

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

MARGARET SMITH, et al.,

Case No. 12-34121(07)

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST, et al.,

Defendants.



**MOTION TO CONTINUE**  
**CASE MANAGEMENT CONFERENCE & RELATED DEADLINES**

Philip J. Von Kahle (the “Conservator”), as Conservator for P&S, General Partnership and S&P, General Partnership (together, the “Partnerships”), files this motion for an extension of certain deadlines and resetting the initial Case Management Conference set by this Court’s January 17, 2013, Order Setting Case Management Conference and in support thereof states as follows:

1. On January 17, 2013, this Court entered its ‘Order Appointing Conservator’ (the “Conservator Order”). The Conservator Order empowered the Conservator with certain authority and imposed upon him certain obligations. Among other things, the Conservator Order resolved issues regarding the preservation of the Partnerships and control of their assets, including pending litigation claims.
2. The Partnerships are presently involved in four separate actions pending before this Court (the “Lawsuits”):
  - a. Civil suit styled *Matthew Carone, et. al, Plaintiffs v. Michael D. Sullivan, individually*, Case No. 12-24051 (07) (the “Conservator Suit”);

- b. Civil suit styled *P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Roberta P. Alves, et. al.*, Case No. 12-028324 (04) (the “Distribution Action”);
- c. Civil suit styled *Margaret Smith as General Partner of P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Janet A. Hooker Charitable Trust, et. al.*, Case No. 12-034121 (21) (the “Net Winners Lawsuit”); and
- d. Civil suit styled *Margaret Smith as General Partner of P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Michael D. Sullivan, et. al.*, Case No. 12-034123 (21) (the “Insiders Lawsuit”).

3. Generally, the Conservator Suit can be viewed in the nature of a main case; from which the Conservator Order was entered. The Distribution Action, New Winners Lawsuit and Insiders Lawsuits, or the claims asserted by or against the Partnerships contained therein, comprise issues relating to the Conservatorship.

4. Through various avenues, each of the Lawsuits are presently pending in the Complex Litigation Division in the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida.

5. In the month since his appointment, the Conservator, subject to this Court’s approval, has engaged general counsel and is actively analyzing each of the Lawsuits to determine their merits, legal theories of recovery, and how the Partnerships are best served by advancing, or not advancing, such suits. The Conservator has interviewed and held conferences with several of the involved parties and their respective counsel, and has requested additional documents to aid in his analysis of the Lawsuits.

6. As a preliminary finding, the Conservator’s understanding is that the original plaintiffs may not have served all of the defendants in the Net Winners Suit and Insiders Suit. Likewise, the Conservator understands that certain of the defendants in the Distribution Action have not been served with the Summons and Complaint.

7. In each of the Lawsuits, the Court entered separate Orders Setting Case Management Conferences (the "Case Management Orders"). The Initial Case Management Conferences are set for March 1, 2013. Pursuant to the Florida Rules of Civil Procedure, the Case Management Orders requested that the parties confer, prepare and file a joint stipulation regarding the status of the case as well as certain detailed information as to going forward procedure.

8. However, unlike typical suits commenced by the filing plaintiffs who presumably are fully familiar with the facts and issues, in these Lawsuits, the Conservator subsumed the responsibilities of the party plaintiffs only as of the entry of the Conservator Order, January 17, 2013.

9. The Conservator requires additional time to review the pleadings, allegations, and underlying documents, and, if necessary, to serve the defendants and, by extension, confer with them to prepare the joint statements required by the Case Management Orders.

10. Thus, the Conservator respectfully requests that this Court enter an order resetting the Case Management Conferences and the deadlines contained therein.<sup>1</sup>

**WHEREFORE**, the Conservator requests that the Court enter an Order: (i) continuing the Case Management Conference for a period no greater than 60 days; (ii) extending the deadlines contained in the Case Management Order consistent with such continuance; and (iii)

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<sup>1</sup> Substantially contemporaneously with the filing of the instant motion, parallel relief will be sought in the other Lawsuits where the Partnerships are a party.

granting such other relief as the Court deems just and proper.

Dated: February 28, 2013

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