

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

CASE NO. 12-034123 (07)

PHILIP J. VON KAHLE, as Conservator of  
P&S Associates General Partnership and  
S&P Associates, General Partnership, et al.

Complex Litigation Unit

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.,

Defendants.

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**DEFENDANT MICHAEL BIENES'  
MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT AND TO  
STRIKE ALLEGATIONS AND/OR MOTION FOR MORE DEFINITE STATEMENT**

Defendant Michael Bienes respectfully submits this Motion to Dismiss Plaintiffs' Second Amended Complaint and to Strike Allegations and/or Motion for More Definite Statement, adopting the arguments and grounds raised by Defendant Frank Avellino in his: (1) Motion to Dismiss Plaintiffs' Second Amended Complaint and to Strike Allegations and/or Motion for More Definite Statement (the "Motion"); and (2) Memorandum of Law in Support of the Motion.

**CONCLUSION**

Based on the foregoing, Defendant Michael Bienes respectfully requests that the Court enter an order dismissing Plaintiffs' P & S and S & P claims, including Count II and Counts IV through X, or alternatively enter an order for a more definite statement relating to Count VI, and for such other relief as this Court deems just and proper.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of March, 2014, the foregoing document was served by email and by electronic service via the Florida Courts E-Filing Portal in compliance with Fla. Admin. Order No. 13-49 to the parties on the below service list.

Respectfully submitted,

**BROAD AND CASSEL**

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