

## ***EXHIBIT 4***

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

CASE NO. 12-034123(07)

P&S ASSOCIATES, GENERAL  
PARTNERSHIP, a Florida limited  
Partnership, et al,

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.,

Defendants.

\_\_\_\_\_ /

DEPOSITION OF BRETT STACY STEPELTON  
CORPORATE REPRESENTATIVE OF  
FESTUS & HELEN STACY FOUNDATION, INC.

TAKEN ON BEHALF OF THE DEFENDANT AVELLINO

DATE TAKEN: Wednesday, March 2, 2016

TIME: 9:32 a.m. - 11:14 a.m.

PLACE: Genovese, Joblove & Battista  
200 E Broward Boulevard  
Suite 1110  
Fort Lauderdale, Florida 33301

Reported by:  
April Goldberg, FPR  
Notary Public, State of Florida

1 investors in S&P made -- requested to review the books  
2 and records of the Foundation prior to December 2008?

3 A. Excuse me?

4 Q. Okay. Any other -- okay, the Foundation,  
5 we've discussed the Foundation --

6 A. Yeah.

7 Q. -- didn't request to look at the books and  
8 records. What about your knowledge of whether or not  
9 any other investors in S&P, Scott Holloway, for example,  
10 you mentioned him, are you aware of whether or not any  
11 other investors requested to look at the books and  
12 records?

13 A. No.

14 Q. You're not aware?

15 A. No.

16 Q. Prior to December of 2008?

17 A. Correct.

18 Q. Do you know who Father Kelly is?

19 A. Yes.

20 Q. And who is he?

21 A. Catholic priest.

22 Q. And do you know him personally or --

23 A. No.

24 Q. You just know of him?

25 A. Of him, yeah.

1 (A break from 10:46 a.m. to 10:58 a.m..)

2 MR. WOODFIELD: I don't have any further  
3 questions. Thanks for coming, Brett.

4 THE WITNESS: Yep. Thank you.

5 MR. HYMAN: I've got a few brief questions for  
6 you, go through it all.

7 CROSS EXAMINATION

8 BY MR. HYMAN:

9 Q. I'm going to start off by discussing the  
10 management fees that you were testifying about earlier  
11 and about how your father had talked about management  
12 fees that will be charged and a reduction in management  
13 fees.

14 Now, that being said, what was your  
15 understanding as to what the management fees would be  
16 used for?

17 A. Management, paying people, Sullivan.

18 Q. Anything else?

19 A. No.

20 Q. Did you understand that Sullivan would be  
21 sharing his management fees with any third parties at  
22 that time?

23 A. I knew nothing about that.

24 Q. Would you consider that a proper use of  
25 management fees?

1 to what the management fees were for?

2 A. We assumed they were taking salaries.

3 Q. Okay. And turn to page 6, section 8.04.

4 Please read the last sentence.

5 A. The last sentence, 8.04?

6 Q. Yes.

7 A. At the meeting, partners will review the  
8 engagement with the partnership of any broker or brokers  
9 and shall transact any business that may properly be  
10 brought before the meeting. The partner shall designate  
11 someone to keep regular minutes of all the proceedings.  
12 The minutes shall be placed in the minute book of the  
13 partnership.

14 Q. What is your understanding as to what a broker  
15 is?

16 A. Someone, an adviser, you put your money with.

17 Q. To the best of your knowledge, was there any  
18 meeting where the partners reviewed the engagement of  
19 any brokers?

20 A. No.

21 Q. To the best of your knowledge, did the  
22 partnerships engage any brokers?

23 A. No.

24 Q. Okay. Please take a look at section 8.06 and  
25 look at the last sentence. What does that say?

1 records of Michael D. Sullivan & Associates?

2 A. Didn't even know about it.

3 Q. Do you know who Michael D. Sullivan &  
4 Associates is?

5 A. I do now.

6 Q. Is that based on your knowledge of the  
7 litigation?

8 A. Litigation.

9 Q. Did you ever request access to Michael D.  
10 Sullivan & Associates?

11 A. No.

12 Q. Did you ever request that Sullivan disclose  
13 information about the management fees he had received  
14 and what he did with that money?

15 A. Say that again?

16 Q. Did you request information from Sullivan  
17 about what he did with management fees?

18 A. Eventually.

19 Q. What did he tell you?

20 A. No management -- it's not a partnership issue,  
21 no management fees were ever taken out of the  
22 partnerships.

23 Q. Did you try to get any additional information  
24 about those management fees?

25 A. Yes.

1 Q. Did you receive any?

2 A. No.

3 Q. Earlier you testified that Mr. Holloway  
4 discussed investment in the partnerships with you --

5 A. Right.

6 Q. -- do you recall that?

7 Would the fact that he received a -- or he  
8 received fees in connection with people he referred to  
9 the partnerships have changed your view of his advice?

10 MR. WOODFIELD: Object to the form of the  
11 question.

12 THE WITNESS: Yeah.

13 BY MR. HYMAN:

14 Q. How so?

15 A. Conflicted at that point.

16 Q. Why would you say he was conflicted?

17 A. Just not objective information.

18 Q. So would the disclosure of the referral fee  
19 have changed anything?

20 A. It could have.

21 Q. Were you familiar with an entity referred to  
22 as A&B prior to 2009?

23 A. No.

24 Q. Have you become familiar with an entity known  
25 as A&B since, at any point in time?

1           A.    I heard that Avellino and Bienes were involved  
2 with Madoff.

3           Q.    But just the term A&B, have you heard that  
4 term before?

5           A.    Yeah.

6           Q.    When?

7           A.    Litigants all -- litigation, and...

8           Q.    I'm going to go through a list of names and  
9 just ask if you knew them and a follow-up question from  
10 there.

11                   Ralph Fox, did you know him?

12           A.    Not personally.

13           Q.    Did you know if he was receiving management  
14 and/or referral fees from the partnerships?

15           A.    No.

16                   MR. WOODFIELD:  Objection to the form of the  
17 question.  Go ahead.

18                   MR. HYMAN:  Or let me rephrase it, then.

19 BY MR. HYMAN:

20           Q.    Do you know if he was receiving money from the  
21 partnerships?

22                   MR. WOODFIELD:  Object to the form of the  
23 question.

24                   MR. HYMAN:  You can answer.

25                   THE WITNESS:  I didn't know he was a partner.



1 BY MR. HYMAN:

2 Q. Did you know Jack Kleinmann.

3 A. No.

4 Q. Did you know if Jack Kleinmann received money  
5 from the partnerships?

6 A. No.

7 MR. WOODFIELD: Objection to the form of the  
8 question.

9 THE WITNESS: No.

10 BY MR. HYMAN:

11 Q. Did you know Edward Michaelson?

12 A. Nope.

13 Q. Did you know if Mr. Michaelson received money  
14 from the partnerships?

15 MR. WOODFIELD: Objection to the form of the  
16 question.

17 THE WITNESS: Nope.

18 BY MR. HYMAN:

19 Q. Do you know if Mr. Michaelson received money  
20 from Michael D. Sullivan & Associates?

21 A. No.

22 Q. Did you know Edith Rosen?

23 A. No.

24 Q. Did you know her husband, Sam Rosen?

25 A. No.

1 Q. Did you know if either of them received money  
2 from Michael D. Sullivan & Associates or the  
3 partnerships?

4 A. No.

5 Q. Did you know Abraham Newman?

6 A. No.

7 Q. Did you know if Abraham Newman received money  
8 from the partnerships and/or Michael D. Sullivan &  
9 Associates?

10 A. No.

11 Q. Did you know -- so is it safe to say that  
12 prior to December 8, 2011, did you know if anybody was  
13 receiving money from Michael D. Sullivan or otherwise  
14 for referring people into the partnerships?

15 A. No.

16 Q. Okay. If you'll give me one second.

17 Earlier you discussed discrepancy numbers  
18 between the Picard -- what was in the Picard complaint  
19 and -- or the claims between Picard and what the  
20 partnership records were; do you recall that testimony?

21 A. Correct.

22 Q. Did you have any idea as to what the cause of  
23 that discrepancy was?

24 A. No.

25 MR. HYMAN: No further questions.