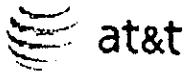


Confidential Document



[Print] [Close]

From: FrankNanc@aol.com
To: mdsassoc@bellsouth.net
Subject: Re: answer question for me
Date: Monday, October 27, 2008 11:31:28 AM

Michael,
Start with calling Jodi Crupi at BLM. Tell her you are changing to an LLC using the same partnership name. She should be able to instruct you or refer you to someone else. Basically, you will be using the same Fed ID number. The telephone number at BLM 212.230.2424.
Let me know what you find out to change.

In a message dated 10/27/2008 12:18.40 P.M. Eastern Daylight Time, mdsassoc@bellsouth.net writes:

Frank I was hoping to change our account from a general partnership to a L.L.C. Who should I contact at BLM? Is it okay to do this?
Thanks

Michael Sullivan
(p) (954) 492-0088
(f) (954) 938-0069

6550 North Federal Highway
Suite 210
Fort Lauderdale FL 33308

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Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of MDS Associates.

Play online games for FREE at Games.com! All of your favorites, no registration required and great

Exhibit C

*S&P Associates, General Partnership
c/o Sullivan & Powell*

Port Royale Financial Center, Suite 210
6550 North Federal Highway
Fort Lauderdale, FL 33308

Michael D. Sullivan
Susan H. Moss, E.A.

Telephone 954-492-0088
Fax 954-938-0069

10/28/08

Jodi Crupi
Bernard L. Madoff
Investment Securities LLC
685 Third Avenue
New York, NY 10022

Dear Jodi:

We have two accounts with Madoff Securities. S&P Associates General Partnership - Account # 1-ZA874-3-0 and P&S Associates General Partnership - Account # 1-ZA873-3-0.

We want to change from a General Partnership to an LLC for both of these accounts. The names and Federal Identification Numbers would remain the same. Per our conversation with you yesterday you instructed us to request the necessary forms to complete this change.

We also would like to replace Greg Powell's name with mine, Michael D. Sullivan, as the primary contact person on all accounts. Please let us know what we need to do to effect these changes.

If you have any questions please contact us by phone or email at investit@bellsouth.net. Thank you and congratulations on 25 years with the firm!

Sincerely,

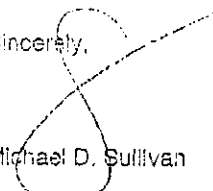

Michael D. Sullivan

EXHIBIT C

Confidential Document
Subj: Pledge of Investments- Paragon Ventures, Ltd. (Donald Kahn)
Date: Tuesday, July 6, 2004 10:16:50 AM
To: franknanc@aol.com

Dear Frank,

We received a Pledge and Guarantee Agreement from Jane Dee at Europlan Financial Services for Paragon Ventures, Ltd. They are requesting both Tom and myself sign the agreement to pledge the investments in P&S Associates and Strattham Partners to Bankhaus Carl Spangler & Co Aktiengesellschaft.

We have sent a copy of the agreement to one of our attorney's for review. Please let me know where we can Fax you a copy.

Hope all is well with both you and Nancy.

Best Regards,

Michael

Confidential Document

Subj: **Re: Pledge of Investments- Paragon Ventures, Ltd.
(Donald Kahn)**
Date: Tuesday, July 6, 2004 3:53:09 PM
From: FrankNanc
To: Gop9401

Dear Michael,

I hope all is well.

There is no need to fax me a copy and no need to consult with the attorney.

There is no way that the investments for S&P or Strattham can be pledged. The underlying securities for both partnerships are traded on a daily basis and cannot be subjugated in any form. Furthermore, Paragon is a partner of the GP and not an investor of certain securities. Without any further legal opinion we cannot pledge the securities under any circumstances. It seems that Jane Dee or Donald Kahn are not aware of this restriction or the mode of conducting this form of investment. They should be informed that you are in no position to pledge any of these securities. If Donald cannot operate under these restrictions he should take his money back. It is simple and to the point.

By the way, Nancy and I are in Nantucket and will be traveling from July 12th to July 22nd when we return back to the island. You can always reach me by cell phone at 954-614-0467.

