

IN THE CIRCUIT COURT OF THE 17th
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 INTERNATIONAL FUND #2'S
AMENDED RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant, Holy Ghost Fathers International Fund #2 ("HG International Fund #2"), 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. George J. Spangenberg, C.S.Sp., Congregation of the Holy Spirit, 6230 Brush Run Road,
Bethal Park, PA 15102-2214.

Fr. Noel P. O'Meara, 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 International Fund #2 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 International Fund #2 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 International Fund #2 communicated with P&S regarding its investments and distributions. Although HG International Fund #2 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 International Fund #2 is unaware of any communications with any remaining entities. All copies of communications between HG International Fund #2 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 International Fund #2 and P&S. Plaintiffs have produced copies of letters and checks between P&S and HG International Fund #2 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 International #2 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. HG International Fund #2 further states that it indicated its intent to close the account by letter dated November 14, 2006, produced by plaintiffs at PS SP HG Production 000346. Moreover, the last distribution to HG International Fund #2 was in January of 2007. The Complaint was filed in December of 2012, in excess of 5 years after the last distribution to HG International Fund #2.

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 International Fund #2 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 International Fund #2 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. José Lopes de Sousa, C.S.Sp., General Bursar, Rome, 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 International Fund #2 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 International Fund #2 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 International Fund #2 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 International Fund #2's affirmative defenses, speaks for itself and is incorporated herein by reference. HG International Fund #2 reserves 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 International Fund #2 was opened by Fr. Noel O'Meara, who was familiar with P&S through his work on behalf of HG Compassion Fund, which already was invested 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 International Fund #2 invested in P&S as an investment group, and was not aware of the precise nature of the investments made by P&S. HG International Fund #2 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 International Fund #2 is an investment fund set up through Holy Ghost Fathers' Head Office Investments in Rome, Italy 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 International Fund #2 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 International Fund #2 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 International Fund #2 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 International Fund #2 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 International Fund #2 states that it stopped receiving distributions in January, 2007. HG International Fund #2 further states that it indicated its intent to close the account by letter dated November 14, 2006, produced by plaintiffs at PS SP HG Production 000346.

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 friend of several members of the Congregation of the Holy Ghost in Ireland. HG International Fund #2 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 International Fund #2 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 28th 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; emark@bergersingerman.com; sweber@bergersingerman.com; DRT@bergersingerman.com; 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; and 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; 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; 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; 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; aurena@dkdr.com; MICHAEL R. CASEY, Esq., 1831 N.E. 38th Street, #707, Oakland Park, Florida 33308: mcasey666@gmail.com; MARC S. DOBIN c/o Dobin Law Group, 500 University Blvd., Suite 205, Jupiter, Florida 33458: 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; 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; THOMAS L. ABRAMS, Esq., 1776 N. Pine Island Road,

Suite 309, Plantation, Florida, 33322: 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, 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; 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 mnguitian@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, bobhunt@huntgross.com, 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, 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; WILLIAM G. SALIM, JR., Esq. Moskowitz, Mandell, Salim & Simowitz, Attorneys for Wayne Horwitz, 800 Corporate Drive, Suite 510, Fort Lauderdale, FL 33334 wsalim@mmsslaw.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, janet@mccaberabin.com, 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

/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: *Joe Lopez de Jesus*

STATE OF)
)SS:
COUNTY OF)

BEFORE ME, the undersigned authority, personally appeared _____ as _____ 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: