

IN THE CIRCUIT COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO: 12-34121(07)

Complex Litigation Unit

PHILIP J. VON KAHLE, as Conservator of  
P&S ASSOCIATES, GENERAL  
PARTNERSHIP, and S&P ASSOCIATES,  
GENERAL PARTNERSHIP,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE  
TRUST, et al,

Defendants.

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**DEFENDANTS, JAMES AND VALERIE JUDD'S RESPONSE TO PLAINTIFFS'**  
**MOTION FOR PROTECTIVE ORDER**

Plaintiffs' Motion brings to mind the opening words of Cicero's first Catalinian Oration: "Quam diu etiam furor iste tuus nos eludet?" which can be translated as "How long will you continue to flaunt us with your arrogance?"

It is apparent that while the court is authorizing and approving literally hundreds of thousands of dollars of fees for the Plaintiffs, the Plaintiffs feel that they have no duty of candor to the court or opposing parties.

Notwithstanding having been told that they had filed a falsely verified return of service, having been given documentary proof of the false verification, and the court order quashing the service, Plaintiffs persist in totally ignoring the significance of the falsification and continue to assert that Defendants Judd should be bound by filings and e-mailed by Plaintiffs many months before Defendants Judd had voluntarily agreed to accept service on March 7, 2014.

Thus Plaintiffs' assertion in ¶12 of their Motion that "eight months" elapsed from the time "when Defendants received the Complaint ... and had ample time to conduct discovery" is coyly deceptive, misleading and unsupported by any authority which even remotely suggests that a party has any duty to conduct discovery before it has been properly served.

Moreover, the Plaintiffs' assertion that "Plaintiffs voluntarily produced documents" in footnote 3 in ¶12 of their motion is also deceptively misleading in light of their evasive responses to Defendants Judds' discovery requests. Plaintiffs claim, for example, that the terms "correspondence" and "records of communication" are "vague and unclear" and the word "sent" is "vague and ambiguous." (See e.g., Response to Request for Production No. 2.) This will be the subject of Defendants Judds' Motion to Compel. This Court's order denying Defendants Judds' Motion to Strike Plaintiffs' Pleadings without prejudice had encouraged Defendants Judds' counsel to confer with Plaintiffs' counsel to try to amicably resolve the discovery issues. The communication did not result in any significant amendments or significant further responses.

Accordingly, Defendants Judd respectfully pray that Plaintiffs' Motion for Protective Order be denied.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail upon Leonard Samuels, Esq. of Berger Singerman and counsel identified below registered to receive electronic notifications, and regular U.S. mail upon Pro Se parties on this 8<sup>th</sup> day of July, 2014 upon the following:

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