IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION AI
CASE NO. 50-2013-CA-015257-XXXX-MB
50-2015-CA-001012-XXXX-MB
50-2014-CA-006931-XXXX-MB
50-2018-CA-008378-XXXX-MB

HAROLD PEERENBOOM,
    Plaintiff/Petitioner
vs.
ISAAC IKE PERLMUTTER,
LAURA PERLMUTTER, ROBERT
DAVIDOW, et al.,
    Defendant/Respondents.

                                                 /

DEFENDANTS', ISAAC PERLMUTTER AND LAURA PERLMUTTER'S CROSS MOTION FOR SANCTIONS

THIS CAUSE came before the Court on December 2, 2019, concerning Defendants',

Isaac Perlmutter and Laura Perlmutter, Cross Motion for Sanctions filed on July 26, 2019. On

August 2, 2019, the Court previously heard Plaintiff's Harold Peerenboom, Motion to Compel

DNA Testing. Because the issues in both motions are intertwined, the Court deferred ruling on

the latter pending the hearing on the former. As to the Motion for Sanctions, the Court has

carefully considered the Motion, reviewed pleadings and evidence in support of and in

opposition to the Motion, and heard argument of counsel including attorneys in the companion

cases. Based on the foregoing, the Court makes the following findings of fact, legal analysis,

and ruling.

BACKGROUND

Plaintiff seeks damages for defamation, based on Plaintiff's allegations that Defendants'

engaged in a hate mail campaign concerning participation in the management of a private Palm

Beach community known as Sloan's Curve. Defendants' deny these allegations.

1

There are multiple companion cases involving these parties, among others, concerning similar if not the same issues as outlined herein. In one of the companion cases, Plaintiff is alleged to have engaged in a scheme to obtain DNA from Defendants to prove Plaintiff's allegation that Defendants were the source of the defamation.

Concerning the instant motion, Defendants allege that beginning in December 2012, Plaintiff enlisted multiple people who conspired to obtain and analyze Defendants' genetic material. Plaintiff used court-issued subpoenas to compel Defendants to submit to depositions where Plaintiff's retained private lab technician obtained Defendants' DNA.

More specifically, the evidence is unrebutted and the Court finds that at the time of obtaining Defendants' DNA, Plaintiff chose to forego the appropriate discovery method,[1] Plaintiff issued non-party subpoenas to Defendants in a companion case, scheduled a deposition, and waited for his opportunity to Defendants' DNA. After Plaintiff obtained Defendants' DNA, Plaintiff sent the known samples to be tested, without any prior notice, consent, or knowledge of Defendants or their attorney.

In response to the instant motion, Plaintiff asserts that there was no fraud on the court. Plaintiff asserts that he acted with coordination, consultation, and approval of law enforcement, who were investigating the hate mail action.

THE EVIDENCE

At the evidentiary hearing, all parties including parties in the companion cases had an opportunity to be heard. Based on the evidence presented, the Court finds that Defendants' argument has merit.

---

[1] See Fla. Stat. § 760.40(2)(a) (2019); Fla. R. Civ. P. 1.360.

The evidence is unrebutted that Plaintiff obtained full usable DNA from both Defendants to assist with Plaintiff's effort to determine if Defendants were the actors in the hate mail campaign. The Court finds that Plaintiff's agents set forth a plan to obtain Defendants' DNA via a deposition in a companion case. Plaintiff's attorney Douberley admitted that the deposition of Defendants provided an opportunity for Plaintiff to obtain the DNA.[2] Attorney Douberley admitted that obtaining Defendants' DNA through proper discovery methods would take months and Plaintiff did not want the delay of adhering to proper discovery methods. Compellingly, Attorney Douberley admitted that the plan was put in place because Plaintiff knew Defendants would not voluntarily submit to testing. This plan is contrary to our judicial process that requires honesty, transparency, and fairness.

Plaintiff also admitted to the subterfuge. Plaintiff admitted that he knew of this plan and was complicit in and encouraged it. The evidence is overwhelmingly clear that the deposition of Defendants' in the companion case was scheduled, in part, to improperly obtain Defendants' DNA.

LEGAL ANALYSIS AND RULING

Not surprisingly, the parties differ concerning the legal authority applicable to this case. Plaintiff seeks the Court to view this case pursuant to *Kozel v. Ostendorf,* 629 So. 2d 817 (Fla. 1993). Defendants seek sanctions pursuant to Section 760.40 of the Florida Statutes and the Court's inherent power to regulate the use or disclosure of information improperly obtained. See *Bennett ex rel Bennett v. Tenet St. Mary's Inc.,* 67 So. 3d 422, 426 (Fla. 4th DCA 2011).

The Court finds Defendants' argument and legal authority persuasive in the face of the foregoing evidence. Accordingly, it is **ORDERED** that

---

[2] It should be noted these Defendants were non-parties at the time of the subject deposition.

Defendants', Isaac Perlmutter and Laura Perlmutter, Cross Motion for Sanctions (D.E. # 1247) is **GRANTED**. As a sanction in this case, Plaintiff is precluded from further DNA testing of Defendants.

DONE AND ORDERED, in West Palm Beach, Palm Beach County, Florida this 23rd day of December, 2019.

15TH JUDICIAL CIRCUIT

CYMONIE S. ROWE, Circuit Judge

COPIES TO:

SELLARS MARION & BACHI PA	DANIEL MICHAEL BACHI ESQ. 811 N. OLIVE AVENUE WEST PALM BEACH, FL 33401	dbachi@smb-law.com clis@smb-law.com
KING & CHAVES LLC	DAVID V. KING ESQ. 400 EXECUTIVE CENTER DRIVE, STE 207 WEST PALM BEACH, FL 33401	dking@kingchaves.com jk@kingchaves.com dvk@kingchaves.com jl@kingchaves.com
GOLDBERG SEGALLA LLP	DANIEL L. GOLDBERG ESQ. 777 BRICKELL AVENUE, SUITE 1370 MIAMI, FL 33131	dgold@goldbergsegalla.com mmartinez@goldbergsegalla.com
JOSHUA E. DUBIN ESQ. PA	JOSHUA E. DUBIN, ESQ. 7413 FAIRFAX DRIVE, BUILDING F TAMARAC, FL 33321	jdubin@dubinconsulting.com
WICKER SMITH O'HARA	JORDAN S. COHEN ESQ.	jcohen@wickersmith.com