

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

CASE No.: 6:21-cv-694-CEM-DCI

v.

HABOR CITY CAPITAL CORP.,

Defendant,

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BENWORTH CAPITAL PARTNERS, LLC'S OBJECTION AND MOTION TO  
QUASH OR IN THE ALTERNATIVE FOR PROTECTIVE ORDER TO  
SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

Non-Party Benworth Capital Partners, LLC (hereinafter referred to as "Benworth"), by and through undersigned counsel and pursuant to Fed. R. Civ. Pro. hereby files and serves its Objection and Motion to Quash or in the alternative Motion for Protective Order to SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION and states as follows:

- Benworth is a Florida Limited Liability Company conducting business in and from Miami-Dade County, Florida.
- On November 24, 2021, Benworth received the Subpoena requiring production on December 6, 2021 in the City of Tampa, Florida.
- The Subpoena seeks documents protected from discovery by the attorney-client privilege or the attorney-work product doctrine, or those that reveal trade secrets or confidential or proprietary information, including such secrets or information supplied on a confidential basis; and
- The Subpoena was served on November 24, 2021 and production was required on December 6, 2021 failing to allow a reasonable time for production; less than the required 14 days under Rule 3.04.

- Benworth has its main offices in Miami-Dade County, Florida regularly transacts business from Miami-Dade County, Florida and the Subpoena requires production in Tampa (approximately 282 miles distance) which is beyond the geographical limits specified in Rule 45 (c).

WHEREFORE, Benworth respectfully requests that this Court enter an order sustaining the Objections, Quashing the Subpoena or in the alternative enter a protective order in favor of Benworth, awarding Benworth's attorney's fees in bringing this motion and granting such further related relief and granting such other relief this court deems just and proper.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing BENWORTH CAPITAL PARTNERS, LLC'S OBJECTION AND MOTION TO QUASH OR IN THE ALTERNATIVE FOR PROTECTIVE ORDER TO SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION has been furnished by via electronic mail to [nnewlon@jclaw.com](mailto:nnewlon@jclaw.com) on this 6<sup>th</sup> day of December, 2021.



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Fla. Bar No. 0885142

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