

IN THE CIRCUIT COURT OF THE 17th  
JUDICIAL CIRCUIT, IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO: 12-34121(07)

Complex Litigation Unit

PHILIP J. VON KAHLE, as Conservator of  
P&S ASSOCIATES, GENERAL PARTNERSHIP,  
and S&P ASSOCIATES, GENERAL PARTNERSHIP,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST, *et al*,

Defendants. \_\_\_\_\_/

**PLAINTIFFS' NOTICE OF TAKING DEPOSITION OF  
DEFENDANT JANET B. MOLCHAN TRUST DTD 05/19/94**

**TO: ALL COUNSEL LISTED ON CERTIFICATE OF SERVICE**

**PLEASE TAKE NOTICE** that the undersigned attorneys will take the deposition of:

<b>Deponent</b>	<b>Date</b>	<b>Time</b>
<b>Defendant Janet B. Molchan Trust DTD 05/19/94<sup>1</sup></b>	<b>February 3, 2014</b>	<b>9:30 a.m.</b>

at the office of **Berger Singerman LLP, located at 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, Florida 33301**, upon oral examination before a Court Reporter, or other officer authorized by law to take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Rules of Court.

<sup>1</sup> You are commanded to designate one or more officers, directors, or managing agents, or other persons who consent to testify on your behalf, with respect to the matters set forth on Exhibit 'A', attached hereto

The deposition will continue from day to day until completed and will be recorded via stenographic means.

Respectfully submitted,

BERGER SINGERMAN LLP  
*Attorneys for Plaintiffs*  
350 East Las Olas Blvd, Suite 1000  
Fort Lauderdale, FL 33301  
Telephone: (954) 525-9900  
Facsimile: (954) 523-2872

By: s/Leonard K. Samuels  
Leonard K. Samuels  
Florida Bar No. 501610  
[lsamuels@bergersingerman.com](mailto:lsamuels@bergersingerman.com)  
Etan Mark  
Florida Bar No. 720852  
[emark@bergersingerman.com](mailto:emark@bergersingerman.com)  
Steven D. Weber  
Florida Bar No. 47543  
[sweber@bergersingerman.com](mailto:sweber@bergersingerman.com)

cc: Friedman Lombardi & Olsen, Court Reporters

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail upon counsel identified below registered to receive electronic notifications and regular U.S. mail upon *Pro Se* parties this 7th day of January, 2014 upon the following:

**Notice has been electronically mailed to:**

<b>Counsel</b>	<b>E-mail Address:</b>
Ana Hesny, Esq.	<a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a> ; <a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a>
Eric N. Assouline, Esq.	<a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a> ; <a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a>
Annette M. Urena, Esq.	<a href="mailto:aurena@dkdr.com">aurena@dkdr.com</a> ; <a href="mailto:cmackey@dkdr.com">cmackey@dkdr.com</a> ; <a href="mailto:service-amu@dkdr.com">service-amu@dkdr.com</a>
Daniel W Matlow, Esq.	<a href="mailto:dmalow@danmatlow.com">dmalow@danmatlow.com</a> ; <a href="mailto:assistant@danmatlow.com">assistant@danmatlow.com</a>
Debra D. Klingsberg, Esq.	<a href="mailto:dklingsberg@huntgross.com">dklingsberg@huntgross.com</a>
Robert J. Hunt, Esq.	<a href="mailto:bohunt@huntgross.com">bohunt@huntgross.com</a>
Joanne Wilcomes, Esq.	<a href="mailto:jwilcomes@mccarter.com">jwilcomes@mccarter.com</a>
Evan Frederick, Esq.	<a href="mailto:efrederick@mccaberabin.com">efrederick@mccaberabin.com</a>
Etan Mark, Esq.	<a href="mailto:emark@bergersingerman.com">emark@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a> ; <a href="mailto:lyun@bergersingerman.com">lyun@bergersingerman.com</a>
Evan H Frederick, Esq.	<a href="mailto:efrederick@mccaberabin.com">efrederick@mccaberabin.com</a> ; <a href="mailto:janet@mccaberabin.com">janet@mccaberabin.com</a> ; <a href="mailto:beth@mccaberabin.com">beth@mccaberabin.com</a>
B. Lieberman, Esq.	<a href="mailto:blieberman@messana-law.com">blieberman@messana-law.com</a>
Jonathan Thomas Lieber, Esq.	<a href="mailto:jlieber@dobinlaw.com">jlieber@dobinlaw.com</a>
Mariaelena Gayo-Guitian, Esq.	<a href="mailto:mguitian@gjb-law.com">mguitian@gjb-law.com</a>
Barry P. Gruher, Esq.	<a href="mailto:bgruher@gjb-law.com">bgruher@gjb-law.com</a>
William G. Salim, Jr., Esq.	<a href="mailto:wsalim@msslaw.com">wsalim@msslaw.com</a>
Domenica Frasca, Esq.	<a href="mailto:dfrasca@mayersohnlaw.com">dfrasca@mayersohnlaw.com</a> ; <a href="mailto:service@mayersohnlaw.com">service@mayersohnlaw.com</a>
Joseph P Klapholz, Esq.	<a href="mailto:jklap@klapholzpa.com">jklap@klapholzpa.com</a> ; <a href="mailto:dml@klapholzpa.com">dml@klapholzpa.com</a>
Joseph P. Klapholz, Esq.	<a href="mailto:jklap@klapholzpa.com">jklap@klapholzpa.com</a> ; <a href="mailto:dml@klapholzpa.com">dml@klapholzpa.com</a> ;
Julian H Kreeger, Esq.	<a href="mailto:juliankreeger@gmail.com">juliankreeger@gmail.com</a>
L Andrew S Riccio, Esq.	<a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a> ; <a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a>
Leonard K. Samuels, Esq.	<a href="mailto:lsamuels@bergersingerman.com">lsamuels@bergersingerman.com</a> ; <a href="mailto:vleon@bergersingerman.com">vleon@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a>
Marc S Dobin, Esq.	<a href="mailto:service@dobinlaw.com">service@dobinlaw.com</a> ; <a href="mailto:mdobin@dobinlaw.com">mdobin@dobinlaw.com</a> ;

