Rules of Appellate Procedure, hereby filed this Motion for an Order to Show Cause, and in support thereof states.

1. On April 3, 2024, the court entered and order staying these proceedings pending the outcome of this appeal. (Exhibit "A").

2. On July 19, 2024 --**108 days later** and in blatant disregard of the courts' order -- Appellees through their counsel served on Appellants discovery in aid of execution. (Exhibits "B," "C," and "D").

3. The court should not tolerate Appellees' brazen disregard for its order or approve their attempt to slip a fast one by the court, but rather should issue an order to show cause why Appellees and their counsel should not be sanctioned.

### **MEMORANDUM IN SUPPORT**

Under certain circumstances, an appellate court may issue an order directing a respondent to show cause why relief should not be granted if a movant demonstrates a preliminary basis for relief, a departure from the essential requirements of law that will cause material injury for which there is no adequate remedy by appeal, or that review of final administrative action would not provide an adequate remedy *See, e.g.,* Fla. R. App. P. 9.100, Original Proceedings..

These criteria should guide the court in this instance where it has exercised jurisdiction over the lower court by staying these proceeding, including the forced the sale of the ownership interest in Appellants' law firm, in which its sole asset is 96 Engle and Broin

clients who have settled their cases with the tobacco defendants, and where Appellees and their counsel waited **108 days** to ignore the court's order by attempting to execute on Appellants' assets in the lower court without leave of this court or the lower court.

Appellees' conduct may even violate the Rules Regulating the Florida Bar. *See Beckles v. Brit*, 176 So. 3d 387 (Fla. 3<sup>rd</sup> DCA 2015) ("Under the facts and circumstances of this case, we conclude that referral of [appellant's counsel] to The Eleventh Circuit's Local Professionalism Panel is the proper course of action[, where] Rule 4-1.3 of Professional Conduct requires that lawyers act with reasonable diligence and promptness in representing a client.").

WHEREFORE, Appellants respectfully request that this Honorable Court enter an order to show cause why Appellees should not be sanctioned for engaging in such reprehensible conduct.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have served all counsel of record via the court's e-portal system this July 24, 2024.

J.B. Harris, P.A.  
/s/ J.B. Harris  
(FBN 495034)  
251 Valencia Ave., No. 140063  
Coral Gables, FL 33114

786-303-8333  
jbharrisesq@gmail.com

IN THE DISTRICT COURT OF  
APPEAL  
OF FLORIDA  
THIRD DISTRICT

April 3, 2024

J.B. Harris, P.A., et al.,

**3D2024-0334**

Appellant(s),

Trial Court Case No. 22-23001

v.

Virage Capital Management LP, et  
al.,

Appellee(s).

Appellee Virage Capital Management LP's Response in Opposition to Appellants' Motion for Stay is noted. Appellants' Reply in Opposition to Appellees' Challenge to Standing is also noted.

Upon consideration, Appellants' Motion to Stay Forced Sale of Stock in the Law Firm of Jonathan B. Harris, P.A. is granted, and the trial court's February 19, 2024, order is hereby stayed pending further order of this Court.

EMAS, MILLER and LOBREE, JJ., concur.

**Exhibit "A"**

A True Copy  
ATTEST

*Mercedes M. Prieto*  
3D2024-0334 4/8/24  
Mercedes M. Prieto, Clerk  
District Court of Appeal  
Third District



CC: W Randall Bassett  
Hon. Tanya Brinkley  
Miami-Dade Clerk  
Drew Michael Dillworth  
Morgan Benjamin Edelboim  
Richard Milton Elias, II  
Todd Friedman  
Barry Jay Glickman  
Gerald Edward Greenberg  
Jonathan B. Harris  
Leslie K. Hillendahl  
Ana Diaz Noa  
Justin R Parafinczuk  
Roniel Rodriguez, IV  
Carlos Santisteban, Jr.  
Thomas W Stoeber, Jr.  
Daniel Robert Walsh

TS

**IN THE CIRCUIT COURT OF THE 11<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA**

VIRAGE CAPITAL MANAGEMENT LP and  
VIRAGE SPV 1 LLC,

CIVIL DIVISION

Judgment Creditors,

CASE NO.: 2022-23001-CA-01

v.

JONATHAN BERYL HARRIS, J.B. HARRIS  
P.A. and THE LAW OFFICES OF J.B.  
HARRIS P.A.

Judgment Debtors.

\_\_\_\_\_ /

**PLAINTIFF/JUDGMENT CREDITORS' REQUEST FOR PRODUCTION  
IN AID OF EXECUTION AS TO JUDGMENT DEBTOR,  
THE LAW OFFICES OF J.B. HARRIS P.A.**

**COME NOW**, the Judgment Creditors, VIRAGE CAPITAL MANAGEMENT LP and VIRAGE SPV 1 LLC , by and through their undersigned attorney, and hereby propounds pursuant to Rule 1.350, Fla.R.Civ.P., its Request for Production in aid of execution to the Judgment Debtor, THE LAW OFFICES OF J.B. HARRIS P.A., and directs that the documents herein requested be produced for inspection and/or copying, within 30 days of the date of service hereof.

**DEFINITIONS**

1. "Case" means this case styled VIRAGE CAPITAL MANAGEMENT LP and VIRAGE SPV 1 LLC v. JONATHAN BERYL HARRIS, *and all others*.
2. "Communications" means any transmittal of information by any means or any response thereto by any means.
3. "Concerning" means, directly or indirectly, in whole or in part, containing, constituting, contradicting, controverting, corroborating, demonstrating, describing, discussing, disputing, embodying, evidencing, identifying, memorializing, mentioning, pertaining to, proving, rebutting, recording, refuting, referring to, reflecting, relating to, showing, substantiating, summarizing, supporting, arising out of or in connection with, or in any way legally, logically, or factually connected with.

**Exhibit "B"**

Appx. 0056

1. "Debtor" means THE LAW OFFICES OF J.B. HARRIS P.A.

2. "Document" means any writing, recording, electronically stored information, photograph, or other tangible or intangible thing from which information may be obtained or derived, including, without limitation: original or exact copies of any tangible written, typed, printed, electronic, photographed, or other form of recorded or graphic matter of every kind or description, however produced or reproduced, whether mechanically or electronically recorded, draft, final, original, reproduction, signed or unsigned, regardless of whether approved, signed, sent, received, redrafted, or executed, and whether handwritten, typed, printed, photostatted, duplicated, carbon or otherwise copied or produced in any other manner whatsoever. Without limiting the generality of the foregoing, "document" shall include communications, correspondence, letters, telegrams, telexes, mailgrams, e-mails, text messages, instant messaging records or logs, calendars, diaries, memoranda (including interoffice memoranda, intraoffice memoranda, memoranda for files, and memoranda of telephone, meeting, or other conversations), notes or notations, minutes, booklets, books, drawings, graphs, charts, telephone records, telephone messages, voicemail messages, video cassettes, electronic tapes, microfilms, discs or other recordings, computer programs, printouts, data cards, studies, analysis and other data compilations from which information can be obtained. Copies of documents which are not identical duplications of the original, or which contain additions to or deletions from the originals, or copies of documents which are identical duplications of the originals if the originals are not available, shall be considered to be separate documents. The term also refers to and includes all metadata associated with the subject document.

3. "Person" means the singular or plural natural person, corporation, partnership, association, organization, government (including all instrumentalities, officers, agents, and subdivisions thereof), and all other business, legal, or artificial entities.

4. "Request" means a request contained in the SPECIFIC REQUESTS section, *infra*.

5. "You" or "Your" means Debtor.

6. "Debtor Entities" means any entity which the Debtor acted as an officer, director, manager, shareholder, member, owner, trustee, partner or otherwise claimed a direct or indirect ownership interest in from January 1, 2019 through the date of production.

## **INSTRUCTIONS**

1. The documents covered by the Requests include all documents in your possession, custody, or control, regardless of whether such documents or materials are possessed directly by you or your professionals, advisors, directors, officers, partners, associates, subsidiaries, affiliates, successors, accountants, investigators, managers, members, shareholders, representatives, employees, attorneys, agents, third party cloud providers, and any other persons or entities acting on your behalf or under your control.

2. Each Request shall be deemed to be continuing in nature. If at any time additional documents come into your possession, custody, or control or are brought to your attention, prompt supplementation of your response to the Requests is required.

3. Documents shall be produced in the manner in which they are maintained in the usual course of the business. The documents shall be organized and labeled to correspond with the categories in the Requests. Each Request for a document shall be deemed to include a request for any and all file folders within which the document was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the document, in addition to the document itself.

4. Documents shall be produced in such fashion as to identify the department, branch, or office in which they were located and, where applicable, the natural person in whose possession it was found and the business address of each document's custodian(s). Each page produced in response to these Requests shall be stamped with a unique prefix, or otherwise identified, such that the source of each page or document produced is apparent. At a minimum, the entity producing the document shall be apparent.

5. As to any document requested but withheld based on your assertion of any privilege or immunity, please set forth: (i) the title of the document; (ii) the type of document (e.g., letter, note, memorandum, etc.); (iii) the date of the document; (iv) the subject matter of the document; (v) the identities of all persons who authored the document, or assisted in its preparation, or in whose name the document was prepared; (vi) the identities of all persons to whom the document was addressed; (vii) the identities of all other persons to whom the document was sent, or who received, have seen,

have had possession or custody of, or have had disclosed to them the contents of, the document or any copies thereof; and (viii) sufficient information regarding the grounds for withholding the document to explain the claim of privilege or immunity.

6. If any document requested herein has been destroyed or lost, provide in lieu of the true and correct copy thereof a description of the document so lost or destroyed, together with the following information: (i) the date of the document; (ii) a brief description of the document; (iii) the author of the document; (iv) the date upon which the document was destroyed or lost; and (v) a brief statement regarding the manner in which the document was lost or destroyed.

7. Documents attached to each other shall not be separated.

8. Any word written herein in the singular shall be construed as plural or vice versa as necessary in order to bring within the scope of the Request all documents that might otherwise be construed to be outside its scope.

9. The terms “and” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of the Request all documents that might otherwise be construed to be outside its scope.

10. The terms “all” and “each” shall be construed as “all and each.”

11. If any copy of any document for which production is sought, whether a draft or a final version, is not identical to any other copy thereof, by reason of alterations, notes, comments, initials, underscoring, indication of routing or other material contained thereon or attached thereto, such non-identical copy shall be produced separately.

12. If you consider any term in any Request to be vague or capable of more than one meaning, identify the meaning you are ascribing to such term, then respond to the Request as construed with such word given such meaning.

13. Each Request shall be construed independently. No Request should be construed by reference to any other Request for the purpose of limiting the scope of response to such Request unless stated otherwise.

### **RELEVANT TIME PERIOD**

Unless otherwise stated, the “Relevant Time Period” for the Requests is January 1, 2020 through the date of production.

## **ELECTRONICALLY STORED INFORMATION**

The Requests call for the production of electronically stored information (“ESI”) and ESI shall be produced in native form. In searching for electronic documents responsive to these Requests, you shall search for all such electronic documents regardless of the form in which the document exists or the location in which it is stored. Among other places, you shall search for electronic documents stored on all servers, networks, hard drives, desktop computers, notebook computers, personal digital devices, all back-up storage tapes, and with any third party cloud providers.

### **SPECIFIC REQUESTS**

Please produce the following documents for the Relevant Time Period:

#### **A. BANK RECORDS**

1. Any and all documents and records of checking, savings, or any other type of account, foreign or domestic, maintained by You with any type of financial institution from January 1, 2020, to present, including but not limited to monthly account statements, checks, check registers, check stubs, canceled checks, and deposit slips.
2. Any and all documents that evidence, refer or relate to any transfers made to or from any financial account held for the benefit of You, by any third party, from January 1, 2020 to present.
3. Any and all signature cards that name You as an authorized signatory on any financial account, for any entity or other third party, from January 1, 2020 to present.
4. Any and all documents submitted to any bank, financial institution, or any other person or entity, by You, for any loan or advance, in any capacity (borrower, guarantor, or surety) from January 1, 2020 to present.
5. Any and all documents that evidence, refer or relate to any interest in, or claimed title to, any certificates of deposit, letters of credit, money orders, cashier’s checks, traveler’s checks, bank deposits, or escrow funds owned or held by You from January 1, 2020 to present.
6. Any and all documents that evidence, refer or relate to any account into which any of Your earnings or other income has been deposited from January 1, 2020 to present, whether You continue to have an interest in it or not.

7. Any and all documents that evidence, refer or relate to You having authority to access any safe-deposit box or other bank-secured area, from January 1, 2020 to present.

8. Any and all documents that evidence, refer or relate to any application signed by You or on Your behalf or on Your spouse's behalf and/or Your children's behalf, to open a foreign or offshore financial account in Your name or in the name of an entity.

## **B. REAL PROPERTY**

9. Any and all documents that evidence, refer or relate to any real property owned by You from January 1, 2020, to present.

10. Any and all documents that evidence, refer or relate to encumbrances on any real property owned by You from January 1, 2020, to present.

11. Any and all documents that evidence, refer or relate to ownership of real property in which You currently enjoy a direct or indirect beneficial interest.

12. Any and all documents that evidence, refer or relate to the sale or transfer of any real property in which You had a legal or equitable ownership interest from January 1, 2020 to present.

13. Any and all lease agreements for real property in which You are the lessor or lessee.

14. Any and all documents that evidence, refer or relate to Your name being on any real property tax records, as payor or trustee, from January 1, 2020 to present.

15. Any and all deeds that title any real property to You as trustee for any other person or entity.

16. Any and all deeds of trust or mortgages held in favor of You at present or owned from January 1, 2020 to present.

17. Any and all documents that evidence, refer or relate to any time-share property that You enjoy the use of.

18. Any and all documents that evidence, refer or relate to appraisals or other forms of valuation for any property that You have an interest in or held any interest from January 1, 2020 to present.

19. Any and all promissory notes or mortgages that You signed from

January 2020 to present.

20. Copies of all deeds and mortgages to which You hold property as tenant by the entireties, tenant in common, or joint tenant from January 1, 2020 to present.

21. Any and all documents related to any real property You own.

### **C. PERSONAL PROPERTY**

22. Copies of all certificates of title or other evidence of ownership of any boat, watercraft, motorcycle, four-wheeler, recreational vehicle, go-kart, aircraft, agricultural equipment, or construction equipment owned by or in possession of You, whether owned by You or an entity that You are affiliated with, or held in trust by You, from January 2020 to present.

23. Any and all note receivables, pledges, or security interests in favor of You from January 2020 to present.

24. Copies of all homeowner's insurance policies and any other insurance policies or riders that have insured any property that You own or have the benefit of use of, from January 2020 to present.

25. Any and all documents that evidence, refer or relate to household furnishings and fixtures that have been purchased by You from January 1, 2021 to present that had a purchase price of \$499 or more.

26. Copies of all dock slips or other documentation evidencing the right to dock any watercraft in which You have a legal or beneficial interest from January 2020 to present.

27. Any and all documents that evidence, refer or relate to any animals in which You have any ownership interest from January 2021 to present.

28. Any and all documents that evidence, refer or relate to collectibles (e.g., stamps, coins, sports cards, etc.) that You now own or have owned from January 2020 to present.

29. Any and all documents that evidence, refer or relate to any guns, jewelry, antiques, art, paintings, or other similar assets owned by You or in Your possession from January 1, 2021 to present.

30. Any and all documents that evidence, refer or relate to any interest You have in any patents, trademarks, copyrights, franchises, royalties of any

kind, oil and gas rights, timber rights, or mineral rights from January 1, 2020 to present.

31. Any and all documents that evidence, refer or relate to any cash which You held on Your own behalf or on behalf of any third-party, including without limitation any family members, from January 1, 2020 to present.

32. Any and all documents reflecting any losses resulting from gambling, gaming or other betting or wagering in any respect from January 2020 to present.

#### **D. BUSINESS INTERESTS/EMPLOYMENT**

33. Any and all documents that evidence, refer or relate to any agreement relating to compensation.

34. Any and all documents that contain the terms of any arrangement between You and any person or entity under which You agreed to provide services for compensation from January 2020 to present.

35. Any and all documents that identify any person or entity for whom You have acted as independent contractor from January 2020 to present.

36. Any and all documents that evidence, refer or relate to Your ownership interest in any business entity, including without limitation, a corporation, a limited liability company, a partnership, a limited partnership, a limited liability partnership, a limited liability limited partnership, a professional association and a professional corporation.

37. Four years of tax returns and financial statements for all entities in which You own a business interest.

38. Any and all documents that evidence, refer or relate to Your resignation, termination or cessation from Your position as a stockholder, partner, officer, director, manager, member, owner, or registered agent of any business from January 2020 to present.

39. Any and all corporate charters, minutes of stockholders' meetings, resolutions, or recorded evidence of any kind relating to the affairs of any corporation owned by You, or any subsidiary or other entity in which that corporation has held an ownership interest from January 2020 to present.

40. All local, state, and federal tax returns filed by You from January 2020 to present, including all attachments, schedules, W-2's, K-1's, and 1099 and 1098 forms.

41. All W-4 tax withholding forms from January 2020 to present.

42. Any and all documents that evidence, refer or relate to any records of salaries, commissions, bonuses, income from employment, wages, pay stubs, dividends, royalties, allowances, expenses, or other sums of money paid to You from January 2020 to present.

43. Any and all employment contracts that You have had from January 2020 to present.

## **E. INVESTMENTS**

44. Any and all documents that evidence, refer or relate to stocks, bonds, mutual funds, debentures, certificates of deposit, or other investment vehicle owned by You or held for Your benefit.

45. Any and all documents that evidence, refer or relate to any retirement accounts or annuities, whether individual or employer sponsored, owned by You or held for Your benefit.

46. Any and all rent rolls for the properties in which You have had an ownership interest from January 2020 to present.

47. Copies of all 1099-DIV or 1099-INT forms issued to You from January 2020 to present.

48. Any and all documents that evidence, refer or relate to any stock options or profit-sharing plans held by You or for Your benefit.

49. Any and all documents that evidence, refer or relate to a cash value in any life insurance policy of You and copies of all policies, whether term, whole life, or universal.

50. Any and all documents that evidence, refer or relate to any 401K Plan in which You have an ownership interest.

## **F. GENERAL**

51. Any and all documents that evidence, refer or relate to any trust or amendments to trust in which You are a settlor, trustee, or beneficiary.

52. Any and all documents that evidence, refer or relate to any trust or amendments to trust that You have directly or indirectly contributed from January 2020 to present.

53. Copies of all prenuptial and postnuptial agreements, include the list of

assets and liabilities to be held separately.

54. Copies of all separate property agreements, include the list of assets and liabilities to be held separately.

55. Copies of all wills, including all amendments, in which You are or were named as a beneficiary.

56. Copies of any and all credit card statements for all cards on which You are an authorized user from January 2023 to present.

57. Any and all document that evidence, refer or relate to any storage facility or mini- warehouse, self storage space or similar real property designed and used for the purpose of renting or leasing individual storage spaces for the purpose of storing and removing personal property to which You have access.

58. Copies of any and all financial statements that You have prepared for any lender, creditor, or third party from January 2020 to present.

59. Copies of any and all professional licenses held by You.

60. Copies of all of Your driver's licenses.

61. Copies of all judgments of dissolution of marriage and any affidavits submitted in those proceedings.

62. Copies of all transcripts of any depositions in at which You testified from January 2021 to present.

63. Any and all documents that evidence, refer or relate to money owed to You by any individual or entity for which the obligation remains unpaid.

64. Any and all receipts or other documents You received from any third party for donations of any money or property from January 2021 to present.

65. Your will or any other estate planning documents.

66. Copies of any documents related to any conviction for criminal activity.

67. Copies of any leases where you are identified as a landlord, tenant, guarantor, or occupant for the Relevant Time period.

68. All documents disclosing other persons who may be indebted to You as of January 1, 2020, through the present.

**CERTIFICATE OF FILING AND SERVICE**

**I HEREBY CERTIFY** that on June 19, 2024, I electronically filed the foregoing document with the Clerk of the Courts by using the Florida Courts E-Filing Portal (the "Portal") as required by Rule 2.516, Florida Rules of Judicial Administration (the "Rule"). **I HEREBY FURTHER VERIFY** that the Portal uses the names and e-mail addresses provided by the parties pursuant to subdivision (b)(1)(A) of the Rule, and will serve the foregoing document on each party by e-mail in compliance with the Rule.

**RONIEL RODRIGUE IV, P.A.**  
*Co-Counsel for Judgment Creditor*  
Keystone Executive Plaza  
12555 Biscayne Blvd., 915  
N. Miami, Florida 33181  
305-773-4875 Dade/Direct  
954-769-0919 Broward  
305-600-1254 Monroe

By:           /s/Roniel Rodriguez IV            
Roniel Rodriguez IV  
Florida Bar No.: 544787  
E-mail:       Ron@RJRfirm.com  
Primary:      Service@RJRfirm.com

**IN THE CIRCUIT COURT OF THE 11<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA**

VIRAGE CAPITAL MANAGEMENT LP and  
VIRAGE SPV 1 LLC,

CIVIL DIVISION

Judgment Creditors,

CASE NO.: 2022-23001-CA-01

v.

JONATHAN BERYL HARRIS, J.B. HARRIS  
P.A. and THE LAW OFFICES OF J.B.  
HARRIS P.A.

Judgment Debtors.

**PLAINTIFF/JUDGMENT CREDITORS' REQUEST FOR PRODUCTION  
IN AID OF EXECUTION AS TO JUDGMENT DEBTOR, J.B. HARRIS P.A.**

**COME NOW**, the Judgment Creditors, VIRAGE CAPITAL MANAGEMENT LP and VIRAGE SPV 1 LLC , by and through their undersigned attorney, and hereby propounds pursuant to Rule 1.350, Fla.R.Civ.P., its Request for Production in aid of execution to the Judgment Debtor, J.B. HARRIS P.A., and directs that the documents herein requested be produced for inspection and/or copying, within 30 days of the date of service hereof.

**DEFINITIONS**

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**Exhibit "C"**

Appx. 0067

1. "Debtor" means J.B. HARRIS P.A.

