

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

CASE NO: 12-34121(07)

Complex Litigation Unit

PHILIP J. VON KAHLE, as Conservator of  
P&S ASSOCIATES, GENERAL PARTNERSHIP,  
and S&P ASSOCIATES, GENERAL PARTNERSHIP,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST, et al,

Defendants.

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**DEFENDANT JAMES JUDD'S NOTICE OF SERVING OBJECTIONS AND ANSWERS  
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Defendant James Judd serves the attached Objections and Answers to Plaintiffs' First Set of Interrogatories.

s/ Julian H. Kreeger  
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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 Leonard Samuels, Esq. of Berger Singerman and counsel identified below registered to receive electronic notifications, and regular U.S. mail upon Pro Se parties on this 28<sup>th</sup> day of April, 2014 upon the following:

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By:           s/ Julian H. Kreeger            
JULIAN H. KREEGER  
Florida Bar No. 098595

## PRELIMINARY OBJECTIONS

Defendant, James Judd objects to Plaintiffs' First Set of Interrogatories on the following grounds:

- A. The approximately three pages of "Definitions and Instructions" appear to be form definitions and instruction that are unduly confusing, harassing and not reasonably calculated to lead to the discovery of relevant or admissible information relating to Plaintiff's purported claims against James Judd. For example, the definitions, and requests, appear to be broad enough to encompass documents relating purely to the Florida Philharmonic and the Florida Grand Opera during the 1990s, as well as the marriage of James Judd to Valerie Judd.
- B. The Interrogatories were served before Defendant Judd was properly and validly served.
- C. The Interrogatories purport to cover an unduly long period (twenty years), that is not relevant to any possible valid claim against Defendant James Judd.
- D. The Interrogatories specifically relate to Plaintiff's "Amended Complaint" that is no longer before this Court because Plaintiff's sought, and were granted leave, to file a Third Amended Complaint. (*See, e.g.,* Interrogatories Nos. 1, 6 and 19.)
- E. Interrogatory No. 18 appears to be attempts to invade the attorney-client privilege or joint defense communications.
- F. As to Defendant James Judd, Plaintiffs have failed to allege or attach anything that alleges that Defendant James Judd signed any Partnership Agreement, Amended Partnership Agreement, or of document related to the Complaint.
- G. The number of interrogatories, including subparts, exceeds the permissible number of thirty (30) Interrogatories and subparts allowed under Fla. R. Civ. P. 1.340(a).

Without waiving the foregoing, Defendant James Judd, out of an abundance of caution, without acknowledging that the documents are within the scope, is responding to Plaintiffs' First Set of Interrogatories as follows:

**DEFENDANT JAMES JUDD'S ANSWERS TO PLAINTIFFS'**  
**FIRST SET OF INTERROGATORIES**

1. Identify all persons with knowledge of any of the facts alleged in the Amended Complaint and/or in any pleadings (including without limitation any motions) You filed with the Court, including the specific matters of which each such person has knowledge.

**ANSWER:** See Preliminary Objection 'G' above. Upon information and belief, Matthew Carone, a longtime friend, was an investor in S&P and/or P&S. I do not know the specific matter or extent of his knowledge.

2. State all facts and/or circumstances under which You received any payments, distributions, and/or transfers of funds from S&P.

**ANSWER:** I personally did not receive any payments, distributions or transfers from S&P. From time to time, Valerie Judd withdrew a portion of the Capital Contribution by receiving a portion of funds invested in S&P as needed for our living expenses until she was informed that we were not qualified investors in S&P.

3. State all facts and/or circumstances under which You made any payments, distributions, and/or transfers of funds to S&P.

**ANSWER:** I personally made no payments, distributions and/or transfer of funds to S&P.

4. Identify all communications between Defendant and S&P; Michael D. Sullivan; Steven Jacob; Michael D. Sullivan & Associates, 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.

**ANSWER:** Without waiving the objection that the interrogatories, including subparts, exceeds the permissible number of 30 under Fla. R. Civ. P. 1.340(a);

Michael Sullivan	No recollection
Frank Avalino	Social discussion about food at a party
Michael Bienes	Numerous conversations regarding the Florida Philharmonic as he was on one of the Boards; one conversation that the Judds "were family" and could become investors in S&P although we would not normally be qualified (see also answer to Interrogatory No. 5).
Father Kelly	Performed our wedding ceremony

5. State all facts and/or circumstances that led to any investment by You in S&P.

**ANSWER:** See answer to Interrogatory No. 4 as to recommendation of Michael Bienes which I relayed to Valerie, other Board members spoke highly of Michael Bienes' recommendation.

6. State all facts and/or circumstances that indicate that Plaintiffs failed to file the Complaint within the time required under the applicable statutes of limitations for each cause of action asserted in the Amended Complaint as alleged in Your Motion to Dismiss.

**ANSWER:** Objection. Amended Complaint was withdrawn.

7. Were you aware of any payment, distribution, and/or transfer of funds received by any partner of S&P prior to the filing of the Complaint in this action? For each payment, distribution, and/or transfer of funds to a partner of 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 payment, distribution, and/or transfer of funds, when You became aware of that payment, distribution, and/or transfer of funds, and the circumstances under which You became aware of it.

**ANSWER:** No knowledge.

8. Prior to the filing of the Complaint in this action, identify all partners of S&P that were aware of any payment, distribution, and/or transfer of funds that You received from S&P. For each partner of S&P identified, state when You believe that partner of S&P became aware of the payment, distribution, and/or transfer of funds that You received from S&P and the circumstances under which that partner of S&P became aware of it.

**ANSWER:** Matthew Carone would have known that portions of our investment were withdrawn from time to time for our living expenses.

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.

**ANSWER:** None.

10. Identify by name, address, phone number and e-mail address any person expected to testify at trial in this action, for any purpose.

**ANSWER:** Not yet determined.

11. Please set out the facts and subject matter on which each person identified in response to Interrogatory No. 10 above is expected to testify.

**ANSWER:** See Answer to Interrogatory No. 10.

12. Have you ever requested or received accounting and/or investment advice concerning your investment in S&P. If so, please state the name of the person or entity which provided such advice and the nature of the advice provided.

**ANSWER:** Michael Bienes. Sullivan's office stated that our investment was terminated.

13. Please state the nature of the investments made by S&P, when you first became aware of the nature of the investments made by S&P, and the facts and circumstances under which You first became aware of the nature of the investments made by S&P.

**ANSWER:** Don't know.

14. Please state all of the facts and/or circumstances concerning Your decision to not comply with the Demand Letter You that You received in November of 2012 from Margaret Smith and the Demand Letter that You received in October 2013.

**ANSWER:** Objection. The interrogatory is confusing and I do not understand this.

15. Please state all the terms of Your investment in S&P?

**ANSWER:** I was told the investment would be a safe, secure investment. It is my understanding that any periodic income payments would be reinvested as a Capital Contribution and we would have the right to withdraw any money we needed at any time.

16. Please state all of the facts and circumstances which led to Your alleged dissociation and/or withdrawal from S&P.

**ANSWER:** It is my understanding that Valerie was told by a secretary and/or receptionist that we could no longer be investors at S&P.

17. Please state all of the facts and circumstances which indicate that You did not act intentionally or engage in any wrongful conduct as alleged in your Motion to Dismiss.

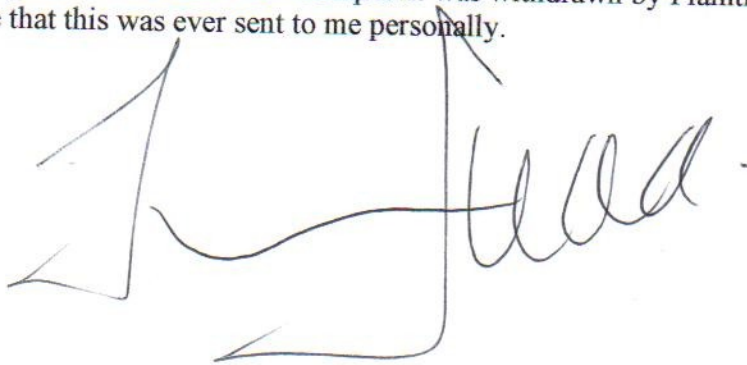
**ANSWER:** I am not aware of any facts or knowledge of any wrongful conduct relating to the conduct of S&P during the time any of our funds were held by S&P, and am not aware of any allegation that I had any such knowledge.

18. All Please state all facts and circumstances concerning Your receipt of service in the action *P&S Associates, General Partnership, et al., v. Alves*. Case No. 12-24041 (07).

**ANSWER:** Objection. Does not appear to be relevant. I do not understand this.

19. Please state all facts and services concerning your receipt of the Amended Complaint in this matter.

**ANSWER:** Objection. The Amended Complaint was withdrawn by Plaintiffs and is not relevant. I am not aware that this was ever sent to me personally.

A handwritten signature in blue ink, appearing to read "J. Alves", is written across the page. The signature is stylized and somewhat cursive.

**ACKNOWLEDGEMENT**

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA )  
                              ) SS:  
COUNTY OF BROWARD )

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_  
as \_\_\_\_\_ of Defendant James Judd 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 20 day of April, 2014,  
by JAMES M. JUDD, who is  personally known to me, or  has produced  
RESIDENT CARD as identification.



Notary Public, State of  
Commission No.

My Commission Expires:

