

PHILIP J. VON KAHLE, as Conservator of  
P&S Associates, General Partnership and  
S&P Associates, General Partnership

Plaintiffs,

vs.

STEVEN JACOB, et al.,

Defendants.

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

Case No. 12-034123 (07)

Complex Litigation Unit

**PLAINTIFFS' MOTION FOR APPOINTMENT OF COMMISSIONER TO  
TAKE DEPOSITIONS IN THE STATE OF NEW JERSEY**

Philip J. Von Kahle (the "Conservator"), as Conservator for P&S Associates, General Partnership ("P&S") and S&P Associates, General Partnership ("S&P") (the "Partnerships", and together with the Conservator, the "Plaintiffs"), pursuant to Fla. R. Civ. P. 1.300 and 1.310, hereby file *Plaintiffs' Motion for Appointment of Commissioner to Take Deposition in the State of New Jersey* to appoint a commissioner in the state of New Jersey, to issue subpoena and administer oaths and take the oral testimony of ERIC LIPKIN ("Lipkin"), a resident of Ridgewood, New Jersey, and in support thereof states as follows:

1. Plaintiffs find it necessary to issue a subpoena and take the deposition of Lipkin, who resides in Ridgewood, Bergen County, New Jersey, because it is believed that Lipkin has significant information that is material to the resolution of issues in this litigation. Among other things, it is believed that Lipkin has knowledge and information related to investments in Bernard L. Madoff Investment Securities, LLC ("BLMIS"). It is believed Mr. Lipkin's knowledge includes, among other things, how an investor would obtain a BLMIS account, a familiarity with BLMIS procedures for managing accounts, and the BLMIS protocol for investor referrals.

2. Under New Jersey law, It is necessary for the Plaintiffs to secure the appointment of a commissioner located in the state of New Jersey, for the taking of Lipkin's deposition and to issue a subpoena.

3. The commissioner sought to be appointed by the Plaintiffs is Network Court Reporting and Video, 274 Main St, Hackensack, NJ 07601, or such other person or entity as is authorized to administer oaths and take depositions in the State of New Jersey.

WHEREFORE the Plaintiffs respectfully request that this Court grant its Motion and enter an Order: (i) appointing a commissioner for the purpose of administering oaths and taking depositions in the state of New Jersey; (ii) and for such other and further relief as this Court deems necessary and proper.

Dated: July 15, 2015

Respectfully submitted,

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