Best regards,

Frank

EXHIBIT D



**Ahearn
Jasco +
Company**

February 4, 1994

P & S Associates General Partnership
Attention: Mr. Greg Powell
225 N. Federal Highway, Suite 600
Pompano Beach, FL 33062

Acct. #J-40870

FOR PROFESSIONAL SERVICES RENDERED:

- Progress Billing for Tax Services Rendered in Connection with the Preparation of Federal Form 1065 for the Year Ended December 31, 1993 Including Review of Client Data and Initial Set-Up of Tax Return Information.
- Meeting at Client's Office with Mike Sullivan, Greg Powell and Frank Avelino Regarding Partner Reports, Form 1065 and Other Matters.

TOTAL AMOUNT DUE FOR THE ABOVE PROFESSIONAL SERVICES

\$ 350.00

2/17 #1060

"To Ensure Proper Credit, Please Write Your Account Number On Your Check."

EXHIBIT E

FRANK AVELLINO
27 CLIFF ROAD
NANTUCKET, MASSACHUSETTS 02554-3639
Telephone: (508) 325-7042; Fax: (508) 325-7070

June 5, 2000

Greg Powell
Sullivan & Powell

Tel: 954-492-0088
Fax: 954-566-9700

Dear Greg,

Thank you for responding with the list.

The two names I recognize on the P&S Associates list is John Crowley (Michael and Dianne's friend) and of course, Carone Pension Trust.

As for the S&P list the accounts attributable to our old accounts are:

Vania P. Alves
Patricia Hidalgo
Stanley & Emille Leonardi (Dianne's uncle)

The other accounts like Scott Holloway, Dick Wills etc. were never part of my old accounts.

In summary, the P&S accounts with Msgr. Kelly may be the only accounts we may have some claims on. Since you only take half of the management income and give the other half to charity I do not see how this can be negotiated.

Please feel free to call me should you have any questions.

Sincerely,

Frank Avellino

AVELLINO_P&S000001

P&S Associates, General Partnership 6/5/2000

Dorothy K.	Bulger	74,000.00
Holy Ghost	Central Account	260,000.00
Holy Ghost	Congress	4,000.00
Robin Leueen	Costa	130,937.06
Robiri Leueen	Costa	49,131.47
John J.	Crowley	55,000.00
Centro de	da Juventude (CCJ)	70,698.23
Kelco	Foundation	23,850.68
Paul J.	Frank	100,000.00
Congregation	Holy Ghost	200,000.00
Holy Ghost	Ireland Inc.	117,344.09
Holy Ghost	Ireland/Kenema	60,000.00
Rev. Msgr.	Kelly	10,000.00
Rev. Msgr.	Kelly	30,000.00
Janet B.	Molchan	125,700.00
Janet E.	Molchan	60,000.00
Holy Ghost	Mombasa	113,000.00
Abraham and	Newman	85,000.00
Mary Ellen	Nickens	100,000.00
Holy Ghost	Pastoral Juvenil	52,069.00
Caróna	Pension Trust	100,000.00
Edith	Rosen	30,000.00
Paroquia de	Santa Luzia	20,000.00
Projeto	Sao Miguel Paulista	48,000.00
Susan M. &	Shaheen	41,560.97
Pamela S.	Snedeker	70,000.00
Alma L.	Snedeker	39,000.00
Pamela S.	Snedeker	170,000.00
Holy Ghost	SouthWest Brazil	343,000.00
Solutlons in	Tax, Inc.	892.00

