

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

Case No. 12-34121 CACE(07)

Complex Litigation Unit

MARGARET SMITH, et al.,

Plaintiffs,

v.

JANET A. HOOKER CHARITABLE
TRUST, et al.,

Defendants.

PLAINTIFFS' RESPONSE TO DEFENDANTS' REQUEST FOR PRODUCTION

Pursuant to Fla. R. Civ. P. 1.350, Plaintiffs P&S Associates, General Partnership ("P&S"), and S&P Associates, General Partnership ("S&P") (collectively and individually referred to as, the "Partnerships" or "Plaintiffs"), by and through the undersigned counsel hereby respond to Defendants Sam and Edith Rosen's First Request for Production upon Plaintiffs as follows:

SPECIFIC OBJECTIONS AND RESPONSES

1. All documents which relate to the claim against Sam Rosen.

Response: Plaintiffs object to this request on the grounds that it is vague and ambiguous because it is not clear what is meant by "the claim against Sam Rosen" and may require production of materials protected by attorney-client privilege and/or the work product doctrine. Plaintiffs further object to this request because it requests the production of documents which may be in Sam Rosen's possession, and are not currently in Plaintiffs' possession, and therefore cannot be produced. Plaintiffs also object to this request as it is duplicative of request numbers 3, 5, 7, 8 and 9, which may request production of substantially the same documents as the instant request.

2. All documents which relate to the claim against Edith Rosen.

Response: Plaintiffs object to this request on the grounds that it is vague and ambiguous because it is not clear what is meant by “the claim against Edith Rosen” and may require production of materials protected by attorney-client privilege and/or the work product doctrine. Plaintiffs further object to this request because it requests the production of documents which may be in Sam Rosen’s possession, and are not currently in Plaintiffs’ possession, and therefore cannot be produced. Plaintiffs also object to this request as it is duplicative of request numbers 4, 6, 7, 8 and 9, which may request production of substantially the same documents as the instant request.

3. All documents which reflect any monies paid to the partnership by or on behalf of Sam Rosen.

Response: Plaintiffs object to this request on the grounds that it is vague and ambiguous because Defendant has not defined the partnership that it is referring to in this request, and may require production of materials protected by attorney-client privilege and/or the work product doctrine. Additionally, to the extent that this request is referring to S&P and P&S, this request is overly broad because it seeks the production of documents which are likely in Sam Rosen’s possession, and not in Plaintiffs’ possession. Furthermore, this request is overly broad and seeks documents that are not reasonably calculated to lead to admissible evidence because it seeks the production of documents from the undefined partnership’s predecessors, subsidiaries, parents or affiliates, while this matter only relates to improper receipt of payment from the Partnerships described in the Complaint. This request is also duplicative of document requests 1, 5, 7, 8 and 9 which may require the production of substantially the same documents as the instant request. Without waiving their objections, to the extent that this request is referring to S&P and/or P&S as the “partnership”, Plaintiff will produce non-privileged documents that demonstrate that Sam Rosen invested \$139,000.00 in S&P and/or P&S

4. All documents which reflect any monies paid to the partnership by or on behalf of Edith Rosen.

Response: Plaintiffs object to this request on the grounds that it is vague and ambiguous because Defendant has not defined the partnership that it is referring to in this request, and may require production of materials protected by attorney-client privilege and/or the work product doctrine. Additionally, to the extent that this request is referring to S&P and P&S, this request is overly broad because it seeks the production of documents which are likely in Edith Rosen’s possession, and not in Plaintiffs’ possession. Furthermore, this request is overly broad and seeks documents that are not reasonably calculated to

lead to admissible evidence because it seeks the production of documents from the undefined partnership's predecessors, subsidiaries, parents or affiliates, while this matter only relates to improper receipt of payment from the Partnerships described in the Complaint. This request is also duplicative of document requests 2, 6, 7, 8 and 9 which may require the production of substantially the same documents as the instant request. Without waiving their objections, to the extent that this request is referring to S&P and/or P&S as the "partnership", Plaintiff will produce non-privileged documents that demonstrate that Edith Rosen invested \$139,000.00 in S&P and/or P&S.

5. All documents which support or relate to the allegations in the Complaint that Sam Rosen invested \$140,000.00 in the Partnership and received \$191,142.13 from the Partnership.

Response: Plaintiffs object to this request on the grounds that it is vague and ambiguous because Defendant has not defined the partnership that it is referring to in this request, and may require production of materials protected by attorney-client privilege and/or the work product doctrine. Without waiving their objections, to the extent that this request is referring to S&P and/or P&S as the "Partnership", Plaintiff will produce non-privileged documents responsive to this request that demonstrate that Sam Rosen invested \$140,000.00 in S&P and/or P&S and received \$191,142.13 from S&P and/or P&S.

6. All documents which support or relate to the allegations in the Complaint that Edith Rosen invested \$139,000.00 in the Partnership and received \$253,956.18 from the Partnership.

Response: Plaintiffs object to this request on the grounds that it is vague and ambiguous because Defendant has not defined the partnership that it is referring to in this request, and may require production of materials protected by attorney-client privilege and/or the work product doctrine. Without waiving their objections, to the extent that this request is referring to S&P and/or P&S as the "Partnership", Plaintiff will produce non-privileged documents responsive to this request that demonstrate that Edith Rosen invested \$139,000.00 in S&P and/or P&S and received \$253,956.18 from S&P and/or P&S.

7. All documents which reflect and/or evidence the investment of any funds by Sam Rosen and Edith Rosen individually or as husband and wife.

Response: Plaintiffs object to this request on the grounds that it may require production of materials protected by attorney-client privilege and/or the work product doctrine and it is overly broad and not reasonably calculated to lead to admissible evidence because "the investment of any funds by Sam and Edith Rosen" implicates funds which are not

involved or relevant to the instant proceeding, which only relates to funds invested in S&P and/or P&S. Further, this request is duplicative of requests 1, 2, 3, 4, 5, 6, and 9, which appear to require the production of substantially the same documents as the instant request. Without waiving their objections, Plaintiff will produce non-privileged documents that demonstrate that Edith Rosen invested \$139,000.00 in S&P and/or P&S and received \$253,956.18 from S&P and/or P&S.

8. Any and all correspondence or other documents, including but not limited to documents to and from the Partnership, Sam Rosen, Edith Rosen and or Sam and Edith Rosen.

Response: Plaintiffs object to this request on the grounds that it may require production of materials protected by attorney-client privilege and/or the work product doctrine and it is overly broad and not reasonably calculated to lead to admissible evidence because “any and all correspondence or other documents” fails to identify the specific documents or correspondence sought and appears to request all documents or correspondence that exist, no matter what the subject. Further, this request is duplicative of requests 1, 2, 3, 4, 5, 6, 7 and 9, which may require the production of substantially the same documents as the instant request. Without waiving their objections, to the extent that this request is referring to S&P and/or P&S as the “partnership”, Plaintiff will produce non-privileged correspondence between Edith and Sam Rosen and S&P and/or P&S.

9. Any documents and/or receipts relating to any accounts of Sam Rosen, Edith Rosen and/or Sam and Edith Rosen.

Response: Plaintiffs object to this request on the grounds that it may require production of materials protected by attorney-client privilege and/or the work product doctrine and it is overly broad and not reasonably calculated to lead to admissible evidence because it is unclear what “accounts” are referenced in this request and the request appears to request all documents and/or receipts relating to any account that exists, and not just any account that may exist with respect to S&P and/or P&S. This request is also duplicative of requests 1, 2, 3, 4, 5, 6, 7, and 8, which may require the production of substantially the same documents as the instant request.

Dated: October 2, 2013

By: s/ Zachary P. Hyman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Plaintiffs' Response to Defendants' Request for Production* has been served via Electronic Mail and U.S. mail upon all parties on the attached Service List on this 2nd day of October, 2013.

By: s/Zachary P. Hyman
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