

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO.: 12-028324 CACE (07)

Complex Litigation Unit

P & S ASSOCIATES, GENERAL
PARTNERSHIP and S & P ASSOCIATES,
GENERAL PARTNERSHIP,

Plaintiff,

vs.

ROBERTA P. ALVES, ET AL.,

Defendant(s).

**DEFENDANTS, SAM ROSEN AND EDITH ROSEN'S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S THIRD AMENDED
COMPLAINT FOR INTERPLEADER AND DECLARATORY RELIEF**

COME NOW, the Defendants, SAM ROSEN and EDITH ROSEN, (hereinafter "Defendants" or "Rosen") by and through the undersigned counsel, and file this their Answer and Affirmative Defenses to Plaintiff's Third Amended Complaint for Interpleader and Declaratory Relief and state:

1. Defendants, Sam Rosen and Edith Rosen, deny each and every allegation in the Third Amended Complaint, not admitted in this Answer.¹
2. Rosen asserts as an Affirmative Defense the Third Amended Complaint fails to state a cause of action for relief.
3. Rosen asserts as an additional Affirmative Defense that plaintiff 's claims are barred by applicable statute of limitations.

¹ Defendants state that upon request of the managing partner, Sam Rosen and Edith Rosen, were requested that their accounts be consolidated and upon information and belief funds in their respective accounts with S&P were transferred to a joint account at P&S. Defendants are awaiting discovery.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via E-mail and U.S. Mail to: Thomas M. Messina, Esq., tmessana@messana-law.com, Attorneys for Philip J. Von Kahle, the Conservator of the P & S Associates, General Partnership and the S & P Associates, General Partnership ("Plaintiff's Attorney"), MESSANA, P.A., 401 East Las Olas Boulevard, #1400, Fort Lauderdale, FL 33301; Leonard K. Samuels, Esq., Ethan Mark, Esq., Steven D. Weber, Esq., lsamuels@bergersingerman.com, emark@bergersingerman.com, sweber@bergersingerman.com, drt@bergersingerman.com, Vleon@bergersingerman.com, lwebster@bergersingerman.com, Berger Singerman, 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, Florida: 33301; and to all parties on the attached Service List as noted, on this 19th day of September, 2013.

Respectfully submitted,

GAMBERG & ABRAMS

Attorneys for Defendants,

Sam Rosen & Edith Rosen

1776 North Pine Island Road, Suite 309

Fort Lauderdale, Florida 33322

Telephone: (954) 523-0900

Facsimile: (954) 915-9016

Primary E-mail: tabrams@tabramslaw.com

By: _____

Thomas L. Abrams, Esq.

Florida Bar No. 764329

SERVICE LIST
P&S ASSOCIATES, GENERAL PARTNERSHIP AND S&P ASSOCIATES, GENERAL PARTNERSHIP
VS. ROBERTA P. ALVES, ET AL. CASE NO.: 12-028324 (07) ("Distribution Action")
Complex Litigation Unit

Furnished via E-Mail and U.S. Mail to:

Thomas M. Messana, Esq.,
Messana, P.A.
401 East Las Olas Boulevard, #1400
Fort Lauderdale, FL 33301
tmessana@messana-law.com
blieberman@messana-law.com
*(Attorneys for Philip J. Von Kahle,
the Conservator of the P & S Associates,
General Partnership and the S & P Associates,
General Partnership "Plaintiff's Attorney")*

Leonard K. Samuels, Esq.
Ethan Mark, Esq.
Steven D. Weber, Esq.
Berger Singerman
350 East Las Olas Boulevard, Suite 1000
Fort Lauderdale, Florida: 33301
lsamuels@bergersingerman.com;
emark@bergersingerman.com;
sweber@bergersingerman.com;
drt@bergersingerman.com;
Vleon@bergersingerman.com;
lwebster@bergersingerman.com;
(Attorneys for Plaintiffs)

Furnished Via E-mail only to:

Michael R. Casey, Esq.
1831 NE 38th Street, #707
Oakland Park, FL 33308
mcasey666@gmail.com
*(Attorneys for Susan E. Molchan or Thomas A. Whiteman, Janet B. Molchan Trust DTD 5/19/94
and Alex E. Molchan Trust DTD 05/19/94)*

Marc S. Dobin, Esq.
Jonathan Thomas Lieber, Esq.
Dobin Law Group, P.A.
500 University Blvd. #205
Jupiter, Florida 33458-2775
mdobin@dobinlaw.com
jlieber@dobinlaw.com
service@dobinlaw.com
(Attorneys for Congregation of the Holy Ghost Western Province, Inc.)

Michael C. Foster, Esq.
Annette M. Urena, Esq.
Daniels Kashtan
4000 Ponce de Leon Blvd., Suite 800
Coral Gables, FL 33146
Mfoster@dkdr.com
aurena@dkdr.com

Richard T. Woulfe, Esq.
Bunnell & Woulfe P.A.
One Financial Plaza, Suite 1000
100 SE Third Avenue
Fort Lauderdale, FL 33394
Pleadings.RTW@bunnellwoulfe.com

Domenica Frasca, Esq. Mayersohn Law Group, P.A.
101 N.E. Third Avenue, Ste. 1250
Fort Lauderdale, FL 33301
service@mayersohnlaw.com
dfrasca@mayersohnlaw.com
*(Attorneys for Francis J. Mahoney, Jr.,
Personal Representative of the Estate of Mary Ellen Nickens)*

Jason S. Oletsky, Esq.
Akerman, Senterfitt
Las Olas Centre II, Suite 1600
Fort Lauderdale, FL 33301
Jason.oletsky@akerman.com
Ashley.sawyer@akerman.com
(Attorneys for Walsh)

Carl F. Schoepl, Esq.
Schoepl & Burke, P.A.
4651 North Federal Highway
Boca Raton, FL 33431-5176
carl@schepplburke.com
(Attorneys for Burt Moss, et al.)

Robert A. Chaves, Esq.
Gutter, Chaves et al.
2101 NW Corporate Boulevard, Suite 107
Boca Raton, FL 33431-7343;
rchaves@floridatx.com
(Attorneys for Calla Gutter)

William G. Salim, Jr.
Moskowitz, Mandell, Salim & Simowitz, P.A.
800 Corporate Drive, Suite 500
Fort Lauderdale, FL 33334
wsalim@mmsslaw.com
(Attorneys for Wayne Horwitz, et al.)

By: /s/Thomas L. Abrams
THOMAS L. ABRAMS, ESQUIRE