

U27/13-203

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

CASE NO: 12-034121 07

Complex Litigation Unit

PHILIP J. VON KAHLE, as Conservator of
P&S ASSOCIATES, GENERAL PARTNERSHIP
and S&P ASSOCIATES, GENERAL
PARTNERSHIP,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST,
a charitable trust, DIANE M. DEN BLEYKER,
an individual, et al

Defendants. _____/

**DEFENDANT, ROBERT A. UCHIN REVOCABLE TRUST'S,
AMENDED RESPONSE TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION**
(only amended to correct service list)

COMES NOW, Defendant, ROBERT A. UCHIN REVOCABLE TRUST, by and through its undersigned counsel, files its Response to the Plaintiffs' First Request for Production served under certificate date of December 13, 2013, and states:

1. All documents exchanged 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.

RESPONSE: None.

2. All documents related to 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.

RESPONSE: None.

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

RESPONSE: Objection. Other than the Partnership Agreement which Plaintiffs are already in possession of, Defendant is unclear as to “the transactions and/or events” in the Amended Complaint Plaintiffs are referring to in Request 3.

4. All documents that reflect payments, distributions, and/or transfers of funds between 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: Objection. This Request is unduly burdensome and harassing as “payments, distributions, and/or transfers of funds between P&S and Defendant” as alleged in the pleadings are not in dispute in this case and would require the Defendant to research and request multiple documents from the IRS, his bank, and/or accountant at a considerable amount of time and expense just to determine if the requested information even exists.

5. All documents that reflect any transfer of right, title, and/or ownership interest to any property between Defendant and Robert A. Uchin.

RESPONSE: None.

6. All documents that reflect any relationship between Defendant and P&S.

RESPONSE: Partnership Form 1065 and Schedule K-1 which were provided by the Partnership and should also be in the possession, custody, or control of Plaintiffs.

7. All documents that support the assertion that 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: Objection as this Request calls for work-product privileged documents created by my attorneys which are only in their possession, custody, or control and not Defendant's.

8. All documents related to distributions, payments, and/or transfers of funds that were received by any partner of P&S.

RESPONSE: None.

9. All documents related to any investment advice or accounting advice Defendant received in relation to P&S.

RESPONSE: None.

10. All documents related to the decision by Defendant and/or Robert A. Uchin to invest in P&S.

RESPONSE: None.

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

RESPONSE: None.

12. All documents that relate to Your decision not to comply with the demand letter sent

to You in November 2012 and the demand letter sent to You in October 2013.

RESPONSE: None.

13. 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: None.

14. All documents related to the terms of Your investment in P&S.

RESPONSE: None.

15. All documents that relate to communications between You and other investors in the Partnerships.

RESPONSE: None.

I HEREBY CERTIFY that on February 21, 2014, I electronically filed the foregoing document with the Clerk of the Court, and I also certify that the foregoing document is being served this day on all counsel of record in the manner specified, either via the Florida Courts E-Filing Portal or in some other authorized manner for those counsel or parties who are not authorized to receive electronic filings.

BUNNELL & WOULFE P.A.
Attorneys for Def/Robert A. Uchin
Revocable Trust
One Financial Plaza, Suite 1000
100 Southeast Third Avenue
Fort Lauderdale, FL 33394
(954) 761-8600
pleadings.RTW@bunnellwoulfe.com

By: Richard T. Woulfe
RICHARD T. WOULFE
FBN: 222313

Philip J. Von Kahle, etc., vs. Janet A.
Hooker Charitable Trust, etc., et al
Case No: 12-034121 (07)
Our File: U27/13-203

CERTIFICATE OF SERVICE LIST

Thomas M. Messana, Esquire
Brett Lieberman, Esquire
Messana, P.A.
Attorneys for Plaintiffs//Conservator
401 East Las Olas Boulevard
Suite 1400
Fort Lauderdale, FL 33301
(954) 712-7400
(954) 712-7401 fax
tmessana@messana-law.com
blieberman@messana-law.com

Leonard K. Samuels, Esquire
Etan Mark, Esquire
Steven d. Weber, Esquire\
Berger Singerman
Special Counsel for Plaintiffs
350 East Las Olas Boulevard, Suite 1000
Fort Lauderdale, FL 33301
(954) 525-9900
(954) 712-5138 direct
(954) 523-2872 fax
LSamuels@bergersingerman.com
emark@bergersingerman.com
SWeber@bergersingerman.com

Eric N. Assouline, Esquire
Assouline & Berlowe, P.A.
Attorneys for Def/Ersica P. Gianna
213 E. Sheridan Street, Suite 3
Dania Beach, FL 33004
(954) 929-1899
(954) 922-6662 fax
ena@assoulineberlowe.com
ah@assoulineberlowe.com

Philip J. Von Kahle, etc., vs. Janet A.