Frank A.
 FAX 508.325.7070
 4 Pages TOTAL

P/S pg 1 of 1
 done

pg 1 of 2

Ettah Ltd.		250,000.00	Solutions in Tax,	26,000.00
SPJ Investments,		335,186.12	Richard D. & Ann R. Akins	8,900.00
Vanla P.	Alves	49,000.00	Katherine F. Astley	64,000.00
Barbara	Aymes	90,000.00	Kathryn L. Babcock	10,000.00
Sylvia M.	Barbosa	54,728.07	Grace P. Barcroft,	200,000.00
Dolores	Barone	55,000.00	Mary M. Barrows,	30,000.00
Ada S.	Bickel	80,000.00	Roger G. & Terry A. Bond	300,000.00
Laurel & William	Bonhage	143,000.00	Carl & Annette Boschetti	25,000.00
Martin L. & Gloria	Braun	8,000.00	James R. & Ruth J. Brown	50,000.00
Denise B.	Bryan	37,000.00	Walter M. & Brenda Buckley	225,000.00
James	Caplinger	140,000.00	James Caplinger	5,616.29
Gary R.	Chapman	1,915.00	Gary R. Chapman	67,000.00
Leon	Chase	20,000.00	John & Lois Combs	150,000.00
Dave & Melanie	Cooksey	4,000.00	Janet Cooper	800.00
Marina P.	Correia	33,000.00	Denise A. Cram	10,000.00
James & Brigitte	Crowe	10,000.00	Sally Dickman	30,000.00
Leo & Mary	Dunham,	10,000.00	Esther Fellman	50,000.00
Morton	Feliman	50,000.00	Deborah Fellman	30,000.00
Hampton	Financial	238,700.00	Ralph C. Fox	271,627.47
Carol L.	Fox	16,597.00	Carol L. Fox	15,456.57
Carol L.	Fox	15,000.00	Ersica P. Gianna	195,000.00
Wallace M.	Goodman	76,467.47	Lila R. Goodman	58,999.32
Wallace M.	Goodman	70,061.41	David & Gertrude Gordon	47,000.00
Jesse, Lois or	Goss	48,705.19	Elizabeth S. Harris	5,000.00
Mary S.	Haslam	25,000.00	Robert H. & Dorothy Henley	6,000.00
Patricia	Hidalgo	100,000.00	Phillip A. & Jolene Hocott	60,276.85
Phillip A.	Hocott	452,991.14	Jolene O. Hocott	123,331.36
Scott W.	Holloway	220,960.33	Adam S. Holloway	30,000.00
Alicia N.	Holloway	10,128.07	Vernie M. Holloway,	104,000.00
Zelda G.	Holloway,	137,917.84	Howard H. & Joyce Horwitz,	20,000.00

Joan L.	Hughes	75,525.19	Lawrence	Hughes	252,048.28
Direct Resource	Inc.	45,480.50	R.G. Bond &	Inc.	100,000.00
Millie	Irwig	60,000.00	Herbert	Irwig	25,000.00
Millie	Irwig	25,000.00	Aaron T. & Lynette	Ishikawa,	37,800.00
Alice B.	Iuen	20,000.00	Edward M. & Phyllis	Jacobs	60,000.00
Kim D.	Janicek,	6,774.95	Jack	Klehmänn	157,323.37
C. Paul & Rose M.	Lambert	90,000.00	Rosemary	Leo-Sullivan	29,500.00
Stanley & Emilie	Leonardi	70,000.00	Beverly B.	Lewis	50,000.00
Nancy V.	Lozito	20,000.00	Dorothea V.	Marema	13,346.70
Rita M.	Marema	18,000.00	Theresa	Mataragas	28,000.00
Christie C.	McGarey	4,477.36	Catharine B.	McGarey	4,555.69
Robert B. Chase	McGarey	9,050.00	Louise	McIlvaine,	143,706.93
Louise	McIlvaine,	54,099.37	Dr. Edward D.	Michaelson	5,000.00
Susan M. Serafini	Michaelson	25,000.00	Martha	Mohr-Franta	22,500.00
Paul H.	Mueller	141,687.63	Karen	Newman	10,000.00
Louis S. & Darlene	O'Neal	45,000.00	Marcio S.	Oliveira	24,000.00
Rose	Orofino	25,000.00	Paul & Tina	Paolozzi	38,000.00
JS&P, General	Partnership	1,180,265.51	Beverly J.	Payne	20,000.00
Robert R. & Gall	Podwill	60,000.00	Jeffrey W.	Possér	20,000.00
Joan M.	Possér	7,000.00	Greg and/or Bette	Powell	59,100.00
Harvey L. & Yvonne	Powell	25,500.00	Bette Anne	Powell	10,452.65
Glen O. & Barbara J.	Powell	20,000.00	Paul A.	Profe, Rev.	200,000.00
Edna A.	Profe, Rev.	225,000.00	Irwin B. & Mary N.	Reed	40,000.00
Mildred R.	Richardson	90,000.00	Edith	Rosen	70,000.00
Lynn	Rosen	34,000.00	Sam	Rosen	80,000.00
Garry & Nancy A.R.	Rothbaum	10,000.00	Phil & Mica	Roughton	25,000.00
Lucille	Rowlette	105,000.00	ASH & KAH Educ.	S. Holloway	29,263.05
Carmelo & Bertha	Santamaria	50,000.00	Angela M.	Silecchia	85,000.00
Kathryn and/or	Silecchia	35,757.50	Kathryn &/or	Silecchia	5,000.00
Lisa I. & Jeffrey S.	Sliwa	16,404.01	Catharine B. &	Smith	185,000.00

S&P Associates, General Partnership 6/5/2000

Pg 2 of 3

Joseph A. Spezio	130,000.00	Ann M. Sullivan	340,526.28
Michael D. & L. Gail Sullivan	42,000.00	Ann M. & Michael D. Sullivan	108,239.66
Michael D. & L. Gail Sullivan	40,000.00	Mary Jo Sullivan	5,000.00
Marilyn A. Swiger	1,000.00	Vivianne Walker	45,506.21
Cindy Wallick	129,500.00	Gregg Wallick	429,400.00
Alvin S. & Evelyn K. Weaver	10,000.00	Jennifer J. Weber	324,630.64
Anne W. Wensel	123,287.28	Richard F. & Bette West	39,000.00
Elsa Williams	170,000.00	Dr. John I. Williams,	50,000.00
Evelyn L. Wills	15,000.00	Johanna Wills	8,600.00
Eileen W. & Richard Wills, Jr.	20,000.00	Jack B. & Barbara Wirick	12,000.00
Mark D. Wirick	29,590.50	Hans & Ruth Wirtz	84,000.00
James E. Yonge, trustee	100,000.00	Elisabeth M. Zittel	10,000.00

SULLIVAN & POWELL

2004

P&S ACCOUNTS		Account Balance 12/31/2004	
Carone Pension Plan		474,986	
James Jordan Trust		400,000	
Carone Marital Trust		511,000	
Carone Marital Trust		630,000	
Carone Revocable Trust		150,486	
Paragon Ventures		0	5,000,000 Was returned
Elaine Ziffer		1,000,000	
Carone Family Trust		335,000	
Total		3,501,472	

Management fee	115,153.18		MB	FA
	50%	57,576.59		
		50%	28,788.30	28,788.30

S&P Accounts

Vania Alves		76,769	
James Judd		180,000	
Hooker Trust (Donald Kahn)		117,981	4,000,000 Was returned
James Jordan IRA		3,060,250	
Fernando Esteban IRA		19,226	
Margaret Esteban IRA		547,717	
Total		4,001,943	

Management fee	105,909.07			
	50%	52,954.54		
		50%	26,477.27	26,477.27
Total			55,265.57	55,265.57

Gross Annualized Percentage Rates (by year)

S&P Assoc. P&S Assoc.
(Fr. Kelly's group)

<u>Year ending</u>	<u>Gross %</u>	<u>Gross %</u>
1993	16.58	16.74
1994	14.91	16.42
1995	17.92	17.66
1996	18.36	18.51
1997	20.56	21.46
1998	18.61	19.89
1999	18.33	* ~21.31

*1999 records at CPA, so don't have an exact figure

Average 17.90 18.85

S&P Associates, Gen. Partnership - Net Annualized Percentage Rates

<u>Qtr ending</u>	<u>% (NET)</u>
3/31/93	18.85
6/30/93	15.82
9/30/93	12.56
<u>12/31/93</u>	<u>13.26</u>
3/31/94	13.66
6/30/94	11.95
9/30/94	12.30
<u>12/31/94</u>	<u>13.41</u>
3/31/95	12.37
6/30/95	14.36
9/30/95	13.71
<u>12/31/95</u>	<u>13.95</u>
3/31/96	13.74
6/30/96	13.11
9/30/96	13.79
<u>12/31/96</u>	<u>14.36</u>
3/31/97	18.11
6/30/97	20.30
9/30/97	17.42
<u>12/31/97</u>	<u>16.10</u>
3/31/98	16.87
6/30/98	17.06
9/30/98	14.32
<u>12/31/98</u>	<u>14.54</u>
03/31/99	18.68
06/30/99	17.36
09/30/99	14.55
<u>12/31/99</u>	<u>14.32</u>
<u>Average NET Return 1993-1999</u>	<u>13.99</u>

COMPOSITE EXHIBIT F

From: mdsassoc@bellsouth.net
Sent: Wednesday, April 23, 2008 8:36 AM
To: frank <franknanc@aol.com>
Subject:
Attach: 1stqtravellino.tif

Dear Frank,

Attached are the reports for 1st quarter for both P&S and S&P partners.
Gross for P&S was 3.33% and S&P was 6.80%.

Hope all is well with you and Nancy. Mike told me you are going to Spain soon . Have a wonderful trip! Look forward to hearing from you when you return.

Travel Grace,
Susan

From: mdsassoc@bellsouth.net
Sent: Thursday, July 17, 2008 9:33 AM
To: Frank <franknanc@aol.com>; frank <franknanc@aol.com>
Subject: P&S & S&P 2nd Qtr reports
Attach: 2ndqtrreportsAvellino.tif

Dear Frank,

Hope your summer is going well. I hope your a lot cooler than we are!!
Can't believe it is already July.

Second quarter reports were mailed and attached are copies for you. P&S
results were fantastic! Looking forward to another great quarter. Have a
wonderful summer. My best to Nancy.

Best Regards,
Susan

COMPOSITE EXHIBIT G

Zachary P. Hyman

From: Gary Woodfield <gwoodfield@haileshaw.com>
Sent: Tuesday, March 01, 2016 5:05 PM
To: Zachary P. Hyman; Steven D. Weber; Leonard K. Samuels; tmessana@messana-law.com; tzeichman@messana-law.com
Subject: RE: Defendants' Motion to compel

I do not intend to withdraw the motion and will set it for hearing on March 16. Please advise when you are available for a meet and confer on the motion. I am not available on March 10. I will get dates and get back to you.

Gary Woodfield, Esq.
Haile, Shaw & Pfaffenberger, P.A.
660 U.S. Highway One, Third Floor
North Palm Beach, FL 33408
Telephone: (561) 627-8100
Facsimile: (561) 622-7603
Email: gwoodfield@haileshaw.com

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From: Zachary P. Hyman [<mailto:ZHyman@bergersingerman.com>]
Sent: Tuesday, March 01, 2016 2:38 PM
To: Gary Woodfield; Steven D. Weber; Leonard K. Samuels; tmessana@messana-law.com; tzeichman@messana-law.com
Subject: RE: Defendants' Motion to compel

Gary,
Pursuant to Florida Rule of Civil Procedure 1.380(a)(2), you were required to certify that you had a meet and confer in good faith before filing the Motion. If you would like to have a meet and confer, please withdraw the Motion.

Additionally, please let me know if your client is available for deposition on March 10.
Thank you,
Zach

From: Gary Woodfield [<mailto:gwoodfield@haileshaw.com>]
Sent: Monday, February 29, 2016 12:54 PM
To: Steven D. Weber; Leonard K. Samuels; Zachary P. Hyman; tmessana@messana-law.com; tzeichman@messana-law.com
Subject: Defendants' Motion to compel

Zachary P. Hyman

From: Zachary P. Hyman
Sent: Friday, March 11, 2016 2:19 PM
To: 'Gary Woodfield'; tzeichman@messana-law.com; Leonard K. Samuels
Cc: Michelle L. Albrecht; Michel O. Weisz
Subject: RE: Avellino deposition

Gary,
Can we do the 18th?

Additionally, the below confirms the substance of the conversation we had earlier:

1. You have agreed to respond to the Third Set of Interrogatories by the end of the day on March 14. Can you arrange to get them to us before the hearing?
2. Likewise, you told me that you have sent us the withheld Sullivan e-mails to us by regular mail. We'd request that you scan them to us so we have them before the hearing.
3. Assuming the 18th works for Avellino's deposition, that motion is resolved.
4. We will agree to produce the Sullivan and Holloway statements, provided that (i) the production does not constitute a waiver of any other privileges; (ii) we can use those documents as evidence; and (iii) we retain the right to question the witnesses on those statements. Once you manifest your agreement to the offer, I'll send you the transcripts.
5. We discussed a procedure to address the issue of how our privilege log is not descriptive enough if the Court does not find a waiver as you've requested. I suggested that you provide a list of the documents whose descriptions are insufficient to us and we will provide you with more information.
6. I offered to let you produce Avellino and Bienes' redacted tax returns to address the financial records issue, provided it was without prejudice to seek further documents. You declined to do that.

If you'd like to give me a call to discuss any additional issues, please feel free.

Thanks,
Zach

From: Gary Woodfield [<mailto:gwoodfield@haileshaw.com>]
Sent: Friday, March 11, 2016 1:49 PM
To: Zachary P. Hyman; tzeichman@messana-law.com; Leonard K. Samuels
Subject: RE: Avellino deposition

The 17th is now out. Get back to me when you can. Thanks.

Gary Woodfield, Esq.
Haile, Shaw & Pfaffenberger, P.A.
660 U.S. Highway One, Third Floor
North Palm Beach, FL 33408
Telephone: (561) 627-8100
Facsimile: (561) 622-7603
Email: gwoodfield@haileshaw.com

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From: Gary Woodfield
Sent: Friday, March 11, 2016 10:57 AM
To: Zachary P. Hyman; tzeichman@messana-law.com; Leonard K. Samuels
Subject: Avellino deposition

Frank and I are available for his deposition on March 16, 17, 18, 24 or 25. Let us know what works for you. Answers to the third set of interrogatories for Avellino and Bienes should be filed by the end of the day, March 14.

Gary Woodfield, Esq.
Haile, Shaw & Pfaffenberger, P.A.
660 U.S. Highway One, Third Floor
North Palm Beach, FL 33408
Telephone: (561) 627-8100
Facsimile: (561) 622-7603
Email: gwoodfield@haileshaw.com

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EXHIBIT 3

1 IN THE CIRCUIT COURT OF THE
2 SEVENTEENTH JUDICIAL CIRCUIT, IN
3 AND FOR BROWARD COUNTY, FLORIDA
4 CASE NO: 12-034123 (07)

5 P&S ASSOCIATES, GENERAL PARTNERSHIP,
6 a Florida limited partnership; and S&P
7 ASSOCIATES, GENERAL PARTNERSHIP, a
8 Florida limited partnership, PHILIP VON KAHLE
9 as Conservator of P&S ASSOCIATES, GENERAL
10 PARTNERSHIP, a Florida limited partnership, and
11 S&P ASSOCIATES, GENERAL PARTNERSHIP,
12 a Florida limited partnership,

13 Plaintiffs,
14 vs.

15 STEVEN JACOB, an individual, STEVEN F.
16 JACOB, CPA & ASSOCIATES, INC., a Florida
17 corporation, FRANK AVELLINO, an individual
18 and MICHAEL BIENES, an individual.
19 Defendants.

20 - - -
21 HEARING BEFORE THE HONORABLE JACK TUTER
22 - - -

23 Thursday, June 30th, 2016
24 2:11 o'clock p.m. - 4:25 o'clock p.m.

25 201 Southeast Sixth Street
Courtroom 970
Fort Lauderdale, Florida 33301

Susan D. Fox, Florida Professional Reporter
Notary Public, State of Florida

1 APPEARANCES:

2 ON BEHALF OF THE PLAINTIFF:

BERGER SINGERMAN

3 ZACHARY P. HYMAN, ESQUIRE

LEONARD K. SAMUELS, ESQUIRE

4 350 East Las Olas Boulevard

Suite 1000

5 Fort Lauderdale, Florida 33301

6 ON BEHALF OF THE DEFENDANTS:

HAILE, SHAW & PFAFFENBERGER, P.A.

7 GARY A. WOODFIELD, ESQUIRE

SUSAN BECKER YOFFE, ESQUIRE

8 660 U.S. Highway One

Third Floor

9 North Palm Beach, Florida 33408

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1 mere correspondence between him and his
2 secretary to me does not seem to be
3 privileged, but if there is an attachment
4 to that that is some conversation with the
5 lawyers or something like that, that
6 probably -- that would have to be examined
7 by a judge. But just correspondence back
8 and forth between him and his secretary
9 transposing documents or requesting
10 partnership documents does not to me under
11 any scenario to be privileged.

12 Honestly, even if he gets it, I'm not
13 sure -- I don't see that much of a cross
14 examination, but I'm not going to have
15 this record go up and say I didn't give
16 him a fair chance to get documents to
17 cross examine your client who is seeking,
18 I'm sure millions of dollars in the case
19 in chief. I want to try to do a balance
20 of what's fair.

21 So is that acceptable to you, that
22 you all engage in some form of a meet and
23 greet, and do you think it will be
24 successful, and how would you envision it
25 occurring?