

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

CASE NUMBER: 12-34121 (07)
COMPLEX LITIGATION UNIT

MARGARET SMITH, et al.,

Plaintiffs,

v.

JANET A HOOKER CHARITABLE
TRUST, et al.,

Defendants.

NOTICE OF FILING PLAINTIFFS' RESPONSES TO REQUESTS FOR ADMISSIONS

Defendant, Catharine Smith, by and through their undersigned attorneys, hereby files
Plaintiffs' Responses to Requests for Admissions in support of her Motion for Summary Judgment.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been e-filed and served through the court's e-filing portal to Gary J. Rotella (rotellagar@aol.com), Rotella Law, PA, 150 N. Federal Highway, Ste. 250, Fort Lauderdale, FL 33304; Joseph P. Klapholz, Esq., Joseph P. Klapholz, P.A., 2500 Hollywood Blvd., Suite 212, Hollywood, FL 33020, (jklap@klapholzpa.com; dml@klapholzpa.com), Peter G. Herman, Esq., Tripp Scott, 110 SE Sixth Street, Suite 1500, Fort Lauderdale, FL 33301, (PGH@trippscott.com); Michael R. Casey, Esq., 1831 NE 38th St., # 707, Oakland Park, FL 33308, (mcasey666@gmail.com); Michael C. Foster, Esq., Annette M. Urena, Esq., Daniels Kashtan, 4000 Ponce de Leon Blvd., Suite 800, Coral Gables, FL 33146, (Mfoster@dkdr.com; aurena@dkdr.com); Marc S. Dobin, Esq., Dobin Law Group, PA, 500 University Boulevard, Suite 205, Jupiter, FL 33458, (service@DobinLaw.com); Julian H. Kreeger, Esq., 2665 South Bayshore Drive, Suite 2220-14, Miami, FL 33133 (Juliankreeger@gmail.com); Thomas M. Messana, Esq., Brett Lieberman, Esq., Messana, P.A., 401 East Las Olas Boulevard, Suite 1400, Fort Lauderdale, FL 33301, (tmessana@messana-law.com; bliieberman@messana-law.com); Daniel W. Matlow, Esq., Daniel W. Matlow, P.A., Emerald Lake Corporate Park, 3109 Stirling Road, Suite 101, Fort Lauderdale, FL 33312, (dmatlow@danmatlow.com; assistant@danmatlow.com); Richard T. Woulfe, Esq., Bunnell & Woulfe P.A., One Financial Plaza, Suite 1000, 100 SE Third Avenue, Fort Lauderdale, FL 33394, (Pleadings.RTW@bunnellwoulfe.com); Joanne Wilcomes, Esq., McCarter & English, LLP, 100 Mulberry Street, Four Gateway Center, Newark, NJ 07102, (jwilcomes@mccarter.com); Thomas L. Abrams, Esq., 1776 N. Pine Island Road, Suite 309, Plantation, FL 33322, (tabrams@tabramslaw.com); Zach Hyman (zhyman@bergersingerman.com) Berger Singerman, 350 E. Las Olas Blvd., Ste. 1000, Ft. Lauderdale, Florida, 33301-4215, this 10th day of March, 2014.

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

Case No: 12-034121(07)
Complex Litigation Unit

P&S ASSOCIATES, GENERAL PARTNERSHIP,
et al.,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST,
et al.,

Defendants.

**PLAINTIFFS' RESPONSE AND OBJECTIONS TO DEFENDANT
CATHARINE SMITH'S FIRST REQUEST FOR ADMISSIONS TO PLAINTIFFS**

Pursuant to Rule 1.360 of the Florida Rules of Civil Procedure, Plaintiffs, by and through the undersigned counsel hereby respond and object to Defendant, Catharine Smith's ("Smith"), First Request for Admissions to Plaintiffs.

GENERAL OBJECTION

General Objection 1: Plaintiffs object to all discovery propounded upon them by Catharine Smith, at this juncture because they were not properly served. Plaintiffs filed a Notice of E-mail designation, and none of the persons or entities listed on that Notice were served or are mentioned on the proof of service. Notwithstanding the foregoing objection, to expedite discovery, Plaintiffs will respond and provide specific objections to this request for admissions, provided, however that in the event that Defendant seeks to compel the production of documents, Plaintiffs may object to service of the attached documents and respond in accordance with the

Florida Rules of Civil Procedure, within 30 days after receipt of service of such discovery requests.

SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSIONS

1. Admit that Smith was never a partner in P&S Associates.

Response: Admit.

2. Admit that Smith never invested any money in P&S Associates.

Response: Admit.

3. Admit that Smith never received any distributions from P&S Associates.

Response: Admit.

4. Admit that Smith has not received a distribution from S&P Associates since the year 2005.

Response: Admit.

5. Admit that Smith has not contributed any money to S&P Associates since the year 1999.

Response: Admit.

6. Admit that as of December 31, 2005, the balance in Smith's capital account in S&P Associates was zero dollars.

Response: Deny.

7. Admit that there has been no activity in Smith's capital account for S&P Associates since at least December 31, 2005.

Response: Admit.

8. Admit that S&P Associates has not provided Smith with annual partnership records for any period after year-end 2005.

Response: Plaintiffs object to Request for Admission Number 8 because the undefined term “annual partnership records” is vague and unclear.

9. Admit that S&P Associates never provided Smith with Partnership Form 1065 Schedule K-1 for any period after year-end 2005.

Response: Plaintiffs cannot admit or deny that that S&P Associates never provided Smith with Partnership Form 1065 Schedule K-1 for any period after year-end 2005 because they currently do not have possession or control of any of the Partnership Form 1065 Schedule K-1’s that were issued to Smith for any period after year-end 2005. To the extent that such documents exist, they are currently being held by third parties and/or Smith and have not been produced to Plaintiffs.

10. Admit that S&P Associates has not provided Smith with Partnership Form 1065 Schedule K-1 since 2005.

Response: Plaintiffs object to Request for Admission Number 10 as duplicative of Request for Admission Number 9. Notwithstanding the foregoing objection, Plaintiffs cannot admit or deny that that S&P Associates never provided Smith with Partnership Form 1065 Schedule K-1 for any period after year-end 2005 because they currently do not have possession or control of any of the Partnership Form 1065 Schedule K-1’s that were issued to Smith for any period since 2005. To the extent that such documents exist, they are currently being held by third parties, and/or Smith and have not been produced to Plaintiffs.

11. Admit that Smith is dissociated from S&P Associates.

Response: Plaintiffs object to Request for Admission Number 11 because it calls for a legal conclusion.

12. Admit that Smith was dissociated from S&P Associates as of December 31, 2005.

Response: Plaintiffs object to Request for Admission Number 12 as duplicative of Request for Admission Number 11 and because it calls for a legal conclusion.

13. Admit that Smith has remained dissociated from S&P Associates since 2005.

Response: Plaintiffs object to Request for Admission Number 13 as duplicative of Request for Admission Numbers 11 and 12 and because it calls for a legal conclusion.

14. Admit that Smith had no role in the affairs of S&P Associates after December 31, 2005.

Response: Plaintiffs object to Request for Admission Number 14 because the undefined term “role in the affairs” of S&P Associates is vague and unclear.

15. Admit that there has been no communication between Smith and S&P Associates from the time of issuance of the last Partnership Form 1065 Schedule K-1 until the November 13, 2012 letter sent by Plaintiffs.

Response: Plaintiffs cannot admit or deny whether there has been no communication between Smith and S&P Associates from the time of issuance of the last Partnership Form 1065 Schedule K-1 until the November 13, 2012 letter sent by Plaintiffs because it does not have documents concerning which evidence any communications between Smith and S&P Associates, and to the extent that such documents exist, those documents are being held by Third Parties, and/or Smith and have not been produced to Plaintiffs.

16. Admit that the attached Schedule K-1 Form 1065 for 2005 for Smith accurately reflects the information contained therein.

Response: Denied.

17. Admit that the attached Schedule K-1 Form 1065 for 2005 for Smith was the last and final K-1 issued to Smith by S&P Associates.

Response: Plaintiffs object to Request for Admission Number 17 as duplicative of Request for Admission Numbers 9 and 10. Notwithstanding the foregoing objection, Plaintiffs cannot admit or deny that that S&P Associates never provided Smith with Partnership Form 1065 Schedule K-1 for any period after year-end 2005 because they currently do not have possession or control of any of the Partnership Form 1065 Schedule K-1's that were issued to Smith since 2005. To the extent that such documents exist, they are currently held by third parties and/or Smith and have not been produced to Plaintiffs.

Dated: January 21, 2014

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail upon counsel identified below registered to receive electronic notifications and regular U.S. mail upon *Pro Se* parties this 21st day of January, 2014, upon the following:

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