

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

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

P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; and S&P ASSOCIATES,
GENERAL PARTNERSHIP, a Florida
limited partnership, et al.,

Plaintiffs,

v.

JANET A. HOOKER CHARITABLE
TRUST, a charitable trust, et al,

Defendants.

**PLAINTIFFS' RESPONSES AND OBJECTIONS TO DEFENDANT, CONGREGATION
OF THE HOLY GHOST, WESTERN PROVINCE'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO PLAINTIFFS**

Pursuant to Florida Rule of Civil Procedure 1.350, Plaintiffs (collectively, "Plaintiffs"), hereby respond and object to Defendant, Congregation of the Holy Ghost Western Province's ("Defendant" or "Irwig Trust"), First Request for Production of Documents.

GENERAL OBJECTIONS

General Objection 1: Plaintiffs' investigation of the facts relevant to the instant matter is in its initial stages and review of documents in his possession is still in its initial phases. It is therefore not possible to provide complete productions at this juncture. However, the Plaintiffs will respond to Defendants request for production while reserving the right to supplement their responses at a later time.

General Objection 2: Plaintiffs will not organize or select documents for Defendants and Plaintiffs will not attempt to indicate in any way which documents (if any) respond to any particular inquiry, but shall produce all documents in the manner in which they are and have been maintained in the ordinary course of the Trustee's business and/or in the manner such documents have been stored in the ordinary course of business.

General Objection 3: To the extent that documents are protected by the Work Product or Attorney-Client Privilege, or any other applicable privilege law or rule the Plaintiffs object to their production. To the extent that documents are being withheld on the basis of privilege, Plaintiffs will produce a privilege log upon request and as soon as reasonably practicable.

General Objection 4: Plaintiffs' stated agreement to produce hereunder is not a representation that any such documents exist; rather, it is merely an indication that if such documents exist and are in the possession custody and/or control of the Plaintiffs and are not privileged, they will be produced as indicated.

General Objection 5: Plaintiffs' production of any document is not an acknowledgement that such document is relevant to any issue in the litigation between him and Defendants and/or acknowledgement that such document is responsive to any request.

General Objection 6: It is possible that Plaintiffs will inadvertently produce a document that is otherwise privileged. Such inadvertent production is not intended to waive, alter or otherwise impact the privilege with respect to the particular document, with respect to the subject matter(s) reflected in the document and/or otherwise.

SPECIFIC RESPONSES AND OBJECTIONS

1. Copies of all partnership records relating to the P&S partnership, including, but not limited to, annual statements, bookkeeping and accounting records, and general ledgers.

Response: Plaintiffs object to this Request because such documents may be more properly obtained from other sources and this Request is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence that is relevant to this action because, for example, this request could encompass such documents as Plaintiffs' discovery requests to defendants, which they have already received copies of. Further, Plaintiffs object to this request because it seeks documents that may be confidential or protected by Work Product or Attorney Client privilege or other privilege, or may be otherwise deemed confidential by the Court.

2. Copies of all financial statements reflecting the Congregation of the Holy Ghost's P&S partnership interest.

Response: Subject to the General Objections above, Plaintiffs will produce or make the non-privileged documents they have in their possession, custody or control available for inspection at a mutually convenient time to the extent that they can be located or exist and have not been produced pursuant to another document request, upon entering into a confidentiality agreement.

3. Copies of all Schedule K-1's relating to the Congregation of the Holy Ghost's share of the P&S partnership interest.

Response: Subject to the General Objections above, Plaintiffs will produce or make the non-privileged documents they have in their possession, custody or control available for inspection at a mutually convenient time to the extent that they can be located or exist and have not been produced pursuant to another document request, upon execution of a confidentiality agreement.

4. Copies of all Subscription Agreements entered into between the Congregation of the Holy Ghost and the P&S partnership.

Response: Subject to the General Objections above, Plaintiffs will produce or make the non-privileged documents they have in their possession, custody or control available for inspection at a mutually convenient time to the extent that they can be located or exist and have not been produced pursuant to another document request, upon execution of a confidentiality agreement.

