

IN THE CIRCUIT COURT FOR THE  
SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY,  
FLORIDA

PHIL J. VON KAHLE, et al.,

Case No. 12-34121(07)  
Complex Litigation Unit

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST, et al.,

Defendants.

---

**NOTICE OF FILING:**

**CONSERVATOR'S STATUS CONFERENCE AGENDA  
FOR NOVEMBER 1, 2013 AT 1:30PM**

Philip J. Von Kahle, as Conservator for P&S, General Partnership and S&P, General Partnership, by and through counsel, hereby gives notice of filing the attached *Conservator's Status Conference Agenda* for November 1, 2013 in the matter of *Matthew Carone, et. al. v. Michael D. Sullivan, individually*, Case No. 12-24051 (07) in the Circuit Court of the 17<sup>th</sup> Judicial Circuit, in and for Broward County, Florida.

Respectfully submitted this October 25, 2013.

MESSANA, P.A.  
*Attorneys for Conservator*  
Post Office Drawer 2485  
Fort Lauderdale, FL 33303  
Telephone: 954-712-7400  
Facsimile: 954-712-7401  
e-mail: tmessana@messana-law.com

By: /s/ Thomas M. Messana  
Thomas M. Messana  
Florida Bar No. 991422

**IN THE CIRCUIT COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
BROWARD COUNTY, FLORIDA  
CASE NO.: 12-24051 (07)  
COMPLEX LITIGATION UNIT**

MATTHEW CARONE, et al.,

Plaintiffs,

v.

MICHAEL D. SULLIVAN, individually,

Defendant.

\_\_\_\_\_ /

**CONSERVATOR’S STATUS CONFERENCE AGENDA  
FOR NOVEMBER 1, 2013 AT 1:30PM**

Philip J. von Kahle (the “**Conservator**”), as Conservator for P&S Associates, General Partnership (“**P&S**”) and S&P Associates, General Partnership (“**S&P**”) (together, the “**Partnerships**”), by and through undersigned counsel, pursuant to this Court’s July 9, 2013 *Standing Order Setting Monthly Status Conferences* (the “**Standing Order**”), hereby files the Conservator’s Status Conference Agenda for November 1, 2013 at 1:30pm (the “**Agenda**”), and in support thereof states as follows:

**Brief Introduction**

1. The Conservator was appointed pursuant to this Court’s January 17, 2013 *Order Appointing Conservator* (“**Conservator Order**”) in the above-captioned action (the “**Conservator Suit**”).

2. The Conservator Suit, and certain related cases, are presently pending before this Court, styled:

- *P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Alves, et al.*, Case No. 12-028324 (07) (the “**Interpleader Action**”);
- *Margaret Smith as General Partner of P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Janet A. Hooker Charitable Trust, e. al.*, Case No. 12-034121 (07) (the “**Net Winner Suit**”); and
- *Margaret Smith as General Partner of P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Michael D. Sullivan, et al.*, Case

No. 12-034123 (07) (the “**Insider Suit**” and together with the Conservator Suit, the “**Lawsuits**”).

3. The Conservator has identified the following matters and requests that this court consider the same at the status conference presently scheduled for November 1, 2013 (the “**Status Conference**”).

**The Conservator Suit**

4. **Conservator’s Motion to Retain and Compensate Barry Mukamal and Marcum LLP as an Expert Witness in the Interpleader Action.** Presently a trial is set for November 19, 2013 on certain issues in the Interpleader Action which necessitate retention of an expert witness.

**The Interpleader Action**

5. **Service:** The Conservator will provide updated service statistics at the Status Conference.

6. **Conservator’s Motion to Join the Partners of SPJ Investments, Ltd and the Members of Guardian Angel Trust, LLC.**

7. **Conservator’s Motion to Extend Time to Serve the Summons and Complaint.**

8. **Defendant, Sylvia M. Barbosa n/k/a Sylvia M. Fuchs, Motion to Enlarge Time in Which to Respond to Complaint filed dated September 17, 2013.**

9. **Defendant, Sylvia M. Barbosa n/k/a Sylvia M. Fuchs, Motion to Enlarge Time in Which to Respond to Complaint filed dated October 22, 2013.**

**The Net Winner Suit**

10. **Service:** Counsel for the Conservator in the Net Winner Suit will provide updated service statistics at the Status Conference.

11. **Plaintiff’s Motion for Extension of Time to Serve Summons and Complaint.**

12. **Plaintiff’s Motion to Amend Complaint.**

13. **Defendant, Congregation of the Holy Ghost – Western Providence’s Motion for Summary Judgment and Incorporated Memorandum of Law** and any related responses and replies thereto and which the Conservator believes is moot in light of the Motion to Amend.

14. **Ettoh, Ltd.’s Motion to Dismiss** and any related responses and replies thereto.

**The Insider Suit**

15. **Service:** As of the date of this Agenda, the Conservator has served all defendants.

**Conclusion**

16. The above identified matters are not intended to be an exhaustive list of matters the Court may consider at the Status Conference, as the Standing Order provides that the “Agenda shall by no means limit this Court’s authority to enter Orders as it sees fit or preclude parties who attend the Status Conferences from presenting *ore tenus* motions that are not included in the Agenda.” (Standing Order at ¶4).

Respectfully submitted this October 25, 2013.

MESSANA, P.A.  
Attorneys for Conservator  
401 East Las Olas Boulevard, Suite 1400  
Ft. Lauderdale, FL 33301  
Telephone: (954) 712-7400  
Facsimile: (954) 712-7401  
Email: tmessana@messana-law.com  
By: /s/ Thomas M. Messana  
Thomas M. Messana, Esq.  
Florida Bar No. 991422  
Brett D. Lieberman, Esq.  
Florida Bar No. 69583