

IN THE CIRCUIT COURT OF THE 17th
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.

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

Defendant Valerie 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 28th day of April, 2014 upon the following:

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By: s/ Julian H. Kreeger
JULIAN H. KREEGER
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PRELIMINARY OBJECTIONS

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

- A. The approximately three pages of "Definitions and Instructions" are apparent form definitions and instructions that are unduly confusing, harassing and not reasonably calculated to lead to the discovery of relevant information relating to Plaintiff's purported claims against Valerie 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 Valerie 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 or Valerie Judd.
- D. The Interrogatories specifically relate to Plaintiffs' "Amended Complaint" that is no longer before this Court because Plaintiffs 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 Valerie Judd, Plaintiffs have failed to allege or attach anything that alleges that Defendant James or Valerie Judd signed any Partnership Agreement, or Amended Partnership Agreement, or that the Amended Partnership Agreement was ever given to Valerie Judd.
- 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 Valerie Judd, out of an abundance of caution, without acknowledging that the Interrogatories are within the scope of permissible discovery, is responding to Plaintiffs' First Set of Interrogatories as follows:

DEFENDANT VALERIE 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: 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, I did request and receive a portion of funds invested in S&P as needed for our living expenses until I was informed that we were not qualified investors in S&P. I heard nothing further and received no further withdrawals.

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

ANSWER: Pursuant to the page attached hereto as Exhibit 1, I sent two checks to S&P and authorized S&P to reinvest any distribution I was entitled to receive as an investment in the S&P Partnership. See also answer to Interrogatory No. 4.

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):

From time to time, as we needed money for living expenses, I spoke to a secretary or receptionist at S&P to request withdrawals of my investment. At the time of my last conversation, I was told that we were not qualified to remain as investors because we could not make a sufficient investment.

Frank Avalino	Social conversation at a party
Michael Bienes	Numerous conversations regarding the Florida Philharmonic and our wedding
Father Kelly	Performed my wedding ceremony

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

ANSWER: Investment was made when James told me of Michael Bienes' advice.

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 has been withdrawn by Plaintiffs.

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: From time to time, Matthew Carone may have known that investments were withdrawn 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' advice to James. S&P's office terminated our investment, received some K-1s.

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: I don't know and have not been given information.

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: The investment was to be a safe, secure investment with quarterly distributions to be reinvestments in the Partnership as Capital Contributions. We were to be allowed to withdraw funds at any time if and when needed.

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

ANSWER: I was told by Michael Sullivan's secretary or receptionist that he said we were no longer qualified to be investors. I received no further monies, withdrawals or return of our investment.

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 was not aware of any facts or circumstance that could have led me to believe that I could have engaged in any wrongful conduct and Plaintiffs have made no such allegations.

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 Interrogatory.

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

ANSWER: Objection as to relevance. The interrogatory's wording is incomprehensible and it is my understanding that Plaintiffs have withdrawn the Amended Complaint.

A handwritten signature in blue ink, appearing to be the initials 'JA' followed by a long horizontal stroke.

BEFORE ME, the undersigned authority, personally appeared _____ as _____ of Defendant Valerie 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 25 day of April, 2014, by VALERIE JUDD, who is personally known to me, or has produced _____ as identification.



Notary Public, State of FLORIDA
Commission No.

My Commission Expires:

