

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

CASE No: 12-34121 (07)
Complex Litigation Unit

MARGARET J. SMITH as Managing
General Partner of P&S ASSOCIATES,
GENERAL PARTNERSHIP, a Florida
limited partnership, and S&P ASSOCIATES,
GENERAL PARTNERSHIP, a Florida
limited partnership; P&S ASSOCIATES,
GENERAL PARTNERSHIP, a Florida
limited partnership; and S&P ASSOCIATES
GENERAL PARTNERSHIP, a Florida
limited partnership,

Plaintiffs,

vs.

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

**PLAINTIFFS' RESPONSES AND OBJECTIONS TO DEFENDANTS, HOLY GHOST
FATHERS, COMPASSION FUND, HOLY GHOST
FATHERS HG-MOMBASA, HOLY GHOST FATHERS INTERNATIONAL FUND #1,
HOLY GHOST FATHERS INTERNATIONAL FUND #2, AND HOLY GHOST
FATHERS HG-IRELAND/KENEMA, FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO PLAINTIFFS**

Pursuant to Florida Rule of Civil Procedure 1.350, Plaintiffs, by and through their undersigned attorneys, hereby file these Responses and Objections to Defendants Holy Ghost Fathers Compassion Fund, Holy Ghost Fathers HG-Mombasa, Holy Ghost Fathers International Fund #1, Holy Ghost Fathers International Fund #2, and Holy Ghost Fathers HG-Ireland/Kenema (collectively, "Defendants") First Request for Production of Documents Directed to Plaintiffs.

GENERAL OBJECTIONS

General Objection 1: The Conservator's 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, 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 Plaintiffs' 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, 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 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 OBJECTIONS AND RESPONSES

1. All correspondence between any of the Holy Ghost Entities and the Plaintiffs.

Response: Subject to the General Objections above, Plaintiffs will produce non-privileged documents responsive to this Request to the extent that they can be located and have not already been produced in response to another Request upon entering into a confidentiality agreement.

2. All documents relating to any of the Holy Ghost Entities.

Response: Plaintiffs object to Request for Production Number 2 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Plaintiffs further object to this Request because it is duplicative of Requests 1-24 and 26. Subject to the Specific and General Objections above, Plaintiffs will produce non-privileged documents responsive to this Request to the extent that they can be located and have not already been produced in response to another Request upon entering into a confidentiality agreement.

3. All Schedule K-1's relating to any of the Holy Ghost Entities.

Response: Plaintiffs object to this Request because it is duplicative of other Requests, including but not limited to Request 2. Subject to the Specific and General Objections above, Plaintiffs will produce non-privileged documents responsive to this Request to the extent that they can be located and have not already been produced in response to another Request upon entering into a confidentiality agreement.

4. All financial statements relating to any of the Holy Ghost Entities' financial interest in the P&S Associates partnership.

Response: Plaintiffs object to Request for Production Number 4 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Plaintiffs object to Request for Production Number 4 because it is duplicative of other Requests, including but not limited to Request 2, and is vague and unclear due to its use of the undefined term “all financial statements” and “financial interest.”

5. All financial statements relating to any of the Holy Ghost Entities’ financial interest in the S&P Associates 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. Plaintiffs object to this Request because it is duplicative of other Requests, including but not limited to Request 2. Plaintiffs further object to Request for Production Number 5 because it is duplicative of other Requests, including but not limited to Request 2, and is vague and unclear due to its use of the undefined term “all financial statements” and “financial interest.”

6. All telephone records, emails, documents, recordings, summaries, and notes of any telephone calls or communications between any agent or representative of any of the Holy Ghost Entities and any managing general partner, officer, director, agent or representative of Plaintiffs, including, but not limited to, Michael Sullivan.

Response: Plaintiffs object to this Request because it is duplicative of other Requests, including but not limited to Request 2. Subject to the Specific and General Objections above, Plaintiffs will produce non-privileged documents responsive to this Request to the extent that they can be located and have not already been produced in response to another Request upon entering into a confidentiality agreement.

7. All documents evidencing any of the Holy Ghost Entities' investments with any of the Plaintiffs.

Response: Plaintiffs object to Request for Production Number 7 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Plaintiffs object to this Request because it is duplicative of other Requests, including but not limited to Request 2. Subject to the Specific and General Objections above, Plaintiffs will produce non-privileged documents responsive to this Request to the extent that they can be located and have not already been produced in response to another Request upon entering into a confidentiality agreement.

8. All documents evidencing any partnership distribution for P&S Associates to any of the Holy Ghost Entities.

Response: Plaintiffs object to Request for Production Number 8 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Plaintiffs object to this Request because it is duplicative of other Requests, including but not limited to Request 2. Plaintiffs further object because it is vague and unclear what is meant by "any partnership distribution for P&S Associates to any of the Holy Ghost Entities."

9. All documents evidencing any partnership distribution for S&P Associates to any of the Holy Ghost Entities.

Response: The Conservator does not have knowledge, possession or control of any documents which are responsive to Document Request 9.

10. All documents evidencing any of the Holy Ghost Entities' capital accounts with P&S Associates.

Response: Plaintiffs object to Request for Production Number 10 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Plaintiffs object to this Request because it is duplicative of other Requests, including but not limited to Request 2. Subject to the Specific and General Objections above, Plaintiffs will produce non-privileged documents responsive to this Request to the extent that they can be located and have not already been produced in response to another Request upon entering into a confidentiality agreement.

11. All documents evidencing any of the Holy Ghost Entities' capital accounts with S&P Associates.

Response: Plaintiffs do not have knowledge, possession or control of any documents which are responsive to Document Request 11.

12. All documents evidencing the method of determining the amount of P&S Associates' distributions.

Response: Plaintiffs object to Request for Production Number 12 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Plaintiffs object to this Request because such documents may be in the possession of the defendants or third parties and because it is vague and ambiguous what distributions are being referred to in this Request. Plaintiffs further object to this Request because it is duplicative of other Requests, including but not limited to Request 2.

13. All documents evidencing the method of determining the amount of S&P Associates' distributions.

Response: Plaintiffs object to Request for Production Number 13 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege.

Plaintiffs object to this Request because such documents may be in the possession of the defendants or third parties and because it is vague and ambiguous what distributions are being referred to in this Request. Plaintiffs further object to this Request because it is duplicative of other Requests, including but not limited to Request 2

14. All documents evidencing the method of determining to which parties P&S Associates made distributions.

Response: Plaintiffs object to Request for Production Number 14 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Plaintiffs object to this Request because such documents may be in the possession of the defendants or third parties and because it is vague and ambiguous what distributions are being referred to in this Request. Plaintiffs further object to this Request because it is duplicative of other Requests, including but not limited to Request 2.

15. All documents evidencing the method of determining to which parties S&P Associates made distributions.

Response: Plaintiffs object to Request for Production Number 15 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Plaintiffs object to this Request because such documents may be in the possession of the defendants or third parties and because it is vague and ambiguous what distributions are being referred to in this Request. Plaintiffs further object to this Request because it is duplicative of other Requests, including but not limited to Request 2.

16. All documents evidencing the conclusion or termination of the relationship between P&S Associates and any of the Holy Ghost Entities or the dissociation of any of the Holy Ghost Entities from P&S Associates.

Response: Plaintiffs object to Request for Production Number 16 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Subject to the General Objections above, Plaintiffs will produce any non-privileged documents responsive to this Request upon entering into a confidentiality agreement.

17. All documents evidencing the conclusion or termination of the relationship between S&P Associates and any of the Holy Ghost Entities or the dissociation of any of the Holy Ghost Entities from S&P Associates.

Response: Plaintiffs not have knowledge, possession or control of any documents which are responsive to Document Request 17.

18. All annual partnership records of P&S Associates.

Response: Plaintiffs object to Document Request 18 because the undefined term “annual partnership records” is vague and unclear.

19. All annual partnership records of S&P Associates.

Response: Plaintiffs object to Document Request 19 because the undefined term “annual partnership records” is vague and unclear.

20. All agreements entered into between P&S Associates and any of the Holy Ghost Entities.

Response: Plaintiffs object to this Request because it is vague and ambiguous what is meant by “agreements” in this context.

21. All agreements entered into between S&P Associates and any of the Holy Ghost Entities.

Response: Plaintiffs object to this Request because it is vague and ambiguous what is meant by “agreements” in this context.

22. All documents in the possession of P&S Associates that reference any of the Holy Ghost Entities in any way.

Response: Plaintiffs object to Request for Production Number 22 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Plaintiffs further object to this Request because it is duplicative of other Requests, including but not limited to Request 2.

23. All documents in the possession of S&P Associates that reference any of the Holy Ghost Entities in any way.

Response: Plaintiffs do not have knowledge, possession or control of any documents which are responsive to Document Request 23.

24. All documents in the possession of the Conservator of P&S Associates and S&P Associates, Philip J. von Kahle, that reference any of the Holy Ghost Entities in any way.

Response: Plaintiffs object to Request for Production Number 24 because it may request the production of documents which are protected by Work Product or Attorney-Client Privilege. Plaintiffs further object to this Request because it is duplicative of other Requests, including but not limited to Request 2.

25. All documents provided to Plaintiffs by any third party (pursuant to a subpoena or otherwise) relating to this action.

Response: Plaintiffs object to this request because it is vague and ambiguous what “relating to this action” means. Plaintiffs further 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 instances as when Plaintiffs

receive a bill for a stenographer fee. 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.

26. All documents provided by Plaintiffs to any party to this action.

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.

Respectfully submitted,

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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 this 10th day of January, 2014 upon the following:

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