

COMMISSION ON ETHICS & PUBLIC TRUST
MIAMI-DADE COUNTY

IN RE:

FRANTZ PIERRE.

C16-34

North Miami Beach City Hall
17011 Northeast 19th Avenue
North Miami Beach, Florida 33162
Tuesday, August 8, 2017
10:37 a.m. - 11:01 a.m.

DEPOSITION OF FRANTZ PIERRE

Taken on behalf of the Commission on
Ethics & Public Trust before Christine
Savooureux-Mariner, Florida Professional Reporter and
Notary Public in and for the State of Florida at
Large, pursuant to Notice of Taking Deposition in
the above cause.

1 APPEARANCES:

2 MICHAEL P. MURAWSKI, ESQUIRE
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9 ON BEHALF OF THE COMMISSION ON ETHICS &
10 PUBLIC TRUST
11

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18 mdavis@kuehnelaw.com
19 ON BEHALF OF FRANTZ PIERRE
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ALSO PRESENT:

Lawrence Lebowitz, Investigator

I N D E X

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WITNESS

PAGE

FRANTZ PIERRE

Direct Examination By MR. MURAWSKI

4

E X H I B I T S

(No Exhibits Marked During This Deposition)

1 Thereupon:

2 FRANTZ PIERRE

3 Was called as a witness and, having been first
4 duly sworn and responding "yes, I do," was examined and
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. MURAWSKI:

8 Q Good morning, Commissioner.

9 A Good morning.

10 Q In case you don't remember, my name is Michael
11 Murawski. I work at the Ethics Commission. This is my
12 investigator, Larry Lebowitz, and of course, your
13 attorney here is Mr. Davis.

14 A If you have a card, I take it.

15 Q A card?

16 A Yes.

17 Q You know what, I don't have any cards, but he
18 has a card with his name on it, and you can find us both
19 at the same phone number.

20 How are you feeling this morning?

21 A Getting there.

22 Q Okay.

23 MR. DAVIS: I think we should put on the
24 record, you just had open heart surgery and you are
25 on a number of medications. I want to make sure

1 that I give you the space to let Mr. Murawski know
2 about that and to also put that on the record.

3 BY MR. MURAWSKI:

4 Q You had heart surgery, what, two months ago?

5 A Yeah, almost two months ago. About three
6 months ago.

7 Q Okay. And you are on some medications now --

8 A Yes.

9 Q -- related to that?

10 A Yes.

11 Q Okay. And I see you are here and you are on
12 an oxygen machine; is that correct?

13 A Yes.

14 Q Okay. But you were able to get here from home
15 without any trouble? Did you drive or did you walk?

16 A The city sent somebody to pick me up.

17 Q Okay. And you went in a car?

18 A Yes.

19 Q Okay. But you feel okay now?

20 A Not quite okay, but okay enough to have a
21 conversation.

22 Q Okay. Your mind is clear, you are not on any
23 medications that are making you dizzy or nothing that's
24 going to cloud your mind?

25 A No.

1 Q Okay.

2 A It's more physical.

3 Q It's physical?

4 A Yeah.

5 Q Well, you know, these days, you'll be running
6 marathons before you know it.

7 A I hope so.

8 Q Okay. So we are here today. We are going to
9 ask you some questions about the incident that happened
10 with the code enforcement officer, Ms. Tasheema Lewis,
11 which happened back on April 30th of 2015.

12 Do you know what I'm talking about?

13 A Well, first of all, from the get-go, I'm not
14 aware of an incident. I was informed after the day
15 after there was an incident.

16 Q Okay. And you had testified previously an
17 investigator that there was possibly a videotape of the
18 entire incident; is that correct?

19 A Correct.

20 Q Okay. And I believe --

21 MR. DAVIS: I'm going to object to the form of
22 the question in terms of the term "testified."

23 MR. MURAWSKI: I'm sorry?

24 MR. DAVIS: I'm going to object to the form,
25 "testified."

1 BY MR. MURAWSKI:

2 Q Well, you gave a statement back on
3 April 12th of 2016 and you were questioned about it.
4 That was under oath, so I'm considering that to be
5 testimony.

6 A Yeah, I remember the mention of it, yes.

7 Q Okay. So what we are here today to find out
8 is where is that tape? Because we are in sort of like a
9 litigation here, so we have to have the opportunity to
10 view that tape.

11 Do you have it?

12 A No, I don't have it.

13 Q Do you know who has it?

14 A Nobody has it.

15 Q Nobody has it?

16 A Uh-uh.

17 Q You had indicated previously that you had
18 given the tape to your attorney; is that correct?

19 MR. DAVIS: Can he have an opportunity to read
20 the statement before he answers it?

21 MR. MURAWSKI: Sure.

22 THE WITNESS: I gave it to the attorney?

23 MR. DAVIS: He is going to let you read it.

24 MR. MURAWSKI: Here, this is your statement
25 from April 12th of 2016, and it's on page 14,

1 starting at line 3. You can read all that stuff.
2 Those two pages right there.

3 THE WITNESS: Okay, let me read.

4 MR. DAVIS: Hold for a second. Take the time
5 to read it.

6 At this point, I'm not trying to be difficult,
7 but I'm going to object to the question, to the
8 form of the question. It's my understanding, just
9 from looking at the deposition, the response was,
10 it's my intention not to turn it -- I'm sorry, let
11 me say that again.

12 "It's my intention not to turn it until my
13 legal team decides what to do with it, if it
14 exists." I believe the question was, "Did you tell
15 the investigator that you had given it to your
16 lawyer?"

17 So I'm going to object to the form of that
18 question based on what we've reviewed unless, of
19 course, there is another statement where he does
20 make that statement that we can see.

21 BY MR. MURAWSKI:

22 Q Have you had a chance to read your previous
23 statement, sir?

24 A No.

25 Q Okay. Take your time and finish reading.

1 A I just read it.

2 Q Okay.

3 A Okay, it says -- I'm going to read it
4 verbatim.

5 "Did you ever tell him or anybody else that
6 you had a videotape of the incident?"

7 "Answer: If I have it, I wouldn't tell you
8 because I need it for some personal reason."

9 And he went on saying, "Question: You know or
10 you don't know?"

11 "I know, but I'm not going to tell you.

12 "Question: At this point, we will pretty much
13 determine that the videotape will not turn over to us.

14 "Answer: It's my intention not to turn it
15 until my legal team decides what to do with it, if it
16 exists."

17 That's what was said and I remember quite well
18 that's what I said.

19 Q Okay. So now I'm asking you today: Did a
20 videotape of the incident ever exist?

21 A Well, the way to answer this is I thought it
22 existed.

23 Q Okay. You have a camera that is in your house
24 that would take pictures of what occurs in front of your
25 house?

1 A Correct.

2 Q Okay. And you had one there on April 30th of
3 2015?

4 A Yes.

5 Q Okay. So now your testimony is that you
6 thought that there was a videotape of the incident?

7 A Yes.

8 Q Okay. And did you at some point in time
9 discover that that is not true?

10 MR. DAVIS: Objection as to form.

11 THE WITNESS: It's not true. Let me tell you
12 exactly what happened. Continue?

13 MR. DAVIS: Yes.

14 Did you get my form objection?

15 COURT REPORTER: Yes.

16 MR. MURAWSKI: Go ahead.

17 THE WITNESS: So everybody would be in the
18 same mind frame, I probably, asked the guy to put
19 it, the system, by the end of February of 2015,
20 after the city sent somebody to my house for some
21 made-up code violation. I have previous
22 experience. Every time it's election time, my city
23 creates something for me to create a story, either
24 I do this, I do that.

25 When they sent that lady in February, I wasn't

1 there. I said we got the election coming in a
2 couple of months, they hope to do something again.
3 And then I ask my friend, we buy the stuff; he buy
4 it, he install it and he put it.

5 I say anything happen, we got it on record.
6 That's all I knew. On April 30th, I was at the
7 campaign office. It was the first day of --

8 MR. DAVIS: I'm going to --

9 MR. MURAWSKI: You might be going a little bit
10 further than the question that I asked you. I'm
11 not asking about where you were at the time; I'm
12 asking you about the videotape and whether it ever
13 existed.

14 THE WITNESS: That's exactly my point.

15 MR. DAVIS: If I can just help out so you can
16 get your answer, it would be helpful to just answer
17 his question with a yes or no, and then just keep
18 your answer to that.

19 THE WITNESS: Okay. So can you rephrase the
20 question.

21 BY MR. MURAWSKI:

22 Q I'm trying to find out whether or not there is
23 a video recording of what happened in front of your
24 house on April 30th of 2015 between allegedly you and
25 Ms. Lewis. At some point, in time you believed --

1 A Yes.

2 Q -- that there did exist a tape, correct?

3 A Correct.

4 Q Okay. And at what point did you believe that?

5 When did you first come to believe that?

6 MR. DAVIS: Objection as to form.

7 THE WITNESS: Since the guy say you have a
8 system. He put -- oh my God, I'm losing my mind --
9 a monitor. I can see all the images. That's all I
10 knew. He say, anything happen, we got it on
11 record.

12 When the alleged incident occurred -- because
13 the camera was rolling, I know I have it.

14 MR. MURAWSKI: Okay.

15 THE WITNESS: But I didn't know how to
16 retrieve it. He didn't teach me how to retrieve
17 it. I thought once it's there, it's there. We
18 only find out way after, after we had a discussion.
19 It was me, the city manager, the city attorney, and
20 probably somebody else was there, and we are
21 talking about it.

22 I said what the city did to me is cruel. It's
23 not fair and I'm going to prove you wrong. They
24 say, how? Because, I say, I got a camera in my
25 house, I'm going get the tape and I'm going to

1 prove you wrong.

2 BY MR. MURAWSKI:

3 Q Okay. Let me stop you for one second. That
4 conversation, do you remember that being somewhere
5 around May 28th of 2015, about 4:30 in the afternoon?

6 A Sounds about right.

7 Q City attorney was there, Jose Smith?

8 A Yes.

9 Q Okay. You had a meeting with the city
10 attorney and the city manager?

11 A Right.

12 Q And you were talking about the possibility of
13 a tape?

14 A Right.

15 Q Okay. So at that meeting, you told the city
16 attorney that you had video evidence to prove that you
17 were not there at the time?

18 MR. DAVIS: Objection. I think this is
19 outside of the scope of the questions about whether
20 he has the tape or not.

21 MR. MURAWSKI: Well, we are trying to get
22 there. I mean, he's talking about the meeting that
23 he had where he said that he brought it up.

24 MR. DAVIS: I understand. He brought it up,
25 but I just want us to get back on track.

1 MR. MURAWSKI: We are going there in the next
2 question.

3 BY MR. MURAWSKI:

4 Q So, Commissioner, that was around the end of
5 May 2015 where you had this meeting and, again, you said
6 you had a tape.

7 A Uh-huh. No, I --

8 Q At that point --

9 MR. DAVIS: I'm sorry, Mr. Murawski, I don't
10 want to interfere with your deposition, but my
11 concern is I don't want us to --

12 MR. MURAWSKI: Well, why don't we just let the
13 witness clarify what he said.

14 MR. DAVIS: Well, no, I think that he's here
15 to talk about whether or not he has the video
16 and --

17 MR. MURAWSKI: Well, I've asked him that
18 question several times already, and so far, we
19 haven't gotten a straight answer.

20 MR. DAVIS: Well, I think the last question
21 that you asked was what made you believe that you
22 had a copy of the video.

23 MR. MURAWSKI: Okay.

24 MR. DAVIS: He answered that question and then
25 I think he went off --

1 MR. MURAWSKI: He answered that question by
2 talking about this meeting.

3 MR. DAVIS: Well, no, he answered the
4 question -- and we can go back through the
5 record -- and then he went on to this meeting.
6 Clearly, he may have gone to something else, but I
7 think he answered the question. So I would ask at
8 this point that you would ask your next line of
9 questioning, which I think is likely going to be:
10 At what point did you learn that you did not have
11 the video?

12 MR. MURAWSKI: Okay. That's a good question.

13 BY MR. MURAWSKI:

14 Q What the point in time did you learn that you
15 did not have the tape?

16 A I learned about a couple of weeks after the
17 meeting I had with the city manager.

18 Q Okay.

19 A Probably, I would say early June, mid-June.

20 Q Early June of 2015?

21 A 2016.

22 Q 2016?

23 A After -- whenever when the meeting with the
24 city manager, that meeting that you mentioned.

25 Q Yes. That was in May of 2015.

1 A May.

2 Q About a month after the incident.

3 A Yeah, about two weeks after.

4 Q Okay.

5 A That's when I called the guy who installed the
6 system. I say I want you to retrieve April 30th, I
7 believe, incident for me.

8 He said, no, Pierre, we can't. I said, what
9 do you mean we can't? He said, no, the system rolls --
10 it sets back after 30 days. After 30 days, it will roll
11 over.

12 Q Okay.

13 A I say, how can I get something that happened
14 on the 30th? He say, we cannot get it, it's too late.
15 That's when I find out I don't have it.

16 Q Okay. And you're saying that that happened
17 sometime in June of 2015 maybe?

18 A Yeah, probably a week or two after we had that
19 meeting in the city manager's office.

20 Q Okay. So you gave the statement to the ethics
21 investigator in April of 2016?

22 A Correct.

23 Q And in April of 2016, you were still talking
24 about whether or not you weren't sure if you had a
25 videotape?

1 MR. DAVIS: I'm going to object to form. I
2 don't know if you actually asked that question.

3 BY MR. MURAWSKI:

4 Q Do you understand the question?

5 A I understand the question.

6 Q Okay.

7 A Because the guy who put --

8 MR. DAVIS: I'm sorry, let me pause. Can you
9 just ask the question again and I want you to just
10 answer the question.

11 MR. MURAWSKI: Can you read back my question?

12 MR. DAVIS: Just answer the question and leave
13 it at that, please.

14 THE WITNESS: Okay.

15 (The portion referred to was read by the
16 reporter as above recorded.)

17 THE WITNESS: Yes.

18 BY MR. MURAWSKI:

19 Q Why?

20 A Because the guy told me even though it's not
21 physically in your system, there may be a possibility
22 somewhere hid in the cloud, or something like that. He
23 said there is a possibility we might retrieve it.

24 Q Okay. And he told you that in June of 2015?

25 A I don't remember when, but it was way after

1 because I was questioning myself. I said I need to have
2 that tape because they put my name in the news saying
3 I'm doing this, I'm doing that. I said I must have it
4 no matter what it takes, if I have to do anything, I pay
5 any amount of money, we need to have it.

6 He said, Pierre, there's no guarantee, but I
7 was told everything in this life is hidden somewhere in
8 the clouds. I'm going to talk to people how we can get
9 it back and we never get it back.

10 Q So what steps did you take to try to retrieve
11 the video from the cloud?

12 A I just asked him. He is the one. I am not
13 electronically savvy. I did not even know after 30
14 days, I cannot get it back. I thought once it's there,
15 it stays there forever. He's the one who clarified for
16 me. He is the one who teach my kids how to retrieve it
17 because that's -- that's not my kind of thing. So
18 that's what happened.

19 Q Okay. So you've never sat down and watched a
20 video of the incident?

21 A Never.

22 Q You've never seen it?

23 A Never.

24 Q Okay. And as far as you know, sitting here
25 right now, there is no videotape of the incident that

1 exists that you're aware of?

2 A No.

3 Q There is not?

4 A No.

5 Q Okay. You don't have a tape or a CD or a disk
6 that you can hand over to me that I can watch what
7 happened on that day?

8 A No, sir. That's what I wanted. That would be
9 my greatest joy.

10 Q Okay.

11 A Unfortunately, that's what we've been fighting
12 for. He say, you told me too late. If you told me the
13 next week, the week after, up to 30 days, I could have
14 given it to you. Because it's more than 30 days, you
15 have a slim chance if it's hid somewhere in the clouds.
16 But he say, unfortunately, that wasn't available.

