

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

CASE NO. 12-24051 (07)  
COMPLEX LITIGATION UNIT

MATTHEW CARONE, as Trustee for the Carone  
Marital Trust #2 UTD 1/26/00, Carone Gallery, Inc.  
Pension Trust, Carone Family Trust, Carone Marital  
Trust #1 UTD 1/26/00 and Matthew D. Carone  
Revocable Trust, JAMES JORDAN, as Trustee for  
the James A. Jordan Living Trust, ELAINE ZIFFER,  
an individual, and FESTUS AND HELEN STACY  
FOUNDATION, INC., a Florida Corporation,

Plaintiffs,

v.

MICHAEL D. SULLIVAN, individually,

Defendant.

**STIPULATION BETWEEN THE CONSERVATOR AND HELEN D. CHAITMAN  
AND BECKER & POLIAKOFF, LLP**

Philip J. von Kahle (the "Conservator"), as Conservator for P&S Associates, General Partnership ("P&S") and S&P Associates, General Partnership ("S&P") (together, the "Partnerships") and Helen D. Chaitman ("Chaitman") and Becker & Poliakoff LLP ("B&P", with the Conservator and Chaitman, collectively the "Parties"), through their undersigned counsel, hereby stipulate and agree as follows (the "Stipulation"):

1. On December 12, 2013, the Court entered the *Order Authorizing the Conservator to File a Claim with the Madoff Victim Fund* (the "MVF Order")
2. On January 15, 2014, Chaitman served the Conservator with a subpoena (the "Subpoena") issued from the U. S. Bankruptcy Court for the Southern District of New York (the "N.Y. BK Court").

3. On February 7, 2014, the Court held a status conference (the "Status Conference"). At the Status Conference, counsel for B&P and Chaitman and counsel for the Conservator entered into a stipulation on the record (the "Initial Stipulation"). The Initial Stipulation provided that the Subpoena would be satisfied if the Conservator produced to B&P copies of the MVF claim forms which he provided to MVF.

4. On March 4, 2014, the Conservator filed his *Motion for Contempt Against Helen D. Chaitman* (the "Contempt Motion"). On March 6, 2014, B&P filed the *Notice of Filing Declaration of Helen Davis Chaitman* (the "Chaitman Declaration", together with Contempt Motion, the "Contempt Issue").

5. On March 7, 2014, the Conservator, through his counsel, provided B&P with documents that included copies of MVF claim forms and supporting documents which were filed with the MVF (the "Document Production").

6. Through this Stipulation, the Parties are resolving the Contempt Issue and the Subpoena.

7. First, B&P and Chaitman agree that the Conservator, through the Document Production, has complied with his obligations under the Initial Stipulation and the Subpoena. Therefore, B&P and Chaitman agree that they will take the necessary actions to withdraw the Subpoena.

8. Second, Chaitman has reviewed the Order Authorizing the Conservator to File a Claim with the Madoff Victim Fund (the "MVF Order") dated December 12, 2013.

9. Third, Chaitman and B&P agree that they will not send any emails or other correspondence which discourages partners from cooperating with the Conservator. However,

Chaitman and B&P may communicate with their clients factual information such as the information published on the madoffvictimfund.com website.

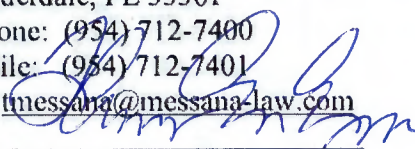
10. Fourth, as long as the Conservatorship remains pending, Chaitman and B&P agree that issues related to the Conservator shall be heard before the Complex Litigation Division in the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida which is presiding over that certain case styled *Matthew Carone, et. al. v. Michael D. Sullivan*, Case No. 12-24051 (07), except that the Conservator agrees to accept service of a deposition subpoena, if necessary, and appear as a fact witness for one deposition in Fort Lauderdale if the Conservator's deposition is necessary for Chaitman and B&P to pursue claims against the Securities Investor Protection Corporation on behalf of clients that B&P represents.

11. The Conservator agrees that he shall not interfere, in any way, with B&P's representation of various partners.

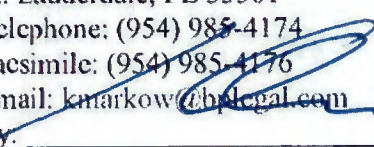
12. B&P and Chaitman agree that they will not interfere, in any way, with the Conservator's administration of the Partnerships.

13. Finally, B&P agrees to pay the Conservator, within (10) days from the filing of this Stipulation, the total sum of two thousand five hundred dollars (\$2,500) in order to offset the Conservator's expenses in complying with the Subpoena.

Dated March 27, 2014.

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