

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.

---

**DEFENDANT JAMES JUDD'S MOTION TO STRIKE PLAINTIFFS' PLEADINGS**

Defendant, James Judd ("Judd") moves to strike Plaintiffs' pleadings and for sanctions on the following grounds:

1. After more than a year of investigation, attempting to proceed upon a falsely verified Return of Service despite information that it was false, months of filing literally hundreds and hundreds of pages to obfuscate the underlying facts, and receiving sworn statements as to essential facts, the Plaintiffs have now served evasive, non-responsive filings to Defendant Judd's discovery requests to try to avoid acknowledging or admitting even the basic facts for which they have no factual basis to contest.

2. On Wednesday, April 30, 2014, Plaintiffs served the following:

a. Responses to Defendant James Judd's Requests for Admissions, in which every request for admission was denied (Exhibit A hereto);

b. Evasive unsworn answers to Defendant Judd's Interrogatories in which no facts were provided and the person or persons who furnished the so-called answers were not identified (Exhibit B hereto); and

c. A response to Defendant Judd's Request for Production in which no documents were produced (Exhibit C hereto).

3. In their response to Defendant Judds' Request for Admissions, Plaintiffs denied Request No. 1 that Defendant James Judd had not signed the Exhibit attached to the Request. In answer to Interrogatory No. 4, which requested Plaintiffs to "state all facts" upon which the denial was based, Plaintiffs' unsworn answer provided no facts but tried to evade the request by stating that it "appears" to be his signature, without giving any factual basis and despite having received an affidavit that it was not James Judd's signature (Exhibit D attached hereto).

4. Similarly, after having received the Affidavit of Defendant Valerie Judd (Exhibit D hereto) that neither she nor James Judd had been given the 14 page Amended Partnership Agreement of S&P Associates, Plaintiffs denied Request for Admission Nos. 2 and 3 which asked Plaintiffs to admit that neither Defendants James Judd nor Valerie Judd had been given pages 1 – 14 of the S&P Partnership Agreement. In response to Interrogatory No. 4, which asked Plaintiffs to state all facts upon which their denial was based, Plaintiffs, none of whom were present or involved in the year 2000, simply stated "because the signature page attached to Exhibit 1 to the Requests for Admission appears to contain the signatures of both ... Plaintiffs submit that both James Judd and Valerie Judd received the Partnership Agreements attached to them." (emphasis added). Clearly the Plaintiffs who were not involved or present in 2000 have no good faith factual basis to contradict the sworn factual affidavit of Defendant Valerie Judd.

Moreover, this assertion is directly contradicted by the face of Exhibit 1 to Valerie Judd's affidavit which was originally produced by Plaintiffs themselves and attached by Plaintiffs to their Third Amended Complaint --- not only does the Exhibit contain no mention of the Amended Partnership Agreement of S&P Associates, but the exhibit shows on its face that it was

not received by S&P until July 24, 2000, more than a week after it was signed by Valerie Judd and sent with her check.

5. Interrogatory No. 5 asked for facts and details regarding funds which S&P did not invest with Madoff. Despite the allegations of ¶38 and footnote 2 on page 7 of Plaintiffs' Third Amended Complaint (Exhibit E hereto), that some funds were not invested with Madoff, Plaintiffs gave no facts and claimed the interrogatory was "vague, unclear and irrelevant." (Emphasis added.)

6. Throughout the other evasive responses, no facts whatsoever were provided.

7. Plaintiffs have yet to provide a single document in response to the Defendant Judd's Request for Production.

Wherefore, Defendant James Judd respectfully moves to strike Plaintiffs' pleadings and for entry of a default with sanctions.

Dated this \_\_\_ day of May, 2014.

Respectfully submitted,

s/ Julian H. Kreeger  
JULIAN H. KREEGER, P.A.  
Florida Bar No. 098595  
Attorneys for Defendants James and  
Valerie Judd  
Offices at Grand Bay Plaza  
2665 Bayshore Drive  
Suite 220-14  
Miami, Florida 33133  
Telephone: 305-373-3101  
Facsimile: 305-381-873

## 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 \_\_\_\_ day of May, 2014 upon the following:

Counsel	E-mail address:
Ana Hesny, Esq.	<a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a> ; <a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a>
Eric N. Assouline, Esq.	<a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a> ; <a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a>
Annette M. Urena, Esq.	<a href="mailto:aurena@dkdr.com">aurena@dkdr.com</a> ; <a href="mailto:cmackey@dkdr.com">cmackey@dkdr.com</a> ; <a href="mailto:service-amu@dkdr.com">service-amu@dkdr.com</a>
Daniel W Matlow, Esq.	<a href="mailto:dmatlow@danmatlow.com">dmatlow@danmatlow.com</a> ; <a href="mailto:assistant@danmatlow.com">assistant@danmatlow.com</a>
Debra D. Klingsberg, Esq.	<a href="mailto:dklingsberg@huntgross.com">dklingsberg@huntgross.com</a>
Robert J. Hunt, Esq.	<a href="mailto:bobhunt@huntgross.com">bobhunt@huntgross.com</a>
Joanne Wilcomes, Esq.	<a href="mailto:jwilcomes@mccarter.com">jwilcomes@mccarter.com</a>
Evan H. Frederick, Esq.	<a href="mailto:efrederick@mccaberabin.com">efrederick@mccaberabin.com</a> <a href="mailto:janet@mccaberabin.com">janet@mccaberabin.com</a> ; <a href="mailto:beth@mccaberabin.com">beth@mccaberabin.com</a>
Etan Mark, Esq.	<a href="mailto:emark@bergersingerman.com">emark@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a> ; <a href="mailto:lyun@bergersingerman.com">lyun@bergersingerman.com</a>
Brett Lieberman, Esq.	<a href="mailto:blieberman@messana-law.com">blieberman@messana-law.com</a>
Jonathan Thomas Lieber, Esq.	<a href="mailto:jlieber@dobinlaw.com">jlieber@dobinlaw.com</a>
Mariaelena Gayo-Guitian, Esq.	<a href="mailto:mguitian@gjb-law.com">mguitian@gjb-law.com</a>
Barry P. Gruher, Esq.	<a href="mailto:bgruher@gjb-law.com">bgruher@gjb-law.com</a>
William G. Salim, Jr., Esq.	<a href="mailto:wsalim@mmslaw.com">wsalim@mmslaw.com</a>
Domenica Frasca, Esq.	<a href="mailto:dfrasca@mayersohnlaw.com">dfrasca@mayersohnlaw.com</a> ; <a href="mailto:service@mayersohnlaw.com">service@mayersohnlaw.com</a>
Joseph P. Klapholz, Esq.	<a href="mailto:jklap@klapholzpa.com">jklap@klapholzpa.com</a> ; <a href="mailto:dml@klapholzpa.com">dml@klapholzpa.com</a>
Julian H Kreeger, Esq.	<a href="mailto:juliankreeger@gmail.com">juliankreeger@gmail.com</a>
L Andrew S Riccio, Esq.	<a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a> ; <a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a>
Leonard K. Samuels, Esq.	<a href="mailto:lsamuels@bergersingerman.com">lsamuels@bergersingerman.com</a> ; <a href="mailto:vleon@bergersingerman.com">vleon@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a>
Marc S. Dobin, Esq.	<a href="mailto:service@dobinlaw.com">service@dobinlaw.com</a> ; <a href="mailto:mdobin@dobinlaw.com">mdobin@dobinlaw.com</a> ;
Michael C Foster, Esq.	<a href="mailto:mfooster@dkdr.com">mfooster@dkdr.com</a> ; <a href="mailto:cmackey@dkdr.com">cmackey@dkdr.com</a> ; <a href="mailto:kdominguez@dkdr.com">kdominguez@dkdr.com</a>
Richard T. Woulfe, Esq.	<a href="mailto:pleadings.RTW@bunnellwoulfe.com">pleadings.RTW@bunnellwoulfe.com</a>
Michael R. Casey, Esq.	<a href="mailto:mcasey666@gmail.com">mcasey666@gmail.com</a>
Peter Herman, Esq.	<a href="mailto:PGH@trippscott.com">PGH@trippscott.com</a>
Robert J Hunt, Esq.	<a href="mailto:bobhunt@huntgross.com">bobhunt@huntgross.com</a> ; <a href="mailto:sharon@huntgross.com">sharon@huntgross.com</a> ; <a href="mailto:eservice@huntgross.com">eservice@huntgross.com</a>
Ryon M McCabe, Esq.	<a href="mailto:rmccabe@mccaberabin.com">rmccabe@mccaberabin.com</a> ; <a href="mailto:janet@mccaberabin.com">janet@mccaberabin.com</a> ; <a href="mailto:beth@mccaberabin.com">beth@mccaberabin.com</a>
Steven D. Weber, Esq.	<a href="mailto:sweber@bergersingerman.com">sweber@bergersingerman.com</a> ; <a href="mailto:lwebster@bergersingerman.com">lwebster@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a>
Thomas J. Goodwin, Esq.	<a href="mailto:tgoodwin@mccarter.com">tgoodwin@mccarter.com</a> ; <a href="mailto:wendt@mccarter.com">wendt@mccarter.com</a> ; <a href="mailto:jwilcomes@mccarter.com">jwilcomes@mccarter.com</a>
Thomas L Abrams, Esq.	<a href="mailto:tabrams@tabramslaw.com">tabrams@tabramslaw.com</a> ; <a href="mailto:fcolumbo@tabramslaw.com">fcolumbo@tabramslaw.com</a>
Thomas M. Messana, Esq.	<a href="mailto:tmessana@messana-law.com">tmessana@messana-law.com</a> ; <a href="mailto:tmessana@bellsouth.net">tmessana@bellsouth.net</a> ; <a href="mailto:mwslawfirm@gmail.com">mwslawfirm@gmail.com</a>
Zachary P Hyman, Esq.	<a href="mailto:zhyman@bergersingerman.com">zhyman@bergersingerman.com</a> ; <a href="mailto:DRT@bergersingerman.com">DRT@bergersingerman.com</a> ; <a href="mailto:clamb@bergersingerman.com">clamb@bergersingerman.com</a>

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

IN THE CIRCUIT COURT OF THE  
17<sup>th</sup> 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

5589547-2

 **BERGER SINGERMAN**

350 East Las Olas Blvd. | Suite 1000 | Fort Lauderdale, Florida 33301  
t: 954-525-9900 | f: 954-523-2872 | WWW.BERGERSINGERMANN.COM

EX. A

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

Leonard K. Samuels  
Florida Bar No. 501610  
Steven D. Weber  
Florida Bar No. 47543  
*Attorneys for Plaintiffs*  
BERGER SINGERMAN LLP  
350 East Las Olas Boulevard, Suite 1000  
Fort Lauderdale, Florida 33301  
Telephone: (954) 525-9900  
Fax: (954) 523-2872  
lsamuels@bergersingerman.com  
sweber@bergersingerman.com



IN THE CIRCUIT COURT OF THE  
17<sup>th</sup> 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 AND OBJECTIONS TO DEFENDANTS JAMES AND  
VALERIE JUDD'S INTERROGATORIES TO PLAINTIFFS**

Pursuant to Florida Rule of Civil Procedure 1.340, Plaintiffs, by and through their undersigned counsel, hereby respond and object to Defendants James and Valerie Judd's Interrogatories to Plaintiffs.

**RESPONSE AND OBJECTIONS TO INTERROGATORIES TO PLAINTIFFS**

1. How much income did S&P Associates receive each year from 1995 through 2008 from its investments.

Response: Plaintiffs object to this Interrogatory on the grounds that it is vague and ambiguous due to its use of the undefined term "investments." Plaintiffs will respond to this interrogatory using the definition of "investments" to mean investments made by S&P Associates in BLMIS and "income" to mean money that is provided to S & P Associates in

5590693-2

 **BERGER SINGERMAN**

---

350 East Las Olas Blvd. | Suite 1000 | Fort Lauderdale, Florida 33301  
T: 954-525-9900 | F: 954-523-2872 | WWW.BERGERSINGERMAN.COM

EX. B

exchange for a good or service. Subject to the foregoing objection, Plaintiffs respond that there was no income each year from 1995 through 2008 from its investments.

2. How much income was distributed by S & P Associates to partners each year from 1995 through 2008?

Response: Plaintiffs object to this Interrogatory on the grounds that it is vague and ambiguous due to its use of the undefined term “income” and “partner.” Plaintiff will respond to this Interrogatory using the definition of “partners” to mean a general partner of S & P Associates and “income” to mean money that is provided to S & P Associates in exchange for a good or service. Subject to the foregoing objections, Plaintiffs respond that there was no income.

3. State the name and address of each CPA who audited the books and records of S&P Associates for each year from 1995 through 2008.

Response: Plaintiffs respond that it is unknown who audited the books and records of S & P Associates for each year from 1995 through 2008.

4. As to each request for admissions, state all facts upon which you base your denial of the request for Admission.

Response:

Request for Admission No. 1. The signature page attached to Exhibit 1 to the requests for admission appears to contain the signatures of both James and Valerie Judd.

Request for Admission No. 2. Because the signature page attached to Exhibit 1 to the requests for admission appears to contain the signatures of both James and Valerie Judd,

Plaintiffs submit that James and Valerie Judd both received the Partnership Agreements which were attached to them.

Request for Admission No. 3. Because the signature page attached to Exhibit 1 to the requests for admission appears to contain the signatures of both James and Valerie Judd, Plaintiffs submit that James and Valerie Judd both received the Partnership Agreements which were attached to them.

5. What funds were not invested by S & P Associates with Madoff and state:
  - a. The date;
  - b. How much was invested and with whom;
  - c. What return was received and when.

Response: Plaintiffs object to this interrogatory and subparts (a)-(c) because the undefined term "Madoff" is vague and unclear. Plaintiffs also object to this interrogatory because it is vague, unclear and irrelevant. This matter does not involve the amount of money that was invested with certain unknown and undefined third parties or with other sources, so this interrogatory is not reasonably calculated to lead to the production of admissible evidence. Further, it is not clear as to whether this interrogatory seeks information concerning other investments made by Plaintiffs, or whether funds were never invested as required by the S&P Associates partnership agreement, but were instead improperly retained by the S&P Associates.

6. What statements were sent to Defendants Judd and when?

Response: Plaintiffs object to this Interrogatory because the undefined term "statements" is vague and unclear. Subject to the foregoing objection, it is unknown what statements were sent to the Judds and when.

7. What actions have Plaintiffs brought to recover funds invested by S & P Associates and/or P&S Associates including claims filed with Irving Picard, the appointed trustee central to the recovery of assets invested with Madoff, and for each, give the status and amount(s) of recovery to date.

Response: Plaintiffs object to this Interrogatory because the undefined term "Madoff" is vague and unclear. Plaintiffs also object to this Interrogatory because it seeks information which is irrelevant to the instant proceedings and is not reasonably calculated to lead to the production of admissible evidence.

8. (a) Did Sullivan, Powell, Sullivan and Powell, S & P Associates, and/or P & S Associates maintain any professional liability insurance policies that were in effect between January 1, 2000 and December 31, 2008.

(b) What claims and/or actions have been brought by Plaintiffs for the recovery under such policies and what is the status of such claims (including any recovery for such claims).

Response:

(a) Plaintiffs object to this interrogatory because it is irrelevant to the instant claims, and is not reasonably calculated to lead to the production of admissible evidence. Subject to the foregoing objection, Plaintiffs respond that the Stacy Foundation required the S & P Associates and/or P&S Associates to maintain a Commercial Crime Policy covering employee dishonesty with Fidelity and Deposit Company which appears to have run continuously from 11-16-2001 thru the renewal for policy year 11-16-2008 thru 11-16-2009.

(b) Plaintiffs object to this interrogatory because it is irrelevant to the instant claims, and is not reasonably calculated to lead to the production of admissible evidence. Subject to the foregoing objections, Plaintiffs respond: none.

9. What claim or claims have Plaintiffs brought against Sullivan and Powell individually.

Response: Plaintiffs object to this interrogatory because it is irrelevant to the instant claims, and is not reasonably calculated to lead to the production of admissible evidence. Subject to the foregoing objection, Plaintiffs respond to this interrogatory by producing documents attached hereto as Exhibit A.

10. State the dates and amount of each payment received by S & P Associates and P & S Associates between January 1, 2000 and December 31, 2008 from Madoff and his related entities.

Response: Plaintiffs also object to this interrogatory because the undefined term "Madoff and his related entities" is vague and unclear. Subject to the foregoing objection, Plaintiffs respond to this interrogatory by producing documents attached hereto as Exhibit B.

Print: \_\_\_\_\_

**VERIFICATION**

STATE OF FLORIDA        )  
                                  ) SS:  
COUNTY OF                )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 201\_\_ by \_\_\_\_\_ who \_\_\_\_ is personally known to me OR who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC  
Print Name: \_\_\_\_\_  
Commission Number: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
[seal]

## 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 30<sup>th</sup> day of April, 2014, upon the following:

Counsel	E-mail Address:
Ana Hesny, Esq.	<a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a> ; <a href="mailto:cna@assoulineberlowe.com">cna@assoulineberlowe.com</a>
Eric N. Assouline, Esq.	<a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a> ; <a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a>
Annette M. Urena, Esq.	<a href="mailto:aurena@dkdr.com">aurena@dkdr.com</a> ; <a href="mailto:cmackey@dkdr.com">cmackey@dkdr.com</a> ; <a href="mailto:service-amu@dkdr.com">service-amu@dkdr.com</a>
Daniel W Matlow, Esq.	<a href="mailto:dmatlow@danmatlow.com">dmatlow@danmatlow.com</a> ; <a href="mailto:assistant@danmatlow.com">assistant@danmatlow.com</a>
Debra D. Klingsberg, Esq.	<a href="mailto:dklingsberg@huntgross.com">dklingsberg@huntgross.com</a>
Joanne Wilcomes, Esq.	<a href="mailto:jwilcomes@mccarter.com">jwilcomes@mccarter.com</a>
Etan Mark, Esq.	<a href="mailto:emark@bergersingerman.com">emark@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a> ; <a href="mailto:lyun@bergersingerman.com">lyun@bergersingerman.com</a>
Evan H Frederick, Esq.	<a href="mailto:efrederick@mccaberabin.com">efrederick@mccaberabin.com</a> ; <a href="mailto:janet@mccaberabin.com">janet@mccaberabin.com</a> ; <a href="mailto:beth@mccaberabin.com">beth@mccaberabin.com</a>
B. Lieberman, Esq.	<a href="mailto:blieberman@messana-law.com">blieberman@messana-law.com</a>
Jonathan Thomas Lieber, Esq.	<a href="mailto:jlieber@dobinlaw.com">jlieber@dobinlaw.com</a>
Mariaelena Gayo-Guitian, Esq.	<a href="mailto:mguitian@gjb-law.com">mguitian@gjb-law.com</a>
Barry P. Gruher, Esq.	<a href="mailto:bgruher@gjb-law.com">bgruher@gjb-law.com</a>
William G. Salim, Jr., Esq.	<a href="mailto:wsalim@mmslaw.com">wsalim@mmslaw.com</a>
Domenica Frasca, Esq.	<a href="mailto:dfrasca@mayersohnlaw.com">dfrasca@mayersohnlaw.com</a> ; <a href="mailto:service@mayersohnlaw.com">service@mayersohnlaw.com</a>
Joseph P. Klapholz, Esq.	<a href="mailto:jklap@klapholzpa.com">jklap@klapholzpa.com</a> ; <a href="mailto:dmt@klapholzpa.com">dmt@klapholzpa.com</a> ;
Julian H Kreeger, Esq.	<a href="mailto:juliankreeger@gmail.com">juliankreeger@gmail.com</a>
L Andrew S Riccio, Esq.	<a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a> ; <a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a>
Leonard K. Samuels, Esq.	<a href="mailto:lsamuels@bergersingerman.com">lsamuels@bergersingerman.com</a> ; <a href="mailto:vleon@bergersingerman.com">vleon@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a>
Marc S Dobin, Esq.	<a href="mailto:service@dobinlaw.com">service@dobinlaw.com</a> ; <a href="mailto:mdobin@dobinlaw.com">mdobin@dobinlaw.com</a> ;
Michael C Foster, Esq.	<a href="mailto:mfooster@dkdr.com">mfooster@dkdr.com</a> ; <a href="mailto:cmackey@dkdr.com">cmackey@dkdr.com</a> ; <a href="mailto:kdominguez@dkdr.com">kdominguez@dkdr.com</a>
Richard T. Woulfe, Esq.	<a href="mailto:pleadings.RTW@bunnellwoulfe.com">pleadings.RTW@bunnellwoulfe.com</a>
Michael R. Casey, Esq.	<a href="mailto:mcasey666@gmail.com">mcasey666@gmail.com</a>

5590693-2

Counsel	E-mail Address:
Peter Herman, Esq.	<a href="mailto:PGH@trippscott.com">PGH@trippscott.com</a>
Robert J Hunt, Esq.	<a href="mailto:boh hunt@huntgross.com">boh hunt@huntgross.com</a> ; <a href="mailto:sharon@huntgross.com">sharon@huntgross.com</a> ; <a href="mailto:eservice@huntgross.com">eservice@huntgross.com</a>
Ryon M McCabe, Esq.	<a href="mailto:rmccabe@mccaberabin.com">rmccabe@mccaberabin.com</a> ; <a href="mailto:janet@mccaberabin.com">janet@mccaberabin.com</a> ; <a href="mailto:beth@mccaberabin.com">beth@mccaberabin.com</a>
Steven D. Weber, Esq.	<a href="mailto:sweber@bergersingerman.com">sweber@bergersingerman.com</a> ; <a href="mailto:lwebster@bergersingerman.com">lwebster@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a>
Thomas J. Goodwin, Esq.	<a href="mailto:tgoodwin@mccarter.com">tgoodwin@mccarter.com</a> ; <a href="mailto:nwendt@mccarter.com">nwendt@mccarter.com</a> ; <a href="mailto:jwilcomes@mccarter.com">jwilcomes@mccarter.com</a>
Thomas L Abrams, Esq.	<a href="mailto:tabrams@tabramslaw.com">tabrams@tabramslaw.com</a> ; <a href="mailto:fcolumbo@tabramslaw.com">fcolumbo@tabramslaw.com</a>
Thomas M. Messana, Esq.	<a href="mailto:tmessana@messana-law.com">tmessana@messana-law.com</a> ; <a href="mailto:tmessana@bellsouth.net">tmessana@bellsouth.net</a> ; <a href="mailto:mwslawfirm@gmail.com">mwslawfirm@gmail.com</a>
Zachary P Hyman, Esq.	<a href="mailto:zhyman@bergersingerman.com">zhyman@bergersingerman.com</a> ; <a href="mailto:DRT@bergersingerman.com">DRT@bergersingerman.com</a> ; <a href="mailto:clamb@bergersingerman.com">clamb@bergersingerman.com</a>

By: s/Leonard K. Samuels



IN THE CIRCUIT COURT OF THE  
17<sup>th</sup> 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 AND OBJECTIONS TO DEFENDANTS JAMES AND  
VALERIE JUDD'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO  
PLAINTIFFS**

Plaintiffs, by and through the undersigned counsel, hereby respond and object to Defendants, James and Valerie Judd's ("Defendants") Request for Production of Documents to Plaintiff, pursuant to Rule 1.350 of the Florida Rules of Civil Procedure.

**GENERAL OBJECTIONS**

General Objection 1: Plaintiffs investigation of the facts relevant to the instant matter is in its initial stages and review of documents in their possession is still in its initial phases. It is therefore not possible to provide complete productions at this juncture. However, Plaintiffs will respond to Defendants' request for production while reserving the right to supplement their responses at a later time.

General Objection 2: Plaintiffs will not organize or select documents for Defendants and Plaintiffs will not attempt to indicate in any way which documents (if any) respond to any

5590325-1

**BERGER SINGERMAN**

350 East Las Olas Blvd. | Suite 1000 | Fort Lauderdale, Florida 33301  
t: 954-525-9900 | f: 954-523-2872 | WWW.BERGERSINGERMAN.COM

EX. C

particular inquiry, but shall produce all documents in the manner in which they are and have been maintained in the ordinary course of Plaintiffs' business and/or in the manner such documents have been stored in the ordinary course of business.

General Objection 3: To the extent that documents are protected by the Work Product or Attorney-Client Privilege, or any other applicable privilege law or rule, Plaintiffs object to their production. To the extent that documents are being withheld on the basis of privilege, Plaintiffs will produce a privilege log upon request and as soon as reasonably practicable.

General Objection 4: Plaintiffs' stated agreement to produce hereunder is not a representation that any such documents exist; rather, it is merely an indication that if such documents exist and are in the possession custody and/or control of Plaintiffs and are not privileged, they will be produced as indicated.

General Objection 5: It is possible that Plaintiffs will inadvertently produce a document that is otherwise privileged. Such inadvertent production is not intended to waive, alter or otherwise impact the privilege with respect to the particular document, with respect to the subject matter(s) reflected in the document and/or otherwise.

### **SPECIFIC OBJECTIONS AND RESPONSE TO REQUESTS FOR PRODUCTION**

1. All statements relating to Defendants Judds' investment that were sent to Defendants James Judd and/or Valerie Judd.

Response: Subject to the General Objections above, Plaintiffs will produce non-privileged documents responsive to this Request that are labeled as "statement" to the extent that they can be located and have not already been produced in response to another Request.

2. All correspondence, records of communications, cancelled checks and records of payments sent by S & P Associates to James Judd and/or Valerie Judd.

Response: Plaintiffs object to Request for Production Number 2 as vague and unclear because it contains the undefined terms “correspondence” and “records of communication,” and those terms can also be overly broad. Furthermore, Plaintiffs object to this request because it is vague and ambiguous what is meant by “sent.” In responding to this request, Plaintiffs will use “sent” to mean delivered to James Judd and/or Valerie Judd by S & P Associates and Plaintiffs do not know what documents were actually sent by S & P Associates to James Judd and/or Valerie Judd..

3. All records relating to withdrawals made by James Judd and/ or Valerie Judd from their investment in S & P Associates

Response: Plaintiffs will produce non-privileged documents responsive to this Request to the extent that they can be located and have not already been produced in response to another Request.

Dated: April 30, 2014

By: s/ Leonard K. Samuels

Leonard K. Samuels  
Florida Bar No. 501610  
Steven D. Weber  
Florida Bar No. 47543  
*Attorneys for Plaintiffs*  
BERGER SINGERMAN LLP  
350 East Las Olas Boulevard, Suite 1000  
Fort Lauderdale, Florida 33301  
Telephone: (954) 525-9900  
Fax: (954) 523-2872  
lsamuels@bergersingerman.com  
sweber@bergersingerman.com

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.

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

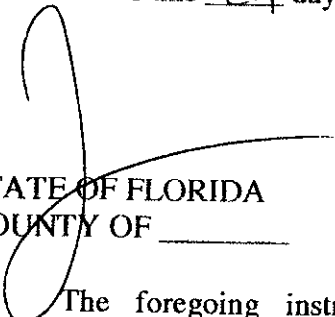
**AFFIDAVIT OF VALERIE JUDD**

Before me, appeared Valerie Judd who upon being sworn, deposes and says:

- Neither James Judd nor I were ever given a copy of the Amended Partnership Agreement of S & P Associates, which Plaintiffs have attached to the Third Amended Complaint.
- James Judd did not sign the page attached here to as Exhibit 1 or either of the checks attached hereto as Exhibit 2.
- The signatures on Exhibit 1 and 2 hereto are mine.
- No “quarterly distributions” or “annual distributions” were made to, or received by, James Judd or me from S&P Associates.
- As shown on Exhibit 1 hereto, “quarterly distributions” were “reinvested in the Partnership” and became Capital Contributions.
- The only monies received by either James Judd or me from S&P Associates were returns of Capital Contributions received when I made requests to withdraw Capital Contributions when there were needed for our living expenses.
- As shown on the Schedule K-1 (Form 1065) provided by S&P Associates (Exhibit 3 hereto), the balance for the Capital Account for James Judd and Valerie Judd on December 31, 2007 was \$113,568.00.
- All of the monies received from S&P Associates and withdrawals that were made during 2008 were withdrawals of the Capital invested prior to December 31, 2007 from that Capital account.

- No quarterly distributions of income were made to or received by James Judd or me from S&P Associates.

Dated this 24 day of April, 2014.



Valerie Judd

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 24 day of April, 2014 by Valerie Judd, who is  personally known to me, or produced identification FLA. DR. LICENSE.

Notary Public



Name of Notary (Typed, Printed or Stamped)



Complete #1, #2, and Exhibit A and mail this page only with check made payable to "S&P Associates, G/P" to:

S & P ASSOCIATES, General Partnership  
c/o SULLIVAN & POWELL  
6550 N. Federal Hwy., Suite 210  
Ft. Lauderdale, FL 33308-1404

1) The parties hereto have executed this Agreement by the signature and date set forth below.  
(sign and date)

James Ludd + Valerie  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_  
Date: 7/14/2000  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

2) Please check one of the following:

- I elect to receive my distributions on a quarterly basis (payable at 12%).
- I elect to have my quarterly distribution reinvested in the Partnership.

*mail*  
*7/24/00*

**EXHIBIT A (Title of Your Account)**

Name, Address Telephone # and Fax #	Soc. Sec. # or Federal ID#	Capital Contribution
<u>James Ludd + Valerie</u> <u>2421 Barcelona Drive</u> <u>Ft Lauderdale FL</u> <u>33301</u>	<u>Bruce Judd</u>	<u>100 K</u>
<u>tel 954 467 2721</u>		
<u>954 462-2334</u>		
_____		
_____		

**JAMES JUDD**  
**VALERIE BRUCE JUDD**  
 2421 BARCELONA DR  
 FORT LAUDERDALE, FL 33301

**SchwabOne** 141

3-9  
310

July 17, 2000

Pay to the order of Sr P Associates, General Partnership 100,000.

One hundred thousand Dollars

**Charles Schwab**  
 FMO BANK N.A.  
 Philadelphia, PA

For \_\_\_\_\_

-1:0310000531: 70111258961 20141

© HARLAND 1998

**RECEIVED**  
 JUL 24 2000  
 BY: SM

JAMES JUDD  
2421 BARCELONA DRIVE 954-487-2721  
FT. LAUDERDALE, FL 33301

63-98514  
680  
15002918

2264

DATE Oct 15, 2000

PAY TO THE  
ORDER OF

SFP Associates

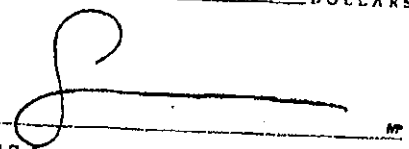
\$ 80,000.

Eighty thousand

DOLLARS

Northern Trust Bank of Florida N.A.  
Ft. Lauderdale, Florida

MEMO \_\_\_\_\_



⑆066009650⑆1416002918⑆ 2264

*rec'd 10/17/00*



Schedule K-1 (Form 1065)

2007

For calendar year 2007, or tax year beginning ending

Final K-1 Amended K-1 OMB No. 1545-0099

Department of the Treasury Internal Revenue Service

Partner's Share of Income, Deductions, Credits, etc.

See separate instructions.

Part I Information About the Partnership

A Partnership's employer identification number 65-0371254
B Partnership's name, address, city, state, and ZIP code S & P ASSOCIATES, GENERAL PARTNERSHIP MICHAEL SULLIVAN, GENERAL PARTNER 6550 N. FEDERAL HWY., SUITE 210 FORT LAUDERDALE, FL 33308-1404
C IRS Center where partnership filed return OGDEN, UT
D Check if this is a publicly traded partnership (PTP)

Part II Information About the Partner

E Partner's identifying number 289-64-2983
F Partner's name, address, city, state, and ZIP code JAMES JUDD & VALERIA BRUCE JUDD 2421 BARCELONA DRIVE FT LAUDERDALE, FL 33301
G General partner or LLC member-manager Limited partner or other LLC member
H Domestic partner Foreign partner
I What type of entity is this partner? INDIVIDUAL
J Partner's share of profit, loss, and capital:
Beginning Ending
Profit 0.3618177% 0.3618177%
Loss 0.3618177% 0.3618177%
Capital 0.3618177% 0.3618177%

K Partner's share of liabilities at year end:
Nonrecourse \$
Qualified nonrecourse financing \$
Recourse \$ -97.

L Partner's capital account analysis:
Beginning capital account \$ 181375.
Capital contributed during the year \$
Current year increase (decrease) \$ 12193.
Withdrawals & distributions \$( 80000
Ending capital account \$ 113568.

Tax basis GAAP Section 704(b) book Other (explain)

Part III Partner's Share of Current Year Income, Deductions, Credits, and Other Items

Table with 19 rows and 2 columns. Rows include: 1 Ordinary business income (loss) 0., 2 Net rental real estate income (loss), 3 Other net rental income (loss), 4 Guaranteed payments, 5 Interest income, 6a Ordinary dividends 1279., 6b Qualified dividends, 7 Royalties, 8 Net short-term capital gain (loss) 7374., 9a Net long-term capital gain (loss) 6626., 9b Collectibles (28%) gain (loss), 9c Unrecaptured sec 1250 gain, 10 Net section 1231 gain (loss), 11 Other income (loss), 12 Section 179 deduction, 13 Other deductions K\* STMT, 14 Self-employment earnings (loss) 0., 15 Credits, 16 Foreign transactions, 17 Alternative min tax (AMT) items, 18 Tax-exempt income and nondeductible expenses, 19 Distributions A 80000., 20 Other information A 1279., B 3086.

\*See attached statement for additional information.

For IRS Use Only

JWA For Paperwork Reduction Act Notice, see instructions for Form 1065.

32. Defendant Alex E. Molchan Trust DTD 05/19/94 is, upon information and belief, organized and existing under the laws of Florida. Defendant Alex E. Molchan Trust DTD 05/19/94 invested \$75,700.00 in the P&S and received \$128,127.58.

33. A detailed list of the distributions and disbursements to the aforementioned Defendants is attached hereto as **Exhibit A**.

34. Venue is proper before this Court pursuant to Florida Statute § 47.011 because that is where the causes of action accrued, that is where the entities into which the parties' invested reside, and this action arises from events which occurred or were due to occur in Broward County, Florida.

#### GENERAL ALLEGATIONS

35. Each of the Partnerships is governed by a Partnership Agreement (collectively, the "Partnership Agreements").<sup>1</sup>

36. Pursuant to the Partnership Agreements, the Partnerships were formed for the purpose of engaging in the business of investing.

37. Each of the partners in the Partnerships (the "Partners"), including, upon information and belief, Defendants, invested significant funds into one of two investment vehicles, each of which was expected to yield stable, consistent returns: S&P and P&S.

38. The purpose of each Partnership was to pool investor funds, and the former Managing General Partners of the Partnerships – Michael D. Sullivan ("Sullivan") and Greg Powell ("Powell") – invested the majority of those funds with Bernard L. Madoff Investment Securities, LLC.<sup>2</sup>

<sup>1</sup> The partnership agreements of S&P and P&S are identical in all material respects with the exception of the name of the applicable partnership entity.

<sup>2</sup> Some of the funds was not invested with Bernard L. Madoff Investment Securities, LLC.