17 Q Okay. So you yourself do not presently have
18 possession of the tape?

19 A No, sir.

20 Q And you didn't give it to this attorney here,
21 Mr. Kuehne or Mr. Davis? They don't have a copy of the
22 tape?

23 A Nobody has a copy.

24 Q How about your other attorney, what's his
25 name? In your lawsuit against the city, the lawyer that

1 represents you in that case?

2 A No, he doesn't have it.

3 Q He doesn't have a copy of it?

4 A No, he doesn't.

5 Q You didn't give him a copy of it?

6 A Nobody has a copy.

7 Q Okay.

8 A As far as I'm concerned.

9 Q Okay. There is no copy that exists? There is
10 no tape?

11 A No, I tried hard.

12 Q What is the name of the person that installed
13 your system?

14 A His name is Fritz, F-R-I-T-Z, Jean Marie.

15 Q And does he live locally here in North Miami
16 Beach?

17 A I think he lives somewhere in Broward.

18 Q Broward?

19 A Yeah.

20 Q Do you have a phone number or some contact
21 information where I can reach this gentleman?

22 A I can look for it, but I don't have it from
23 the top of my head and I don't keep it.

24 Q Okay. But your lawyer should be able to
25 provide that to me?

1 MR. DAVIS: If he has it, we'll get it to you.

2 BY MR. MURAWSKI:

3 Q Okay. Had you ever used that gentleman for
4 any previous reason to do any work?

5 A That's the only job he had done for me.
6 That's the only job.

7 Q That's the only job?

8 A He's done for me.

9 Q And how did you find him? Did you look in the
10 Yellow Pages or was he recommended to you?

11 A No, through the people. Probably family and
12 friends. I say I want to install a camera and then
13 somehow, somebody mentioned his name and we met, he make
14 a visit, he charge me and buy the equipment and install
15 it.

16 Q Okay. So if you can find his address or his
17 phone number and provide it to me in the future --

18 A Okay.

19 Q -- I would appreciate that.

20 A I will try.

21 MR. MURAWSKI: Can we just have one minute?

22 (A recess was taken at 10:59 a.m. and the
23 proceedings resumed at 11:00 a.m.:)

24 MR. MURAWSKI: We are back on the record. I
25 don't have any more questions for you. I don't

1 know if Mr. Davis wants to ask you any questions.

2 MR. DAVIS: I do.

3 CROSS-EXAMINATION

4 BY MR. DAVIS:

5 Q I know that we talked a little bit about your
6 open heart surgery. How long ago did you have it?

7 A About three months ago.

8 Q Okay. And are you currently on any
9 medications?

10 A Oh, yeah, I got a whole list.

11 Q What medications are you on right now?

12 A I don't remember them all. Plavix,
13 lisinopril, metoprolol, minoxidil, and a few more. Like
14 seven, eight different medications.

15 Q And I also noticed that you brought an oxygen
16 machine?

17 A Yeah, because I'm oxygen-dependent.

18 Q Now, we also talked about some timeline
19 questions. Are you exactly sure in terms of when you
20 had your conversation with the gentleman who you spoke
21 with about retrieving the surveillance video?

22 A What's the question?

23 Q How confident are you about the date that you
24 spoke with him or her about retrieving the video?

25 A I do not know specifically, but I remember

1 after I had the conversation with the city manager, the
2 city attorney, it takes about a week or two for me to
3 get him to come to the house to ask him to retrieve it.
4 He say, no, Pierre, I can't. I say, how come you can't?
5 He said, no, after 30 days, it recycled itself.

6 MR. DAVIS: All right.

7 MR. MURAWSKI: Okay. Thank you so much for
8 coming here.

9 (The taking of the deposition was concluded at
10 11:01 a.m.)

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1 RE : Frantz Pierre
DEPO OF: FRANTZ PIERRE
2 TAKEN : AUGUST 8, 2017
3

4 EXCEPT FOR ANY CORRECTIONS
MADE ON THE ERRATA SHEET BY
5 ME, I CERTIFY THIS IS A TRUE
AND ACCURATE TRANSCRIPT.
6 FURTHER DEPONENT SAYETH NOT.

7 _____
FRANTZ PIERRE

8
9 STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

10
11 Sworn and subscribed to before me this
12 _____ day of _____, 2017.
13 PERSONALLY KNOWN _____ OR I.D. _____
14

15 _____
Notary Public in and for
the State of Florida at
Large.

16
17 Notary #FF236965
18 My commission expires: 06/03/2019
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ERRATA SHEET

RE : Frantz Pierre
DEPO OF: FRANTZ PIERRE
TAKEN : August 8, 2017

DO NOT WRITE ON TRANSCRIPT, ENTER ANY CHANGES HERE

Page #	Line #	Change	Reason

State of Florida)
County of Miami-Dade)

Under penalties of perjury, I declare that I have read by deposition transcript, and it is true and correct subject to any changes in form or substance entered here.

Date FRANTZ PIERRE

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CERTIFICATE OF OATH OF WITNESS

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

I, CHRISTINE SAVOUREUX-MARINER, Florida
Professional Reporter and Notary Public in and for
the State of Florida at Large, certify that the
witness, FRANTZ PIERRE, personally appeared before
me on August 8, 2017 and was duly sworn by me.

WITNESS my hand and official seal this
22nd day of August, 2017.



CHRISTINE SAVOUREUX-MARINER
Notary Public, State of Florida
at Large

Notary #FF236965
My commission expires: 06/03/2019

REPORTER'S DEPOSITION CERTIFICATE

I, CHRISTINE SAVOUREUX-MARINER, Florida Professional Reporter, certify that I was authorized to and did stenographically report the deposition of FRANTZ PIERRE, the witness herein on August 8, 2017; that a review of the transcript was requested; that the foregoing pages numbered from 1 to 27 inclusive is a true and complete record of my stenographic notes of the deposition by said witness; and that this computer-assisted transcript was prepared under my supervision.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action.

DATED this 22nd day of August, 2017.



CHRISTINE SAVOUREUX-MARINER
Florida Professional Reporter

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VERITEXT

One Biscayne Tower
2 South Biscayne Boulevard, Suite 2250
Miami, Florida 33131

August 23, 2017

Frantz Pierre
c/o KUEHNE DAVIS LAW, P.A.
100 Southeast 2nd Street
Suite 3550
Miami, Florida 33130

RE: Frantz Pierre
DEPO OF: Frantz Pierre
TAKEN: August 8, 2017

Dear Frantz Pierre:

This letter is to advise you that the transcript of the deposition listed above is completed and is awaiting reading and signing.

Please arrange to stop by our office in Suite 2250, 2 South Biscayne Boulevard, Miami, Florida 33131 to read the transcript. Our office hours are from 8:30 a.m. to 4:30 p.m. Monday through Friday. Depending on the length of the transcript, you should allow yourself sufficient time.

If the reading and signing has not been completed prior to the referenced date, we shall conclude that you have waived the reading and signing of the deposition transcript. Your prompt attention to this matter is appreciated.

Sincerely,

Christine Savoureux-Mariner, FPR

&	305 2:4	answers 7:20	believed 11:25
& 1:1,21 2:2,5	30th 6:11 10:2 11:6 11:24 16:6,14	anybody 9:5	biscayne 28:1,2,15
0	33130 2:4,10 28:8	appearances 2:1	bit 11:9 22:5
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FLORIDA RULES OF CIVIL PROCEDURE

Rule 1.310

(e) Witness Review. If the testimony is transcribed, the transcript shall be furnished to the witness for examination and shall be read to or by the witness unless the examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness wants to make shall be listed in writing by the officer with a statement of the reasons given by the witness for making the changes. The changes shall be attached to the transcript. It shall then be signed by the witness unless the parties waived the signing or the witness is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within a reasonable time after it is furnished to the witness, the officer shall sign the transcript and state on the transcript the waiver, illness, absence of the witness, or refusal to sign with any reasons given therefor. The deposition may then be used as fully as though signed unless the court holds that the reasons given for the refusal to sign require rejection of

the deposition wholly or partly, on motion under
rule 1.330(d)(4).

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OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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