

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

**CASE NO.: 12-034121 (07)**

P &S ASSOCIATES, GENERAL PARTNERSHIP,  
a Florida limited partnership; and S&P  
ASSOCIATES, GENERAL PARTNERSHIP, a  
Florida limited partnership, *et al.*,

Plaintiffs,

v.

JANET A. HOOKER CHARITABLE TRUST, a  
charitable trust, *et al.*,

Defendants.

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**PLAINTIFFS' RESPONSE TO JAMES  
AND VALERIE JUDD'S MOTION TO COMPEL**

Plaintiffs, P&S Associates, General Partnership ("P&S"), S&P Associates, General Partnership ("S&P") (S&P and P&S are collectively referred to as the "Partnerships"), and Philip Von Kahle as Conservator on behalf of P&S and S&P (the "Conservator" and collectively with the Partnerships, "Plaintiffs"), by and through the undersigned counsel, hereby respond to Defendants James and Valerie Judd (collectively, the "Judds") Motion to Compel (the "Motion") and in support thereof state:

1. On or about May 26, 2014, the Judds served their First Set of Interrogatories (the "Interrogatories") and First Request for Production of Documents on Plaintiffs (the "Requests").
2. On April 30, 2014, Plaintiffs timely served their responses and objections to the Interrogatories and their responses and objections to the Requests.
3. On May 1, 2014, the Judds filed a Motion to Strike Plaintiffs Pleadings because they disagreed with Plaintiffs' responses and objections. That motion was denied by this Court, and Plaintiffs tried to resolve the issues described by the Judds in relation to the Interrogatories

and Requests. However, the Judds refused to limit, clarify or modify any of their discovery requests, and instead elected to file the instant Motion.

4. The Judds' discovery requests that are the subject of the Motion contain many terms that are vague, ambiguous, and subject to multiple interpretations. In an effort to respond to those requests, Plaintiffs informed the Judds in their responses and objections of the definitions that they used in responding because Plaintiffs would otherwise be unable to provide cogent answers.

5. While the Judds claim that Plaintiffs failed to comply with their discovery obligations, Plaintiffs provided appropriate responses and objections to all of the Interrogatories and the Requests at issue.

6. For example, the Judds claim that Plaintiffs' response and objection to interrogatory number 1 is improper because Plaintiffs objected to the undefined term "investments" as vague and unclear. However Plaintiffs answered that interrogatory using "investments" to mean "investments made by S&P Associates in BLMIS" because that interrogatory requested information on "How much income did S&P Associates receive each year from 1995 through 2008 from its investments." Using that definition, Plaintiffs then properly responded to the interrogatory. Accordingly, in this instance, and all other instances - as Plaintiffs were similarly required to provide clarifying definitions in response to other interrogatories - Plaintiffs properly responded and objected to the Judds' Interrogatories, and the Motion should be denied.

7. The Judds' issues with Plaintiffs' responses and objections to their First Request for Production of Documents are equally meritless. Although the Judds claim that Plaintiffs are attempting to avoid producing documents in response to their First Request for Production of

Documents, Plaintiffs' responses simply do not evidence as much. With Plaintiffs' clarifying the vague and ambiguous terms used by the Judds, Plaintiffs agreed to produce responsive documents to two out of the three requests – and the Judds' grievance with this is unclear. With respect to the remaining request, the Judds were unwilling to clarify the documents they were requesting and resolve Plaintiffs' objection and therefore Plaintiffs provided a response, which was that Plaintiffs cannot identify what documents are responsive.

8. As such, the Motion should summarily be denied.

WHEREFORE Plaintiffs respectfully request that the Court enter an Order, which (i) denies the Motion; (ii) relieves Plaintiffs of any obligation to further respond to (a) Defendants James and Valerie Judd's First Request for Admissions; (b) Defendants James and Valerie Judd's First Set of Interrogatories to Plaintiffs; and (c) Defendants James and Valerie Judd's First Request for Production; and (iv) awards Plaintiffs such other and further relief as the Court deems just and proper.