<b>Counsel</b>	<b>E-mail Address:</b>
Michael C Foster, Esq.	<a href="mailto:mfoster@dkdr.com">mfoster@dkdr.com</a> ; <a href="mailto:cmackey@dkdr.com">cmackey@dkdr.com</a> ; <a href="mailto:kdominguez@dkdr.com">kdominguez@dkdr.com</a>
Michael Casey, Esq.	<a href="mailto:mcasey666@gmail.com">mcasey666@gmail.com</a>
Richard T. Woulfe, Esq.	<a href="mailto:pleadings.RTW@bunnellwoulfe.com">pleadings.RTW@bunnellwoulfe.com</a>
Michael R. Casey, Esq.	<a href="mailto:mcasey666@gmail.com">mcasey666@gmail.com</a>
Brett Lieberman, Esq.	<a href="mailto:blieberman@messana-law.com">blieberman@messana-law.com</a>
Marc Dobin, Esq.	<a href="mailto:service@dobinlaw.com">service@dobinlaw.com</a>
Peter Herman, Esq.	<a href="mailto:PGH@trippscott.com">PGH@trippscott.com</a>
Robert J Hunt, Esq.	<a href="mailto:bobhunt@huntgross.com">bobhunt@huntgross.com</a> ; <a href="mailto:sharon@huntgross.com">sharon@huntgross.com</a> ; <a href="mailto:eservice@huntgross.com">eservice@huntgross.com</a>
Ryon M Mccabe, Esq.	<a href="mailto:rmccabe@mccaberabin.com">rmccabe@mccaberabin.com</a> ; <a href="mailto:janet@mccaberabin.com">janet@mccaberabin.com</a> ; <a href="mailto:beth@mccaberabin.com">beth@mccaberabin.com</a>
Steven D. Weber, Esq.	<a href="mailto:sweber@bergersingerman.com">sweber@bergersingerman.com</a> ; <a href="mailto:lwebster@bergersingerman.com">lwebster@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a>
Thomas J. Goodwin, Esq.	<a href="mailto:tgoodwin@mccarter.com">tgoodwin@mccarter.com</a> ; <a href="mailto:nwendt@mccarter.com">nwendt@mccarter.com</a> ; <a href="mailto:jwilcomes@mccarter.com">jwilcomes@mccarter.com</a>
Thomas L Abrams, Esq.	<a href="mailto:tabrams@tabramslaw.com">tabrams@tabramslaw.com</a> ; <a href="mailto:fcolumbo@tabramslaw.com">fcolumbo@tabramslaw.com</a>
Thomas M. Messana, Esq.	<a href="mailto:tmessana@messana-law.com">tmessana@messana-law.com</a> ; <a href="mailto:tmessana@bellsouth.net">tmessana@bellsouth.net</a> ; <a href="mailto:mwslawfirm@gmail.com">mwslawfirm@gmail.com</a>
Zachary P Hyman, Esq.	<a href="mailto:zhyman@bergersingerman.com">zhyman@bergersingerman.com</a> ; <a href="mailto:DRT@bergersingerman.com">DRT@bergersingerman.com</a> ; <a href="mailto:clamb@bergersingerman.com">clamb@bergersingerman.com</a>

By: s/Leonard K. Samuels  
Leonard K. Samuels

**NOTICE TO:**  
**AMERICANS WITH DISABILITIES**

This notice is provided pursuant to Administrative Order No. 2.207-9/12

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Germaine English, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”

“Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con Germaine English, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacidad del oído o de la voz, llame al 711.”

“Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedè sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte Germaine English, kòdonatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711.”

## **EXHIBIT A**

### **I. DEFINITIONS:**

A. “You”, “Your”, or “Defendant” as used herein means Defendant Janet B. Molchan Trust DTD 05/19/94 and includes any and all agents, employees, servants, officers, directors, attorneys and any other person or entity acting or purporting to act on its behalf.

B. “P&S” as used herein means Plaintiff P&S Associates, General Partnership, and includes any and all agents, employees, servants, officers, directors, attorneys and any other person or entity acting or purporting to act on its behalf.

C. The conjunctions “and” and “or” mean “and/or” so as to encompass the broader of the two possible constructions, not disjunctively so as to exclude any information.

### **II. TOPICS:**

1. The relationship between You and P&S.
2. Any due diligence performed by You before investing in P&S.
3. The facts and/or circumstances that led to Your investment in P&S.
4. All payments, distributions, and/or transfers of funds between You and P&S.
5. The Demand Letters that You received in November 2012 and October 2013.
6. Communications between You and/or P&S; Michael D. Sullivan; Steven Jacob; Michael D. Sullivan & Associates, Inc., a Florida Corporation; Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Michael Bienes; Kelco Foundation, Inc. a Florida Non Profit Corporation; and/or Vincent T. Kelly.
7. The factual allegations of the Amended Complaint in this action.
8. The factual allegations in the Molchan Defendants’ Motion for Judgment on the Pleadings with Incorporated Memorandum of Law.
9. The factual allegations contained within the Answer and Defenses to Amended

Complaint of Defendants Susan E. Molchan or Thomas A. Whiteman, Janet B. Mochan Trust DTD 05/19/94 and Alex E. Molchan Trust DTD 05/19/94.

10. The relationship between You and any of the other defendants in this action whose name contains the word "Molchan."
11. Your responses to Plaintiffs' discovery requests.