

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

CASE NO. 12-24051 (07)

COMPLEX LITIGATION UNIT

MATTHEW CARONE, as Trustee for the Carone Marital Trust #2 UTD 1/26/00, Carone Gallery, Inc. Pension Trust, Carone Family Trust, Carone Marital Trust #1 UTD 1/26/00 and Matthew D. Carone Revocable Trust, JAMES JORDAN, as Trustee for the James A. Jordan Living Trust, ELAINE ZIFFER, an individual, and FESTUS AND HELEN STACY FOUNDATION, INC., a Florida corporation,

Plaintiffs,

v.

MICHAEL D. SULLIVAN, individually,

Defendant.

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**NOTICE OF FILING**

Berger Singerman LLP, by and through its undersigned counsel, hereby files the document attached hereto as Exhibit A:

1. Letter from Steven F. Jacob dated April 22, 2013, to Partners of S&P Associates, General Partnership and P&S Associates, General Partnership (collectively, the "Partnerships"), regarding "Call to Action," wherein, *inter alia*, (i) Mr. Jacob identifies himself as "Steven F. Jacob, S&P Managing General Partner," despite this Court's Order Appointing Conservator dated January 17, 2013, which ordered that "all persons are hereby enjoined from . . . acting or purporting to act on behalf of the Partnerships, Conservatorship Property, and/or the Conservator" and (ii) Mr. Jacob states "Please contact Judge Streitfeld, in writing, and let him know you oppose paying any fees not authorized by the partnership."

Dated: May 9, 2013

Respectfully Submitted,

BERGER SINGERMAN LLP  
350 East Las Olas Boulevard, Suite 1000  
Fort Lauderdale, FL 33301  
(954) 525-9900 Telephone  
(954) 712-5138 Direct  
(954) 523-2872 Facsimile

By: s/ Leonard K. Samuels  
Leonard K. Samuels  
Florida Bar No. 501610  
Etan Mark  
Florida Bar No. 720852

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this on this 9<sup>th</sup> day of May, 2013, a true and correct copy of the foregoing was sent via U.S. Mail and/or Electronic Mail to

Burt Moss, 1675 N. Military Trail, Suite 570, Boca Raton, FL 33486;  
Scott Holloway, 55 Cayuga Road, Sea Ranch Lakes, FL 33308;  
Steven Jacob, 3696 North Federal Highway, Fort Lauderdale, FL 33308;  
Paroquia de Santa Luzia, c/o Fr. John Fitzpatrick, 1133 Broadway, Millbrae, CA 94030;  
Mary V. Dunham, 1002 Gramerly Lane, Orlando, FL 32821;  
Joseph A. Speizio, 39 Woodlot Road, Ridge, NY 11961;  
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Peter Smith, Esq. and Helen D. Chaitman, Esq., Becker & Poliakoff, LLP, 45 Broadway, 8th Floor, New York, NY 10006;  
Philip J. von Kahle, philipvonkahle@moecker.com;  
Brett D. Lieberman, Esq., blieberman@messana-law.com;  
Helen Chaitman, Esq., Becker & Poliakoff, LLP, 45 Broadway, 8<sup>th</sup> Floor, New York, New York 10006;  
Frank C. Walker, Stuart & Walker, P.A., 1301 East Broward Boulevard, Suite 220, Fort Lauderdale, FL 33301;  
Chad Pugatch, Esq., Rice Pugatch Robinson & Schiller, 101 NE 3<sup>rd</sup> Ave., Ste. 1800, Fort Lauderdale, Florida 33301;  
Michael D. Sullivan 6550 N. Federal Highway, Ste. 210, Fort Lauderdale, Florida 33308  
Michael Sullivan, 3696 North Federal Highway, Fort Lauderdale, FL 33308

By: s/ Leonard K. Samuels  
Leonard K. Samuels

# *S&P and P&S Associates, General Partnerships*

1755 NE 52 Street  
Fort Lauderdale, FL. 33334

Telephone (954) 648-1796  
Fax (954) 938-0066

Steven F. Jacob, S&P Managing General Partner

guardianangeltruet@msn.com

April 22, 2013

S&P and P&S Partners

**RE: Call to Action**

Dear Partner:

The purpose of this letter is to give you current information and request a call to action from all partners.

The following facts are known and confirmed by all parties:

1. There is no money missing, all dollars invested are accounted for.
2. A conservator has been appointed by the court to wind down both partnerships and distribute available funds.
3. There is currently an approximate amount of Five (5) million dollars available to distribute to partners and additional funds are expected from the Madoff Trustee.
4. On April 18, 2013 a hearing was held to approve fees for professionals involved in the administration of the Partnerships. The conservator is requesting approval to pay over \$165,000.00 in unauthorized fees. I filed an objection, with the Court to fees unauthorized by the Partnership.

In mid January, a conservator was appointed by the court to handle the affairs of both S&P and P&S partnerships. The court directed the conservator to wind down the affairs of the partnership and proceed with the court proceeding to determine the distributions to the partners. Once the court makes the decision on how to distribute the funds, the conservator is to make distributions to the partners. The Judge has asked this to be done by September 2013.

In addition to the unauthorized fees (\$165,000.00) presented to the court, the conservator has presented a budget to the Judge for 2013, which states that he and his attorney anticipate receiving almost \$400,000.00. These fees appear very high to compensate the attorney and conservator for just one year of service. Further they seem high, based on the Judges instructions to distribute the funds by September 2013.

The call to action for all partners is two-fold. First please pray for all parties involved to make sound decisions that benefit the partners, as the partners are the victims of the Madoff fraud. Second, **get involved!** Decisions are being made that have a direct effect on the amount each partner will receive.



# *S&P and P&S Associates, General Partnerships*

1755 NE 52 Street  
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Steven F. Jacob, S&P Managing General Partner

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The Judge only knows what he hears and right now the professionals are doing most of the talking and most of that talk appears to be how much they can make. It is time he hears the partners. Each of you has a stake in this. Don't stand by and let the money that is meant for partners to be spent on unauthorized and unnecessary fees.

Please contact Judge Streitfeld, in writing, and let him know you oppose paying any fees not authorized by the partnership. Since funds belonging to the partnership are available, please make the judge aware that you wish the conservator to distribute proceeds as soon as possible so the funds won't all be lost on unnecessary professional fees. This would cause partners victimized by Madoff to be victimized again.

Due to the April 29 due date, you can fax or email your reply to me and I will forward all I receive to the Judge on Friday April 27. My fax number is (954) 938-0069. Regardless of whether or not you fax me, please mail a hard copy of your objection to unauthorized fees directly to the Judge at:

The Honorable Judge Jeffrey D. Streitfeld  
Broward County Courthouse  
201 SE 6th Street, Room 920A  
Fort Lauderdale, Florida 33307

If needed, the number and name of Judge Streitfeld's judicial assistant is Suzanne Tracy at (954) 831-7809.

If you have questions my contact information is [guardianangeltrust@msn.com](mailto:guardianangeltrust@msn.com) or you can call me at (954) 648-1796. If you have an email please send me an email with it to keep your contact information up to date.

Sincerely,



Steven F. Jacob, CPA  
Managing General Partner of S&P