

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

PHILIP J. VON KAHLE, as Conservator of
P&S Associates, General Partnership and
S&P Associates, General Partnership

Case No. 12-034123 (07)
Complex Litigation Unit

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.,

Defendants.

**PLAINTIFFS' MOTION TO COMPEL
DEFENDANT MICHAEL BIENES TO PRODUCE DOCUMENTS AND PROVIDE
BETTER RESPONSES TO PLAINTIFFS' INTERROGATORIES**

Philip J. Von Kahle (the "Conservator"), as Conservator for P&S Associates, General Partnership ("P&S") and S&P Associates, General Partnership ("S&P") (the "Partnerships", and together with the Conservator, the "Plaintiffs"), pursuant to Fla. R. Civ. P. 1.380, hereby file this Motion to Compel Defendant, Michael Bienes ("Defendant"), to Produce Documents and Provide Better Responses to Plaintiffs' Interrogatories, and in support thereof states as follows:

1. On January 29, 2014, Plaintiffs served the Defendant with Plaintiffs' First Set of Interrogatories (the "Interrogatories") and Plaintiffs' First Request for Production of Documents (the "Requests").

2. On April 4, 2014, Defendant provided his initial responses to the Interrogatories and Requests. However, Defendant's responses were evasive and Defendant informed Plaintiffs that he did not "have any responsive documents." *See Exhibit A.*

3. Following a meet and confer on April 18, 2014, Defendant produced a single document and provided supplemental responses to the Interrogatories and supplemental

responses to the Requests (the “Supplemental Responses”). Attached as **Exhibit B** is a copy of Defendant’s Supplemental Response to Plaintiffs’ First Request for Production of Documents; attached as **Exhibit C** is a copy of Defendant’s Supplemental Answers and Objections to Plaintiffs’ First Set of Interrogatories.

4. Following a second meet and confer on May 7, 2014, Defendant produced an additional approximately 43 documents.

5. Like the Initial Responses, Defendant’s Supplemental Responses fail to adequately respond to Plaintiffs’ Interrogatories and Requests, and it does not appear that Defendant has yet produced all responsive documents.

6. First, Defendant’s objections to Plaintiffs’ Requests for Production should be stricken and Defendant should be ordered to produce all documents responsive to the Requests. In his responses, Defendant is objecting to producing all documents from 1992 to the present as overbroad – even though such a time period is plainly relevant because, *inter alia*, the Partnerships were formed in approximately 1992 and immediately began attracting investors who may or may not have been solicited by Defendant (*see* **Exhibit B** at Responses 1 and 8). Additionally, Defendant is objecting to producing all documents related to monies that Defendant received related to the allegations in the Complaint on the basis that the information, *inter alia*, contains Defendant’s alleged private financial information, even though a protective order has already been entered in this action (*see* **Exhibit B** at Response 3). Defendant is also objecting based on his contention that responding to Plaintiffs’ requests would amount to “adopting” allegations in the Complaint (*see* **Exhibit B** at Responses 4 and 5, 10, 11, 15); that Plaintiffs are allegedly improperly presuming that Defendant Bienes knows the identity of partners of the Partnerships (*see* **Exhibit B** at Responses 9, 16, 17); and on an alleged ambiguity

on the identity of “Avellino & Bienes”, the firm under which Defendant Bienes pooled investor money for investment with Madoff (*see* **Exhibit B** at Responses 2).

7. Additionally, it is unclear if Defendant has produced all responsive documents because of Defendant’s current objections to the Requests. While Defendant Bienes has stated in numerous places in response to the Requests that he is not in possession of responsive documents, he has asserted multiple objections that make it unclear whether any responsive documents actually exist, and his conduct suggests that they do. For example, in response to Request No. 15, Defendant has asserted numerous improper objections and stated that “he is not in possession of any documents responsive to this request.” *See* **Exhibit C** at 15. However, on May 15, 2014, Defendant produced approximately 43 documents that “are responsive to request no. 15 in Plaintiffs’ First Request for Production of Documents to Michael Bienes.” *See* **Exhibit D**. Despite producing documents, Defendant has failed to revise his response to Request No. 15 and Plaintiffs have no idea if any further documents are being withheld from production in response to Request No. 15.

8. Defendant’s objections to Plaintiffs’ Requests for Production are only meant to delay Plaintiffs’ obtaining documents related to this action and it is appropriate to strike Defendant’s objections and to compel Defendant to produce all documents responsive to the Requests.

9. Second, Defendant’s answers to Plaintiffs’ Interrogatories are incomplete and Defendant should be ordered to provide better answers. For example, Defendant has only provided vague and ambiguous one sentence responses to Plaintiffs’ Interrogatories that seek information about the relationship between Defendant and various individuals who Defendant may or may not have advised to invest in the Partnerships. *See* **Exhibit C** at Response to

Interrogatories 8, 9, 10, and 27. Additionally, Defendant has unreasonably objected to the meaning of the word “undertakings” even though Plaintiffs’ have defined that term in the most inclusive manner and Defendant has provided no alternative definition (*see Exhibit B* at Response to Interrogatory No. 3) and Defendant has objected to providing any information about his relationship with P&S and/or S&P after 1992 on the grounds that an interrogatory seeking such information is vague and confusing, even though such information is required and clearly relevant to this action (*see Exhibit B* at Response to Interrogatory 4).

10. Florida Rule of Civil Procedure 1.380 provides that a party may seek to compel a party to provide discovery responses where a party fails to provide an answer. Failure to provide an answer includes incomplete or evasive answers. Fla. R. Civ. P. 1.380(a)(3). As discussed above, the Defendant’s answers to Plaintiffs’ discovery are incomplete and evasive. Accordingly, it is appropriate to compel the Defendant to produce all responsive documents and provide complete responses.

Certification of Good Faith and CLP 5.3

On April 18, 2014 and May 7, 2014, counsel for Defendant and for the Plaintiffs participated in a meet and confer in a good faith attempt to resolve the issues addressed in the instant Motion. During the April 18, 2014 meet and confer, Bienes agreed to supplement his Initial Responses. As addressed above, the Supplemental Responses remain inadequate and the filing of this motion to compel was necessary.

WHEREFORE the Conservator respectfully requests the entry of an Order: (i) compelling Defendant Bienes to produce all documents responsive to the Requests; (ii) compelling Defendant Bienes to provide Plaintiffs with better responses to Interrogatories 3, 4, 8, 9, 10, and 27; and (iii) for such other and further relief as this Court deems reasonable and just.

Dated: May 27, 2014

By: /s/ Leonard K. Samuels

Leonard K. Samuels
Florida Bar No. 501610
Etan Mark
Florida Bar No. 720852
Attorney 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
emark@bergersingerman.com

and

By: /s/ Thomas M. Messana

Thomas M. Messana, Esq.
Florida Bar No. 991422
Thomas G. Zeichman, Esq.
Florida Bar No. 99239
Attorneys for Plaintiffs
MESSANA, P.A.
401 East Las Olas Boulevard, Suite 1400
Ft. Lauderdale, FL 33301
Telephone: (954) 712-7400
Facsimile: (954) 712-7401
Email: tmessana@messana-law.com

Exhibit A
Email with Initial Responses

Thomas Zeichman

From: Jonathan Etra <jetra@broadandcassel.com>
Sent: Friday, April 11, 2014 4:53 PM
To: Steven D. Weber
Cc: Shane Martin
Subject: FW: SERVICE OF COURT DOCUMENT - CASE NUMBER CACE 12-034123 (07)
Attachments: Notice of Service.pdf; Response to Request for Production.pdf; Verified Answers and Objections to First Request for Production.pdf

Steve,

We don't have any responsive documents.

Jonathan Etra
Tel: 305.373.9447
Fax: 305.995.6403
Cell: 305.318.3396
jetra@broadandcassel.com

From: Meylin Soza
Sent: Friday, April 11, 2014 4:46 PM
To: 'tmessana@messana-law.com'; 'lsamuels@bergersingerman.com'; 'emark@bergersingerman.com'; 'sweber@bergersingerman.com'; 'pgh@trippscott.com'; 'Debianchi236@bellsouth.net'; 'gwoodfield@haileshaw.com'; 'bpetroni@haileshaw.com'; 'eservice@haileshaw.com'; 'mtriggs@proskauer.com'; 'athomson@proskauer.com'; 'florida.litigation@proskauer.com'; 'bobhunt@huntgross.com'; 'dklinsgberger@huntgross.com'; 'eService@huntgross.com'; 'Sharon@huntgross.com'
Cc: Jonathan Etra; Shane Martin; Marietta Sanchez
Subject: SERVICE OF COURT DOCUMENT - CASE NUMBER CACE 12-034123 (07)

Court:	In the Circuit Court for the 17 th Judicial Circuit, in and for Broward County, Florida
Case No.:	CACE 12-034123 (07)
Plaintiffs:	P&S Associates, General Partnership, et. al.
Defendants:	Michael D. Sullivan, et. al.
Documents being Served	Notice of Service of Michael Bienes's Verified Answers and Objections to Plaintiffs; First Set of Interrogatories, Michael Bienes's Verified Answers and Objections to Plaintiffs' First Set of Interrogatories, Defendant Michael Bienes's Response to Plaintiffs' First Request for Production of Documents
Sender's Name:	Jonathan Etra
Sender's Email:	jetra@broadandcassel.com
Sender's Phone No.:	305-373-9447

HOME

VCARD

Meylin Soza



LEGAL SECRETARY
2 SOUTH BISCAYNE BLVD.
21ST FLOOR
MIAMI, FL 33131
TELEPHONE: 305.373.9400
FACSIMILE: 305.373.9443
DIRECT LINE: (305) 373-9485
DIRECT FACSIMILE:
E-MAIL: MSoza@BROADANDCASSEL.COM

www.broadandcassel.com

Pursuant to federal regulations imposed on practitioners who render tax advice ("Circular 230"), we are required to advise you that any tax advice contained herein is not intended or written to be used for the purpose of avoiding tax penalties that may be imposed by the Internal Revenue Service. If this advice is or is intended to be used or referred to in promoting, marketing or recommending a partnership or other entity, investment plan or arrangement, the regulations under Circular 230 require that we advise you as follows: (1) this writing is not intended or written to be used, and it cannot be used, for the purpose of avoiding tax penalties that may be imposed on a taxpayer; (2) the advice was written to support the promotion or marketing of the transaction(s) or matter(s) addressed by the written advice; and (3) the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS ATTORNEY PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. ANY ATTACHMENTS TO THIS TRANSMISSION ARE FOR THE SOLE PURPOSE OF CONVEYING THE DIRECT WRITTEN AND COMMONLY VISIBLE COMMUNICATION CONTAINED THEREIN. NO TRANSMISSION OF UNDERLYING CODE OR METADATA IS INTENDED. USE OF ANY ATTACHMENT FOR ANY PURPOSE OTHER THAN RECEIPT OF THE DIRECT WRITTEN COMMUNICATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY AND RETURN THE ORIGINAL MESSAGE TO THE SENDER. THANK YOU.

IN THE CIRCUIT COURT FOR THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. CACE 12-034123 (07)

P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; and S&P
ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; PHILIP VON KAHLE as Conservator
of P&S ASSOCIATES,
GENERAL PARTNERSHIP, a
Florida limited partnership; and
S&P ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership,

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, an
individual, STEVEN JACOB, an
individual, MICHAEL D.
SULLIVAN & ASSOCIATES, INC.,
a Florida corporation, STEVEN F. JACOB,
CPA & ASSOCIATES, INC., a Florida
corporation, FRANK AVELLINO,
an individual, MICHAEL BIENES,
an individual, KELKO FOUNDATION,
INC., a Florida Non Profit Corporation,
and VINCENT T. KELLY, an individual,

Defendants.

**DEFENDANT MICHAEL BIENES' RESPONSE TO
PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant, MICHAEL BIENES ("Bienes"), hereby responds and objects to Plaintiffs'

First Request for Production of Documents (the "First Request"), stating:

BROAD and CASSEL

One Biscayne Tower, 21st Floor 2 South Biscayne Blvd. Miami, Florida 33131-1811 305.373.9400

GENERAL OBJECTIONS

1. These responses are made solely in relation to this action and are being offered only for the purpose of responding to the First Request.

2. Bienes objects to Plaintiffs' Instructions on the grounds that they are overbroad, unduly burdensome, and impose discovery obligations greater than permitted under Fla. R. Civ. P. 1.350.

3. Bienes objects to Plaintiffs' Definitions on the grounds that they are vague and ambiguous, overbroad, unduly burdensome, and impose discovery obligations greater than permitted under Fla. R. Civ. P. 1.350.

4. Bienes objects to the time frame specified for the First Interrogatories—January 1, 1992—on the grounds that it is overbroad and unduly burdensome in its scope.

5. Bienes objects to the Request insofar as it purports to require him produce or disclose privileged communications or attorney work product, on the ground that such a requirement is impermissible under the Florida Rules of Civil Procedure. In accordance with Rule 1.280(5), Bienes will produce a separate log of privileged information or communications or attorney work product being withheld from production, if any. Any inadvertent production or disclosure of privileged communications or work product should not be construed as a waiver of the privilege or of the work product doctrine which applies to such inadvertently produced documents or information.

6. Bienes objects to the First Request insofar as it purports to require him to produce or disclose information that is not relevant, and is not likely or reasonably calculated to lead to the discovery of admissible evidence.

7. Bienes objects to the First Request insofar as it purports to require him to produce or disclose information that equally ascertainable or available to Plaintiffs or is more readily available to Plaintiffs.

8. Bienes objects to the First Request insofar as it purports to require U.S. Bank to produce or disclose information that is a matter of public record.

9. Any objection or lack of objection to a particular request is not to be deemed an admission that Bienes has any information responsive to such request.

10. This response is made without prejudice to Bienes's right to supplement his production with any subsequently discovered documents or information responsive to the First Request.

11. This response is based on the best knowledge and information presently held by Bienes and is subject to correction, modification, or supplementation as and when additional responsive documents or information become known to Bienes.

12. Bienes incorporates his general objections into each specific response. Bienes reserves all other objections as to the admissibility, relevance, confidentiality, and materiality of any facts or information produced in response to the First Request.

DOCUMENTS REQUESTED

1. All documents exchanged between Defendant and S&P; P&S; Michael D. Sullivan; Steven Jacob; Michael D. Sullivan & Associates, Inc., a Florida Corporation; Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Gregg Powell; Kelco Foundation, Inc. a Florida Non Profit Corporation; Vincent T. Kelly; Vincent Barone; Edith Rosen; Sam Rosen; Premier Marketing Services, Inc., a Florida Corporation; Grosvenor Partners, Ltd.; Avellino Family Foundation, Inc.; Mayfair Ventures; Kenn Jordan Foundation; Elaine Ziffer; James & Valerie Bruce Judd; Roberta and Vania Alves; Janet A. Hooker Charitable Trust; Gilbert Kahn and Donald Kahan; Carone Family Trust; Carone Gallery, Inc. Pension Trust; Carone Marital Trust #1 UTD 1/26/00; Carone Marital Trust #2 UTD 1/26/00; Matthew D. Carone Revocable Trust; James A. Jordan Living Trust; Fernando Esteban; Margaret E.K.

Esteban; James A. Jordon; Marvin Seperson; and/or Scott Holloway; and any partner of P&S and/or S&P.

Response: Bienes objects to this request on the grounds that it is overbroad as to time and scope; the request seeks "all documents," without any limitation as to subject matter, from 1992 to the present. Subject to and without waiving the foregoing objection, Bienes is not in possession of any documents responsive to this request.

2. All documents exchanged between Avellino & Bienes and S&P; P&S; Michael D. Sullivan; Steven Jacob; Michael D. Sullivan & Associates, Inc., a Florida Corporation; Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Gregg Powell; Kelco Foundation, Inc. a Florida Non Profit Corporation; Vincent T. Kelly; Vincent Barone; Edith Rosen; Sam Rosen; Premier Marketing Services, Inc., a Florida Corporation; Grosvenor Partners, Ltd.; Avellino Family Foundation, Inc.; Mayfair Ventures; Kenn Jordan Foundation; Elaine Ziffer; and/or Scott Holloway; and any partner of P&S and/or S&P.

Response: Bienes objects to this request because the phrase "Avellino & Bienes" is vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Bienes further objects on the grounds that the request is overbroad as to time and scope; the request seeks "all documents," without any limitation as to subject matter, from 1992 to the present. Subject to and without waiving the foregoing objections, Bienes is not in possession of any documents responsive to this request.

3. All documents related to any payments, transfers of funds, and/or compensation that You received from Avellino & Bienes; S&P; P&S; Michael D. Sullivan; Steven Jacob; Michael D. Sullivan & Associates, Inc., a Florida Corporation; Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Gregg Powell; Sullivan & Powell; Kelco Foundation, Inc. a Florida Non Profit Corporation; Vincent T. Kelly; Vincent Barone; Edith Rosen; Sam Rosen; Premier Marketing Services, Inc., a Florida Corporation, Scott Holloway; and/or any partner of P&S and/or S&P.

Response: Bienes objects to this request on the grounds that it is overbroad in that it requests "any payments, transfers of funds, and or compensation" regardless of source or purpose, seeks information that is irrelevant and not likely to lead to the discovery of admissible evidence, and seeks Bienes's private financial information which is protected from disclosure by Florida's Constitution absent a showing of relevance and compelling need. Subject to and without waiving the foregoing objections, Bienes is not in possession of documents responsive to this request.

4. All documents that refer to or reflect the transactions and/or events alleged in the Amended Complaint in this action.

Response: Bienes objects to this request on the grounds that it impermissibly calls for Bienes to adopt, by implication, Plaintiffs' allegations regarding the matters at issue in the Amended Complaint, and therefore, seeks to place an obligation on Bienes that exceeds those

permitted by the applicable Florida Rules of Civil Procedure. Subject to and without waiving the foregoing objections, Bienes is not in possession of any documents responsive to this request.

5. All documents that reflect Your receipt of any of the Kickbacks alleged in the Amended Complaint in this action.

Response: Bienes objects to this request on the grounds that it impermissibly calls for Bienes to adopt, by implication, Plaintiffs' allegations regarding the matters at issue in the Amended Complaint, and therefore, seeks to place an obligation on Bienes that exceeds those permitted by the applicable Florida Rules of Civil Procedure. Subject to and without waiving any of the foregoing objections, Bienes is not in possession of any documents responsive to this request.

6. Unless such documents have been produced in response to a previous request, all documents concerning the factual basis for any affirmative defense that You will assert in this action.

Response: Bienes objects to this request on the grounds that it is premature given that a motion to dismiss the Amended Complaint is pending and discovery in this case is ongoing.

7. All documents related to Avellino & Bienes' involvement with S&P and/or P&S, and/or the involvement of any partners in P&S and/or S&P with Avellino & Bienes.

Response: Bienes objects to this request because the phrase "Avellino & Bienes" as vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Subject to and without waiving the foregoing objections, Bienes is not in possession of any documents responsive to this request.

8. Any and all correspondence between You and any of current and/or former partner of P&S and/or S&P; including but not limited to any correspondence between You and any of the named Defendants in this action.

Response: Bienes objects to this request on the grounds that it is overbroad as to time and scope; the request seeks "any and all correspondence," without any limitation as to subject matter, from 1992 to the present. Subject to and without waiving the foregoing objections, Bienes is not in possession of any documents responsive to this request.

9. All communications made regarding investment advice and/or financial performance of S&P and P&S to partners of the P&S and/or S&P and/or potential investors in P&S and/or S&P.

Response: Bienes objects to this request on the grounds that it is vague and ambiguous in that it does not specify the sender or the recipient of the requested communications. To the extent this request seeks communications from Bienes, Bienes further objects to this request because it presumes, without basis, that Bienes had knowledge or now

knows the identity of the partners or potential investors of S&P/P&S, which he did and does not. Subject to and without waiving this objection, Bienes states that he is not in possession of any documents responsive to this request.

10. Any and all documents relating to your investment or decision to invest in P&S and/or S&P.

Response: Bienes objects to this request because it presumes Bienes, without basis, that invested in P&S/S&P and impermissibly calls for Bienes to adopt Plaintiffs' position with regard to certain allegations in the Amended Complaint, and therefore, seeks to place an obligation on Bienes that exceeds those permitted under the applicable Florida Rules of Civil Procedure. Subject to and without waiving the foregoing objections, Bienes states that he is not in possession of any documents responsive to this request.

11. Any and all documents and communications concerning the suitability of investment in P&S and/or S&P regardless of whether those persons or entities who received such communications or documents actually invested in S&P and/or P&S.

Response: Bienes objects to this request because it presumes, without basis, that Bienes was or is in possession of documents or communications concerning the suitability of investing in P&S and/or S&P and impermissibly calls for Bienes to adopt Plaintiffs' position with regard to certain allegations in the Amended Complaint, and therefore, seeks to place an obligation on Bienes that exceeds those permitted under the applicable Florida Rules of Procedure. Subject to and without waiving the foregoing objections, Bienes is not in possession of any documents responsive to this request.

12. Any and all documents relating to communications between You and/or Avellino & Bienes and any entity whose name includes the term "Holy Ghost."

Response: Bienes objects to this request because the phrase "Avellino & Bienes" is vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Subject to and without waiving the foregoing objection, Bienes is not in possession of any documents responsive to this request.

13. Any documents which evidence or relate to any transfers made to any entity in which you hold an interest, and any subsequent transfers thereafter which relate to P&S and/or S&P.

Response: Bienes objects to this request on the grounds that it is vague and ambiguous, overbroad, unduly burdensome, and seeks information that is irrelevant and not likely to lead to the discovery of admissible evidence. The request seeks documents relating to "any transfers" to "any entity" in which Bienes holds an interest, without any specification as to the source of the transfers or the subject matter to which the transfers should relate. This sort of request is the very definition of overbroad and unduly burdensome. Further, the ambiguous nature of the request leaves Bienes in doubt as to the types of transfers about which Plaintiff is

requesting documents. Moreover, to the extent this request seeks any transfers to an entity in which Bienes holds an interest, regardless of the source of such transfer, this request is patently overbroad and unduly burdensome, and can only have been propounded in order to harass and annoy Bienes.

14. Any and all documents and correspondence concerning You and the Securities and Exchange Commission, the Florida Office of Financial Regulation, and any other Governmental Regulatory Agency, including but not limited to any internal memorandum concerning compliance with regulations promulgated by such entities.

Response: Bienes objects to this request on the ground that it is overbroad, unduly burdensome, seeks information which is publicly available, and seeks information that is protected from disclosure by the attorney-client privilege or work product doctrine.

15. All documents evidencing or referencing that You, Avellino, or Avellino & Bienes were active in the management of the Partnerships.

Response: Bienes objects to this request because the phrase "Avellino & Bienes" is vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Bienes further objects to this request on the grounds and to the extent that it presumes, without basis, that Bienes was active in the management of the Partnerships and impermissibly calls for Bienes to adopt Plaintiffs' position as to the allegations of the Amended Complaint, and therefore, seeks to place a burden on Bienes that exceeds those permitted by the applicable Florida Rules of Civil Procedure. Subject to and without waiving the foregoing objections, Bienes states that he is not in possession of any documents responsive to this request.

16. All documents that relate to any contact with, or communications between You and/or Avellino & Bienes and any partners of P&S and/or S&P.

Response: Bienes objects to this request because the phrase "Avellino & Bienes" is vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Bienes further objects to this request on the grounds and to the extent that it presumes, without basis, that (a) Bienes knew or now knows the identity of the partners of P&S/S&P, or that (b) Bienes had contact or communications with partners of P&S and/or S&P. Subject to and without waiving the foregoing objections, Bienes states that he is not in possession of any documents responsive to this request.

17. All documents that relate to any contact with, or communications between you and/or Avellino & Bienes and any partners of P&S and/or S&P.

Response: Bienes objects to this request because the phrase "Avellino & Bienes" is vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Bienes further objects to this request on the grounds and to the extent that it presumes (a) Bienes knew or now knows the identity of the partners of P&S/S&P, or that (b) Bienes had contact or communications with partners of P&S and/or S&P. Subject to and without

waiving the foregoing objections, Bienes states that he is not in possession of any documents responsive to this request.

/s/ Jonathan Etra
Mark F. Raymond (373397)
mraymond@broadandcassel.com
ssmith@broadandcassel.com
Jonathan Etra (686905)
jetra@broadandcassel.com
msoza@broadandcassel.com
Shane P. Martin (056306)
smartin@broadandcassel.com
msanchez@broadandcassel.com
BROAD AND CASSEL
One Biscayne Tower, 21st Floor
2 South Biscayne Boulevard
Miami, Florida 33131
Telephone: 305.373.9400
Facsimile: 305.373.9443
Counsel for Defendant, Michael Bienes

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 11, 2014, this notice and the aforementioned interrogatories were served via E-mail to: Thomas E. Messina, Esq., Messina, P.A., 401 East Las Olas Boulevard, Suite 1400, Ft. Lauderdale, FL 33301 (tmessana@messana-law.com); Leonard K. Samuels, Esq., Etan Mar, Esq., Steven D. Weber, Esq., Berger Singerman LLP, 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, FL 33301 (lsamuels@bergersingerman.com, emark@bergersingerman.com, sweber@bergersingerman.com); Peter G. Herman, Esq., Tripp Scott, 110 S.E. 6th Street, 15th Floor, Ft. Lauderdale, FL 33301 (pgh@trippscott.com); Paul V. DeBianchi, Esq., Paul V. DeBianchi, P.A., 111 S.E. 12th Street, Ft. Lauderdale, FL 33316 (Debianchi236@bellsouth.net); Gary A. Woodfield, Esq., Haile, Shaw & Pfaffenberger, P.A., 660 U.S. Highway One, Third Floor, North Palm Beach, FL 33408 (gwoodfield@haileshaw.com, bpetroni@haileshaw.com, eservice@haileshaw.com); and via Regular U.S. Mail to: Michael D. Sullivan & Associates, Inc., 6550 N. Federal Highway, Suite 210, Ft. Lauderdale, FL 33308; Michael Sullivan, 2590 N.E. 41st Street, Ft. Lauderdale, FL 33308; and Frank Avellino, 223 Coral Lane, Palm Beach, FL 33480; Matthew Triggs, Esq., Andrew Thomson, Esq. Proskauer Rose LLP, 2255 Glades Road, Suite 421 Atrium, Boca Raton, FL 33431 (mtriggs@proskauer.com, athomson@proskauer.com, florida.litigation@proskauer.com); Robert J. Hunt, Esq., Debra D. Klingsberg, Esq., Hunt & Gross, P.A., 185 Spanish River Boulevard, Suite 220, Boca Raton, FL 33431 (bobhunt@huntgross.com, dklingsberger@huntgross.com, eService@huntgross.com, Sharon@huntgross.com).

/s/ Jonathan Etra

Jonathan Etra

IN THE CIRCUIT COURT FOR THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. CACE 12-034123 (07)

P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; and S&P
ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; PHILIP VON KAHLE as Conservator
of P&S ASSOCIATES,
GENERAL PARTNERSHIP, a
Florida limited partnership; and
S&P ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership,

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, an
individual, STEVEN JACOB, an
individual, MICHAEL D.
SULLIVAN & ASSOCIATES, INC.,
a Florida corporation, STEVEN F. JACOB,
CPA & ASSOCIATES, INC., a Florida
corporation, FRANK AVELLINO,
an individual, MICHAEL BIENES,
an individual, KELKO FOUNDATION,
INC., a Florida Non Profit Corporation,
and VINCENT T. KELLY, an individual,

Defendants.

**MICHAEL BIENES' VERIFIED ANSWERS
AND OBJECTIONS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Defendant MICHAEL BIENES ("Bienes"), pursuant to Rule 1.340, Florida Rules of
Civil Procedure, answers and objects to the First Set of Interrogatories ("First Interrogatories")

BROAD and CASSEL

One Biscayne Tower, 21st Floor 2 South Biscayne Blvd. Miami, Florida 33131-1811 305.373.9400

served by Plaintiffs, stating:

GENERAL OBJECTIONS APPLICABLE TO ALL INTERROGATORIES

1. These answers and objections are made solely in relation to this action and are being offered only for the purpose of responding to the First Interrogatories.

2. Bienes objects to Plaintiffs' definition of "Document" insofar as it is vague and ambiguous, overbroad, unduly burdensome, and imposes a discovery obligation greater than permitted under Fla. R. Civ. P. 1.340.

3. Bienes objects to Plaintiffs' definition of "Communicate" insofar as it is vague and ambiguous, overbroad, unduly burdensome, and imposes a discovery obligation greater than permitted under Fla. R. Civ. P. 1.340.

4. Bienes objects to Plaintiffs' Instructions on the grounds that they are vague and ambiguous, overbroad, unduly burdensome, and impose a discovery obligation greater than permitted under Fla. R. Civ. P. 1.340.

5. Bienes objects to the time frame specified for the First Interrogatories—January 1, 1992—on the grounds that it is overbroad and unduly burdensome in its scope.

6. Bienes objects to the First Interrogatories insofar as they purport to require Bienes to produce or disclose privileged communications or attorney work-product on the ground that such a requirement is impermissible under the Florida Rules of Civil Procedure. Any inadvertent disclosure of privileged communications or work product should not be construed as a waiver of the attorney-client privilege or of the work product doctrine to the extent either the privilege or the work product doctrine applies to such inadvertently disclosed information.

7. Bienes objects to the First Interrogatories insofar as they purport to require Bienes to produce or disclose information that is not relevant, or is not likely or reasonably calculated to lead to the discovery of admissible evidence.

8. Bienes objects to the First Interrogatories insofar as they purport to require Bienes to produce or disclose information that is equally ascertainable or available to Plaintiffs or that is more readily available to Plaintiffs.

9. Bienes objects to the First Interrogatories insofar as they purport to require Bienes to produce or disclose information that is a matter of public record.

10. Any objection or lack of objection to a particular interrogatory is not to be deemed an admission that Bienes has any information responsive to such interrogatory.

11. These answers are made without prejudice to Bienes' right to supplement his response with any subsequently discovered facts or information responsive to the First Interrogatories.

12. These answers are based on the best knowledge and information presently held by Bienes and is subject to correction, modification, or supplementation as and when additional facts or information become known by Bienes.

13. Bienes incorporates his general objections into each specific answer. Bienes reserves all other objections as to the admissibility, relevance, confidentiality, and materiality of any facts or information produced in response to the Interrogatories.

ANSWERS TO INTERROGATORIES

Interrogatory No. 1: Please identify the name and address of each person assisting in the drafting of answers to these interrogatories, and for each person, state his/her position and relationship to Defendant.

Response: The party answering these interrogatories is Michael Bienes, c/o the undersigned counsel. Bienes was assisted as to objections by the undersigned counsel.

Interrogatory No. 2: Please identify the names and addresses of all persons who are believed or known by Defendant or his attorneys to possess any knowledge of any facts described in the Amended Complaint and/or in any pleadings related to this action filed with the Court, including the specific matters of which each such person has knowledge.

Response: Michael Bienes
c/o Jonathan Etra
Broad and Cassel
2 S. Biscayne Blvd., 21st Floor
Miami, Florida 33131

Mr. Bienes has knowledge that he did not participate in the formation of, management of, or any other involvement with S&P/P&S, and knowledge of charitable distributions.

Frank Avellino
c/o Gary Woodfield, Esq.,
Haile, Shaw & Pfaffenberger, P.A.
660 U.S. Highway One, Third Floor
North Palm Beach, FL 33480

Mr. Avellino is believed to have knowledge that Bienes did not participate in the formation of, management of, or any other involvement with S&P/P&S, and knowledge of charitable distributions.

Michael Sullivan
2590 N.E. 41st Street
Fort Lauderdale, FL 33308

Mr. Sullivan is believed to have knowledge regarding S&P/P&S and the payment of charitable distributions.

Interrogatory No. 3: Please describe the nature of your relationship with Sullivan, including but not limited to all business and personal undertakings prior to 1992.

Response: Bienes objects to this interrogatory on the grounds that it is vague and

ambiguous, in particular, with respect to the word "undertakings." The term "undertakings" is capable of one or more of several meanings, leaving Bienes in doubt as to what Plaintiffs intend to ask him. Subject to and without waiving the foregoing objections, Bienes states that he had no relationship with Sullivan and knew him only by reputation.

Interrogatory No. 4: Please describe the nature of Your relationship with S&P and/or P&S including but not limited to circumstances prior to 1992 leading up to the creation of S&P and P&S; management of S&P and P&S; and the frequency You interacted with the operations of S&P and P&S.

Response: Bienes objects to this interrogatory on the ground that it is compound and confusing. Subject to and without waiving the foregoing objections, Bienes states that he had no relationship with P&S or S&P prior to 1992.

Interrogatory No. 5: Please describe the relationship between you and 56 Arlington House, LLC, including any relationship by and through Avellino & Bienes.

Response: Bienes objects to the phrase "by and through Avellino & Bienes" as vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Subject to and without waiving the foregoing objections, Bienes states that the specified entity was created for the limited purpose of holding an apartment located in London, England.

Interrogatory No. 6: Please describe the relationship between you and Grosvenor Partners, Ltd. including any relationship by and through Avellino & Bienes.

Response: Bienes objects to the phrase "by and through Avellino & Bienes" as vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Subject to and without waiving the foregoing objections, Bienes states that he was a partner in Grosvenor Partners, Ltd., but performed no operations or management functions.

Interrogatory No. 7: Please describe the relationship between you and Mayfair Ventures, including any relationship by and through Avellino & Bienes.

Response: Bienes objects to the phrase "by and through Avellino & Bienes" as vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Subject to and without waiving the foregoing objections, Bienes states that he was a partner in the Mayfair Ventures, but performed no operations or management functions.

Interrogatory No. 8: Please describe the relationship between you, and Paragon Ventures, and/or Donald Kahan including any relationship by and through Avellino & Bienes.

Response: Bienes objects to the phrase "by and through Avellino & Bienes" as vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Subject to and without waiving the foregoing objections, Bienes states that he is not

familiar with an entity called "Paragon Ventures." As to Mr. Kahan, Bienes believes he was an acquaintance.

Interrogatory No. 9: Please describe the relationship between you and the Kenn Jordan Foundation, Inc., including any relationship by and through Avellino & Bienes.

Response: Bienes objects to the phrase "by and through Avellino & Bienes" as vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Subject to and without waiving the foregoing objections, Bienes states that he had no relationship with the Kenn Jordan Foundation, Inc.

Interrogatory No. 10: Please describe the relationship between you and Elaine Ziffer, including any relationship by and through Avellino & Bienes.

Response: Bienes objects to the phrase "by and through Avellino & Bienes" as vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Subject to and without waiving the foregoing objections, Bienes states that Ms. Ziffer was a former friend with whom he has lost touch.

Interrogatory No. 11: State all facts and/or circumstances under which Defendant received any transfers of funds, payments, and/or distributions from P&S and/or S&P.

Response: There were no such transfers, payments or distributions from P&S or S&P.

Interrogatory No. 12: State all facts and/or circumstances under which Defendant received any transfers of funds, payments, and/or distributions from Sullivan.

Response: Bienes received annual checks for charitable distributions starting in approximately 2004 or 2005.

Interrogatory No. 13: Please identify all persons and/or entities to whom assets of P&S and/or S&P were given and/or transferred for any purpose including, but not limited to, custodial possession and/or payment.

Response: Bienes has no knowledge of the persons or entities, if any, that received transfers from P&S/S&P.

Interrogatory No. 14: Describe the relationship between and among Defendant and P&S and/or S&P; Michael D. Sullivan; Steven Jacob; Sullivan & Powell Solutions in Tax; Guardian Angel Trust, LLC; Michael D. Sullivan & Associates, Inc.; Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Kelco Foundation, Inc.; and/or Vincent T. Kelly.

Response: Bienes had no relationship with P&S or S&P. Bienes had no personal relationship with Sullivan, but was instead acquainted with him through business. Mr. Kelly was Bienes's pastor and personal friend. Mr. Avellino was a former business partner of Bienes.

Bienes had no relationship with the other persons or entities mentioned in this interrogatory.

Interrogatory No. 15: Identify all communications between and among Defendant and P&S and/or S&P; Michael D. Sullivan; Steven Jacob; Sullivan & Powell Solutions in Tax; Guardian Angel Trust, LLC; Michael D. Sullivan & Associates, Inc.; Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Kelco Foundation, Inc.; and/or Vincent T. Kelly. For each communication identified, state all facts and/or circumstances surrounding the communication.

Response: Bienes objects to this interrogatory on the grounds that it is overbroad and unduly burdensome. It is unreasonable to expect Bienes to remember conversations with parties, if any, dating back more than 22 years. Subject to and without waving the foregoing objections, Bienes had occasional social contacts with Mr. Kelly and occasional telephone calls with Mr. Avellino relating to business. Bienes had no contacts with the other persons or entities mentioned in this interrogatory.

Interrogatory No. 16: Please identify practices concerning communications of any kind made to partners of S&P and/or P&S regarding partnership distributions at any time prior to the filing of the Amended Complaint.

Response: There were no such communications.

Interrogatory No. 17: Please identify all persons who maintained, or were in possession of, books and records, accounting records, ledgers, disbursement records or other business records of P&S and/or S&P, and your basis for such knowledge.

Response: Bienes has no knowledge whatsoever as to who maintained or was in possession of the books and records of P&S and/or S&P.

Interrogatory No. 18: Please identify all management fees paid to Avellino & Bienes, You, or any entities You control, or to be paid on your behalf to any unrelated entities including the applicable rates, work performed and accounting thereof.

Response: Bienes objects to the phrase "Avellino & Bienes" as vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Bienes further objects to the interrogatory on the grounds that it is overbroad and unduly burdensome to the extent it seeks information about management fees relative to an entity other than Plaintiffs, and therefore impermissibly seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. To the extent this interrogatory seeks information regarding management fees paid by Plaintiffs to Bienes, there were none.

Interrogatory No. 19: Identify any accounting and/or investment advice given and/or received by you concerning investment in P&S and/or P&S.

Response: There was no such advice.

Interrogatory No. 20: Identify the names and addresses of all entities in which you or one of your relatives hold a controlling interest. For each entity listed, please list the relationship you have with such entities and any transfers those entities received from P&S and/or S&P.

