

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

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

CASE NO. 12-028324 (07)
Complex Litigation Unit

Plaintiff,

v.

ROBERTA P. ALVES, ET AL.,

Defendants.

**CONSERVATOR'S MOTION TO
STRIKE STEVE JACOB'S RESPONSE TO CONSERVATOR'S MOTION FOR
SUMMARY JUDGMENT FILED ON JULY 1, 2013 AND FOR SANCTIONS**

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"), by and through undersigned counsel, pursuant to 1.140 of the Florida Rules of Civil Procedure, hereby moves to strike Steve Jacob's ("Jacob") *Response to Conservator's Motion for Summary Judgment*, filed on July 1, 2013 (the "Jacob Objection") and for sanctions, and in support thereof states as follows:

Summary of Argument

Jacob has no authority to appear before this Court in this matter. Jacob is not a partner of the Partnerships and Jacob is not an attorney representing a partner of the Partnerships. Jacob is a defendant in a separate lawsuit brought by the Partnerships and purports to be the manager of entities that are partners of the Partnerships. Despite being advised that he could not do so, Jacob filed an objection to the Conservator's Distribution Motion giving his opinion on whether and to

what extent this Court should follow the recommendations contained therein. Jacob, a non party and non-lawyer, is not permitted to advocate before this Court.

The Court ought to strike the Jacob's Objection and sanction Jacob.

Relevant Background

1. The Partnerships are Florida general partnerships and are made up of individual partners (the "Partners").

2. Upon learning that the sole investment of the Partnerships was a ponzi scheme and that there would be insufficient funds to make all of the Partners whole, a dispute arose between the them as to how the remaining assets of the Partnerships should be distributed. This Interpleader Action was commenced to, among other things, allow the Court to determine the proper distribution methodology.

2. To that end, on May 31, 2013 the Conservator filed his: Motion for Summary Judgment to (i) Approve Determination Claims; (ii) Approve Plan of Distribution, and (iii) Establish Objection Procedures (the "Distribution Motion"). The Distribution Motion apprises the Court and the Partners of several alternative distribution methodologies.

3. On July 1, 2013, Jacob filed a *Response to Conservator's Motion for Summary Judgment* purportedly on the behalf of Jacob, Guardian Angel, LLC. ("Guardian Angel"), and SPJ Investments, Ltd. ("SPJ").

4. Jacob purports 40% party in interest in S&P by virtue of being managing member in Guardian Angel and a managing partner of SPJ. However, after diligent review of the records for the Partnerships, Guardian Angel, and SPJ, support for Jacob's interest was not discovered.

5. As a non-partner, Jacob does not have any direct claim to the Partnership assets and therefore lacks standing to object to the Distribution Motion. *Vaughan v. First Union Nat.*

Bank of Florida, 740 So. 2d 1216, 1217 (Fla. 2d Dist. Ct. App. 1999) (“Any litigant must demonstrate that he or she has standing to invoke the power of the court to determine the merits of an issue.”); *Westport Recovery Corp. v. Midas*, 954 So. 2d 750, 752 (Fla. 4th Dist. Ct. App. 2007) (“The party must allege that he has suffered or will suffer a special injury.... Thus, the court must determine whether the plaintiff has a sufficient interest at stake in the controversy which will be affected by the outcome of the litigation.”)

6. To the extent that Jacob purports to represent business entities, such as Guardian Angel and SPJ, such action is not permitted. Florida law prohibits non-attorneys from representing business entities in the Court of . *Szteinbaum v. Kaes Inversiones y Valores, C.A.*, 476 So. 2d 247, 248 (Fla. 3d Dist. Ct. App. 1985) (“It is well recognized that a corporation, unlike a natural person, cannot represent itself and cannot appear in a court of law without an attorney.”)

7. Jacob is not an attorney. He is not authorized to represent entities before this Court and is presently without a license. *James D. Pauls, Ltd. v. Pauls*, 633 F. Supp. 34, 35 (S.D. Fla. 1986) (standing for the proposition that a general partner, who is not a licensed attorney, may not represent a limited partnership in a *pro se* lawsuit.)

8. Previously, Jacob purportedly filed a *pro se* document on behalf of the same entities in a related matter.¹ On June 3, 2013, the Conservator filed a motion to strike Jacob’s paper in that matter which provided that Jacob’s actions were improper as he is not an attorney.

9. Notwithstanding being aware that his actions were improper under Florida law, Jacob’s filed his Objection on behalf of two business entities.

10. Jacob’s actions constitute the unlicensed practice of law. *The Florida Bar v. Embassy of Heaven Church*, 761 So. 2d 1053, 1055 (Fla. 2000) (per curiam) (holding that non-

¹ *Matthew Carone, et. al. v. Michael D. Sullivan*, Case No. 12-24051 (07) (the “Conservator Suit”).

lawyer employees and representatives of an entity should be “permanently and perpetually enjoined from engaging in the unlicensed practice of law in the State of Florida.”) The Court ought not to consider pleading filed in violation of Florida law.

WHEREFORE, Conservator respectfully requests that this Court Strike Steve Jacob’s *Response to Conservator’s Motion for Summary Judgment* filed on July 1, 2013 in its entirety and sanction Jacob, and grant such other relief as the Court deems appropriate.

Respectfully submitted September 27, 2013

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