

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

CASE NO. 12-24051 (07)
COMPLEX LITIGATION UNIT

MATTHEW CARONE, et al.,

Plaintiffs,

v.

MICHAEL D. SULLIVAN, individually,

Defendants.

**ORDER APPROVING CONSERVATOR'S INTERIM REPORT
AND GRANTING THE CONSERVATOR AND HIS COUNSEL'S
SECOND APPLICATION FOR ALLOWANCE AND PAYMENT
OF COMPENSATION AND REIMBURSEMENT OF EXPENSES**

THIS MATTER came before the Court on June 20, 2014 at 1:30 p.m. at a status conference to consider the *Conservator's Interim Report and Second Application for Allowance and Payment of Compensation and Reimbursement of Expenses for the Conservator and Messana, P.A., as Counsel for the Conservator* (the "Report and Application") requesting payment of fees and reimbursement of costs for the period of August 1, 2013 and December 31, 2013 (the "Application Period"), filed by the court-appointed conservator, Philip J. Von Kahle (the "Conservator") Conservator of P&S Associates, General Partnership and S&P Associates, General Partnership (the "Partnerships"). The Court having reviewed the Report and Application, including the affidavit in support of fees and costs for the Conservator and affidavit in support of fees and costs for Messana, PA ("Messana"), having heard proffer of counsel, giving all parties an opportunity to be heard, and for the reasons stated on the record, it is

ORDERED and **ADJUDGED** as follows:

1. The requests for the payment of fees and costs in the Report and Application as to the Conservator are **GRANTED** in all respects.

2. The requests for the payment of fees and costs in the Report and Application as to Messana are **GRANTED** in all respects.

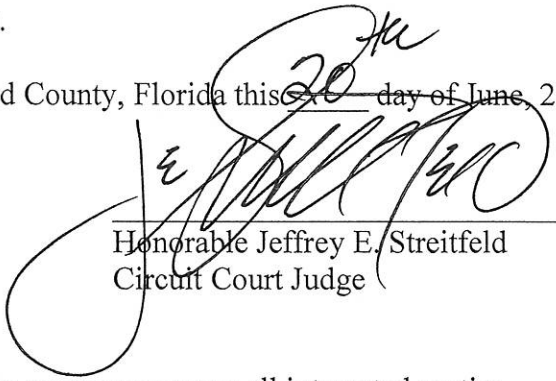
3. Fees in the amount of \$237,175.25 and costs in the amount of \$15,732.34 for the Conservator during the Application Period are found to be reasonable considering each and every factor contemplated by *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985) and the principles of *Lewis v. Gramil Corp.*, 94 So. 2d 174, 177 (Fla. 1957).

4. The Conservator is authorized to make distributions to Moecker in the amount of \$252,907.59 for fees and costs out of the Partnerships' assets forthwith, such distributions being allocated to each of the Partnerships pro rata.

5. Fees in the amount of \$224,889.50 and costs in the amount of \$4,058.24 for Messana during the Application Period are found to be reasonable considering each and every factor contemplated by *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985) and the principles of *Lewis v. Gramil Corp.*, 94 So. 2d 174, 177 (Fla. 1957).

6. The Conservator is authorized to make distributions to Messana in the amount of \$228,947.74 for fees and costs out of the Partnerships' assets forthwith, such distributions being allocated to each of the Partnerships pro rata.

DONE AND ORDERED in Broward County, Florida this ^{20th} day of June, 2014.



Honorable Jeffrey E. Streitfeld
Circuit Court Judge

Copies furnished to:

Thomas M. Messana, Esq. who is directed to serve same upon all interested parties.