

IN THE CIRCUIT COURT OF THE  
17<sup>TH</sup> 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,

Defendant.

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**ORDER ADOPTING RECOMMENDATIONS OF CONSERVATOR'S  
LITIGATION STATUS REPORT AND GRANTING RELIEF REQUESTED THEREIN**

THIS MATTER came before the Court on June 4, 2013 at 1:30 p.m. (the "Hearing") upon: (i) the *Conservator's Litigation Status Report* (the "Litigation Report"); (ii) *Defendant, Michal D. Sullivan's Objection to Conservator's Litigation Status Report and Liigation Recommendations* ("Sullivan's Objection"); (iii) *Opposition Response and Incorporated Memorandum of Law to Conservator's Litigation Status Report Dated May 20, 213* (Jacob's Objection); (iv) *Response of Party-in-Interest Burt Moss to Conservator's Litigation Status Report Dated May 20, 2013* ("Moss' Objection") (together with Sullivan's Objection and Jacob's Objection, the "Objections"); (v) *Plaintiffs' Response to Conservator's Litigation Status Report Dated May 20, 2013* ("Plaintiff's Response"); and (vi) the *Conservator's Response to Objections to the Conservator's Litigation Status Report* (the "Conservator's Response"). The Court having reviewed the Litigation Report, the Objections, the Plaintiff's Response and the Conservator's Response, having heard argument and proffer of counsel and certain parties-in-interest, finding that sufficient notice has been given to all partners and parties-in-interest, and otherwise finding sufficient cause exists to overrule the Objections, to adopt the recommendations of the Litigation Report an to otherwise grant the relief described herein, for the reasons stated on the record, it is

**ORDERED** and **ADJUDGED** as follows:

1. The Court adopts the recommendations of the Litigation Report in their entirety.
2. The Objections are denied in their entirety.
3. The Conservator<sup>1</sup> is authorized to engage counsel, subject to this Court's *in camera* review of the particular proposed engagement agreements,<sup>2</sup> to represent the Partnerships' interests in the following lawsuits:

- a. *Margaret Smith as General Partner of P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Janet A. Hooker Charitable Trust, et al.*, Case No. 12-034121 (07) (the "Net Winner Suit"); and
- b. *Margaret Smith as General Partner of P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Michael D. Sullivan, et al.*, Case No. 12-034123 (07) (the "Insiders Suit") (together, the "Lawsuits").

4. The Conservator is authorized to take any and all action that he deems reasonable or necessary, in an exercise of his business judgment, with respect to how best to advance the Partnerships' interests in the Lawsuits.

5. This Court shall retain jurisdiction to enforce this Order.

Done and ordered in Chambers this \_\_\_\_\_, 2013.

**TRUE COPY**  
**JUN 26 2013**

**JEFFREY E. STREITFELD**

HONORABLE JEFFREY E. STREITFELD  
Circuit Court Judge

Copies furnished to:

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

<sup>1</sup> All capitalized terms not defined herein shall have the same meaning as ascribed to them in the Litigation Report.

<sup>2</sup> Such proposed engagement agreements shall be made available to partners of the Partnerships who are not defendants in either of the Lawsuits upon request.