2. "Document" means any writing, recording, electronically stored information, photograph, or other tangible or intangible thing from which information may be obtained or derived, including, without limitation: original or exact copies of any tangible written, typed, printed, electronic, photographed, or other form of recorded or graphic matter of every kind or description, however produced or reproduced, whether mechanically or electronically recorded, draft, final, original, reproduction, signed or unsigned, regardless of whether approved, signed, sent, received, redrafted, or executed, and whether handwritten, typed, printed, photostatted, duplicated, carbon or otherwise copied or produced in any other manner whatsoever. Without limiting the generality of the foregoing, "document" shall include communications, correspondence, letters, telegrams, telexes, mailgrams, e-mails, text messages, instant messaging records or logs, calendars, diaries, memoranda (including interoffice memoranda, intraoffice memoranda, memoranda for files, and memoranda of telephone, meeting, or other conversations), notes or notations, minutes, booklets, books, drawings, graphs, charts, telephone records, telephone messages, voicemail messages, video cassettes, electronic tapes, microfilms, discs or other recordings, computer programs, printouts, data cards, studies, analysis and other data compilations from which information can be obtained. Copies of documents which are not identical duplications of the original, or which contain additions to or deletions from the originals, or copies of documents which are identical duplications of the originals if the originals are not available, shall be considered to be separate documents. The term also refers to and includes all metadata associated with the subject document.

3. "Person" means the singular or plural natural person, corporation, partnership, association, organization, government (including all instrumentalities, officers, agents, and subdivisions thereof), and all other business, legal, or artificial entities.

4. "Request" means a request contained in the SPECIFIC REQUESTS section, *infra*.

5. "You" or "Your" means Debtor.

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## **INSTRUCTIONS**

1. The documents covered by the Requests include all documents in your possession, custody, or control, regardless of whether such documents or materials are possessed directly by you or your professionals, advisors, directors, officers, partners, associates, subsidiaries, affiliates, successors, accountants, investigators, managers, members, shareholders, representatives, employees, attorneys, agents, third party cloud providers, and any other persons or entities acting on your behalf or under your control.

2. Each Request shall be deemed to be continuing in nature. If at any time additional documents come into your possession, custody, or control or are brought to your attention, prompt supplementation of your response to the Requests is required.

3. Documents shall be produced in the manner in which they are maintained in the usual course of the business. The documents shall be organized and labeled to correspond with the categories in the Requests. Each Request for a document shall be deemed to include a request for any and all file folders within which the document was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the document, in addition to the document itself.

4. Documents shall be produced in such fashion as to identify the department, branch, or office in which they were located and, where applicable, the natural person in whose possession it was found and the business address of each document's custodian(s). Each page produced in response to these Requests shall be stamped with a unique prefix, or otherwise identified, such that the source of each page or document produced is apparent. At a minimum, the entity producing the document shall be apparent.

5. As to any document requested but withheld based on your assertion of any privilege or immunity, please set forth: (i) the title of the document; (ii) the type of document (*e.g.*, letter, note, memorandum, etc.); (iii) the date of the document; (iv) the subject matter of the document; (v) the identities of all persons who authored the document, or assisted in its preparation, or in whose name the document was prepared; (vi) the identities of all persons to whom the document was addressed; (vii) the identities of all other persons to whom the document was sent, or who received, have seen,

have had possession or custody of, or have had disclosed to them the contents of, the document or any copies thereof; and (viii) sufficient information regarding the grounds for withholding the document to explain the claim of privilege or immunity.

6. If any document requested herein has been destroyed or lost, provide in lieu of the true and correct copy thereof a description of the document so lost or destroyed, together with the following information: (i) the date of the document; (ii) a brief description of the document; (iii) the author of the document; (iv) the date upon which the document was destroyed or lost; and (v) a brief statement regarding the manner in which the document was lost or destroyed.

7. Documents attached to each other shall not be separated.

8. Any word written herein in the singular shall be construed as plural or vice versa as necessary in order to bring within the scope of the Request all documents that might otherwise be construed to be outside its scope.

9. The terms “and” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of the Request all documents that might otherwise be construed to be outside its scope.

10. The terms “all” and “each” shall be construed as “all and each.”

11. If any copy of any document for which production is sought, whether a draft or a final version, is not identical to any other copy thereof, by reason of alterations, notes, comments, initials, underscoring, indication of routing or other material contained thereon or attached thereto, such non-identical copy shall be produced separately.

12. If you consider any term in any Request to be vague or capable of more than one meaning, identify the meaning you are ascribing to such term, then respond to the Request as construed with such word given such meaning.

13. Each Request shall be construed independently. No Request should be construed by reference to any other Request for the purpose of limiting the scope of response to such Request unless stated otherwise.

### **RELEVANT TIME PERIOD**

Unless otherwise stated, the “Relevant Time Period” for the Requests is January 1, 2020 through the date of production.

## **ELECTRONICALLY STORED INFORMATION**

The Requests call for the production of electronically stored information (“ESI”) and ESI shall be produced in native form. In searching for electronic documents responsive to these Requests, you shall search for all such electronic documents regardless of the form in which the document exists or the location in which it is stored. Among other places, you shall search for electronic documents stored on all servers, networks, hard drives, desktop computers, notebook computers, personal digital devices, all back-up storage tapes, and with any third party cloud providers.

### **SPECIFIC REQUESTS**

Please produce the following documents for the Relevant Time Period:

#### **A. BANK RECORDS**

1. Any and all documents and records of checking, savings, or any other type of account, foreign or domestic, maintained by You with any type of financial institution from January 1, 2020, to present, including but not limited to monthly account statements, checks, check registers, check stubs, canceled checks, and deposit slips.
2. Any and all documents that evidence, refer or relate to any transfers made to or from any financial account held for the benefit of You, by any third party, from January 1, 2020 to present.
3. Any and all signature cards that name You as an authorized signatory on any financial account, for any entity or other third party, from January 1, 2020 to present.
4. Any and all documents submitted to any bank, financial institution, or any other person or entity, by You, for any loan or advance, in any capacity (borrower, guarantor, or surety) from January 1, 2020 to present.
5. Any and all documents that evidence, refer or relate to any interest in, or claimed title to, any certificates of deposit, letters of credit, money orders, cashier’s checks, traveler’s checks, bank deposits, or escrow funds owned or held by You from January 1, 2020 to present.
6. Any and all documents that evidence, refer or relate to any account into which any of Your earnings or other income has been deposited from January 1, 2020 to present, whether You continue to have an interest in it or not.

