

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

COMPLEX LITIGATION UNIT
CASE NO.: 12-034123 (07)

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

Plaintiffs,

v.

MICHAEL D. SULLIVAN, *et al.*,

Defendants.

**PLAINTIFFS' MOTION IN LIMINE REGARDING
SETTLEMENT AGREEMENT AND JUDGMENT**

Plaintiffs P & S Associates, General Partnership (“P&S”), S & P Associates, General Partnership (“S&P”) (collectively, the “Partnerships” or “Plaintiffs”), by and through their undersigned attorneys, file this Motion In Limine (the “Motion”) and requests that the Court enter an Order excluding the Defendant from admitting the Confidential Settlement Agreement entered into between Michael D. Sullivan and Michael D. Sullivan & Associates (“MDS”), and Plaintiffs dated June 24, 2014 (the “Settlement Agreement”) and the Final Judgment against Michael D. Sullivan dated March 11, 2015 (the “Judgment”), into evidence during the trial as irrelevant and in support thereof states:

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1. The case going to trial involves fraudulent conveyance claims against Avellino and Bienes and negligence claims against Mr Jacob. Plaintiff previously settled its claim against Sullivan based upon the fact that Sullivan has no assets.

2. The terms of the Settlement Agreement have no relationship to the claims or defenses in this action, and introduction of terms and conditions contained in the Settlement Agreement would prejudice them.

3. Likewise, the entry of the Judgment against Sullivan has no bearing on the claims or defenses in this matter.

4. Therefore Plaintiffs request that the Court prohibit Defendants from entering the Settlement Agreement or Judgment into evidence at trial.¹

WHEREFORE Plaintiffs respectfully request the Court enter an Order: (i) Granting the Motion; (ii) Precluding Defendants from introducing the Settlement Agreement or Judgment into evidence during trial; and (iii) Granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

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¹ The Court has rejected Defendants' argument that Fla. Stat. § 726.109(2) limits Plaintiffs' claims against them to \$50,000, and Plaintiffs' settlement with Sullivan does not affect their ability to recover money from Avellino and Bienes



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 31, 2017, a copy of the foregoing was filed with the Clerk of the Court via the E-filing Portal, and served via Electronic Mail by the E-filing Portal upon:

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