

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

CASE NO.: 12-034121 (07)

P &S ASSOCIATES, GENERAL 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.

**DEFENDANT ERISCA GIANNA'S RESPONSES TO PLAINTIFFS' FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS TO DEFENDANT ERSICA P. GIANNA**

Defendant Ersica P. Gianna ("Gianna") provides the following objections and responses
Plaintiffs, P&S Associates, General Partnership ("P&S"), S&P Associates, General Partnership
("S&P") and Philip Von Kahle as Conservator on behalf of P&S and S&P ("Conservator")
(collectively and individually referred to as, the "Partnerships" or "Plaintiffs") First Request for
Production.

DOCUMENTS REQUESTED, OBJECTIONS, AND RESPONSES

1. All documents exchanged between Defendant and S&P; 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.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

2. All documents related to communications between Defendant and S&P; 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.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

3. All documents that refer to or reflect the transactions and/or events alleged in the Amended Complaint in this action.

Response:

OBJECTION. Defendant Gianna has no personal knowledge as to any of the allegations set forth in the Amended Complaint. Notwithstanding said objection, all documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

4. All documents that reflect payments, distributions, and/or transfers of funds between S&P and Defendant. This request includes without limitation all documents that reflect payments, distributions, and/or transfers of funds made and/or received on behalf of S&P.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

5. All documents which relate to the Demand Letter that You received from Margaret Smith in November, 2012.

Response:

OBJECTION. Gianna objects to this request to the extent it calls for any documents that infringe on the Attorney Client privilege. Notwithstanding said objection, all documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

6. All documents that reflect any relationship between Defendant and S&P.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

7. All documents related to any requests You made to review the books and records of S&P.

Response:

Gianna does not recall making any request to review the books and records of S&P. Notwithstanding, all documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

8. All documents that support the assertion that Plaintiffs failed to bring a lawsuit within the time required under the applicable statutes of limitations for each cause of action asserted in the Amended Complaint.

Response:

OBJECTION. This request calls for documents based upon a legal conclusion. Notwithstanding, all documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

9. All documents related to distributions, payments, and/or transfers of funds that were received by any partner of S&P.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

10. All documents related to any investment advice or accounting advice Defendant received in relation to S&P; including without limitation any documents provided to investment advisors and any reports produced by such investment advisors.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

11. All documents related to the decision by Defendant to invest in S&P.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

12. All documents that support Your alleged entitlement to retain any payments, distributions, and/or transfers of funds from S&P.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

13. All documents relating to Your knowledge of the amount of distributions that You should have received from S&P.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

14. All documents that relate to Your decision not to comply with the demand letter sent to You in November 2012 and the demand letter sent to You in October 2013.

Response:

OBJECTION. This request calls for documents based upon a legal conclusion. Notwithstanding, all documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

15. All documents that support the assertion that You received all payments, distributions, and/or transfers of funds from S&P in accordance with the Partnership Agreements.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

16. All documents related to the terms of Your investment in S&P.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

17. All documents that support the assertion that the distributions that You received from S&P were, or could have been, discovered in 2008 when the Bernard Madoff scheme came to light.

Response:

OBJECTION. This request calls for documents based upon a legal conclusion. Notwithstanding, all documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

18. All documents that relate to communications between You and other investors in S&P; including but not limited to any correspondence between You and any of the named Defendants in this action.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

19. All documents that relate to Your attempts to verify the amounts stated in your account statements with S&P.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

20. NO REQUEST INCLUDED FOR THIS NUMBER.

21. All documents concerning Your relationship with S&P.

Response:

All documents responsive to this request, to the extent they exist and are within Defendant's files, shall be produced at the undersigned's office, upon reasonable advance notice for inspection and copying at Plaintiff's expense.

Respectfully submitted,

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Attorney for Ersica P. Gianna

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 17th day of January, 2014 upon the following:

Notice has been electronically mailed to:

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