5. Copies of all documents reflecting any contribution made by, or on behalf of, the Congregation of the Holy Ghost to the P&S partnership.

Response: Plaintiffs object to Request for Production Number 5 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Subject to the General and Specific Objections above, Plaintiffs will produce or make the non-privileged documents they have in their possession, custody or control available for inspection at a mutually convenient time to the extent that they can be located or exist and have not been produced pursuant to another document request, upon execution of a confidentiality agreement.

6. Copies of all documents pertaining to the P&S partnership that have been received by the Conservator from Michael Sullivan, former Managing General Partner of the Partnerships, in connection with this proceeding.

Response: Plaintiffs object to this Request because it is unclear what proceeding is being referenced in this Request. Further, Plaintiffs object to this request because it seeks documents that may be confidential or protected by Work Product or Attorney Client privilege or other privilege, or may be otherwise deemed confidential by the Court. Subject to the General and Specific Objections above, Plaintiffs will produce or make the non-privileged documents they have in their possession, custody or control available for inspection at a mutually convenient

time to the extent that they can be located or exist and have not been produced pursuant to another document request, upon execution of a confidentiality agreement.

7. Copies of all documents reflecting the Congregation of the Holy Ghost's capital account for the P&S partnership.

Response: Plaintiffs object to Request for Production Number 5 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Notwithstanding the aforementioned objection and subject to the General Objections above, Plaintiffs will produce or make the non-privileged documents they have in their possession, custody or control available for inspection at a mutually convenient time to the extent that they can be located or exist and have not been produced pursuant to another document request, upon execution of a confidentiality agreement.

8. Copies of all documents reflecting, or pertaining to, the P&S partnership's distributions to all partners who received distributions in excess of partnership contributions ("net winners").

Response: Plaintiffs object to this request because it seeks documents that may be confidential or protected by Work Product or Attorney Client privilege or other privilege, or may be otherwise deemed confidential by the Court. Notwithstanding the aforementioned objection and subject to the General Objections above, Plaintiffs will produce or make the non-privileged documents they have in their possession, custody or control available for inspection at a mutually convenient time to the extent that they can be located or exist and have not been produced pursuant to another document request, upon execution of a confidentiality agreement.

9. Copies of all documents relating to the decision of the P&S partnership to make distributions to the Congregation of the Holy Ghost.

Response: Plaintiffs object to this document request because it is vague and unclear. The term “decision of the P&S partnership to make distributions” is not defined and it does not seem that it would lead to admissible evidence. Further, to the extent that this Request for Production seeks the production of documents which relate to distributions the Congregation of the Holy Ghost, it is duplicative of other requests for production.

10. Copies of all documents sufficient to demonstrate why the P&S partnership stopped making distributions to the Congregation of the Holy Ghost.

Response: Subject to the General Objections above, Plaintiffs will produce or make the non-privileged documents they have in their possession, custody or control available for inspection at a mutually convenient time to the extent that they can be located or exist and have not been produced pursuant to another document request, upon execution of a confidentiality agreement.

11. Copies of all documents sufficient to demonstrate why certain partners of the P&S partnership received distributions in excess of contributions while other partners did not.

Response: Plaintiffs object to Request for Production Number 11 because the term “sufficient to demonstrate why certain partners of P&S received distributions” is vague and unclear.

12. Copies of all documents evidencing the method used by the P&S partnership to determine when, and to which partners, the distributions were made.

Response: Plaintiffs object to this Request on the grounds that is vague and ambiguous what distributions are being referenced in this action. Subject to the General and Specific Objections above, Plaintiffs will produce or make the non-privileged documents they have in their possession, custody or control available for inspection at a mutually convenient time to the

extent that they can be located or exist and have not been produced pursuant to another document request, upon execution of a confidentiality agreement

13. All correspondence between the Congregation of the Holy Ghost and the P&S partnership.

Response: Subject to the General Objections above, Plaintiffs will produce or make the non-privileged documents they have in their possession, custody or control available for inspection at a mutually convenient time to the extent that they can be located or exist and have not been produced pursuant to another document request, upon execution of a confidentiality agreement

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 10th day of January, 2014 upon the following:

Notice has been electronically mailed to:

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

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

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