Respectfully submitted,

By: s/ Leonard K. Samuels  
Leonard K. Samuels  
Florida Bar No. 501610  
Etan Mark  
Florida Bar No. 720852  
Steven D. Weber  
Florida Bar No. 47543  
Zachary P. Hyman  
Florida Bar No. 98581  
*Attorneys for Plaintiffs*  
BERGER SINGERMAN LLP  
350 East Las Olas Boulevard, Suite 1000  
Fort Lauderdale, Florida 33301  
Telephone: (954) 525-9900  
Fax: (954) 523-2872  
lsamuels@bergersingerman.com  
emark@bergersingerman.com  
sweber@bergersingerman.com  
zhyman@bergersingerman.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail upon counsel identified below registered to receive electronic notifications this 4th day of August, 2014 upon the following:

<b>Counsel</b>	<b>E-mail Address:</b>
Ana Hesny, Esq.	<a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a> ; <a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a>
Eric N. Assouline, Esq.	<a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a> ; <a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a>
Annette M. Urena, Esq.	<a href="mailto:aurena@dkdr.com">aurena@dkdr.com</a> ; <a href="mailto:cmackey@dkdr.com">cmackey@dkdr.com</a> ; <a href="mailto:service-amu@dkdr.com">service-amu@dkdr.com</a>
Daniel W. Matlow, Esq.	<a href="mailto:dmatlow@danmatlow.com">dmatlow@danmatlow.com</a> ; <a href="mailto:assistant@danmatlow.com">assistant@danmatlow.com</a>
Debra D. Klingsberg, Esq.	<a href="mailto:dklingsberg@huntgross.com">dklingsberg@huntgross.com</a>
Joanne Wilcomes, Esq.	<a href="mailto:jwilcomes@mccarter.com">jwilcomes@mccarter.com</a>

<b>Counsel</b>	<b>E-mail Address:</b>
Etan Mark, Esq.	<a href="mailto:emark@bergersingerman.com">emark@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a> ; <a href="mailto:lyun@bergersingerman.com">lyun@bergersingerman.com</a>
Ryon M. McCabe, Esq.	<a href="mailto:rmccabe@mccaberabin.com">rmccabe@mccaberabin.com</a> ; <a href="mailto:e-filing@mccaberabin.com">e-filing@mccaberabin.com</a> ; <a href="mailto:beth@mccaberabin.com">beth@mccaberabin.com</a>
Evan H. Frederick, Esq.	<a href="mailto:efrederick@mccaberabin.com">efrederick@mccaberabin.com</a> ; <a href="mailto:e-filing@mccaberabin.com">e-filing@mccaberabin.com</a>
B. Lieberman, Esq.	<a href="mailto:blieberman@messana-law.com">blieberman@messana-law.com</a>
Jonathan Thomas Lieber, Esq.	<a href="mailto:jlieber@dobinlaw.com">jlieber@dobinlaw.com</a>
Mariaelena Gayo-Guitian, Esq.	<a href="mailto:mguitian@gjb-law.com">mguitian@gjb-law.com</a>
Barry P. Gruher, Esq.	<a href="mailto:bgruher@gjb-law.com">bgruher@gjb-law.com</a>
William G. Salim, Jr., Esq.	<a href="mailto:wsalim@mmslaw.com">wsalim@mmslaw.com</a>
Domenica Frasca, Esq.	<a href="mailto:dfrasca@mayersohnlaw.com">dfrasca@mayersohnlaw.com</a> ; <a href="mailto:service@mayersohnlaw.com">service@mayersohnlaw.com</a>
Joseph P. Klapholz, Esq.	<a href="mailto:jklap@klapholzpa.com">jklap@klapholzpa.com</a> ; <a href="mailto:dml@klapholzpa.com">dml@klapholzpa.com</a> ;
Julian H. Kreeger, Esq.	<a href="mailto:juliankreeger@gmail.com">juliankreeger@gmail.com</a>
L Andrew S Riccio, Esq.	<a href="mailto:ena@assoulineberlowe.com">ena@assoulineberlowe.com</a> ; <a href="mailto:ah@assoulineberlowe.com">ah@assoulineberlowe.com</a>
Leonard K. Samuels, Esq.	<a href="mailto:lsamuels@bergersingerman.com">lsamuels@bergersingerman.com</a> ; <a href="mailto:vleon@bergersingerman.com">vleon@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a>
Marc S Dobin, Esq.	<a href="mailto:service@dobinlaw.com">service@dobinlaw.com</a> ; <a href="mailto:mdobin@dobinlaw.com">mdobin@dobinlaw.com</a> ;
Michael C Foster, Esq.	<a href="mailto:mfooster@dkdr.com">mfooster@dkdr.com</a> ; <a href="mailto:cmackey@dkdr.com">cmackey@dkdr.com</a> ; <a href="mailto:kdominguez@dkdr.com">kdominguez@dkdr.com</a>
Richard T. Woulfe, Esq.	<a href="mailto:pleadings.RTW@bunnellwoulfe.com">pleadings.RTW@bunnellwoulfe.com</a> ; <a href="mailto:kmc@bunnellwoulfe.com">kmc@bunnellwoulfe.com</a>
Louis Reinstein, Esq.	<a href="mailto:pleading@LJR@bunnellwoulfe.com">pleading@LJR@bunnellwoulfe.com</a>
Peter Herman, Esq.	<a href="mailto:PGH@trippscott.com">PGH@trippscott.com</a>
Robert J. Hunt, Esq.	<a href="mailto:bohunt@huntgross.com">bohunt@huntgross.com</a> ; <a href="mailto:sharon@huntgross.com">sharon@huntgross.com</a> ; <a href="mailto:eservice@huntgross.com">eservice@huntgross.com</a>
Steven D. Weber, Esq.	<a href="mailto:sweber@bergersingerman.com">sweber@bergersingerman.com</a> ; <a href="mailto:lwebster@bergersingerman.com">lwebster@bergersingerman.com</a> ; <a href="mailto:drt@bergersingerman.com">drt@bergersingerman.com</a>

Counsel	E-mail Address:
Thomas J. Goodwin, Esq.	<a href="mailto:tgoodwin@mccarter.com">tgoodwin@mccarter.com</a> ; <a href="mailto:nwendt@mccarter.com">nwendt@mccarter.com</a> ; <a href="mailto:jwilcomes@mccarter.com">jwilcomes@mccarter.com</a>
Thomas L. Abrams, Esq.	<a href="mailto:tabrams@tabramslaw.com">tabrams@tabramslaw.com</a> ; <a href="mailto:fcolumbo@tabramslaw.com">fcolumbo@tabramslaw.com</a>
Thomas M. Messina, Esq.	<a href="mailto:tmessana@messana-law.com">tmessana@messana-law.com</a> ; <a href="mailto:tmessana@bellsouth.net">tmessana@bellsouth.net</a> ; <a href="mailto:mwslawfirm@gmail.com">mwslawfirm@gmail.com</a>
Zachary P. Hyman, Esq.	<a href="mailto:zhyman@bergersingerman.com">zhyman@bergersingerman.com</a> ; <a href="mailto:DRT@bergersingerman.com">DRT@bergersingerman.com</a> ; <a href="mailto:clamb@bergersingerman.com">clamb@bergersingerman.com</a>
Nadira Joseph	<a href="mailto:njoseph@moecker.com">njoseph@moecker.com</a>
D. Patricia Wallace, Esq.	<a href="mailto:pwallace@mathewslp.com">pwallace@mathewslp.com</a> ; <a href="mailto:assistant@wjmlawfirm.com">assistant@wjmlawfirm.com</a>
Walter J. Mathews, Esq.	<a href="mailto:wjm@mathewslp.com">wjm@mathewslp.com</a>
Brian S. Pantaleo, Esq.	<a href="mailto:bpantaleo@edwardswild.com">bpantaleo@edwardswild.com</a>

By: s/Leonard K. Samuels  
Leonard K. Samuels