

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

COMPLEX LITIGATION UNIT

CASE NO.: 12-034123 (07)

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

Plaintiffs,

v.

STEVEN JACOB, et al.,

Defendants.

**ORDER GRANTING IN PART PLAINTIFFS'
MOTION TO STRIKE DEFENDANTS' AFFIRMATIVE DEFENSES**

This Cause is before the Court upon *Plaintiffs' Motion to Strike Defendants' Affirmative Defenses* (the "Motion"). The Court, having reviewed the Motion, having heard argument from counsel for the parties, and being otherwise duly advised in the premises, it is, hereby:

ORDERED AND ADJUDGED as follows:

1. The Motion is **GRANTED IN PART AND DENIED IN PART** as follows.
2. The Motion is denied with respect to Affirmative Defenses 1, 2, and 8 of Defendant Avellino and Defendant Bienes.
3. The Motion is granted with respect to Affirmative Defenses 3, 4, 5, 7, and 10 of Defendant Bienes and Affirmative Defenses 3, 4, 5, 7, and 11 of Defendant Avellino. Affirmative Defenses 3, 4, 5, 7, and 10 of Defendant Bienes and Affirmative Defenses 3, 4, 5, 7,

and 11 of Defendant Avellino are hereby stricken without prejudice. Defendant Avellino and Defendant Bienes may replead those defenses by September 7, 2015.

4. The Motion is granted with respect to Affirmative Defenses 6, 9, and 11 of Defendant Bienes and Affirmative Defenses 6, 9, and 10 of Defendant Avellino. Affirmative Defenses 6, 9, and 11 of Defendant Bienes and Affirmative Defenses 6, 9, and 10 of Defendant Avellino are hereby stricken because they are not valid affirmative defenses.

DONE AND ORDERED in Chambers this 27 day of Aug, 2015.



HONORABLE JACK TUTER
Circuit Court Judge

Copies furnished to:
All counsel of record