

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.

**DEFENDANTS, HOLY GHOST FATHERS COMPASSION FUND'S
RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant, Holy Ghost Fathers HG Compassion Fund (“HG Compassion Fund”), by and
through their undersigned attorneys, hereby serve its Response to Plaintiffs’ First Request for
Production of Documents as follows:

GENERAL OBJECTIONS

The most recent distribution to HG Compassion Fund upon which the Plaintiffs’
Amended Complaint is based were received nearly five years ago. More specifically, HG
Compassion Fund has not received any distribution from P&S Associates, General Partnership
since March, 2008. Since that time, there has been no activity in HG Compassion Fund’s capital

account with P&S Associates, General Partnership. After a good faith search of its records, HG Compassion Fund has been able to locate only limited documents relating to P&S Associates, General Partnership. If HG Compassion Fund is able to locate additional documents, it will produce them promptly.

RESPONSES TO DOCUMENT REQUEST

1. All documents exchanged between Defendant and P&S; 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; Gregg Powell; Kelco Foundation, Inc., a Florida Non-Profit Corporation; and/or Vincent T. Kelly.

RESPONSE: HG Compassion Fund attaches all documents in its possession relevant to this Request.

2. All documents related to communications between Defendant and P&S; S&P; Michael D. Sullivan; Steven Jacob; Sullivan & Powell Solutions in Tax; Guardian Angel Trust, LLC; 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: HG Compassion Fund attaches all documents in its possession relevant to this Request.

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

RESPONSE: HG Compassion Fund attaches all documents in its possession relevant to this Request.

4. All documents that reflect payments, distributions, and/or transfers of funds between S&P and/or P&S 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 P&S.

RESPONSE: HG Compassion Fund attaches all documents in its possession relevant to this Request.

5. All documents that support the assertion 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: HG Compassion Fund objects to this request on the grounds that it is overbroad and seeks the production of documents protected by the attorney work product doctrine. HG Compassion Fund further responds and says that it attaches all documents in its possession relevant to this Request.

6. All documents related to any payment, distribution, and/or transfer of funds between P&S and any partner of P&S.

RESPONSE: HG Compassion Fund objects to this request on the grounds that it is overbroad and seeks the production of documents not in its possession. HG Compassion Fund further responds and says that it attaches all documents in its possession relevant to this Request.

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

RESPONSE: HG Compassion Fund objects to this request on the grounds that it is overbroad and seeks the production of documents protected by the attorney work product doctrine. HG Compassion Fund further responds and says that there are none.

8. All documents between You and any of the other Partners in P&S; including but not limited to any correspondence between You and any of the named Defendants in this action.

RESPONSE: HG Compassion Fund objects to this request on the grounds that it is overbroad, unduly burdensome, and that it is irrelevant and/or not reasonably calculated to lead to the discovery of admissible evidence. HG Compassion Fund states that there are none that are relevant to this litigation.

9. All documents relating to any investment advice You received which related to P&S; including without limitation of any documents provided to investment advisors, and any reports produced by such investment advisors.

RESPONSE: HG Compassion Fund states that there are none.

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

RESPONSE: HG Compassion Fund attaches all documents in its possession relevant to this Request.

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

RESPONSE: HG Compassion Fund attaches all documents in its possession relevant to this Request.

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

RESPONSE: HG Compassion Fund attaches all documents in its possession relevant to this Request.

13. All documents related to any consultation between You and any accountants or other experts in relation to Your investment in P&S.

RESPONSE: HG Compassion Fund states that there are none.

14. All documents that relate to Your decision to allegedly dissociate and/or withdraw from P&S.

RESPONSE: HG Compassion Fund attaches all documents in its possession relevant to this Request.

15. All documents that relate to Your decision to invest in P&S.

RESPONSE: HG Compassion Fund states that there are none.

16. All documents that relate to Your attempts to verify the amounts stated on your Account Statement with P&S.

RESPONSE: HG Compassion Fund attaches all documents in its possession relevant to this Request.

17. All documents reflecting any relationship between You and any entity with “Holy Ghost” or “Spiritans” in its name.

RESPONSE: HG Compassion Fund objects to this request on the grounds that it is overbroad, unduly burdensome, and that it is irrelevant and/or not reasonably calculated to lead to the discovery of admissible evidence.

18. All documents reflecting any relationship between You and Vincent T. Kelly and/or Kelco Foundation, Inc. a Florida Non-Profit Corporation.

RESPONSE: HG Compassion Fund objects to this request as it pertains to Fr. Vincent T. Kelly on the grounds that it is overbroad, unduly burdensome, and that it is irrelevant and/or not reasonably calculated to lead to the discovery of admissible evidence. HG Compassion Fund

states that Fr. Vincent T. Kelly is friend of several members of the Congregation of the Holy Ghost in Ireland, and that it will produce all documents in its possession relevant to this Request.

HG Compassion Fund states that there are none with respect to Kelco Foundation.

19. All documents reflecting any relationship between you and the Catholic Church.

RESPONSE: HG Compassion Fund objects to this request on the grounds that it is overbroad, unduly burdensome, and that it is irrelevant and/or not reasonably calculated to lead to the discovery of admissible evidence.

20. All documents that support Your allegation that the alleged breach of P&S Partnership Agreement was a “minor breach,” as is alleged in Your Motion for Summary Judgment.

RESPONSE: HG Compassion Fund objects to this request on the grounds that its Motion for Summary Judgment does not allege a “minor breach” of the P&S Partnership Agreement. HG Compassion Fund objects to this request on the grounds that its Motion for Summary Judgment speaks for itself.

21. All documents that support Your assertion that You “merely accepted distributions in accordance with the Partnership Agreement,” as alleged in your Motion for Summary Judgment.

RESPONSE: HG Compassion Fund objects to this request on the grounds that its Motion for Summary Judgment speaks for itself. HG Compassion Fund further states that it attaches all documents in its possession relevant to this Request.

22. All documents relating to Your decision not to comply with the Demand Letter you received in November of 2012 from Margaret Smith and the Demand Letter that you received in October 2013.

RESPONSE: HG Compassion Fund objects to this request on the grounds that it is overbroad and seeks the production of documents protected by the attorney work product doctrine.

23. All documents relating to Your initial investment in P&S.

RESPONSE: HG Compassion Fund attaches all documents in its possession relevant to this Request.

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