

U27/13-203

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

CASE NO: 12-034121 04

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,
RESPONSE TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION**

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.

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CERTIFICATE OF SERVICE LIST

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