

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

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

Case No. 12-034123 (07)  
Complex Litigation Unit

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.,

Defendants.

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**PLAINTIFFS' SECOND SET OF INTERROGATORIES TO  
DEFENDANT  
STEVEN F. JACOB**

Pursuant to Rule 1.340 of the Florida Rules of Civil Procedure, Plaintiffs, P&S Associates, General Partnership (“P&S”), S&P Associates, General Partnership (“S&P”) and Philip J. Von Kahle as Conservator on behalf of P&S and S&P (“Conservator”) (collectively and individually referred to as, the “Partnerships” or “Plaintiffs”), by and through their undersigned attorneys, hereby propounds Plaintiffs’ Second Set of Interrogatories (the “Interrogatories”) to Defendant, STEVEN F. JACOB (“Defendant”), in accordance with Rule 1.340 and the definitions and instructions stated below, Defendant is to deliver signed responses at the offices of Messana, P.A., 401 East Las Olas, Suite 1400, Fort Lauderdale, FL 33301, within 30 days of service of the Interrogatories.

Respectfully submitted this August 11, 2015

MESSANA, P.A.

*Attorneys for Plaintiff Philip Von Kahle as  
Conservator for P & S Associates, General  
Partnership and S & P Associates, General  
Partnership*

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### **Instruction**

A. These Interrogatories are continuing in character, so as to require the Defendant to file supplemental answers if the Defendant obtains further, contradictory, or different information. Such supplemental answers, if any, shall be filed from time to time promptly upon the discovery by you of such supplemental information. Each Interrogatory is to be answered separately and as completely as possible. The fact that an investigation is continuing and discovery is not complete shall not be used as a reason for failure to answer any such Interrogatory as fully as possible. The omission of any name, fact, or other item of information from the answer shall be deemed a representation that such name, fact, or item is not known to the Defendant, its counsel, or other representatives or agents of the Defendant.

B. Answers shall be based upon information known to the Defendant, its agents, attorneys, partners, associates, employees, servants, representatives, investigators, or any other party or entity acting or who has acted by or on behalf of the Defendant. To the extent that the answer to any Interrogatory is not based upon information known to the Defendant, the Defendant shall specify that fact and the person or entity possessing such information.

C. If the answer to all or any part of an Interrogatory is not presently known or available, include a statement to that effect, specifying the portion of the Interrogatory that cannot be completely answered. However, once information is available, the Defendant is required to furnish all information available in response to the entire Interrogatory by supplemental answer as required above.

D. If the Defendant refuses to answer any Interrogatory or any part thereof on the grounds of privilege, the Defendant must identify the basis for the privilege claimed, the nature of any information that it refuses to disclose, referring specifically to the Interrogatory or any

part thereof to which the Interrogatory applies and by identifying the form in which said information exists, the date of the document or oral communication, and the general subject matter of the document or oral communication.

### **DEFINITIONS**

The following definitions shall apply to the Interrogatories:

A. “You”, “Your”, or “Defendant” as used herein means Defendant Steven F. Jacob and includes any and all agents, employees, servants, officers, directors, attorneys and any other person or entity acting or purporting to act on its behalf.

B. “Amended Complaint” refers to the most recent complaint filed in the above-styled case, CASE NO. 12-034123 (07).

C. “Avellino” as used herein shall mean Frank Avellino.

D. “BLMIS” as used herein means Bernard L. Madoff Investment Securities LLC.

E. “BLMIS Bankruptcy” as used herein shall mean the bankruptcy of BLMIS pending before the Bankruptcy Court of the Southern District of New York.

F. “Bienes” as used herein shall mean Michael Bienes.

G. “P&S” as used herein means Plaintiff P&S Associates, General Partnership, and includes any and all agents, employees, servants, officers, directors, attorneys and any other person or entity acting or purporting to act on its behalf.

H. “S&P” as used herein means Plaintiff S&P Associates, General Partnership, and includes any and all agents, employees, servants, officers, directors, attorneys and any other person or entity acting or purporting to act on its behalf.

I. “Guardian Angel” as used herein shall mean Guardian Angel Trust, LLC.

J. “SPJ” as used herein shall mean SPJ Investments, Ltd.

K. “Person” as used herein means any natural person or any entity, including without limitation any individual, firm, corporation, company, joint venture, trust, tenancy, association, partnership, business, agency, department, bureau, board, commission, or any other form of public, private or legal entity. Any reference herein to any public or private company, partnership, association, or other entity include such entity’s subsidiaries and affiliates, as well as the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of the entity, its subsidiaries or its affiliates.

L. “Documents” shall mean the original or copies of any tangible written, typed, printed or other form of recorded or graphic matter of every kind or description, however

produced or reproduced, whether mechanically or electronically recorded, draft, final original, reproduction, signed or unsigned, regardless of whether approved, signed, sent, received, redrafted, or executed, and whether handwritten, typed, printed, photostated, duplicated, carbon or otherwise copied or produced in any other manner whatsoever. Without limiting the generality of the foregoing, "documents" shall include correspondence, letters, telegrams, telexes, mailgrams, memoranda, including inter-office and intra-office memoranda, memoranda for files, memoranda of telephone or other conversations, including meetings, invoices, reports, receipts and statements of account, ledgers, notes or notations, notes or memorandum attached to or to be read with any document, booklets, books, drawings, graphs, charts, photographs, phone records, electronic tapes, discs or other recordings, computer programs, printouts, data cards, studies, analysis and other data compilations from which information can be obtained. Copies of documents, which are not identical duplications of the originals or which contain additions to or deletions from the originals or copies of the originals if the originals are not available, shall be considered to be separate documents.

"Documents" shall also include all electronic data storage documents including but not limited to e-mails and any related attachments, electronic files or other data compilations which relate to the categories of documents as requested below. Your search for these electronically stored documents shall include all of your computer hard drives, floppy discs, compact discs, backup and archival tapes, removable media such as zip drives, password protected and encrypted files, databases, electronic calendars, personal digital assistants, proprietary software and inactive or unused computer disc storage areas.

M. "Communications" shall mean any oral or written statement, dialogue, colloquy, discussion or conversation and, also, means any transfer of thoughts or ideas between persons by means of documents and includes any transfer of data from one location to another by electronic or similar means.

N. "Related to" shall mean, directly or indirectly, refer to, reflect, mention, describe, pertain to, arise out of or in connection with or in any way legally, logically, or factually be connected with the matter discussed.

O. As used herein, the conjunctions "and" and "or" shall be interpreted in each instance as meaning "and/or" so as to encompass the broader of the two possible constructions, and shall not be interpreted disjunctively so as to exclude any information or documents otherwise within the scope of any request.

P. Any pronouns used herein shall include and be read and applied as to encompass the alternative forms of the pronoun, whether masculine, feminine, neuter, singular or plural, and shall not be interpreted so as to exclude any information or documents otherwise within the scope of any request.

Q. Unless otherwise specified herein, the time frame for each request is from and including January 1, 1992 to the present.

R. If you contend that you are entitled to withhold any responsive document(s) on the basis of privilege or other grounds, for each and every such document specify:

- i. The type or nature of the document;
- ii. The general subject matter of the document;
- iii. The date of the document;
- iv. The author, addressee, and any other recipient(s) of the document; and
- v. The basis on which you contend you are entitled to withhold the document.

S. If you assert that any document sought by any request is protected against disclosure as the attorney's work product doctrine or by the attorney-client privilege, you shall provide the following information with respect to such document:

- a. the name and capacity of the person or persons who prepared the documents;
- b. the name and capacity of all addresses or recipients of the original or copies thereof;
- c. the date, if any, borne by the document;
- d. a brief description of its subject matter and physical size;
- e. the source of the factual information from which such document was prepared; and
- f. the nature of the privilege claimed.

T. When appropriate, the singular form of a word should be interpreted in the plural as may be necessary to bring within the scope hereof any documents which might otherwise be construed to be outside the scope hereof.

### **DOCUMENTS REQUESTED**

**Interrogatory No. 1:** Identify and describe any documents related to Guardian Angel which were destroyed by You after December 11, 2008, and for each document identified in response to this Interrogatory, state the date (if known) or approximate date that document was destroyed.

**Response:**

**Interrogatory No. 2:** Identify and describe any documents related to SPJ which were destroyed by You after December 11, 2008, and for each document identified in response to this Interrogatory, state the date (if known) or approximate date that document was destroyed.

**Response:**

**Interrogatory No. 3:** Describe how You destroyed the documents identified in response to Interrogatories Nos. 1 and 2 above.

**Response:**

**[Remainder of page intentionally left blank. Acknowledgment is on the next page].**

**ACKNOWLEDGEMENT**

**By:** \_\_\_\_\_  
**Title:** \_\_\_\_\_

STATE OF                            )  
  ) SS:  
COUNTY OF                        )

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_ as \_\_\_\_\_ of Defendant Steven Jacob who, being first duly sworn, deposes and states that the answers to the foregoing Interrogatories are true and correct.

SWORN TO AND SUBSCRIBED before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, who is \_\_\_\_\_ personally known to me or \_\_\_\_\_ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of  
Commission No.

My Commission Expires: