

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 TO DEFENDANTS
JAMES AND VALERIE JUDD'S REQUEST FOR ADMISSIONS**

Pursuant to Florida Rule of Civil Procedure 1.370, Plaintiffs, by and through their undersigned counsel, hereby respond and object to Defendants JAMES JUDD AND VALERIE JUDD'S First Request for Admissions from Plaintiffs.

RESPONSES AND OBJECTIONS

1. Defendant James Judd did not sign Ex. 1 hereto.

Response: Deny.

2. Pages 1-14 of the Amended Amended and Restated Partnership Agreement, dated December 21, 1994, attached as Ex. B to the Third Amended Complaint, was never given to Defendant James Judd.

Response: Deny

3. Pages 1-14 of the Amended Amended and Restated Partnership Agreement, dated December 21, 1994, attached as Ex. B to the Third Amended Complaint, was never given to Defendant Valerie Judd.

Response: Deny.

4. Neither Sullivan nor Powell ever discussed or ascertained the suitability of either James Judd or Valerie Judd as set forth in §18.05 on page 12 of the Amended and Restated Partnership Agreement of S&P Associates, dated December 21, 1994 (a copy of which is attached as Ex. B to the Third Amended Complaint).

Response: Plaintiffs object to Request for Admission Number 4 because the undefined terms “Sullivan” and “Powell” are vague and unclear. Additionally, to the extent that Request for Admission Number 4 refers to Michael Sullivan or Gregg Powell, former Managing Partners of S&P Associates, Plaintiffs lack sufficient knowledge to admit or deny Request for Admission Number 4 because they do not have any records of any discussions between Sullivan and/or Powell and/or Defendants James and Valerie Judd, and those records are possessed by Defendants James and Valerie Judd and/or third parties and have not been produced to Plaintiffs.

5. All funds distributed to James Judd or Valerie Judd for the Account for Defendants Judd with S&P Associates, were deemed to be “investments” in the Partnership on the books of the Partnership and not “distributions.”

Response: Plaintiffs object to request for admission number 5 because it calls for a legal conclusion. Plaintiffs also object to request to Request for Admission Number 5 because the undefined term “Partnership” is vague and unclear.

6. Defendants Judd were told that all distributions, which they did not receive as quarterly distributions in 2002, 2003, 2004, 2005, 2006, 2007, were to be “reinvestments” in the partnership.

Response: Plaintiffs object to Request for Admission Number 6 because it is vague and unclear. Specifically, Request for Admission Number 6 does not state who told Defendants Judd that all distributions were to be “reinvestments” in the partnership. Additionally, the undefined term “partnership” is vague and unclear.

7. S & P Associates advised Defendants Judd that the balance of their account was:

- a) \$186,136.31 as of 12/31/2000
- b) \$205,390.28 as of 12/31/2001
- c) \$223,843.12 as of 9/30/2002
- d) \$151,845.07 as of 12/31/2004
- e) \$159,245.51 as of 9/30/2005
- f) \$113,562.96 as of 12/31/2007

Response: Plaintiffs object to Request for Admission Number 7 because the undefined terms “advised” and “balance of their account” are vague and unclear.

8. S& P Associates advised Defendants Judd that there was a realized gain for their account of:

- a) \$24,314.13 for the year of 2001
- b) \$22,095.00 for the period ending 9/30/2002
- c) \$9,292.91 for the period ending 9/30/2005
- d) \$1,577.16 for the period ending 3/31/2008

Response: Plaintiffs object to Request for Admission Number 8 because the undefined terms “advised” and “realized gain for their account” are vague and unclear.

9. Defendants Judd were told by S&P Associates that the income not distributed quarterly was considered an investment.

Response: Plaintiffs object to Request for Admission Number 9 because the undefined terms “income” and “investment” are vague and unclear. Notwithstanding the foregoing objection, Plaintiffs lack sufficient knowledge to admit or deny Request for admission Number 9, because Plaintiffs do not have any documents which relate to any oral communications between S & P and James or Valerie Judd. Those documents are being held by James and/or Valerie Judd or Third Parties and have not been produced to Plaintiffs.

Dated: April 30, 2014

By: s/ Leonard K. Samuels _____

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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 30th day of April, 2014, upon the following:

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