

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

P & S ASSOCIATES, GENERAL  
PARTNERSHIP and S & P ASSOCIATES,  
GENERAL PARTNERSHIP,

CASE NO. 12-028324 (07)  
COMPLEX LITIGATION UNIT

Plaintiff,

v.

ROBERTA P. ALVES, ET AL.,

Defendants.

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**CASE MANAGEMENT ORDER**

THIS CAUSE came before the court on July 2, 2013 at 10:30 a.m. for a Case Management Conference pursuant to the Court's notice and order. Counsel for the court-appointed Conservator and Jason Oletsky, counsel for certain defendants, was present. After reviewing the Case Management Report, and being otherwise fully informed, it is

**THEREFORE, ORDERED** and **ADJUDGED** that unless later modified by order of this Court, the following schedule of events shall control the management and proceedings in this case.

**COMMUNICATIONS WITH THE COURT AND AMONG THE PARTIES**

1. Certain of the parties are represented by the following who shall be designated "Lead Trial Counsel":<sup>1</sup>

Thomas M. Messana, Esq. and Brett D. Lieberman, Esq., Messana, P.A., counsel for Philip J. von Kahle, the Conservator.

Carl F. Schoeppl, Esq., Schoeppl & Burke, P.A., counsel for Burt Moss, Susan Moss, Burt Moss & Associates, Inc., and Burton Harold Moss IRA.

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<sup>1</sup> Certain parties have not yet filed responsive pleadings or have not otherwise appeared in this matter.

Domenica Frasca, Esq., Mayersohn Law Group, P.A., counsel for Francis J. Mahoney, Jr., Personal Representative of the Estate of Mary Ellen Nickens deceased.

Jason S. Oletsky, Esq., Akerman Senterfitt, counsel for Kathleen G. Walsh, James R. (deceased) & Kathleen Walsh, Margaret B. Gwinn Trust, Walsh Family Trust #2, Walsh Family Trust #3, Robert G. Walsh Family Trust #3, Robert G. Walsh Family Trust #4.

Thomas L. Abrams, Esq., Counsel for Lynn Rose.

William G. Salim, Jr., Esq., Moskowitz, Mandell, Salim & Simowitz, P.A., counsel for Wayne Horwitz, as Trustee of the Howard H. & Joyce Horwitz Living Trust.

Alicia N. Holloway, Pro Se.

Bette Anne Peltzer for Bette B. West, deceased. and Richard F. West, deceased, Pro Se.

Carol L. Fox, Senior Managing Director at GlassRatner Advisory & Capital Group, LLC.

Eileen W. Wills, Pro Se.

Evelyn L. Willis, Pro Se.

Johanna W. Clark, Pro Se.

John Combs, Pro Se.

Kristina A. Holloway, Pro Se.

Laurel Bonhage and William Bonhage, Pro Se.

Laurel Bonhage for Lucille Rowlette, deceased, Pro Se.

Lois Combs, Pro Se.

Louise McIlvaine, Pro Se.

Myra Friedman, Pro Se and Claimant.

Noel P. O'Meara CSSp. For Holy Ghost Fathers Compassion Fund, Pro Se.

Rebekah G. Wills, Pro Se.

Richard J. Willis, Jr., Pro Se

Sandra M. White (Dydo), Pro Se.



Scott W. Holloway, Pro Se.

Steven F. Jacob, Steven F. Jacob CPA & Associates, Inc. and Steven F. Jacob & Associates, Inc., Pro Se.

Cindy Wallick and Wallick Family Educational Trust, Claimant.

Jack Wirick and Barbara Wirick, Claimants.

Kathryn L. Babcock, Claimant.

Kelly M. Hadlock and It Figures Bookkeeping, LLC, Claimants.

Kent J. Fox for Barbara B. Fox, Ralph C. Fox, Trustee U/A Dtd 3/19/93, Claimant.

Phillip A. Hocott, Jolene O. Hocott, and Phillip A. Hocott Living Trust, Claimants.

Richard P. Long and Dora F. Long Claimants.

Roger G. Bond and Terry A. Bond, Claimants.

Sybil Wirick, Claimant.

2. Courtesy copies of all motions and memoranda related thereto shall be delivered to the Court immediately upon being filed with the Clerk of the Court. All communications with the Court must be delivered to the Honorable Jeffrey E. Streitfeld, 201 Southeast Sixth Street, room 920A, Fort Lauderdale, Florida 33301.

**MOTIONS, DISCOVERY, ALTERNATIVE DISPUTE RESOLUTION AND TRIAL**

3. Any motions for leave to amend the pleadings to add additional parties or otherwise shall be filed no later than ten days from the date of this Order.

4. Any motions to dismiss or other preliminary or pre-discovery motions shall be filed and briefed on or before August 16, 2013.

5. It is ordered that this case shall be ready for trial during the fourth quarter of 2013.

6. The parties are directed to comply in all respects with the Complex Litigation Procedures located at [www.17th.flcourts.org](http://www.17th.flcourts.org).

7. The non-jury trial of this case shall occur during the court's docket beginning September 30, 2013 with the **Call of the Calendar** on September 20, 2013 at 9:30 a.m. It is estimated that the trial will be completed in two (2) days.

8. The Final Case Management Conference is scheduled for the September 6, 2013 at 1:30 p.m. in Courtroom 920A. The parties shall prepare and provide at the final case management conference a joint pre-trial statement complying with CLP 9.2.

9. The parties shall have until September 30, 2013 to conduct and conclude fact discovery. It is further ordered that the setting of the discovery deadline will not limit any party from filing summary judgment motions during the period, but any such motions should be narrowly drawn to address only issues on which discovery have been completed. If there are still motions pending after the discovery period, the court will set a briefing schedule at that time.

10. The parties' limitations as to the amount of expert trial witnesses per side shall be determined by future Court Order upon motion of any party. In all respects, the presumptive limitations on discovery contained in the Complex Litigation Division Procedures shall apply.

11. The Conservator shall designate the experts to be called at trial and provide all information specified in CLP 7.5 by September 9, 2013. The other parties shall designate the experts expected to be called at trial and provide all information specified in CLP 7.5 by September 9, 2013.

12. A third party responding shall then designate its experts and provide all information specified in CLP 7.5 by NOT APPLICABLE.

13. Dispositive motions shall be filed by September 10, 2013.



14. The deadline to file motions in limine shall be determined by future Court Order upon motion of any party.

15. The deadline to mediate this dispute with the mediator of their choice shall be set by future Court Order upon motion of any party. The Conservator shall advise the court of the precise date of mediation after entry of an order setting a deadline for mediation. The Conservator is ordered to advise the court, in writing, of the outcome of the mediation no later than five days following the conclusion of the mediation conference, if it occurs.

16. The parties shall submit to non-binding arbitration by NOT APPLICABLE.

17. The parties shall submit to an advisory jury procedure by NOT APPLICABLE.

18. On October 4, 2013, at 9:30 am this Court shall conduct a hearing on the *Conservator's Motion for Summary Judgment to: (i) Approve Determination of Claims, (ii) Approve Plan of Distribution, and (iii) Establish Objection Procedure* (the "MSJ") and any responses or objections thereto (the "Hearing"). The Hearing is scheduled for a full day and, if necessary, will be continued to October 7 at 1:30 p.m. and shall take place in Room 920A, 201 Southeast Sixth Street, Fort Lauderdale, Florida 33301.

19. The deadline for any party to file a response to the MSJ is September 23, 2013.

20. The deadline for the Conservator to file a reply to any response filed to the MSJ is September 30, 2013.

21. The *Scheduling Order for September 4, 2013 Hearing* entered May 23, 2013 in the related matter of *Matthew Carone, etc., et al. v. Michael D. Sullivan, etc.*, case number 12-24051 in the Circuit Court of Seventeenth Judicial Circuit (the "Set-Aside Order"), setting the *Conservator's Motion for Summary Judgment to: (i) Approve Determination of Claims, (ii)*

*Approve Plan of Distribution, and (iii) Establish Objection Procedure* dated May 31, 2013 is hereby set aside.<sup>2</sup>

22. If you are a person with a disability who needs any accommodations in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the court's ADA Coordinator, Broward County Courthouse, 201 Southeast 6<sup>th</sup> Street, Fort Lauderdale, Florida 33301, 954-831-7743 within two working days of your receipt of this order. If you are hearing or voice impaired, call 954-831-7743.

Done and ordered in Chambers at Broward County, Florida this \_\_\_\_\_, 2013.

**JEFFREY E. STREITFELD**

**JUL 09 2013**

**A TRUE COPY**

**HONORABLE JEFFREY E. STREITFELD**  
Circuit Court Judge

Copies furnished to:

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

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<sup>2</sup> For reference, a copy of the Set-Aside Order is attached hereto as Exhibit "A".