Response: Bienes objects to this interrogatory on the grounds that it is vague and ambiguous, unduly burdensome, seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and is propounded solely to harass and annoy Bienes. Bienes cannot possibly be expected to know or be asked to testify regarding what entities his relatives may have a controlling interest in, if any. Further, what entities Bienes's relatives own or have a controlling interest in, if any, cannot possibly be relevant to this lawsuit. Subject to and without waiving the foregoing objections, Bienes is not aware of any entity that received transfers of money from P&S and/or S&P.

Interrogatory No. 21: Please identify all factors which led to and were considered as part of your decision to move and locate your business in South Florida, and in the office next to S&P and P&S's offices.

Response: Bienes objects to this interrogatory on the grounds that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The reasons for Bienes's decision whether to move his business to South Florida was made many years ago and for reasons personal to Bienes which entirely unrelated to any matter relevant to or that would have any bearing on this lawsuit. This interrogatory impermissibly violates Bienes's reasonable expectation of privacy as to irrelevant personal matters.

Interrogatory No. 22: Identify the date and nature of any inquiries or investigations concerning P&S and or S&P, and their financial stability.

Response: There were no such inquiries or investigations, to Bienes's knowledge, as he was not part of P&S or S&P.

Interrogatory No. 23: Why do you believe that you or any entities you controlled received the payments described in the Amended Complaint as "Kickbacks."

Response: Bienes objects to this interrogatory on the ground that it impermissibly calls for Bienes to adopt Plaintiffs' position regarding the matters asserted in its Amended Complaint. Bienes further objects to the use of the term "Kickbacks" on the grounds that Bienes does not know what is meant by that term.

Interrogatory No. 24: Please state the names of all persons who had knowledge of the payments that you received from Plaintiffs, and the facts and circumstances which led to their knowledge of such payments.

Response: Bienes received no payments from Plaintiffs; any payments made to Bienes

as charitable distributions were made by Sullivan. To Bienes's knowledge, no one aside from himself and Sullivan has knowledge regarding those payments.

Interrogatory No. 25: Please state the names and contact information of all partners of P&S and S&P which you communicated with.

Response: Bienes did not and does not know who the partners of P&S and S&P were or are, and therefore, Bienes had no communications with them.

Interrogatory No. 26: Please state the date and nature of all transfers of money to you or any entities that you control from P&S and/or S&P.

Response: There were no such transfers.

Interrogatory No. 27: Please describe the relationship between you, and James and Valerie Judd, including any relationship by and through Avellino & Bienes.

Response: Bienes objects to the phrase "Avellino & Bienes" as vague, ambiguous, and unintelligible. The term is not defined and Bienes cannot be certain as to its meaning. Subject to and without waiving the foregoing objections, Bienes states that the Judds were former friends and associates.

As to objections:

/s/ Jonathan Etra
Mark F. Raymond (373397)
mraymond@broadandcassel.com
ssmith@broadandcassel.com
Jonathan Etra (686905)
jetra@broadandcassel.com
msoza@broadandcassel.com
Shane P. Martin (056306)
smartin@broadandcassel.com
msanchez@broadandcassel.com
BROAD AND CASSEL
One Biscayne Tower, 21st Floor
2 South Biscayne Boulevard
Miami, Florida 33131
Telephone: 305.373.9400
Facsimile: 305.373.9443
Counsel for Defendant, Michael Bienes

VERIFICATION PAGE

Michael Bienes
MICHAEL BIENES

STATE OF Florida)
COUNTY OF Broward)SS

The foregoing instrument was sworn to and acknowledged before me this 9th day of April, 2014, by MICHAEL BIENES, who is ✓ personally known to me, or who has produced _____ as identification, after being first duly sworn, deposes and says that he has read the foregoing answers to interrogatories and the same are true and correct and he signed his name thereto for the purposes therein expressed.

(SEAL)

Mary A. Fischer
Notary Public, State of Florida
Print Name: Mary A. Fischer
My Commission expires: _____

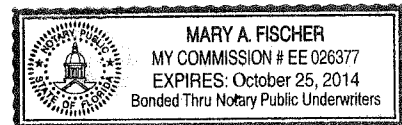


Exhibit B
Defendant's Supplemental Response to
Plaintiffs' First Request for Production of Documents

IN THE CIRCUIT COURT FOR THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. CACE 12-034123 (07)

P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; and S&P
ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; PHILIP VON KAHLE as Conservator
of P&S ASSOCIATES,
GENERAL PARTNERSHIP, a
Florida limited partnership; and
S&P ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership,

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, an
individual, STEVEN JACOB, an
individual, MICHAEL D.
SULLIVAN & ASSOCIATES, INC.,
a Florida corporation, STEVEN F. JACOB,
CPA & ASSOCIATES, INC., a Florida
corporation, FRANK AVELLINO,
an individual, MICHAEL BIENES,
an individual, KELKO FOUNDATION,
INC., a Florida Non Profit Corporation,
and VINCENT T. KELLY, an individual,

Defendants.

**DEFENDANT MICHAEL BIENES'S SUPPLEMENTAL RESPONSE TO
PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant, MICHAEL BIENES ("Bienes"), hereby responds and objects to Plaintiffs'

First Request for Production of Documents (the "First Request"), stating:

BROAD and CASSEL

One Biscayne Tower, 21st Floor 2 South Biscayne Blvd. Miami, Florida 33131-1811 305.373.9400

GENERAL OBJECTIONS

1. These responses are made solely in relation to this action and are being offered only for the purpose of responding to the First Request.

2. Bienes objects to Plaintiffs' Instructions on the grounds that they are overbroad, unduly burdensome, and impose discovery obligations greater than permitted under Fla. R. Civ. P. 1.350.

3. Bienes objects to Plaintiffs' Definitions on the grounds that they are vague and ambiguous, overbroad, unduly burdensome, and impose discovery obligations greater than permitted under Fla. R. Civ. P. 1.350.

4. Bienes objects to the time frame specified for the First Interrogatories—January 1, 1992—on the grounds that it is overbroad and unduly burdensome in its scope.

5. Bienes objects to the Request insofar as it purports to require him produce or disclose privileged communications or attorney work product, on the ground that such a requirement is impermissible under the Florida Rules of Civil Procedure. In accordance with Rule 1.280(5), Bienes will produce a separate log of privileged information or communications or attorney work product being withheld from production, if any. Any inadvertent production or disclosure of privileged communications or work product should not be construed as a waiver of the privilege or of the work product doctrine which applies to such inadvertently produced documents or information.

6. Bienes objects to the First Request insofar as it purports to require him to produce or disclose information that is not relevant, and is not likely or reasonably calculated to lead to the discovery of admissible evidence.

7. Bienes objects to the First Request insofar as it purports to require him to produce or disclose information that equally ascertainable or available to Plaintiffs or is more readily available to Plaintiffs.

8. Bienes objects to the First Request insofar as it purports to require U.S. Bank to produce or disclose information that is a matter of public record.

9. Any objection or lack of objection to a particular request is not to be deemed an admission that Bienes has any information responsive to such request.

10. This response is made without prejudice to Bienes's right to supplement his production with any subsequently discovered documents or information responsive to the First Request.

11. This response is based on the best knowledge and information presently held by Bienes and is subject to correction, modification, or supplementation as and when additional responsive documents or information become known to Bienes.

12. Bienes reserves all other objections as to the admissibility, relevance, confidentiality, and materiality of any facts or information produced in response to the First Request. Currently, no documents or information is being withheld on the basis of the foregoing general objections.

DOCUMENTS REQUESTED

1. All documents exchanged between Defendant and S&P; P&S; Michael D. Sullivan; Steven Jacob; Michael D. Sullivan & Associates, Inc., a Florida Corporation; Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Gregg Powell; Kelco Foundation, Inc. a Florida Non Profit Corporation; Vincent T. Kelly; Vincent Barone; Edith Rosen; Sam Rosen; Premier Marketing Services, Inc., a Florida Corporation; Grosvenor Partners, Ltd.; Avellino Family Foundation, Inc.; Mayfair Ventures; Kenn Jordan Foundation; Elaine Ziffer; James & Valerie Bruce Judd; Roberta and Vania Alves; Janet A. Hooker Charitable Trust; Gilbert Kahn and Donald Kahan; Carone Family Trust; Carone Gallery, Inc. Pension

Trust; Carone Marital Trust #1 UTD 1/26/00; Carone Marital Trust #2 UTD 1/26/00; Matthew D. Carone Revocable Trust; James A. Jordan Living Trust; Fernando Esteban; Margaret E.K. Esteban; James A. Jordon; Marvin Seperson; and/or Scott Holloway; and any partner of P&S and/or S&P.

Response: Bienes objects to this request on the grounds that it is overbroad as to time and scope; the request seeks "all documents," without any limitation as to subject matter, from 1992 to the present. Bienes is not in possession of any documents responsive to this request.

2. All documents exchanged between Avellino & Bienes and S&P; P&S; Michael D. Sullivan; Steven Jacob; Michael D. Sullivan & Associates, Inc., a Florida Corporation; Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Gregg Powell; Kelco Foundation, Inc. a Florida Non Profit Corporation; Vincent T. Kelly; Vincent Barone; Edith Rosen; Sam Rosen; Premier Marketing Services, Inc., a Florida Corporation; Grosvenor Partners, Ltd.; Avellino Family Foundation, Inc.; Mayfair Ventures; Kenn Jordan Foundation; Elaine Ziffer; and/or Scott Holloway; and any partner of P&S and/or S&P.

Response: After having received clarification from Plaintiffs' counsel on Friday, April 18, 2014, that the term "Avellino & Bienes" refers to Bienes's and Avellino's accounting firm, which was terminated in 1983, Bienes withdraws his objections based on vagueness, ambiguity, and unintelligibility.¹ Bienes has recently discovered and will be producing one document responsive to this request.

3. All documents related to any payments, transfers of funds, and/or compensation that You received from Avellino & Bienes; S&P; P&S; Michael D. Sullivan; Steven Jacob; Michael D. Sullivan & Associates, Inc., a Florida Corporation; Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Gregg Powell; Sullivan & Powell; Kelco Foundation, Inc. a Florida Non Profit Corporation; Vincent T. Kelly; Vincent Barone; Edith Rosen; Sam Rosen; Premier Marketing Services, Inc., a Florida Corporation, Scott Holloway; and/or any partner of P&S and/or S&P.

Response: Bienes objects to this request on the grounds that it is overbroad in that it requests "any payments, transfers of funds, and or compensation" regardless of source or purpose, seeks information that is irrelevant and not likely to lead to the discovery of admissible evidence, and seeks Bienes's private financial information which is protected from disclosure by Florida's Constitution absent a showing of relevance and compelling need. Bienes recently discovered and will be producing one document responsive to this request.

4. All documents that refer to or reflect the transactions and/or events alleged in the Amended Complaint in this action.

Response: Bienes objects to this request on the grounds that it impermissibly calls for Bienes to adopt, by implication, Plaintiffs' allegations regarding the matters at issue in the

¹ This withdrawal applies globally in this amended response.

Amended Complaint, and therefore, seeks to place an obligation on Bienes that exceeds those permitted by the applicable Florida Rules of Civil Procedure. Bienes is not in possession of any documents responsive to this request.

5. All documents that reflect Your receipt of any of the Kickbacks alleged in the Amended Complaint in this action.

Response: Bienes objects to this request on the grounds that it impermissibly calls for Bienes to adopt, by implication, Plaintiffs' allegations regarding the matters at issue in the Amended Complaint, and therefore, seeks to place an obligation on Bienes that exceeds those permitted by the applicable Florida Rules of Civil Procedure. Bienes did not receive "kickbacks" and is not in possession of any documents responsive to this request to the extent it asks for information related to "kickbacks." Bienes has recently discovered and will be producing a single document relating to his receipt of a charitable contribution from Sullivan.

6. Unless such documents have been produced in response to a previous request, all documents concerning the factual basis for any affirmative defense that You will assert in this action.

Response: Bienes objects to this request on the grounds that it is premature given that a motion to dismiss the Amended Complaint is pending and discovery in this case is ongoing.

7. All documents related to Avellino & Bienes' involvement with S&P and/or P&S, and/or the involvement of any partners in P&S and/or S&P with Avellino & Bienes.

Response: Bienes is not in possession of any documents responsive to this request.

8. Any and all correspondence between You and any of current and/or former partner of P&S and/or S&P; including but not limited to any correspondence between You and any of the named Defendants in this action.

Response: Bienes objects to this request on the grounds that it is overbroad as to time and scope; the request seeks "any and all correspondence," without any limitation as to subject matter, from 1992 to the present. Bienes has recently discovered and will be producing a single document responsive to this request.

9. All communications made regarding investment advice and/or financial performance of S&P and P&S to partners of the P&S and/or S&P and/or potential investors in P&S and/or S&P.

Response: Bienes objects to this request on the grounds that it is vague and ambiguous in that it does not specify the sender or the recipient of the requested communications. To the extent this request seeks communications from Bienes, Bienes further objects to this request because it presumes, without basis, that Bienes had knowledge or now knows the identity of the partners or potential investors of S&P/P&S, which he did and does not.

Bienes states that he is not in possession of any documents responsive to this request.

10. Any and all documents relating to your investment or decision to invest in P&S and/or S&P.

Response: Bienes objects to this request because it presumes Bienes, without basis, that invested in P&S/S&P and impermissibly calls for Bienes to adopt Plaintiffs' position with regard to certain allegations in the Amended Complaint, and therefore, seeks to place an obligation on Bienes that exceeds those permitted under the applicable Florida Rules of Civil Procedure. Bienes states that he is not in possession of any documents responsive to this request.

11. Any and all documents and communications concerning the suitability of investment in P&S and/or S&P regardless of whether those persons or entities who received such communications or documents actually invested in S&P and/or P&S.

Response: Bienes objects to this request because it presumes, without basis, that Bienes was or is in possession of documents or communications concerning the suitability of investing in P&S and/or S&P and impermissibly calls for Bienes to adopt Plaintiffs' position with regard to certain allegations in the Amended Complaint, and therefore, seeks to place an obligation on Bienes that exceeds those permitted under the applicable Florida Rules of Procedure. Bienes is not in possession of any documents responsive to this request.

12. Any and all documents relating to communications between You and/or Avellino & Bienes and any entity whose name includes the term "Holy Ghost."

Response: Bienes is not in possession of any documents responsive to this request.

13. Any documents which evidence or relate to any transfers made to any entity in which you hold an interest, and any subsequent transfers thereafter which relate to P&S and/or S&P.

Response: After having received clarification from Plaintiffs' counsel on Friday, April 18, 2014, that this request relates only to transfers "which relate to P&S and/or S&P" that were allegedly made to Bienes or any entity he owned or controlled, Bienes withdraws his prior objections and states that he is not in possession of any documents responsive to this request.

14. Any and all documents and correspondence concerning You and the Securities and Exchange Commission, the Florida Office of Financial Regulation, and any other Governmental Regulatory Agency, including but not limited to any internal memorandum concerning compliance with regulations promulgated by such entities.

Response: Any non-privileged documents in Bienes's possession, custody, or control will be produced at a mutually agreeable place and time.

15. All documents evidencing or referencing that You, Avellino, or Avellino &

Bienes were active in the management of the Partnerships.

Response: Bienes objects to this request on the grounds and to the extent that it presumes, without basis, that Bienes was active in the management of the Partnerships and impermissibly calls for Bienes to adopt Plaintiffs' position as to the allegations of the Amended Complaint, and therefore, seeks to place a burden on Bienes that exceeds those permitted by the applicable Florida Rules of Civil Procedure. Bienes states that he is not in possession of any documents responsive to this request.

16. All documents that relate to any contact with, or communications between You and/or Avellino & Bienes and any partners of P&S and/or S&P.

Response: Bienes objects to this request on the grounds and to the extent that it presumes, without basis, that (a) Bienes knew or now knows the identity of the partners of P&S/S&P, or that (b) Bienes had contact or communications with partners of P&S and/or S&P. Bienes states that he is not in possession of any documents responsive to this request.

17. All documents that relate to any contact with, or communications between you and/or Avellino & Bienes and any partners of P&S and/or S&P.

Response: Bienes objects to this request on the grounds and to the extent that it presumes (a) Bienes knew or now knows the identity of the partners of P&S/S&P, or that (b) Bienes had contact or communications with partners of P&S and/or S&P. Bienes states that he is not in possession of any documents responsive to this request.

/s/ Jonathan Etra

Mark F. Raymond (373397)
mraymond@broadandcassel.com

ssmith@broadandcassel.com

Jonathan Etra (686905)

jetra@broadandcassel.com

msoza@broadandcassel.com

Shane P. Martin (056306)

smartin@broadandcassel.com

msanchez@broadandcassel.com

BROAD AND CASSEL

One Biscayne Tower, 21st Floor

2 South Biscayne Boulevard

Miami, Florida 33131

Telephone: 305.373.9400

Facsimile: 305.373.9443

Counsel for Defendant, Michael Bienes

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 21, 2014, this notice and the aforementioned interrogatories were served via E-mail to: Thomas E. Messina, Esq., Messina, P.A., 401 East Las Olas Boulevard, Suite 1400, Ft. Lauderdale, FL 33301 (tmessana@messana-law.com); Leonard K. Samuels, Esq., Etan Mar, Esq., Steven D. Weber, Esq., Berger Singerman LLP, 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, FL 33301 (lsamuels@bergersingerman.com, emark@bergersingerman.com, sweber@bergersingerman.com); Peter G. Herman, Esq., Tripp Scott, 110 S.E. 6th Street, 15th Floor, Ft. Lauderdale, FL 33301 (pgh@trippscott.com); Paul V. DeBianchi, Esq., Paul V. DeBianchi, P.A., 111 S.E. 12th Street, Ft. Lauderdale, FL 33316 (Debianchi236@bellsouth.net); Gary A. Woodfield, Esq., Haile, Shaw & Pfaffenberger, P.A., 660 U.S. Highway One, Third Floor, North Palm Beach, FL 33408 (gwoodfield@haileshaw.com, bpetroni@haileshaw.com, eservice@haileshaw.com); and via Regular U.S. Mail to: Michael D. Sullivan & Associates, Inc., 6550 N. Federal Highway, Suite 210, Ft. Lauderdale, FL 33308; Michael Sullivan, 2590 N.E. 41st Street, Ft. Lauderdale, FL 33308; and Frank Avellino, 223 Coral Lane, Palm Beach, FL 33480; Matthew Triggs, Esq., Andrew Thomson, Esq. Proskauer Rose LLP, 2255 Glades Road, Suite 421 Atrium, Boca Raton, FL 33431 (mtriggs@proskauer.com, athomson@proskauer.com, florida.litigation@proskauer.com); Robert J. Hunt, Esq., Debra D. Klingsberg, Esq., Hunt & Gross, P.A., 185 Spanish River Boulevard, Suite 220, Boca Raton, FL 33431 (bobhunt@huntgross.com, dklingsberger@huntgross.com, eService@huntgross.com, Sharon@huntgross.com).

/s/ Jonathan Etra

Jonathan Etra

Michael D. Sullivan & Associates, Inc.

Port Royale Financial Center, Suite 210
6550 North Federal Highway
Fort Lauderdale, FL 33308

Michael D. Sullivan

Telephone 954-492-0088
Fax 954-938-0069

Susan H. Moss, E.A.

e-mail: Gop9401@aol.com

March 9, 2004

Michael & Diane Bienes
141 Bay Colony Dr.
Ft. Lauderdale, FL 33308

Dear Michael & Diane:

Please find enclosed a check made payable to 56 Arlington House, LLC.

I want to take this time to thank both you and Diane for your kindness and generosity throughout the years. What makes both of you so special is your generosity in sharing your blessings with all of God's people.

May the Lord continue to richly bless your lives.

Best Regards,


Michael

MB000001

Exhibit C
Defendant's Supplemental Answers and Objections to
Plaintiffs' First Set of Interrogatories

IN THE CIRCUIT COURT FOR THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

COMPLEX LITIGATION UNIT

CASE NO. CACE 12-034123 (07)

P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; and S&P
ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; PHILIP VON KAHLE as Conservator
of P&S ASSOCIATES,
GENERAL PARTNERSHIP, a
Florida limited partnership; and
S&P ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership,

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, an
individual, STEVEN JACOB, an
individual, MICHAEL D.
SULLIVAN & ASSOCIATES, INC.,
a Florida corporation, STEVEN F. JACOB,
CPA & ASSOCIATES, INC., a Florida
corporation, FRANK AVELLINO,
an individual, MICHAEL BIENES,
an individual, KELKO FOUNDATION,
INC., a Florida Non Profit Corporation,
and VINCENT T. KELLY, an individual,

Defendants.

**MICHAEL BIENES'S SUPPLEMENTAL ANSWERS
AND OBJECTIONS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Defendant MICHAEL BIENES ("Bienes"), pursuant to Rule 1.340, Florida Rules of
Civil Procedure, answers and objects to the First Set of Interrogatories ("First Interrogatories")

BROAD and CASSEL

One Biscayne Tower, 21st Floor 2 South Biscayne Blvd. Miami, Florida 33131-1811 305.373.9400

served by Plaintiffs, stating:

GENERAL OBJECTIONS APPLICABLE TO ALL INTERROGATORIES

1. These answers and objections are made solely in relation to this action and are being offered only for the purpose of responding to the First Interrogatories.

2. Bienes objects to Plaintiffs' definition of "Document" insofar as it is vague and ambiguous, overbroad, unduly burdensome, and imposes a discovery obligation greater than permitted under Fla. R. Civ. P. 1.340.

3. Bienes objects to Plaintiffs' definition of "Communicate" insofar as it is vague and ambiguous, overbroad, unduly burdensome, and imposes a discovery obligation greater than permitted under Fla. R. Civ. P. 1.340.

4. Bienes objects to Plaintiffs' Instructions on the grounds that they are vague and ambiguous, overbroad, unduly burdensome, and impose a discovery obligation greater than permitted under Fla. R. Civ. P. 1.340.

5. Bienes objects to the time frame specified for the First Interrogatories—January 1, 1992—on the grounds that it is overbroad and unduly burdensome in its scope.

6. Bienes objects to the First Interrogatories insofar as they purport to require Bienes to produce or disclose privileged communications or attorney work-product on the ground that such a requirement is impermissible under the Florida Rules of Civil Procedure. Any inadvertent disclosure of privileged communications or work product should not be construed as a waiver of the attorney-client privilege or of the work product doctrine to the extent either the privilege or the work product doctrine applies to such inadvertently disclosed information.

7. Bienes objects to the First Interrogatories insofar as they purport to require Bienes to produce or disclose information that is not relevant, or is not likely or reasonably calculated to lead to the discovery of admissible evidence.

8. Bienes objects to the First Interrogatories insofar as they purport to require Bienes to produce or disclose information that is equally ascertainable or available to Plaintiffs or that is more readily available to Plaintiffs.

9. Bienes objects to the First Interrogatories insofar as they purport to require Bienes to produce or disclose information that is a matter of public record.

10. Any objection or lack of objection to a particular interrogatory is not to be deemed an admission that Bienes has any information responsive to such interrogatory.

11. These answers are made without prejudice to Bienes' right to supplement his response with any subsequently discovered facts or information responsive to the First Interrogatories.

12. These answers are based on the best knowledge and information presently held by Bienes and is subject to correction, modification, or supplementation as and when additional facts or information become known by Bienes.

13. Bienes reserves all other objections as to the admissibility, relevance, confidentiality, and materiality of any facts or information produced in response to the Interrogatories. Currently, no information is being withheld on the basis of the foregoing general objections.

ANSWERS TO INTERROGATORIES

Interrogatory No. 1: Please identify the name and address of each person assisting in the drafting of answers to these interrogatories, and for each person, state his/her position and relationship to Defendant.

Response: The party answering these interrogatories is Michael Bienes, c/o the undersigned counsel. Bienes was assisted as to objections by the undersigned counsel.

Interrogatory No. 2: Please identify the names and addresses of all persons who are believed or known by Defendant or his attorneys to possess any knowledge of any facts described in the Amended Complaint and/or in any pleadings related to this action filed with the Court, including the specific matters of which each such person has knowledge.

Response: Michael Bienes
c/o Jonathan Etra
Broad and Cassel
2 S. Biscayne Blvd., 21st Floor
Miami, Florida 33131

Mr. Bienes has knowledge that he did not participate in the formation of, management of, or any other involvement with S&P/P&S, and knowledge of charitable distributions.

Frank Avellino
c/o Gary Woodfield, Esq.,
Haile, Shaw & Pfaffenberger, P.A.
660 U.S. Highway One, Third Floor
North Palm Beach, FL 33480

Mr. Avellino is believed to have knowledge that Bienes did not participate in the formation of, management of, or any other involvement with S&P/P&S, and knowledge of charitable distributions.

Michael Sullivan
2590 N.E. 41st Street
Fort Lauderdale, FL 33308

Mr. Sullivan is believed to have knowledge regarding S&P/P&S and the payment of charitable distributions.

Interrogatory No. 3: Please describe the nature of your relationship with Sullivan, including but not limited to all business and personal undertakings prior to 1992.

Response: Bienes objects to this interrogatory on the grounds that it is vague and

ambiguous, in particular, with respect to the word "undertakings." The term "undertakings" is capable of one or more of several meanings, leaving Bienes in doubt as to what Plaintiffs intend to ask him. When Bienes first answered this interrogatory, he had understood it, as written, to request information concerning the nature of his relationship with Sullivan only prior to 1992. After receiving clarification from Plaintiffs' counsel that this interrogatory also seeks information after that date, Bienes supplements his previous answer. Bienes states that he had no relationship with Sullivan and knew him only by reputation prior to 1992. Bienes first met Sullivan in the early to mid-1990s, concerning a tax audit that Sullivan and his partner were handling for certain entities closed by the SEC in approximately 1992. After that meeting, Bienes had no dealings with Sullivan until approximately 2004, when Sullivan, having heard about the great philanthropic work for which Bienes and his wife were becoming well-known in the community, provided Bienes with a check for Sullivan's own charitable contribution. This was followed by additional yearly contributions to charity through approximately 2008. In or about 2008, Bienes introduced his then sister-in-law to Mr. Sullivan. Bienes was never a social or business acquaintance of Sullivan, even after 1992.

Interrogatory No. 4: Please describe the nature of Your relationship with S&P and/or P&S including but not limited to circumstances prior to 1992 leading up to the creation of S&P and P&S; management of S&P and P&S; and the frequency You interacted with the operations of S&P and P&S.

Response: Bienes objects to this interrogatory on the ground that it is compound and confusing. Bienes states that he had no relationship with P&S or S&P prior to 1992.

Interrogatory No. 5: Please describe the relationship between you and 56 Arlington House, LLC, including any relationship by and through Avellino & Bienes.

Response: After having received clarification from Plaintiffs' counsel on Friday, April 18, 2014, that the term "Avellino & Bienes" refers to Bienes's and Avellino's accounting firm, terminated in 1983, Bienes withdraws his objections based on vagueness, ambiguity, and unintelligibility.¹ Bienes states that the specified entity was created for the limited purpose of holding an apartment located in London, England.

Interrogatory No. 6: Please describe the relationship between you and Grosvenor Partners, Ltd. including any relationship by and through Avellino & Bienes.

Response: Bienes states that he was a partner in Grosvenor Partners, Ltd., but performed no operations or management functions.

Interrogatory No. 7: Please describe the relationship between you and Mayfair Ventures, including any relationship by and through Avellino & Bienes.

Response: Bienes states that he was a partner in the Mayfair Ventures, but performed

¹ This withdrawal applies globally in these amended answers.

no operations or management functions.

Interrogatory No. 8: Please describe the relationship between you, and Paragon Ventures, and/or Donald Kahan including any relationship by and through Avellino & Bienes.

Response: Bienes states that he is not familiar with an entity called "Paragon Ventures." Mr. Kahan, was an acquaintance of Bienes.

Interrogatory No. 9: Please describe the relationship between you and the Kenn Jordan Foundation, Inc., including any relationship by and through Avellino & Bienes.

Response: Bienes states that he had no relationship with the Kenn Jordan Foundation, Inc.

Interrogatory No. 10: Please describe the relationship between you and Elaine Ziffer, including any relationship by and through Avellino & Bienes.

Response: Bienes states that Ms. Ziffer was a former friend with whom he has lost touch.

Interrogatory No. 11: State all facts and/or circumstances under which Defendant received any transfers of funds, payments, and/or distributions from P&S and/or S&P.

Response: There were no such transfers, payments or distributions from P&S or S&P.

Interrogatory No. 12: State all facts and/or circumstances under which Defendant received any transfers of funds, payments, and/or distributions from Sullivan.

Response: As noted in response to Interrogatory Number Three, Bienes received annual checks for charitable distributions from Sullivan starting in approximately 2004 and continuing through approximately 2008. To the best of Bienes's recollection, the amount of the checks were in the five-figures.

Interrogatory No. 13: Please identify all persons and/or entities to whom assets of P&S and/or S&P were given and/or transferred for any purpose including, but not limed to, custodial possession and/or payment.

Response: Bienes has no knowledge of the persons or entities, if any, that received transfers from P&S/S&P.

Interrogatory No. 14: Describe the relationship between and among Defendant and P&S and/or S&P; Michael D. Sullivan; Steven Jacob; Sullivan & Powell Solutions in Tax; Guardian Angel Trust, LLC; Michael D. Sullivan & Associates, Inc., Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Kelco Foundation, Inc.; and/or Vincent T. Kelly.

Response: Bienes had no relationship with P&S or S&P. The extent of Bienes's relationship with Sullivan is set forth in response to Interrogatory Number Three. Mr. Kelly is Bienes's pastor and personal friend. Mr. Avellino was a former business partner of Bienes. Bienes had no relationship with the other persons or entities mentioned in this interrogatory.

Interrogatory No. 15: Identify all communications between and among Defendant and P&S and/or S&P; Michael D. Sullivan; Steven Jacob; Sullivan & Powell Solutions in Tax; Guardian Angel Trust, LLC; Michael D. Sullivan & Associates, Inc., Steven F. Jacob, CPA & Associates, Inc.; Frank Avellino; Kelco Foundation, Inc.; and/or Vincent T. Kelly. For each communication identified, state all facts and/or circumstances surrounding the communication.

Response: Bienes objects to this interrogatory on the grounds that it is overbroad and unduly burdensome. It is unreasonable to expect Bienes to remember conversations with parties, if any, dating back more than 22 years. Bienes had occasional social contacts with Mr. Kelly and occasional telephone calls with Mr. Avellino. The extent of Bienes's relationship with Mr. Sullivan is set forth in response to Interrogatory Number Three.

Interrogatory No. 16: Please identify practices concerning communications of any kind made to partners of S&P and/or P&S regarding partnership distributions at any time prior to the filing of the Amended Complaint.

Response: There were no such communications.

Interrogatory No. 17: Please identify all persons who maintained, or were in possession of, books and records, accounting records, ledgers, disbursement records or other business records of P&S and/or S&P, and your basis for such knowledge.

Response: Bienes has no knowledge as to who maintained or was in possession of the books and records of P&S and/or S&P.

Interrogatory No. 18: Please identify all management fees paid to Avellino & Bienes, You, or any entities You control, or to be paid on your behalf to any unrelated entities including the applicable rates, work performed and accounting thereof.

Response: Bienes objects to the interrogatory on the grounds that it is overbroad and unduly burdensome to the extent it seeks information about management fees relative to an entity other than Plaintiffs, and therefore impermissibly seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. To the extent this interrogatory seeks information regarding management fees paid by Plaintiffs or by Sullivan to Bienes, there were none.

Interrogatory No. 19: Identify any accounting and/or investment advice given and/or received by you concerning investment in P&S and/or P&S.

Response: There was no such advice.

Interrogatory No. 20: Identify the names and addresses of all entities in which you or one of your relatives hold a controlling interest. For each entity listed, please list the relationship you have with such entities and any transfers those entities received from P&S and/or S&P.

Response: Bienes objects to this interrogatory on the grounds that it is vague and ambiguous, unduly burdensome, seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and is propounded solely to harass and annoy Bienes. Bienes cannot possibly be expected to know or be asked to testify regarding what entities his relatives may have a controlling interest in, if any. Further, what entities Bienes's relatives own or have a controlling interest in, if any, cannot possibly be relevant to this lawsuit. Bienes is not aware of any entity that received transfers of money from P&S and/or S&P.

Interrogatory No. 21: Please identify all factors which led to and were considered as part of your decision to move and locate your business in South Florida, and in the office next to S&P and P&S's offices.

Response: The reasons for Bienes's decision whether to move his business to South Florida was made many years ago and for reasons personal to Bienes which are entirely unrelated to any matter relevant to or that would have any bearing on this lawsuit. In fact, Bienes did not "move" his business to South Florida, as his business was continuing operations in New York City, New York for nearly two years after Avellino, through Scott Holloway (whom Avellino knew through Christ Methodist Church), began negotiating leases for office space in South Florida. No business relating to Bienes or any entity in which he was involved was conducted out of the South Florida location. The South Florida location was selected only because of Avellino's relationship with Mr. Holloway; it was unrelated to Sullivan or his Partnerships.

Interrogatory No. 22: Identify the date and nature of any inquiries or investigations concerning P&S and or S&P, and their financial stability.

Response: There were no such inquiries or investigations, to Bienes's knowledge, as he was not part of P&S or S&P.

Interrogatory No. 23: Why do you believe that you or any entities you controlled received the payments described in the Amended Complaint as "Kickbacks."

Response: Bienes objects to this interrogatory on the ground that it impermissibly calls for Bienes to adopt Plaintiffs' position regarding the matters asserted in its Amended Complaint. Furthermore, Bienes did not receive anything that could be characterized as a "kickback" from Sullivan or anyone else. The reasons for the payments are set forth in response to Interrogatory Number Three.

Interrogatory No. 24: Please state the names of all persons who had knowledge of the payments that you received from Plaintiffs, and the facts and circumstances which led to their knowledge

of such payments.

Response: Bienes received no payments from Plaintiffs; any payments made to Bienes as charitable distributions were made by Sullivan. To Bienes's knowledge, no one aside from himself and Sullivan has knowledge regarding those payments.

Interrogatory No. 25: Please state the names and contact information of all partners of P&S and S&P which you communicated with.

Response: Bienes did not and does not know who the partners of P&S and S&P were or are, and therefore, Bienes had no communications with them.

Interrogatory No. 26: Please state the date and nature of all transfers of money to you or any entities that you control from P&S and/or S&P.

Response: There were no such transfers.

Interrogatory No. 27: Please describe the relationship between you, and James and Valerie Judd, including any relationship by and through Avellino & Bienes.

Response: Bienes states that the Judds were former friends and associates.

Dated this 21st day of April, 2014.

Case No.: CACE 12-034123 (07)
P&S Associates General Partnership, et al. v.
Michael D. Sullivan, et al.

As to objections:

/s/ Jonathan Etra
Mark F. Raymond (373397)
mraymond@broadandcassel.com
ssmith@broadandcassel.com
Jonathan Etra (686905)
jetra@broadandcassel.com
msoza@broadandcassel.com
Shane P. Martin (056306)
smartin@broadandcassel.com
msanchez@broadandcassel.com
BROAD AND CASSEL
One Biscayne Tower, 21st Floor
2 South Biscayne Boulevard
Miami, Florida 33131
Telephone: 305.373.9400
Facsimile: 305.373.9443
Counsel for Defendant, Michael Bienes

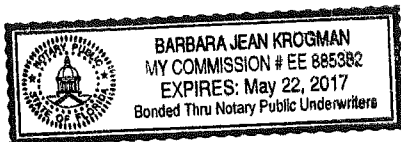
VERIFICATION PAGE

Michael Bienes
MICHAEL BIENES

STATE OF FL)
COUNTY OF Broward)SS

The foregoing instrument was sworn to and acknowledged before me this 22 day of April, 2014, by MICHAEL BIENES, who is ___ personally known to me, or who has produced drivers license as identification, after being first duly sworn, deposes and says that he has read the foregoing answers to interrogatories and the same are true and correct and he signed his name thereto for the purposes therein expressed.

(SEAL)



Barbara Jean Krogman
Notary Public, State of FL
Print Name: Barbara Jean Krogman
My Commission expires: 5/22/17

Exhibit D
Email with Supplemental Production

Thomas Zeichman

From: Shane Martin <smartin@broadandcassel.com>
Sent: Thursday, May 15, 2014 4:57 PM
To: Zachary P. Hyman
Cc: Thomas Zeichman; Steven D. Weber; Thomas M. Messina; Mark Raymond; Jonathan Etra
Subject: P&S, et al. v. Sullivan, et al., Case No. 12-034123 (07)
Attachments: BIENES-RFP 000001 - 000043.pdf; Bienes - Privilege Log.pdf

Attached are documents responsive to request no. 15 in Plaintiffs' First Request for Production of Documents to Michael Bienes, along with a privilege log of responsive documents withheld from this production. Thank you.

Regards,
Shane

Attachments

Home Bio VCard
Shane P. Martin, Esq.
2 South Biscayne Blvd.
21st Floor
Miami, FL 33131
Telephone: 305.373.9400
Facsimile: 305.373.9443
Direct Line: (305) 373-9455
Direct Facsimile: (305) 995-6434
E-mail: smartin@broadandcassel.com

www.broadandcassel.com

Pursuant to federal regulations imposed on practitioners who render tax advice ("Circular 230"), we are required to advise you that any tax advice contained herein is not intended or written to be used for the purpose of avoiding tax penalties that may be imposed by the Internal Revenue Service. If this advice is or is intended to be used or referred to in promoting, marketing or recommending a partnership or other entity, investment plan or arrangement, the regulations under Circular 230 require that we advise you as follows: (1) this writing is not intended or written to be used, and it cannot be used, for the purpose of avoiding tax penalties that may be imposed on a taxpayer; (2) the advice was written to support the promotion or marketing of the transaction(s) or matter(s) addressed by the written advice; and (3) the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS ATTORNEY PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. ANY ATTACHMENTS TO THIS TRANSMISSION ARE FOR THE SOLE PURPOSE OF CONVEYING THE DIRECT WRITTEN AND COMMONLY VISIBLE COMMUNICATION CONTAINED THEREIN. NO TRANSMISSION OF UNDERLYING CODE OR METADATA IS INTENDED. USE OF ANY ATTACHMENT FOR ANY

PURPOSE OTHER THAN RECEIPT OF THE DIRECT WRITTEN COMMUNICATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY AND RETURN THE ORIGINAL MESSAGE TO THE SENDER. THANK YOU.