

IN THE CIRCUIT COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

CASE No: 12-34121 (07)  
Complex Litigation Unit

MARGARET J. SMITH as Managing  
General Partner of P&S ASSOCIATES,  
GENERAL PARTNERSHIP, a Florida  
limited partnership, and S&P ASSOCIATES,  
GENERAL PARTNERSHIP, a Florida  
limited partnership; P&S ASSOCIATES,  
GENERAL PARTNERSHIP, a Florida  
limited partnership; and S&P ASSOCIATES  
GENERAL PARTNERSHIP, a Florida  
limited partnership,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE  
TRUST, a charitable trust, et al.

---

**DEFENDANTS, HOLY GHOST FATHERS COMPASSION FUND'S  
AMENDED RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant, Holy Ghost Fathers Compassion Fund ("HG Compassion Fund"), by and  
through their undersigned attorneys, hereby serve its Amended Response to Plaintiffs' First Set  
of Interrogatories as follows:

**INTERROGATORIES**

Interrogatory No. 1. Identify all persons with knowledge of any of the facts alleged in the  
Complaint and/or in any pleadings You filed with the Court (including Your Motion for  
Summary Judgment), including the specific matters of which each such person has knowledge.

**RESPONSE:**

Fr. Noel P. O'Meara, C.S.Sp., Kimmage Manor, Whitehall Road, Kimmage, Dublin 12 Ireland.

Interrogatory No. 2: State all facts and/or circumstances under which You received any payments, transfers of funds, and/or distributions from P&S.

**RESPONSE:** HG Compassion Fund states that it believes that letters were sent from the priest who was the current manager of the account to P&S both enclosing checks for deposit and requesting distributions in specific amounts.

Interrogatory No. 3: State all facts and/or circumstance under which You made any payments, transfers of funds, and/or distribution to P&S.

**RESPONSE:** HG Compassion Fund states that it made investments with P&S at various times as money became available and for the purpose of generating income for religious and charitable endeavors. As is more fully set forth in the documents produced by plaintiffs at PS SP HG Production 000001-872, letters were sent from the priest who was the current manager of the account to P&S enclosing checks for deposit and requesting distributions in specific amounts in order to raise money for charitable endeavors.

Interrogatory No. 4: Identify any communications between Defendant and P&S; S&P; Michael D. Sullivan, Steven Jacob; Sullivan & Powell Solutions in Tax; Guardian Angel Trust, LLC; Michael D. Sullivan & Associate, 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. For each communication identified, state all facts and/or circumstances surrounding that communication. Please provide any documentation concerning such communications.

**RESPONSE:** HG Compassion Fund initially was invested with Avellino & Bienes, which it became familiar with through Msgr. Vincent Kelly. In or about 1993, HG Compassion Fund became aware that Avellino & Bienes was shutting down, and HG Compassion Fund received a

full refund of what was in its account. After communicating with Msgr. Kelly, HG Compassion Fund then reinvested the money with P&S. HG Compassion Fund communicated with P&S regarding its investments and distributions. Although HG Compassion Fund primarily communicated with Mr. Powell when dealing with P&S, it may have dealt with Mr. Sullivan from time to time in his capacity as representative of P&S. HG Compassion Fund is unaware of any communications with any remaining entities. All copies of communications between HG Compassion Fund and P&S in its possession are being produced herewith.

Interrogatory No. 5: State all facts and/or circumstances that support that Plaintiffs could have reasonably discovered any payments, transfers of funds, and/or distribution between You and P&S at any time prior to the filing of the Complaint in this action.

**RESPONSE:** Plaintiffs have had access to all records of payments and or distributions between HG Compassion Fund and P&S. Plaintiffs have produced copies of letters and checks between P&S and HG Compassion Fund specifically identifying withdrawals, deposits, and fund transfers dating back to the opening of the account.

Interrogatory No. 6: State all facts and/or circumstances that support that “Plaintiffs failed to bring a lawsuit within the time under the applicable statutes of limitations for each count,” as is alleged in Your Motion for Summary Judgment.

**RESPONSE:** HG Compassion Fund has submitted its Motion for Summary Judgment in response to the Amended Complaint in this action. The Motion for Summary Judgment speaks for itself and is incorporated herein by reference. Moreover, the last distribution to HG Compassion Fund was in March of 2008. The Complaint was filed in December of 2012, in excess of 4 years after the last distribution to HG Compassion Fund.

Interrogatory No. 7: Were You aware of any distribution received by any partner of P&S and/or S&P prior to the filing of the Complaint in this action? For each distribution to a partner of P&S and/or S&P that You were aware of prior to the filing of the Complaint in this action, identify the name of the partner who received that distribution, when You became aware of that distribution, and the circumstances under which You became aware of that distribution.

**RESPONSE:** HG Compassion Fund was unaware of what other partners of P&S received as distributions from P&S, and has no knowledge pertaining to S&P.

Interrogatory No. 8: Prior to the filing of the Complaint in this action, identify all partners of P&S and/or S&P that were aware of the distribution that You received from P&S. For each partner of P&S and/or S&P identified, state when You believe that partner of P&S and/or S&P became aware of the distribution that You received from P&S and the circumstances under which that partner of P&S and/or S&P became aware of the distribution that You received from P&S.

**RESPONSE:** HG Compassion Fund is unaware of what other partners of P&S were aware of the distributions it received.

Interrogatory No. 9: Identify all persons who supplied information used in answering these interrogatories. For each person identified, state the interrogatory for which the person furnished the answer or supplied the information incorporated in the answer, and the source of the person's answer or information.

**RESPONSE:** Fr. John B. Doyle, C.S.Sp., Irish Provincial Bursar, as to all interrogatories; Fr. Noel P. O'Meara, Kimmage Manor, Whitehall Road, Kimmage, Dublin 12 Ireland, as to Interrogatory Nos. 2-3, 14.

Interrogatory No. 10: Identify by name, address, phone number and e-mail address any person expected to testify at trial in this action, for any purpose.

**RESPONSE:** HG Compassion Fund has not determined its witnesses at this time.

Interrogatory No. 11: Please set out the facts and subject matter on which each person identified in response to Interrogatory No. 11 above is expected to testify.

**RESPONSE:** HG Compassion Fund has not determined its witnesses at this time.

Interrogatory No. 12: Identify all affirmative defenses that You plan to assert in response to the Amended Complaint in this action, and the facts and circumstances that support each affirmative defense.

**RESPONSE:** HG Compassion Fund has submitted its Motion for Summary Judgment in response to the Amended Complaint in this action. The Motion for Summary Judgment sets forth the extent of HG Compassion Fund's affirmative defenses, speaks for itself and is incorporated herein by reference. HG Compassion Fund deserves the right to assert additional defenses when submitting its response to the Third Amended Complaint.

Interrogatory No. 13: Have you ever requested or received accounting and/or investment advice concerning your investment in P&S. If so, please state the name of the person or entity which provided such advice and the nature of the advice provided.

**RESPONSE:** No.

Interrogatory No. 14: Please state all facts and/or circumstances that led to Your being invested in P&S.

**RESPONSE:** HG Compassion Fund initially was invested with Avellino & Bienes, which it became familiar with through Msgr. Vincent Kelly. In or about 1993, HG Compassion Fund became aware that Avellino & Bienes was shutting down, and HG Compassion Fund received a full refund of what was in its account. After communicating with Msgr. Kelly, HG Compassion Fund then reinvested the money with P&S.

Interrogatory No. 15: Please state the nature of the investments made by P&S, and when You first became aware of the nature of the investments made by the P&S.

**RESPONSE:** HG Compassion Fund invested in P&S as an investment group, and was not aware of the precise nature of the investments made by P&S. HG Compassion Fund became aware that there may be issues with the investments in or about December, 2008, when it learned that P&S's investments might be related to Bernard Madoff.

Interrogatory No. 16: Please state the nature of Your business and/or operations.

**RESPONSE:** HG Compassion Fund is an investment fund set up through Holy Ghost Fathers' congregation in Ireland for the purpose of generating income for religious and charitable investors.

Interrogatory No. 17: Please state all affiliations that You have with any churches or other religious entities.

**RESPONSE:** The Congregation of the Holy Ghost, also known as the Congregation of the Holy Spirit (abbreviated C.S.Sp.) is a Roman Catholic congregation of priests. Congregation members are sometimes known as Spiritans or Holy Ghost Fathers.

Interrogatory No. 18: Please state any facts or circumstances which support Your allegation that the alleged breach of contract was a “minor breach,” as is alleged in Your Motion for Summary Judgment.

**RESPONSE:** HG Compassion Fund objects to this interrogatory on the grounds that its Motion for Summary Judgment does not allege a “minor breach” of the P&S Partnership Agreement. HG Compassion Fund objects to this interrogatory on the grounds that its Motion for Summary Judgment speaks for itself.

Interrogatory No. 19: Please state all facts and/or circumstances that support Your assertion that You “merely accepted distributions in accordance with the Partnership Agreement,” as alleged in your Motion for Summary Judgment.

**RESPONSE:** HG Compassion Fund objects to this request on the grounds that its Motion for Summary Judgment speaks for itself.

Interrogatory No. 20: Please state all of the facts and/or circumstances concerning your decision to not comply with the Demand Letter that You received in November of 2012 from Margaret Smith and the Demand Letter that You received in October 2013.

**RESPONSE:** HG Compassion Fund objects to this interrogatory on the grounds that it is overbroad and seeks information protected by the attorney-client privilege and attorney work product doctrine.

Interrogatory No. 21: Please state all of the facts and circumstances that lead to your alleged withdrawal and/or disassociation from P&S.

**RESPONSE:** HG Compassion Fund states that it stopped receiving distributions in January, 2007.

Interrogatory No. 22: Identify any relationship between You and Vincent T. Kelly; Kelco Foundation, Inc., a Florida Non-Profit Corporation; any entity with “Holy Ghost” in its name, and/or any entity with “Spiritans” in its name.

**RESPONSE:** Fr. Vincent T. Kelly is a friend of several members of the Congregation of the Holy Ghost in Ireland. HG Compassion Fund has no relationship with “Kelco Foundation, Inc.” The Congregation of the Holy Ghost, also known as the Congregation of the Holy Spirit (abbreviated C.S.Sp.) is a Roman Catholic congregation of priests. Congregation members are sometimes known as Spiritans or Holy Ghost Fathers.

Interrogatory No. 23: Please state all of the terms of Your investment in P&S.

**RESPONSE:** HG Compassion Fund states that the terms of its investment in P&S are governed by the partnership agreement.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28<sup>th</sup> day of February, 2014, a true and correct copy of the foregoing was SENT VIA E-MAIL to: LEONARD K. SAMUELS, Esq., ETAN MARK, Esq., and STEVEN D. WEBER, Esq., c/o Berger Singerman, Attorneys for Plaintiffs, 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, Florida 33301: [lsamuels@bergersingerman.com](mailto:lsamuels@bergersingerman.com); [emark@bergersingerman.com](mailto:emark@bergersingerman.com); [sweber@bergersingerman.com](mailto:sweber@bergersingerman.com); [DRT@bergersingerman.com](mailto:DRT@bergersingerman.com); [VLeon@bergersingerman.com](mailto:VLeon@bergersingerman.com); ERIC N. ASSOULINE, Esq., c/o Assouline & Berlowe, P.A., Attorneys for Ersica P. Gianna, 213 E. Sheridan Street, Suite 3, Dania Beach, Florida 33004: [ena@assoulineberlowe.com](mailto:ena@assoulineberlowe.com); and [ah@assoulineberlowe.com](mailto:ah@assoulineberlowe.com); JULIAN H. KREEGER, Esq., Attorneys for James Bruce Judd and Valeria Judd, 2665 S. Bayshore Drive, Suite 220-14, Miami, Florida 33133-5402: [juliankreeger@gmail.com](mailto:juliankreeger@gmail.com); JOSEPH



P. KLAPHOLZ, Esq., Attorney for Abraham Newman, Rita Newman & Gertrude Gordon, c/o Joseph P. Klapholz, P.A., 2500 Hollywood Boulevard, Suite 212, Hollywood, Florida 33020: [jklap@klapholzpa.com](mailto:jklap@klapholzpa.com); [dml@klapholzpa.com](mailto:dml@klapholzpa.com); PETER G. HERMAN, Esq., c/o Tripp Scott Law Offices, 110 S.E. Sixth Street, Suite 1500, Fort Lauderdale, Florida 33301: [PGH@trippscott.com](mailto:PGH@trippscott.com); MICHAEL C. FOSTER, Esq., and ANNETTE M. URENA, Esq., c/o Daniels Kashtan, 4000 Ponce de Leon Blvd., Suite 800, Coral Gables, Florida 33146: [Mfoster@dkdr.com](mailto:Mfoster@dkdr.com); [aurena@dkdr.com](mailto:aurena@dkdr.com); MICHAEL R. CASEY, Esq., 1831 N.E. 38th Street, #707, Oakland Park, Florida 33308: [mcasey666@gmail.com](mailto:mcasey666@gmail.com); MARC S. DOBIN c/o Dobin Law Group, 500 University Blvd., Suite 205, Jupiter, Florida 33458: [service@DobinLaw.com](mailto:service@DobinLaw.com); THOMAS M. MESSANA, Esq., and BRETT LIEBERMAN, Esq., c/o Messana P.A., 401 East Las Olas Blvd., Suite 1400, Fort Lauderdale, Florida 33301: [tmessana@messana-law.com](mailto:tmessana@messana-law.com); [blieberman@messana-law.com](mailto:blieberman@messana-law.com); RICHARD T. WOLFE, Esq., c/o Bunnell & Woulfe, P.A., One Financial Plaza, Suite 1000, 100 S.E. Third Avenue, Fort Lauderdale, Florida 33394: [Pleadings.RTW@bunnellwoulfe.com](mailto:Pleadings.RTW@bunnellwoulfe.com); THOMAS L. ABRAMS, Esq., 1776 N. Pine Island Road, Suite 309, Plantation, Florida, 33322: [tabrams@tabramslaw.com](mailto:tabrams@tabramslaw.com); DANIEL W. MATLOW, Esq., Attorney for Defendant (Herbert Irwig Revocable Trust), Emerald Lake Corporate Park, 3109 Stirling Road , Suite 101, Fort Lauderdale, FL 33312 [dmatlow@danmatlow.com](mailto:dmatlow@danmatlow.com), [assistant@danmatlow.com](mailto:assistant@danmatlow.com); DOMENICA FRASCA, Esq., Mayersohn Law Group, P.A., Attorney for Francis J. Mahoney, Jr. PR Estate of May Ellen Nickens, 101 N.E. Third Avenue, Suite 1250, Fort Lauderdale, FL 33301 [dfrasca@mayersohnlaw.com](mailto:dfrasca@mayersohnlaw.com); MARIAELENA GAYO-GUITIAN, Esq., Genovese Joblove & Battista, P.A., Attorneys for Festus & Helen Stacy Foundation, Inc., 200 East Broward Boulevard, Suite 1110, Fort Lauderdale, FL 33301 [mguitian@gjb-law.com](mailto:mguitian@gjb-law.com); ROBERT J. HUNT, Esq., Hunt & Gross, PA, Attorneys for Hampton Financial Group, Inc., 185 Spanish River Boulevard, Suite 220, Boca Raton, FL 33431-4230 [eservice@huntgross.com](mailto:eservice@huntgross.com), [bobhunt@huntgross.com](mailto:bobhunt@huntgross.com), [Sharon@huntgross.com](mailto:Sharon@huntgross.com); JASON S.

OLETSKY, Esq. Akerman Senterfitt, Attorney for Kathleen Walsh, Las Olas Centre II, 350 E. Las Olas Boulevard, Suite 1600, Fort Lauderdale, FL 33301 [jason.oletsky@akerman.com](mailto:jason.oletsky@akerman.com), [Ashley.sawyer@akerman.com](mailto:Ashley.sawyer@akerman.com); CARL F. SCHOEPPL, Esq., Schoeppl & Burkem P.A., Attorneys for But Moss, 4651 North Federal Highway, Boca Raton, FL 33431 [carl@schoepplburke.com](mailto:carl@schoepplburke.com); WILLIAM G. SALIM, JR., Esq. Moskowitz, Mandell, Salim & Simowitz, Attorneys for Wayne Horwitz, 800 Corporate Drive, Suite 510, Fort Lauderdale, FL 33334 [wsalim@mmslaw.com](mailto:wsalim@mmslaw.com); RYON M. MCCABE, Esq., McCabe Rabin, PA, Attorney for Catherine Smith, Centurion Tower, 1601 Forum Place, Suite 505, West Palm Beach, FL 33401 [rmccabe@mccaberabin.com](mailto:rmccabe@mccaberabin.com), [janet@mccaberabin.com](mailto:janet@mccaberabin.com), [efrederick@mccaberabin.com](mailto:efrederick@mccaberabin.com) .

McCARTER ENGLISH, LLP  
4 Gateway Center  
100 Mulberry Street  
Newark, NJ 07102  
Tel (973) 639-7927  
Fax (973) 297-3868  
[tgoodwin@mccarter.com](mailto:tgoodwin@mccarter.com)

/s/Thomas J. Goodwin

Thomas J. Goodwin  
Pro Hac Vice No. 104414

**CERTIFICATION**

I hereby certify that I have read the foregoing Answers to Interrogatories and know the contents thereof; that said Answers were prepared with the assistance and advice of counsel and the assistance of employees and representatives of the corporation upon which I have relied; that the Answers set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily limited by the records and information still in existence, presently recollected and thus for discovered in the course of the preparation of this Answers; that consequently, the party answering these Interrogatories reserves the right to make any changes in the Answers if it appears at any time that omissions or errors have been made therein or that

more accurate information is available; and that subject to the limitations set forth herein, that said Answers are true to the best of my knowledge, information and belief.

By: John B Doyle  
Fr. John B. Doyle, C.S.Sp.  
Irish Provincial Bursar

STATE OF )  
 )SS:  
COUNTY OF )

BEFORE ME, the undersigned authority, personally appeared Fr. John B. Doyle, C.S.Sp. as Irish Provincial Bursar of the Congregation of the Holy Spirit, who, being first duly Sworn, deposes and states that the answers to the foregoing Interrogatories are true and correct.

SWORN TO AND SUBSCRIBED before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_, who is \_\_\_\_\_ personally known to me or \_\_\_\_\_ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of  
Commission No.

My Commission Expires: