

IN THE CIRCUIT COURT OF THE 16TH JUDICIAL CIRCUIT
IN AND FOR MONROE COUNTY, FLORIDA

STEWART TILGHMAN FOX &
BIANCHI, P.A., WILLIAM C.
HEARON, P.A., and TODD S.
STEWART, P.A.,
Plaintiffs,

Case No.: 2023-CA-000370-A001-P

vs.

HARLEY N. KANE, MICHELLE
J. KANE, SHECTER & EVERETT,
LLP and DAVID L. MANZ
PROFESSIONAL ASSOCIATION
d/b/a THE MANZ LAW FIRM,
Defendants.

_____/

DEFENDANT, MICHELLE J. KANE'S NOTICE OF FILING AFFIDAVIT
IN SUPPORT OF HER RESPONSE
TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

COMES NOW, Defendant MICHELLE J. KANE, by and through her undersigned attorney, and gives Notice of Filing the attached Affidavit in Support of her Response to Plaintiffs' Motion for Summary Judgment.

CERTIFICATE OF SERVICE

I HEREBY certify that on this 2nd day of August, 2024, a true and correct copy of the foregoing was electronically served in compliance with Rule 2.516(a) and Administrative Order 13-49 through Florida Courts E-filing Portal on all counsel of record.

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/s/ John B. Agnetti
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d/b/a THE MANZ LAW FIRM,
Defendants.

**AFFIDAVIT OF MICHELLE J. KANE IN SUPPORT OF RESPONSE
TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

STATE OF FLORIDA:)
COUNTY OF MONROE:)

BEFORE ME, the undersigned, personally appeared MICHELLE J. KANE, who after first being duly sworn, deposes and states as follows:

1. My name is Michelle J. Kane. I am over the age of eighteen years old and am a defendant in this action. The facts in this Affidavit are based on my own personal knowledge.
2. The law firm of Kane Lawyers PLLC was owned fifty (50) percent by "Michelle and Harley Kane TBE" and fifty (50) percent by the Flanagan Firm, P.A.
3. In 2015, while Michelle and Harley Kane TBE owned fifty (50) percent of Kane Lawyers PLLC, Kane Lawyers PLLC negotiated a settlement in the amount of five million dollars (\$5,000,000.00) in an unrelated PIP case.
4. Kane Lawyers PLLC earned a fee on that settlement in the amount of approximately five million dollars (\$5,000,000.00).
5. Kane Lawyers PLLC's earned fee of approximately five million dollars (\$5,000,000.00) was the result of legitimate and entirely proper legal services performed.
6. After a meeting among the firm's owners, it was mutually agreed that a disbursement would be made from Kane Lawyers PLLC's earned fee of approximately five million dollars (\$5,000,000.00) to Michelle and Harley Kane TBE in the amount of two million thirty-seven thousand five hundred dollars (\$2,037,500.00), based on Michelle and Harley Kane TBE's fifty (50) percent ownership of Kane Lawyers PLLC.

7. There has never been an allegation that either Kane Lawyers PLLC's earned fee of approximately five million dollars (\$5,000,000.00) or Michelle and Harley Kane TBE's two million thirty-seven thousand five-hundred-dollar (\$2,037,500.00) distribution were ill-gotten gains, or that they resulted from fraud or otherwise egregious conduct by anyone.
8. The monies used to purchase property located at 107 Hilson Ct., Tavernier, FL 33070 ("Hilson Homestead property") were not the result of ill-gotten gains, or obtained through fraud or otherwise egregious conduct by anyone. Rather, those monies were the result of legitimate and entirely proper legal services performed by Kane Lawyers PLLC.
9. Regardless of whether the Hilson Homestead property was purchased by Harley Kane individually, or by "Harley N. Kane and Michelle J. Kane, husband and wife as tenants by the entireties," the funds used to purchase that property were obtained from entirely legal and legitimate sources, and were not the product of any fraud or any otherwise egregious conduct.
10. If Harley Kane deposited the Kane Lawyers PLLC earned fee of two million thirty-seven thousand five hundred dollars (\$2,037,500.00) into an account in his name only, rather than into a TBE account, and then used those funds to purchase the Hilson Homestead property in his name alone, Plaintiffs would not have a valid cause of action upon which to file this lawsuit.
11. I have reviewed the Response to Plaintiffs' Motion for Final Summary Judgment filed in this matter, and all of the facts contained therein, and all of the facts stated therein are true and correct to the best of my knowledge and belief.
12. I have also reviewed and understand each and every provision of this Affidavit, and the facts stated herein are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.


MICHELLE J. KANE

BEFORE ME, the undersigned authority, personally appeared MICHELLE J. KANE, who is known to me personally _____ or who ~~produced~~ the following identification Drivers License under penalties of perjury and having been sworn under oath, has verified that the above contents and information is true and correct based upon her personal knowledge and that she executed this document on this 1 day of August, 2024.

WITNESS my hand and seal in the State of Florida and County of Monroe on this 1 day of August, 2024.


NOTARY PUBLIC STATE OF FLORIDA
My commission expires:

