

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 DEFENDANT, HOLY GHOST
FATHERS HG-IRELAND/KENEMA'S
FIRST REQUEST FOR ADMISSIONS DIRECTED TO PLAINTIFFS**

Pursuant to Florida Rule of Civil Procedure 1.370, Plaintiffs, by and through their undersigned counsel, hereby respond and object to Defendant, Holy Ghost Fathers HG-Kenema's Requests for Admissions to Plaintiffs.

RESPONSES AND OBJECTIONS TO REQUEST FOR ADMISSIONS

1. Holy Ghost Fathers HG-Kenema was never a partner in S&P Associates, General Partnership, a Florida Limited Partnership.

Response: Plaintiffs admit that Holy Ghost Fathers HG-Kenema was never a partner in S&P Associates, General Partnership, a Florida Limited Partnership.

 **BERGER SINGERMAN**

2. Holy Ghost Fathers HG-Kenema received a distribution from P&S Associates, General Partnership (hereinafter, "P&S Associates") on January 24, 2007.

Response: Plaintiffs admit that Holy Ghost Fathers HG-Kenema received a distribution from P&S Associates, General Partnership (hereinafter, "P&S Associates") on January 24, 2007.

3. Holy Ghost Fathers HG-Kenema has not received a distribution from P&S Associates since January 24, 2007.

Response: Plaintiffs admit that Holy Ghost Fathers HG-Kenema has not received a distribution from P&S Associates since January 24, 2007.

4. Holy Ghost Fathers HG-Kenema has not contributed any money to P&S Associates since April 27, 1993.

Response: Plaintiffs admit that Holy Ghost Fathers HG-Kenema has not contributed any money to P&S Associates since April 27, 1993.

5. As of January 24, 2007, the balance in Holy Ghost Fathers HG-Kenema's capital account in P&S Associates was zero dollars.

Response: Plaintiffs deny that as of January 24, 2007, the balance in Holy Ghost Fathers HG-Kenema's capital account in P&S Associates was zero dollars, because the balance as of that date was negative \$217,884.63.

6. There has been no activity in the capital account of Holy Ghost Fathers HG-Kenema since January 24, 2007.

Response: Plaintiffs admit that there has been no activity in the capital account of Holy Ghost Fathers HG-Kenema since January 24, 2007.

7. P&S Associates has never provided Holy Ghost Fathers HG-Kenema with annual partnership records.

Response: Plaintiffs object to Request for Admission Number 7 because the undefined term “annual partnership records” is vague and unclear.

8. P&S Associates has not provided Holy Ghost Fathers HG-Kenema with annual partnership records for any period after 2007.

Response: Plaintiffs object to Request for Admission Number 8 because the undefined term “annual partnership records” is vague and unclear.

9. P&S Associates provided Holy Ghost Fathers HG-Kenema with annual partnership records for 2007.

Response: Plaintiffs object to Request for Admission Number 9 because the undefined term “annual partnership records” is vague and unclear.

10. P&S Associates provided Holy Ghost Fathers HG-Kenema with annual partnership records for 2008.

Response: Plaintiffs object to Request for Admission Number 10 because the undefined term “annual partnership records” is vague and unclear.

11. P&S Associates provided Holy Ghost Fathers HG-Kenema with annual partnership records for 2009.

Response: Plaintiffs object to Request for Admission Number 11 because the undefined term “annual partnership records” is vague and unclear.

12. P&S Associates provided Holy Ghost Fathers HG-Kenema with annual partnership records for 2010.

Response: Plaintiffs object to Request for Admission Number 12 because the undefined term “annual partnership records” is vague and unclear.

13. P&S Associates provided Holy Ghost Fathers HG-Kenema with annual partnership records for 2011.

Response: Plaintiffs object to Request for Admission Number 13 because the undefined term “annual partnership records” is vague and unclear.

14. P&S Associates provided Holy Ghost Fathers HG-Kenema with annual partnership records for 2012.

Response: Plaintiffs object to Request for Admission Number 14 because the undefined term “annual partnership records” is vague and unclear.

15. P&S Associates provided Holy Ghost Fathers HG-Kenema with Partnership Form 1065 Schedule K-1 for 2007.

Response: Plaintiffs admit that P&S Associates provided Holy Ghost Fathers HG-Kenema with Partnership Form 1065 Schedule K-1 for 2007.

16. P&S Associates never provided Holy Ghost Fathers HG-Kenema with Partnership Form 1065 Schedule K-1 for any period after 2007.

Response: Plaintiffs deny Request for Admission Number 16, because P&S Associates provided Holy Ghost Fathers HG-Kenema with Form 1065 Schedule K-1 for periods after 2007.

17. P&S Associates has not provided Holy Ghost Fathers HG-Kenema with Partnership Form 1065 Schedule K-1 since 2008.

Response: Plaintiffs deny Request for Admission Number 17, because P&S Associates provided Holy Ghost Fathers HG-Kenema with Form 1065 Schedule K-1 since 2008.

18. Holy Ghost Fathers HG-Kenema is dissociated from P&S Associates.

Response: Plaintiffs have made a reasonably inquiry but because Plaintiffs are in the process of reviewing and obtaining all of the documents in relation to P&S Associates, including without limitation waiting for Holy Ghost Fathers HG-Kenema's responses to Plaintiffs' discovery requests, Plaintiffs lack sufficient knowledge to admit or deny the Request for Admission Number 18. However, Plaintiffs affirmatively state that on August 21, 2006 Fr Richard Olin wrote a letter to P&S Associates expressing his desire to "close the account in the name of the Holy Ghost Fathers of Ireland-Kenma," and that despite the letter, Holy Ghost HG-Kenema received a distribution from P&S Associates on January 24, 2007.

19. Holy Ghost Fathers HG-Kenema was dissociated from P&S Associates as of January 24, 2007.

Response: Plaintiffs have made a reasonably inquiry but because Plaintiffs are in the process of reviewing and obtaining all of the documents in relation to P&S Associates, including without limitation waiting for Holy Ghost Fathers HG-Kenema's responses to Plaintiffs' discovery requests, Plaintiffs lack sufficient knowledge to admit or deny the Request for Admission Number 19. However, Plaintiffs affirmatively state that on August 21, 2006 Fr Richard Olin wrote a letter to P&S Associates expressing his desire to "close the account in the name of the Holy Ghost Fathers of Ireland-Kenma," and that despite the letter, Holy Ghost HG-Kenema received a distribution from P&S Associates on January 24, 2007.

20. Holy Ghost Fathers HG-Kenema was dissociated from P&S Associates in 2007.

Response: Plaintiffs have made a reasonably inquiry but because Plaintiffs are in the process of reviewing and obtaining all of the documents in relation to P&S Associates, including without limitation waiting for Holy Ghost Fathers HG-Kenema's responses to Plaintiffs'

discovery requests, Plaintiffs lack sufficient knowledge to admit or deny the Request for Admission Number 20. However, Plaintiffs admit that on August 21, 2006 Fr Richard Olin wrote a letter to P&S Associates expressing his desire to “close the account in the name of the Holy Ghost Fathers of Ireland-Kenma,” and that despite the letter, Holy Ghost HG-Kenema received a distribution from P&S Associates on January 24, 2007.

21. Holy Ghost Fathers HG-Kenema was dissociated from P&S Associates in 2008.

Response: Plaintiffs have made a reasonably inquiry but because Plaintiffs are in the process of reviewing and obtaining all of the documents in relation to P&S Associates, including without limitation waiting for Holy Ghost Fathers HG-Kenema’s responses to Plaintiffs’ discovery requests, Plaintiffs lack sufficient knowledge to admit or deny the Request for Admission Number 21. However, Plaintiffs admit that on August 21, 2006 Fr Richard Olin wrote a letter to P&S Associates expressing his desire to “close the account in the name of the Holy Ghost Fathers of Ireland-Kenma,” and that despite the letter, Holy Ghost HG-Kenema received a distribution from P&S Associates on January 24, 2007.

22. Holy Ghost Fathers HG-Kenema was dissociated from P&S Associates on November 13, 2012.

Response: Plaintiffs have made a reasonably inquiry but because Plaintiffs are in the process of reviewing and obtaining all of the documents in relation to P&S Associates, including without limitation waiting for Holy Ghost Fathers HG-Kenema’s responses to Plaintiffs’ discovery requests, Plaintiffs lack sufficient knowledge to admit or deny the Request for Admission Number 22. However, Plaintiffs admit that on August 21, 2006 Fr Richard Olin wrote a letter to P&S Associates expressing his desire to “close the account in the name of the Holy

Ghost Fathers of Ireland-Kenma,” and that despite the letter, Holy Ghost HG-Kenema received a distribution from P&S Associates on January 24, 2007.

23. Holy Ghost Fathers HG-Kenema was dissociated from P&S Associates in 2013.

Response: Plaintiffs have made a reasonably inquiry but because Plaintiffs are in the process of reviewing and obtaining all of the documents in relation to P&S Associates, including without limitation waiting for Holy Ghost Fathers HG-Kenema’s responses to Plaintiffs’ discovery requests, Plaintiffs lack sufficient knowledge to admit or deny the Request for Admission Number 23. However, Plaintiffs admit that on August 21, 2006 Fr Richard Olin wrote a letter to P&S Associates expressing his desire to “close the account in the name of the Holy Ghost Fathers of Ireland-Kenma,” and that despite the letter, Holy Ghost HG-Kenema received a distribution from P&S Associates on January 24, 2007.

24. Holy Ghost Fathers HG-Kenema had no role in the affairs of P&S Associates after December 31, 2007.

Response: Plaintiffs object to Request for Admission Number 24, because the undefined terms “role” and “affairs” are vague and unclear.

25. Holy Ghost Fathers HG-Kenema had no role in the affairs of P&S Associates in 2008.

Response: Plaintiffs object to Request for Admission Number 25, because the undefined terms “role” and “affairs” are vague and unclear.

26. Holy Ghost Fathers HG-Kenema had no role in the affairs of P&S Associates in 2009.

Response: Plaintiffs object to Request for Admission Number 26, because the undefined terms “role” and “affairs” are vague and unclear.

27. Holy Ghost Fathers HG-Kenema had no role in the affairs of P&S Associates in 2010.

Response: Plaintiffs object to Request for Admission Number 27, because the undefined terms “role” and “affairs” are vague and unclear.

28. Holy Ghost Fathers HG-Kenema had no role in the affairs of P&S Associates in 2011.

Response: Plaintiffs object to Request for Admission Number 28, because the undefined terms “role” and “affairs” are vague and unclear.

29. Holy Ghost Fathers HG-Kenema had no role in the affairs of P&S Associates in 2012.

Response: Plaintiffs object to Request for Admission Number 29, because the undefined terms “role” and “affairs” are vague and unclear.

30. There has been no communication between Holy Ghost Fathers HG-Kenema and P&S Associates from the time of issuance of the last Partnership Form 1065 Schedule K-1 until the November 13, 2012 letter sent by plaintiffs.

Response: Plaintiffs have made a reasonably inquiry but because Plaintiffs are in the process of reviewing and obtaining all of the documents in relation to P&S Associates including without limitation waiting for Holy Ghost Fathers HG-Kenema’s responses to Plaintiffs’ discovery requests, Plaintiffs lack sufficient knowledge to admit or deny the Request for Admission Number 30.

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
Etan Mark
Florida Bar No. 720852
emark@bergersingerman.com
Steven D. Weber
Florida Bar No. 47543
sweber@bergersingerman.com

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.	bobhunt@huntgross.com



Counsel	E-mail Address:
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 ; dmi@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
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

 **BERGER SINGERMAN**

350 EAST LAS OLAS BLVD. | SUITE 1000 | FORT LAUDERDALE, FLORIDA 33301
t: 954-525-9900 | f: 954-523-2872 | WWW.BERGERSINGERMAN.COM

Counsel	E-mail Address:
Zachary P Hyman, Esq.	zhyman@bergersingerman.com ; DRT@bergersingerman.com ; clamb@bergersingerman.com

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