

IN THE CIRCUIT COURT FOR THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY,
FLORIDA

PHILIP J. VON KAHLE, as Conservator of
P&S Associates, General Partnership and
S&P Associates, General Partnership

Case No. 12-034123 (07)
Complex Litigation Unit

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.,

Defendants.

NOTICE OF FILING:

**CONSERVATOR'S STATUS CONFERENCE AGENDA
FOR FEBRUARY 7, 2014 AT 1:30 PM**

Philip J. Von Kahle, as Conservator for P&S, General Partnership and S&P, General Partnership, by and through counsel, hereby gives notice of filing the attached *Conservator's Status Conference Agenda for February 7, 2014* in the matter of *Matthew Carone, et. al. v. Michael D. Sullivan, individually*, Case No. 12-24051 (07) in the Circuit Court of the 17th Judicial Circuit, in and for Broward County, Florida.

Respectfully submitted this January 31, 2014.

MESSANA, P.A.
Attorneys for Conservator
Post Office Drawer 2485
Fort Lauderdale, FL 33303
Telephone: 954-712-7400
Facsimile: 954-712-7401
e-mail: tmessana@messana-law.com

By: /s/ Thomas M. Messana
Thomas M. Messana
Florida Bar No. 991422

MATTHEW CARONE, et al.,
Plaintiffs,

v.

**IN THE CIRCUIT COURT OF THE 17th
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA**
CASE NO.: 12-24051 (07)
COMPLEX LITIGATION UNIT

MICHAEL D. SULLIVAN, individually,
Defendant.

**CONSERVATOR'S STATUS CONFERENCE AGENDA
FOR FEBRUARY 7, 2014 AT 1:30PM**

Philip J. von Kahle (the "**Conservator**"), as Conservator for P&S Associates, General Partnership ("**P&S**") and S&P Associates, General Partnership ("**S&P**") (together, the "**Partnerships**"), by and through undersigned counsel, pursuant to this Court's July 9, 2013 *Standing Order Setting Monthly Status Conferences* (the "**Standing Order**"), hereby files the Conservator's Status Conference Agenda for February 7, 2014 at 1:30 pm (the "**Agenda**"), and in support thereof states as follows:

Brief Introduction

1. The Conservator was appointed pursuant to this Court's January 17, 2013 *Order Appointing Conservator* ("**Conservator Order**") in the above-captioned action (the "**Conservator Suit**").

2. The Conservator Suit, and certain related cases, are presently pending before this Court, styled:

- *P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Alves, et al.*, Case No. 12-028324 (07) (the "**Interpleader Action**");
- *P&S Associates, General Partnership and S&P Associates, General Partnership,, Plaintiffs v. Janet A. Hooker Charitable Trust, e. al.*, Case No. 12-034121 (07) (the "**Net Winner Suit**"); and
- *P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Michael D. Sullivan, et al.*, Case No. 12-034123 (07) (the "**Insider Suit**" and together with the Conservator Suit, the "**Lawsuits**").

3. The Conservator has identified the following matters and requests that this court consider the same at the status conference presently scheduled for February 7, 2014 (the “**Status Conference**”).

The Conservator Suit

4. *Status of Distributions* – The Conservator will advise the Court on the status of distributions to partners.

5. *Shapiro Class Action Settlement* – The Conservator will advise the Court on the settlement in which JP Morgan Chase will pay \$218 million to investors.

6. *Subpoena Issued by Helen Chaitman in the Madoff Bankruptcy* – Ms. Chaitman served a subpoena on the Conservator requesting production of documents for approximately 92 partners.

7. *Motion to Employ Friedman Kaplan Seiler & Adelman, LLP* – The Conservator requests authorization to employ an out of state law firm to respond and possibly quash the Chaitman Subpoena issued from Madoff Adversary pending in New York.

8. *Madoff Victim Fund* – The Conservator will advise the Court on the status of applications.

The Interpleader Action

9. *Motion to Strike Santamaria Affirmative Defense.*

The Net Winner Suit

10. *Defendant Ersica P. Gianna’s Motion to Dismiss, Motion for More Definite Statement, and Motion to Compel Arbitration and Incorporated Memorandum of Law*

11. *Plaintiffs’ Response and Memoranda in Opposition to Defendant Ersica P. Gianna’s Motion to Dismiss, Motion for More Definite Statement, and Motion to Compel Arbitration and Incorporated Memorandum of Law*

12. *Defendant Abraham Newman, Rita Newman, and Gertrude Gordon’s Motion to Dismiss the Amended Complaint*

13. *Plaintiffs’ Response and Memoranda in Opposition to Defendant Abraham Newman, Rita Newman, and Gertrude Gordon’s Motion to Dismiss the Amended Complaint*

14. *Defendant Catherine Smith’s Motion for Judgment on the Pleadings*

15. *Plaintiffs’ Response and Memoranda in Opposition to Defendant Catherine Smith’s Motion for Judgment on the Pleadings.*

16. *Defendant Ettoh Ltd's Motion to Dismiss Plaintiffs' Complaint and Incorporated Memorandum of Law*

17. *Plaintiffs' Response and Memoranda in Opposition to Defendant Ettoh Ltd's Motion to Dismiss Plaintiffs' Complaint and Incorporated Memorandum of Law*

18. *Molchan Defendants' Motion for Judgment on the Pleadings with Incorporated Memorandum of Law*

19. *Plaintiff's Response and Memoranda in Opposition to the Molchan Defendants' Motion for Judgment on the Pleadings with Incorporated Memorandum of Law*

20. *Motion for Protective Order – Filed By Abraham Newman, Rita Newman and Gertrude Gordon*

The Insider Suit

21. *Motion for Leave to File Second Amended Complaint*

Conclusion

22. The above identified matters are not intended to be an exhaustive list of matters the Court may consider at the Status Conference, as the Standing Order provides that the “Agenda shall by no means limit this Court’s authority to enter Orders as it sees fit or preclude parties who attend the Status Conferences from presenting *ore tenus* motions that are not included in the Agenda.” (Standing Order at ¶4).

Respectfully submitted this January 31, 2014.

MESSANA, P.A.
Attorneys for Conservator
401 East Las Olas Boulevard, Suite 1400
Ft. Lauderdale, FL 33301
Telephone: (954) 712-7400
Facsimile: (954) 712-7401
Email: tmessana@messana-law.com
By: /s/ Thomas M. Messana
Thomas M. Messana, Esq.
Florida Bar No. 991422
Brett D. Lieberman, Esq.
Florida Bar No. 69583