

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.

**STIPULATION TO WITHDRAW JACOB'S RESPONSE TO
MOTION FOR SUMMARY JUDGMENT AND CONSERVATOR'S MOTION TO STRIKE**

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**") and Steve Jacob ("Jacob"), by and through undersigned counsel, hereby file this stipulation to withdraw Jacob's *Response to Motion for Summary Judgment* and the Conservator's *Motion to Strike Jacob's Response to Motion for Summary Judgment filed on July 1, 2013 and for Sanctions* (the "Stipulation"), and states as follows:

Stipulation

1. To resolve the dispute between various partners as to an appropriate distribution method, in July of 2012, the Partnerships filed the instant interpleader action (the "**Interpleader Action**").
2. On January 17, 2013, this Court appointed Philip Von Kahle as Conservator of the Partnerships in a parallel proceeding, that certain case styled *Matthew Carone, et. al. v. Michael D. Sullivan*, Case No. 12-24051 (07) (the "**Conservator Suit**"), by entering the *Order Appointing Conservator* (the "**Conservator Order**").
3. The Conservator Order directs the Conservator to, among other things, advance the Interpleader Action.

4. On May 31, 2013, the Conservator filed *Conservator's Motion for Summary Judgment to (i) Approve Determination Claims; (ii) Approve Plan of Distribution, and (iii) Establish Objection Procedures* (the "**Distribution Motion**").

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

6. On September 27, 2013, the Conservator filed his *Motion to Strike Jacob's Response to Motion for Summary Judgment filed on July 1, 2013 and for Sanctions* (the "Motion to Strike").

7. The Conservator and Jacob have determined that in the interest of conserving the Court and the parties' resources this Stipulation is appropriate to resolve Jacob's Response and the Motion to Strike.

8. Accordingly, the Conservator and Jacob stipulate that Jacob's Response and the Motion to Strike are withdrawn.

Respectfully submitted this October 11, 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
Email: tmessana@messana-law.com
By: /s/ Thomas M. Messana
Thomas M. Messana, Esq.
Florida Bar No. 991422

TRIPP SCOTT, P.A.
Attorneys for Steve Jacob
110 S.E. 6th Street, 15th Floor
Fort Lauderdale, FL 33301
Telephone: (954) 525-7500
Facsimile: (954) 761-8475
Email: PGH@trippscott.com
By: /s/ Peter G. Herman
Peter G. Herman
Fla. Bar No. 353991