

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, et al.,

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.,

Defendants.

**CONSERVATOR’S MOTION TO EXTEND TIME TO
SERVE THE SUMMONS AND COMPLAINT
ON DEFENDANT, MICHAEL BIENES**

Philip J. Von Kahle (the “Conservator”), as Conservator for P&S Associates, General Partnership (“P&S”) and S&P Associates, General Partnership (“S&P”) (together, the “Partnerships”), files this Motion to Extend Time to Serve the Summons and Complaint on Defendant, Michael Bienes (the “Motion”), and in support thereof states as follows:

1. In addition to that certain case styled *Matthew Carone, et. al. v. Michael D. Sullivan, individually*, Case No. 12-24051 (07) (the “Conservator Lawsuit”), the Partnerships are presently involved in three separate actions pending before this Court (the “Lawsuits”).

2. In lieu of a background statement, the Conservator relies upon the Court’s familiarity with the Lawsuits’ extensive background.

3. Despite the Conservator’s thorough efforts, one defendant in the above-caption case, Michael Bienes (“Bienes”), has not been served with the Summons and Complaint.

4. Upon information and belief, Bienes is a resident of Florida. However, through the Conservator's investigation, it is believed that Bienes is temporarily living outside of the country.

5. The Conservator has repeatedly attempted to effectuate service on Bienes, but, to date, without success.

6. Presently, the deadline to serve Bienes is October 26, 2013.¹

7. Since the Conservator has been actively pursuing service, good cause exists to extend the time within which to timely serve process.

8. Accordingly, the Conservator respectfully requests that the Court extend the deadline for timely service of the Summons and Complaint upon the parties pursuant to Fla. R. Civ. P. 1070(j).

WHEREFORE, the Conservator requests that the Court enter an Order extending the deadline to serve process upon Michael Bienes in the above-captioned case for approximately 60 days through and including December 26, 2013, pursuant to Fla. R. Civ. P. 1070(j), and granting such other relief as the Court deems just and proper.

Dated: September 27, 2013

MESSANA, P.A.
Attorneys for Conservator
401 East Las Olas Boulevard, Suite 1400
Ft. Lauderdale, FL 33301
Telephone: (954) 712-7400
Facsimile: (954) 712-7401

By: /s/ Thomas M. Messana
Thomas M. Messana, Esq.
Florida Bar No. 991422
Brett D. Lieberman, Esq.
Florida Bar No. 69583

¹ All other defendants in the above-captioned case have been served.