

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

Case No: 12-034121(07)
Complex Litigation Unit

P&S ASSOCIATES, GENERAL PARTNERSHIP,
et al.,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST,
et al.,

Defendants.

_____/

**DEFENDANT SUSAN MOLCHAN'S RESPONSES AND OBJECTIONS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Pursuant to Florida Rule of Civil Procedure 1.340, Defendant SUSAN E.
MOLCHAN hereby responds and/or objects to Plaintiff's First Set of Interrogatories.

GENERAL RESPONSES AND OBJECTIONS

1. Defendant submits these responses without conceding the relevancy or materiality of the subject matter of any interrogatory.
2. Defendant objects to those interrogatories that seek information neither relevant to this action, nor reasonably calculated to lead to the discovery of admissible evidence.
3. Defendant objects to those interrogatories that seek information exempt from discovery by virtue of its inclusion in any of the following categories:
 - a. Information that embodies or discloses confidential communication between Defendant and its counsel;

- b. Information that represents the work product of attorneys for Defendant in this or related actions or which otherwise reflects the mental impressions, conclusions, opinions or legal theories of those attorneys or their agents; and
 - c. Information that has been compiled in anticipation of litigation or for trial by or on behalf of Defendant or its counsel.
- 4. Defendant objects to those interrogatories that are duplicative or cumulative or as to which information may be obtained from another source that is more convenient, less burdensome and less expensive.
 - 5. Defendant objects to those interrogatories that are unnecessarily burdensome and oppressive.
 - 6. Defendant objects to all interrogatories insofar as they call for information about any other non-discoverable matters.
 - 7. Defendant reserves the right to supplement its responses as discovery proceeds.

RESPONSES TO SPECIFIC INTERROGATORIES

Interrogatory No. 1: Identify all persons with knowledge of any of the facts alleged in the Amended Complaint and/or in any pleadings (including without limitation any motions) You filed with the Court, including the specific matters of which each such person has knowledge.

Response:

My joint account holder, Tom Whiteman, and I have knowledge about our joint account at P&S Associates, General Partnership ("P&S"). Michael Sullivan should have knowledge about that, P&S generally and its dealings with Bernard L. Madoff Investment Securities, LLC ("BLMIS") specifically. The attorneys of record for P&S should have knowledge of the legal proceedings between BLMIS trustee Irving Picard and P&S.

Interrogatory No. 2: State all facts and/or circumstances under which You received any payments, distributions, and/or transfers of funds from P&S.

Response:

We elected to reinvest profits at P&S, so we did not receive regular distributions. Instead, we only received payments and/or distributions when we specifically requested

them. The amounts and timing of such payments and/or distributions are reflected in the documents we will produce in response to the Plaintiff's requests.

Interrogatory No. 3: State all facts and/or circumstances under which You made any payments, distributions, and/or transfers of funds to P&S.

Response:

We had been note holders with Avellino & Bienes, who referred us to Sullivan & Powell (after Avellino & Bienes refunded our note investment) if we wished to continue to invest indirectly in the "hedge fund" that we now understand to have been BLMIS. We contacted Sullivan & Powell and opened an account with them in P&S, into which we made capital contributions from time to time. The amount and timing of such capital contributions are reflected in the documents we will produce in response to the Plaintiff's requests.

Interrogatory No. 4: Identify all communications between Defendant and 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. For each communication identified, state all facts and/or circumstances surrounding that communication.

Response:

We periodically received written Activity/Status reports from Sullivan & Powell, on behalf of P&S, regarding our account and we sent written requests to them when we wished to make withdrawals and when we wished to close our account. There may have been a few phone calls to them to check on the status of withdrawals, but I do not recall specifics. Not acquainted with Steven Jacob or his firm. Not personally acquainted with Michael Sullivan, Frank Avellino or Michael Bienes. Never heard of Kelco Foundation. I am acquainted with Vincent Kelly and had a general awareness that he had participated in the Avellino & Bienes note program and in one of the Sullivan & Powell partnerships, but I did not get investment advice from him about them and he did not solicit me to invest in them.

Interrogatory No. 5: State all facts and/or circumstances that led to any investment by You in P&S.

Response:

See Response to Interrogatory No. 3

Interrogatory No. 6: State all facts and/or circumstances that indicate that Plaintiffs failed to file the Complaint within the time required under the applicable statutes of limitations for each cause of action asserted in the Amended Complaint.

Response:

We completed closing our account with and withdrawing from P&S in 1999 and were no longer partners in P&S after that time, but the Complaint was not filed until late 2012.

Interrogatory No. 7: Were you aware of any payment, distribution, and/or transfer of funds received by any partner of P&S prior to the filing of the Complaint in this action? For each payment, distribution, and/or transfer of funds to a partner of P&S that You were aware of prior to the filing of the Complaint in this action, identify the name of the partner who received that payment, distribution, and/or transfer of funds, when You became aware of that payment, distribution, and/or transfer of funds, and the circumstances under which You became aware of it.

Response:

I only know about the payments and/or distributions we received from P&S. Otherwise, see Response to Interrogatory No. 2.

Interrogatory No. 8: Prior to the filing of the Complaint in this action, identify all partners of P&S that were aware of any payment, distribution, and/or transfer of funds that You received from P&S. For each partner of P&S identified, state when You believe that partner of P&S became aware of the payment, distribution, and/or transfer of funds that You received from P&S and the circumstances under which that partner of P&S became aware of it.

Response:

Other than my joint account holder Tom Whiteman, the only other partner at P&S that would have had contemporaneous knowledge of the payments and/or distributions we received from P&S would have been the managing general partners, Sullivan & Powell. There may have been other partners who gained access to that information, but I do not have knowledge regarding that. Otherwise, see Response to Interrogatory No. 2.

Interrogatory No. 9: Identify all persons who supplied information used in answering these interrogatories. For each person identified, state the interrogatory for which the person furnished the answer or supplied the information incorporated in the answer, and the source of the person's answer or information.

Response:

My joint account holder Tom Whiteman assisted me in answering these Interrogatories in as much as he has generally the same knowledge about our account that I possess.

Interrogatory No. 10: Identify by name, address, phone number and e-mail address any person expected to testify at trial in this action, for any purpose.

Response:

Other than my joint account holder, Tom Whiteman, and I, it has not been determined what witnesses we will call at trial.

Interrogatory No. 11: Please set out the facts and subject matter on which each person identified in response to Interrogatory No. 10 above is expected to testify.

Response:

See Responses to Interrogatories Nos. 2, 3, 4 and 6.

Interrogatory No. 12: Identify any investment or accounting advice that You received in

SWORN TO AND SUBSCRIBED before me, this 28th day of January, 2014,
by Susan McLean who is ✓ personally known to me or has
produced MD-DRIVER'S LICENSE as identification.

My Commission Expires:

CAROL ENGLISH
NOTARY PUBLIC STATE OF MARYLAND
MONTGOMERY COUNTY
My Commission Expires August 20, 2016

Carol English Notary Public, State of Commission No.



relation to any investment by You in P&S.

Response:

Except as indicated in Response to Interrogatory No. 3, we did not receive any such advice.

Interrogatory No. 13: Please state the nature of the investments made by the Partnerships, when you first became aware of the nature of the investments made by the Partnerships, and the facts and circumstances under which you first became aware of the nature of the investments made by the Partnerships.

Response:

My understanding was that P&S invested in the same "hedge fund" utilized by Avellino & Bienes, which was described in general fashion in literature provided by them, (to be produced in response to the Plaintiff's request).

Interrogatory No. 14: Why did you refuse to comply with the Demand Letter You received in November of 2012 and the Demand Letter that You received in October 2013?

Response:

Advice of counsel.

Interrogatory No. 15: Please state all of the facts and/or circumstances concerning your decision to not comply with the Demand Letter You that You received in November of 2012 from Margaret Smith and the Demand Letter that You received in October 2013.

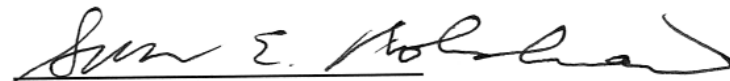
Response:

See Response to Interrogatory No. 14.

Interrogatory No. 16: Please state all the terms of your investment in P&S.

Response:

As far as I know the "terms" of the investment were as set forth in the Partnership Agreement we were provided, a copy of which will be produced in response to the Plaintiff's request.



Susan E. Molchan

STATE OF MARYLAND)
) ss:
COUNTY OF Maryland

BEFORE ME, the undersigned authority, personally appeared Susan E. Molchan who, being first duly sworn, deposes and states that the answers to the foregoing Interrogatories are true and correct.

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that on the 28th day of January 2014

a true and correct copy of the foregoing was SENT VIA E-MAIL to:

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/s/

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