

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

CASE NO. 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,

v.

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, and
MICHAEL BIENES, an individual,

Defendants.

PROPOSED AMENDED CASE MANAGEMENT ORDER

THIS CAUSE came before the Court during the Case Management Conference on July 9,
2014, and having considered the Case Management Order in this action, it is hereby. Pursuant to
Rule 6.5 of the Complex Litigation Procedures, 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.

COMMUNICATION WITH THE COURT AND AMONG THE PARTIES

1. The parties are represented by the following who shall be designated "Lead Trial Counsel":

Leonard Samuels, Esq. and Thomas M. Messana for Plaintiffs P&S Associates, General Partnership; S&P Associates, General Partnership; and Philip von Kahle as Conservator of P&S Associates, General Partnership and S&P Associates General Partnership;

Peter G. Herman, Esq. for Defendants Steven Jacob and Steven F. Jacob CPA & Associates, Inc.;

Harry Winderman for Defendant Michael D. Sullivan;

Gary Woodfield for Defendant Frank Avellino;

Jonathan Etra, Esq. and Mark Raymond, Esq. for Defendant Michael Bienes;

Additional counsel may appear on behalf of the parties in this action.

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 following address:

The Honorable Jeffrey E. Streitfeld
201 S.E. 6th Street
Room 920A
Fort Lauderdale, Florida 33301

MOTIONS, DISCOVERY, ALTERNATIVE DISPUTE RESOLUTION AND TRIAL

3. The parties are directed comply in all respects with the Complex Litigation Procedures located at: www.17th.flcourts.org.

4. Motions to dismiss or other responses to the ^{THIRD AMENDED} Complaint shall be filed by July 25, 2014; any opposition memoranda to any motions to dismiss shall be filed by 5:00 p.m. on August 13, 2014; and any replies shall be filed by 5:00 p.m. on August 18, 2014. ^{Any} motions to dismiss shall be heard by the Court at 1:30 p.m. on August 21, 2014. *jes*

5. The parties have stipulated and it is ordered that this case shall be ready for trial on May 18, 2015.

6. Except to the extent that the time periods for the parties to file and respond to certain motions are set by this Order, the parties are directed to comply in all respects with the Complex Litigation Procedures located at: www.17th.flcourts.org.

7. The ~~jury/non-jury~~ trial of this case shall occur during the 2nd Quarter 2015 trial period beginning March 30, 2015 with **Calendar Call** on March 13, 2015. The parties estimate the trial will be completed in 10 days.

8. The Final Case Management Conference is scheduled for To Be Set at _____ A.M./P.M. in Courtroom _____. 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 February 3, 2015 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 has been completed. If there are still motions pending after the discovery period, the court will set a briefing schedule at that time.

10. The plaintiffs shall designate experts expected to be called at trial by January 7, 2015; The defendants shall designate experts expected to be called at trial by January 30, 2015; the plaintiffs shall serve any expert report and provide all information specified by CLP 7.5 by February 27, 2015; the defendants shall serve any expert report and provide all information specified by CLP 7.5 by March 20, 2015; and the parties shall have until April 10, 2015 to conduct and conclude expert discovery.

11. Dispositive motions shall be filed by February 27, 2015.

12. Motions *in limine* shall be filed by April 17, 2015.

13. The parties shall mediate this dispute before March 20, 2015 with the mediator of their choice. Plaintiff shall advise the Court of the precise date of the mediation no later than one week beforehand. Plaintiff is ordered to advise the court, in writing, of the outcome of the mediation no later than five (5) days following the conclusion of the mediation conference (optional).

14. If you are a person with a disability who needs any accommodation 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 S.E. 6th Street, Fort Lauderdale, FL 33301, 954.831.7743 within two (2) 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, Florida this 15th day of July, 2014.



The Honorable Jeffrey E. Streitfeld
CIRCUIT COURT JUDGE

cc:
counsel of record/parties pro se