7. Any and all documents that evidence, refer or relate to You having authority to access any safe-deposit box or other bank-secured area, from January 1, 2020 to present.

8. Any and all documents that evidence, refer or relate to any application signed by You or on Your behalf or on Your spouse's behalf and/or Your children's behalf, to open a foreign or offshore financial account in Your name or in the name of an entity.

## **B. REAL PROPERTY**

9. Any and all documents that evidence, refer or relate to any real property owned by You from January 1, 2020, to present.

10. Any and all documents that evidence, refer or relate to encumbrances on any real property owned by You from January 1, 2020, to present.

11. Any and all documents that evidence, refer or relate to ownership of real property in which You currently enjoy a direct or indirect beneficial interest.

12. Any and all documents that evidence, refer or relate to the sale or transfer of any real property in which You had a legal or equitable ownership interest from January 1, 2020 to present.

13. Any and all lease agreements for real property in which You are the lessor or lessee.

14. Any and all documents that evidence, refer or relate to Your name being on any real property tax records, as payor or trustee, from January 1, 2020 to present.

15. Any and all deeds that title any real property to You as trustee for any other person or entity.

16. Any and all deeds of trust or mortgages held in favor of You at present or owned from January 1, 2020 to present.

17. Any and all documents that evidence, refer or relate to any time-share property that You enjoy the use of.

18. Any and all documents that evidence, refer or relate to appraisals or other forms of valuation for any property that You have an interest in or held any interest from January 1, 2020 to present.

19. Any and all promissory notes or mortgages that You signed from

January 2020 to present.

20. Copies of all deeds and mortgages to which You hold property as tenant by the entireties, tenant in common, or joint tenant from January 1, 2020 to present.

21. Any and all documents related to any real property You own.

### **C. PERSONAL PROPERTY**

22. Copies of all certificates of title or other evidence of ownership of any boat, watercraft, motorcycle, four-wheeler, recreational vehicle, go-kart, aircraft, agricultural equipment, or construction equipment owned by or in possession of You, whether owned by You or an entity that You are affiliated with, or held in trust by You, from January 2020 to present.

23. Any and all note receivables, pledges, or security interests in favor of You from January 2020 to present.

24. Copies of all homeowner's insurance policies and any other insurance policies or riders that have insured any property that You own or have the benefit of use of, from January 2020 to present.

25. Any and all documents that evidence, refer or relate to household furnishings and fixtures that have been purchased by You from January 1, 2021 to present that had a purchase price of \$499 or more.

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29. Any and all documents that evidence, refer or relate to any guns, jewelry, antiques, art, paintings, or other similar assets owned by You or in Your possession from January 1, 2021 to present.

30. Any and all documents that evidence, refer or relate to any interest You have in any patents, trademarks, copyrights, franchises, royalties of any

kind, oil and gas rights, timber rights, or mineral rights from January 1, 2020 to present.

31. Any and all documents that evidence, refer or relate to any cash which You held on Your own behalf or on behalf of any third-party, including without limitation any family members, from January 1, 2020 to present.

32. Any and all documents reflecting any losses resulting from gambling, gaming or other betting or wagering in any respect from January 2020 to present.

#### **D. BUSINESS INTERESTS/EMPLOYMENT**

33. Any and all documents that evidence, refer or relate to any agreement relating to compensation.

34. Any and all documents that contain the terms of any arrangement between You and any person or entity under which You agreed to provide services for compensation from January 2020 to present.

35. Any and all documents that identify any person or entity for whom You have acted as independent contractor from January 2020 to present.

36. Any and all documents that evidence, refer or relate to Your ownership interest in any business entity, including without limitation, a corporation, a limited liability company, a partnership, a limited partnership, a limited liability partnership, a limited liability limited partnership, a professional association and a professional corporation.

37. Four years of tax returns and financial statements for all entities in which You own a business interest.

38. Any and all documents that evidence, refer or relate to Your resignation, termination or cessation from Your position as a stockholder, partner, officer, director, manager, member, owner, or registered agent of any business from January 2020 to present.

39. Any and all corporate charters, minutes of stockholders' meetings, resolutions, or recorded evidence of any kind relating to the affairs of any corporation owned by You, or any subsidiary or other entity in which that corporation has held an ownership interest from January 2020 to present.

40. All local, state, and federal tax returns filed by You from January 2020 to present, including all attachments, schedules, W-2's, K-1's, and 1099 and 1098 forms.

41. All W-4 tax withholding forms from January 2020 to present.

42. Any and all documents that evidence, refer or relate to any records of salaries, commissions, bonuses, income from employment, wages, pay stubs, dividends, royalties, allowances, expenses, or other sums of money paid to You from January 2020 to present.

43. Any and all employment contracts that You have had from January 2020 to present.

## **E. INVESTMENTS**

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45. Any and all documents that evidence, refer or relate to any retirement accounts or annuities, whether individual or employer sponsored, owned by You or held for Your benefit.

46. Any and all rent rolls for the properties in which You have had an ownership interest from January 2020 to present.

47. Copies of all 1099-DIV or 1099-INT forms issued to You from January 2020 to present.

48. Any and all documents that evidence, refer or relate to any stock options or profit-sharing plans held by You or for Your benefit.

49. Any and all documents that evidence, refer or relate to a cash value in any life insurance policy of You and copies of all policies, whether term, whole life, or universal.

50. Any and all documents that evidence, refer or relate to any 401K Plan in which You have an ownership interest.

## **F. GENERAL**

51. Any and all documents that evidence, refer or relate to any trust or amendments to trust in which You are a settlor, trustee, or beneficiary.

52. Any and all documents that evidence, refer or relate to any trust or amendments to trust that You have directly or indirectly contributed from January 2020 to present.

53. Copies of all prenuptial and postnuptial agreements, include the list of

assets and liabilities to be held separately.

54. Copies of all separate property agreements, include the list of assets and liabilities to be held separately.

55. Copies of all wills, including all amendments, in which You are or were named as a beneficiary.

56. Copies of any and all credit card statements for all cards on which You are an authorized user from January 2023 to present.

57. Any and all document that evidence, refer or relate to any storage facility or mini- warehouse, self storage space or similar real property designed and used for the purpose of renting or leasing individual storage spaces for the purpose of storing and removing personal property to which You have access.

58. Copies of any and all financial statements that You have prepared for any lender, creditor, or third party from January 2020 to present.

59. Copies of any and all professional licenses held by You.

60. Copies of all of Your driver's licenses.

61. Copies of all judgments of dissolution of marriage and any affidavits submitted in those proceedings.

62. Copies of all transcripts of any depositions in at which You testified from January 2021 to present.

63. Any and all documents that evidence, refer or relate to money owed to You by any individual or entity for which the obligation remains unpaid.

64. Any and all receipts or other documents You received from any third party for donations of any money or property from January 2021 to present.

65. Your will or any other estate planning documents.

66. Copies of any documents related to any conviction for criminal activity.

67. Copies of any leases where you are identified as a landlord, tenant, guarantor, or occupant for the Relevant Time period.

68. All documents disclosing other persons who may be indebted to You as of January 1, 2020, through the present.

**CERTIFICATE OF FILING AND SERVICE**

**I HEREBY CERTIFY** that on June 19, 2024, I electronically filed the foregoing document with the Clerk of the Courts by using the Florida Courts E-Filing Portal (the "Portal") as required by Rule 2.516, Florida Rules of Judicial Administration (the "Rule"). **I HEREBY FURTHER VERIFY** that the Portal uses the names and e-mail addresses provided by the parties pursuant to subdivision (b)(1)(A) of the Rule, and will serve the foregoing document on each party by e-mail in compliance with the Rule.

**RONIEL RODRIGUE IV, P.A.**  
*Co-Counsel for Judgment Creditor*  
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305-600-1254 Monroe

By:           /s/Roniel Rodriguez IV            
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Primary:      Service@RJRfirm.com

**IN THE CIRCUIT COURT OF THE 11<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA**

VIRAGE CAPITAL MANAGEMENT LP and  
VIRAGE SPV 1 LLC,

CIVIL DIVISION

Judgment Creditors,

CASE NO.: 2022-23001-CA-01

v.

JONATHAN BERYL HARRIS, J.B. HARRIS  
P.A. and THE LAW OFFICES OF J.B.  
HARRIS P.A.

Judgment Debtors.

**PLAINTIFF/JUDGMENT CREDITORS' REQUEST FOR PRODUCTION  
IN AID OF EXECUTION AS TO JUDGMENT DEBTOR, JONATHAN BERYL HARRIS**

**COME NOW**, the Judgment Creditors, VIRAGE CAPITAL MANAGEMENT LP and VIRAGE SPV 1 LLC , by and through their undersigned attorney, and hereby propounds pursuant to Rule 1.350, Fla.R.Civ.P., its Request for Production in aid of execution to the Judgment Debtor, JONATHAN BERYL HARRIS, and directs that the documents herein requested be produced for inspection and/or copying, within 30 days of the date of service hereof.

**DEFINITIONS**

1. "Case" means this case styled VIRAGE CAPITAL MANAGEMENT LP and VIRAGE SPV 1 LLC v. JONATHAN BERYL HARRIS, *and all others*.
2. "Communications" means any transmittal of information by any means or any response thereto by any means.
3. "Concerning" means, directly or indirectly, in whole or in part, containing, constituting, contradicting, controverting, corroborating, demonstrating, describing, discussing, disputing, embodying, evidencing, identifying, memorializing, mentioning, pertaining to, proving, rebutting, recording, refuting, referring to, reflecting, relating to, showing, substantiating, summarizing, supporting, arising out of or in connection with, or in any way legally, logically, or factually connected with.

**Exhibit "D"**

Appx. 0078

1. "Debtor" means JONATHAN BERYL HARRIS.

2. "Document" means any writing, recording, electronically stored information, photograph, or other tangible or intangible thing from which information may be obtained or derived, including, without limitation: original or exact copies of any tangible written, typed, printed, electronic, photographed, or other form of recorded or graphic matter of every kind or description, however produced or reproduced, whether mechanically or electronically recorded, draft, final, original, reproduction, signed or unsigned, regardless of whether approved, signed, sent, received, redrafted, or executed, and whether handwritten, typed, printed, photostatted, duplicated, carbon or otherwise copied or produced in any other manner whatsoever. Without limiting the generality of the foregoing, "document" shall include communications, correspondence, letters, telegrams, telexes, mailgrams, e-mails, text messages, instant messaging records or logs, calendars, diaries, memoranda (including interoffice memoranda, intraoffice memoranda, memoranda for files, and memoranda of telephone, meeting, or other conversations), notes or notations, minutes, booklets, books, drawings, graphs, charts, telephone records, telephone messages, voicemail messages, video cassettes, electronic tapes, microfilms, discs or other recordings, computer programs, printouts, data cards, studies, analysis and other data compilations from which information can be obtained. Copies of documents which are not identical duplications of the original, or which contain additions to or deletions from the originals, or copies of documents which are identical duplications of the originals if the originals are not available, shall be considered to be separate documents. The term also refers to and includes all metadata associated with the subject document.

3. "Person" means the singular or plural natural person, corporation, partnership, association, organization, government (including all instrumentalities, officers, agents, and subdivisions thereof), and all other business, legal, or artificial entities.

4. "Request" means a request contained in the SPECIFIC REQUESTS section, *infra*.

5. "You" or "Your" means Debtor.

6. "Debtor Entities" means any entity which the Debtor acted as an officer, director, manager, shareholder, member, owner, trustee, partner or otherwise claimed a direct or indirect ownership interest in from January 1, 2019 through the date of production.

## **INSTRUCTIONS**

1. The documents covered by the Requests include all documents in your possession, custody, or control, regardless of whether such documents or materials are possessed directly by you or your professionals, advisors, directors, officers, partners, associates, subsidiaries, affiliates, successors, accountants, investigators, managers, members, shareholders, representatives, employees, attorneys, agents, third party cloud providers, and any other persons or entities acting on your behalf or under your control.

2. Each Request shall be deemed to be continuing in nature. If at any time additional documents come into your possession, custody, or control or are brought to your attention, prompt supplementation of your response to the Requests is required.

3. Documents shall be produced in the manner in which they are maintained in the usual course of the business. The documents shall be organized and labeled to correspond with the categories in the Requests. Each Request for a document shall be deemed to include a request for any and all file folders within which the document was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the document, in addition to the document itself.

4. Documents shall be produced in such fashion as to identify the department, branch, or office in which they were located and, where applicable, the natural person in whose possession it was found and the business address of each document's custodian(s). Each page produced in response to these Requests shall be stamped with a unique prefix, or otherwise identified, such that the source of each page or document produced is apparent. At a minimum, the entity producing the document shall be apparent.

5. As to any document requested but withheld based on your assertion of any privilege or immunity, please set forth: (i) the title of the document; (ii) the type of document (e.g., letter, note, memorandum, etc.); (iii) the date of the document; (iv) the subject matter of the document; (v) the identities of all persons who authored the document, or assisted in its preparation, or in whose name the document was prepared; (vi) the identities of all persons to whom the document was addressed; (vii) the identities of all other persons to whom the document was sent, or who received, have seen,

have had possession or custody of, or have had disclosed to them the contents of, the document or any copies thereof; and (viii) sufficient information regarding the grounds for withholding the document to explain the claim of privilege or immunity.

6. If any document requested herein has been destroyed or lost, provide in lieu of the true and correct copy thereof a description of the document so lost or destroyed, together with the following information: (i) the date of the document; (ii) a brief description of the document; (iii) the author of the document; (iv) the date upon which the document was destroyed or lost; and (v) a brief statement regarding the manner in which the document was lost or destroyed.

7. Documents attached to each other shall not be separated.

8. Any word written herein in the singular shall be construed as plural or vice versa as necessary in order to bring within the scope of the Request all documents that might otherwise be construed to be outside its scope.

9. The terms “and” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of the Request all documents that might otherwise be construed to be outside its scope.

10. The terms “all” and “each” shall be construed as “all and each.”

11. If any copy of any document for which production is sought, whether a draft or a final version, is not identical to any other copy thereof, by reason of alterations, notes, comments, initials, underscoring, indication of routing or other material contained thereon or attached thereto, such non-identical copy shall be produced separately.

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### **SPECIFIC REQUESTS**

Please produce the following documents for the Relevant Time Period:

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1. Any and all documents and records of checking, savings, or any other type of account, foreign or domestic, maintained by You with any type of financial institution from January 1, 2020, to present, including but not limited to monthly account statements, checks, check registers, check stubs, canceled checks, and deposit slips.
2. Any and all documents that evidence, refer or relate to any transfers made to or from any financial account held for the benefit of You, by any third party, from January 1, 2020 to present.
3. Any and all signature cards that name You as an authorized signatory on any financial account, for any entity or other third party, from January 1, 2019 to present.
4. Any and all documents submitted to any bank, financial institution, or any other person or entity, by You, for any loan or advance, in any capacity (borrower, guarantor, or surety) from January 1, 2020 to present.
5. Any and all documents that evidence, refer or relate to any interest in, or claimed title to, any certificates of deposit, letters of credit, money orders, cashier’s checks, traveler’s checks, bank deposits, or escrow funds owned or held by You from January 1, 2020 to present.
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## **B. REAL PROPERTY**

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as of January 1, 2020, through the present.

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By:     /s/Roniel Rodriguez IV      
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IN THE DISTRICT COURT OF  
APPEAL  
OF FLORIDA  
THIRD DISTRICT  
July 30, 2024

J.B. Harris, P.A., et al.,

**3D2024-0334**

Appellant(s)

Trial Court Case No. 22-23001

v.

Virage Capital Management LP, et  
al.,

Appellee(s).

Appellee's Brief Response in Opposition to Appellants' Motion for  
Order to Show Cause and Appellants' Reply are noted.

Upon consideration, Appellants' Motion for Order to Show Cause  
is hereby denied.

EMAS, MILLER and LOBREE, JJ., concur.

A True Copy  
ATTEST

~~3D2024-0334~~ 7/30/24  
Mercedes M. Prieto  
Mercedes M. Prieto, Clerk  
District Court of Appeal  
Third District



CC: Gerald Edward Greenberg  
Jonathan B. Harris  
Roniel Rodriguez, IV  
Daniel Robert Walsh

TS