

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 HG-IRELAND/KENEMA'S
RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant, Holy Ghost Fathers HG-Ireland/Kenema ("HG Ireland/Kenema"), by and
through their undersigned attorneys, hereby serve its Response to Plaintiffs' First Set of
Interrogatories as follows:

INTERROGATORIES

Interrogatory No. 1. Identify all persons with knowledge of any of the facts alleged in the
Complaint and/or in any pleadings You filed with the Court (including Your Motion for
Summary Judgment), including the specific matters of which each such person has knowledge.

RESPONSE:

Fr. Patrick Doody, C.S.Sp. and Fr. Richard Olin, C.S.Sp., Kimmage Manor, Whitehall Road,
Kimmage, Dublin 12 Ireland

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

RESPONSE: HG Ireland/Kenema states that it accepted distributions from P&S as they were received.

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

RESPONSE: HG Ireland/Kenema states that it made investments with P&S at various times as money became available and for the purpose of generating income for religious and charitable endeavors.

Interrogatory No. 4: Identify any 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 & Associate, 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. Please provide any documentation concerning such communications.

RESPONSE: HG Ireland/Kenema communicated with P&S regarding its investments and distributions. All copies of communications between HG Ireland/Kenema and P&S in its possession are being produced herewith.

Interrogatory No. 5: State all facts and/or circumstances that support that Plaintiffs could have reasonably discovered any payments, transfers of funds, and/or distribution between You and P&S at any time prior to the filing of the Complaint in this action.

RESPONSE: Plaintiffs have had access to all records of payments and or distributions between HG Ireland/Kenema and P&S.

Interrogatory No. 6: State all facts and/or circumstances that support that “Plaintiffs failed to bring a lawsuit within the time under the applicable statutes of limitations for each count,” as is alleged in Your Motion for Summary Judgment.

RESPONSE: HG Ireland/Kenema has submitted its Motion for Summary Judgment in response to the Amended Complaint in this action. The Motion for Summary Judgment speaks for itself and is incorporated herein by reference. Moreover, the last distribution to HG Ireland/Kenema was in January of 2007. The Complaint was filed in December of 2012, in excess of 5 years after the last distribution to HG Ireland/Kenema.

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

RESPONSE: HG Ireland/Kenema was unaware of what other partners of P&S received as distributions from P&S, and has no knowledge pertaining to S&P.

Interrogatory No. 8: Prior to the filing of the Complaint in this action, identify all partners of P&S and/or S&P that were aware of the distribution that You received from P&S. For each

partner of P&S and/or S&P identified, state when You believe that partner of P&S and/or S&P became aware of the distribution that You received from P&S and the circumstances under which that partner of P&S and/or S&P became aware of the distribution that You received from P&S.

RESPONSE: HG Ireland/Kenema is unaware of what other partners of P&S were aware of the distributions it received.

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: Fr. John B. Doyle, C.S.Sp., Irish Provincial Bursar, as to all interrogatories.

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: HG Ireland/Kenema has not determined its witnesses at this time.

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

RESPONSE: HG Ireland/Kenema has not determined its witnesses at this time.

Interrogatory No. 12: Identify all affirmative defenses that You plan to assert in response to the Amended Complaint in this action, and the facts and circumstances that support each affirmative defense.

RESPONSE: HG Ireland/Kenema has submitted its Motion for Summary Judgment in response to the Amended Complaint in this action. The Motion for Summary Judgment speaks for itself and is incorporated herein by reference.

Interrogatory No. 13: Have you ever requested or received accounting and/or investment advice concerning your investment in P&S. If so, please state the name of the person or entity which provided such advice and the nature of the advice provided.

RESPONSE: No.

Interrogatory No. 14: Please state all facts and/or circumstances that led to Your being invested in P&S.

RESPONSE: HG Ireland/Kenema is unsure of precisely how it came to invest in P&S. The possibility of investing in P&S as an investment opportunity was passed via word-of-mouth among priests within Holy Ghost Fathers communities around the world.

Interrogatory No. 15: Please state the nature of the investments made by P&S, and when You first became aware of the nature of the investments made by the P&S.

RESPONSE: HG Ireland/Kenema invested in P&S as an investment group, and was not aware of the precise nature of the investments made by P&S. HG Ireland/Kenema became aware that there may be issues with the investments in or about December, 2008, when it learned that P&S's investments might be related to Bernard Madoff.

Interrogatory No. 16: Please state the nature of Your business and/or operations.

RESPONSE: HG Ireland/Kenema is an investment fund set up for the benefit of Holy Ghost Fathers' congregation in Sierra Leone for the purpose of generating income for religious and charitable investors.

Interrogatory No. 17: Please state all affiliations that You have with any churches or other religious entities.

RESPONSE: The Congregation of the Holy Ghost, also known as the Congregation of the Holy Spirit (abbreviated C.S.Sp.) is a Roman Catholic congregation of priests. Congregation members are sometimes known as Spiritans or Holy Ghost Fathers.

Interrogatory No. 18: Please state any facts or circumstances which support Your allegation that the alleged breach of contract was a "minor breach," as is alleged in Your Motion for Summary Judgment.

RESPONSE: HG Ireland/Kenema objects to this interrogatory on the grounds that its Motion for Summary Judgment does not allege a "minor breach" of the P&S Partnership Agreement. HG Ireland/Kenema objects to this interrogatory on the grounds that its Motion for Summary Judgment speaks for itself.

Interrogatory No. 19: Please state all facts and/or circumstances 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 Ireland/Kenema objects to this request on the grounds that its Motion for Summary Judgment speaks for itself. HG Ireland/Kenema further states that it accepted distributions from P&S as they were received.

Interrogatory No. 20: Please state all of the facts and/or circumstances concerning your decision to not comply with the Demand Letter that You received in November of 2012 from Margaret Smith and the Demand Letter that You received in October 2013.

RESPONSE: HG Ireland/Kenema objects to this interrogatory on the grounds that it is overbroad and seeks information protected by the attorney-client privilege and attorney work product doctrine.

Interrogatory No. 21: Please state all of the facts and circumstances that lead to your alleged withdrawal and/or disassociation from P&S.

RESPONSE: HG Ireland/Kenema states that it stopped receiving distributions in January, 2007.

Interrogatory No. 22: Identify any relationship between You and Vincent T. Kelly; Kelco Foundation, Inc., a Florida Non-Profit Corporation; any entity with “Holy Ghost” in its name, and/or any entity with “Spiritans” in its name.

RESPONSE: Fr. Vincent T. Kelly is a friend of several members of the Congregation of the Holy Ghost in Ireland. HG Ireland/Kenema has no relationship with “Kelco Foundation, Inc.” The Congregation of the Holy Ghost, also known as the Congregation of the Holy Spirit (abbreviated C.S.Sp.) is a Roman Catholic congregation of priests. Congregation members are sometimes known as Spiritans or Holy Ghost Fathers.

Interrogatory No. 23: Please state all of the terms of Your investment in P&S.

RESPONSE: HG Ireland/Kenema states that the terms of its investment in P&S are governed by the partnership agreement.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2014, a true and correct copy of the foregoing was SENT VIA E-MAIL to: LEONARD K. SAMUELS, Esq., ETAN MARK, Esq., and STEVEN D. WEBER, Esq., c/o Berger Singerman, Attorneys for Plaintiffs, 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, Florida 33301:

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