Hooker Charitable Trust, etc., et al

Case No: 12-034121 (07)

Our File: U27/13-203

Joseph P. Klapholz, Esquire

Joseph P. Klapholz, P.A.

Attorneys for Defs/Abraham Newman,

Rita Newman and Gertrude Gordon

2500 Hollywood Boulevard, Suite 212

Hollywood, FL 33020

(954) 925-3355

(954) 923-0185 fax

jklap@klapholzpa.com

dml@klapholzpa.com

Julian H. Kreeger, Esquire

Attorneys for Defs/James Bruce Judd

and Valeria Judd

2665 S. Bayshore Drive, Suite 220-14

Miami, FL 33133-5402

juliankreeger@gmail.com

Michael R. Casey, Esquire

Attorneys for Defs/Susan E. Molchan or

Thomas A. Whiteman, Janet B. Molchan

Trust DTD 05/19/94 and Alex E. Molchan

Trust DTD 05/19/94

1831 N.E. 38 Street, #707

Oakland Park, FL 33308

(954) 444-2780

mcasey666@gmail.com

Daniel W. Matlow, Esquire

Daniel W. Matlow, P.A.

Attorney for Def/Herbert Irwig Revocable

Trust

Emerald Lake Corporate Park

3109 Stirling Road, Suite 101

Fort Lauderdale, FL 33312

(954) 842-2365

(954) 337-3101 fax

dmatlow@danmatlow.com

assistant@danmatlow.com

Philip J. Von Kahle, etc., vs. Janet A.

Hooker Charitable Trust, etc., et al

Case No: 12-034121 (07)

Our File: U27/13-203

Marc S. Dobin, Esquire

Jonathan T. Lieber, Esquire

Dobin Law Group, PA

**Attorneys for Defs/Congregation of the Holy
Ghost - Western Providence and Carmelo and
Bertha SantaMaria**

500 University Boulevard, Suite 205

Jupiter, FL 33458

(561) 575-5880

(561) 246-3003 fax

service@DobinLaw.com

Peter G. Herman, Esquire

Tripp Scott

Attorneys for Def/Steve Jacobs

110 S.E. Sixth Street, Suite 1500

Fort Lauderdale, FL 33301

(954) 525-7500

(954) 761-8475 fax

PGH@trippscott.com

Joanne Wilcomes, Esquire

McCarter & English, LLP

Attorneys for Def/Holy Ghost Fathers

HG-Ireland/Kenema

100 Mulberry Street

Four Gateway Center

Newark, NJ 07102

(973) 848-5318

(973) 297-3928 fax

jwilcomes@mccarter.com

Michael C. Foster, Esquire

Daniels Kashtan

Attorneys for Def/Ettoh Ltd.

4000 Ponce de Leon Boulevard, Suite 800

Coral Gables, FL 33146-1436

(305) 448-7988

(305) 448-7978 fax

mfoster@dkdr.com

aurena@dkdr.com

Philip J. Von Kahle, etc., vs. Janet A.

Hooker Charitable Trust, etc., et al

Case No: 12-034121 (07)

Our File: U27/13-203

Thomas L. Abrams, Esquire

Attorneys for Defs/Sam Rosen and Edith Rosen

1776 N. Pine Island Road, Suite 309

Plantation, FL 33322

(954) 523-0900

(954) 915-9016 fax

tabrams@tabramslaw.com

Ryon M. McCabe, Esquire

Evan H. Frederick, Esquire

McCabe Rabin, P.A.

Attorneys for Def/Catharine Smith

1601 Forum Place, Suite 505

West Palm Beach, FL 33401

(561) 659-7878

(561) 242-4848 fax

rmccabe@mccaberabin.com

e-filing@mccaberabin.com

efrederick@mccaberabin.com

Robert J. Hunt, Esquire

Debra D. Klingsberg, Esquire

Hunt & Gross, P.A.

Attorneys for Def/Hampton Financial Group, Inc.

185 N.W. Spanish River Boulevard, Suite 220

Boca Raton, FL 33431-4230

(561) 997-9223

(561) 989-8998 fax

bobhunt@huntgross.com

dklingsberg@huntgross.com

eService@huntgross.com

Sharon@huntgross.com