

IN THE CIRCUIT COURT FOR THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY,
FLORIDA

PHILIP J. VON KAHLE, as Conservator of
P&S Associates, General Partnership and
S&P Associates, General Partnership

Case No. 12-034123 (07)
Complex Litigation Unit

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.,

Defendants.

NOTICE OF FILING:

**CONSERVATOR'S AMENDED STATUS
CONFERENCE AGENDA FOR NOVEMBER 1, 2013
AT 1:30PM**

Philip J. Von Kahle, as Conservator for P&S, General Partnership and S&P, General Partnership, by and through counsel, hereby gives notice of filing the attached *Conservator's Status Conference Agenda for November 1, 2013* in the matter of *Matthew Carone, et. al. v. Michael D. Sullivan, individually*, Case No. 12-24051 (07) in the Circuit Court of the 17th Judicial Circuit, in and for Broward County, Florida.

Respectfully submitted this October 28, 2013.

MESSANA, P.A.
Attorneys for Conservator
Post Office Drawer 2485
Fort Lauderdale, FL 33303
Telephone: 954-712-7400
Facsimile: 954-712-7401
e-mail: tmessana@messana-law.com

By: /s/ Thomas M. Messana
Thomas M. Messana
Florida Bar No. 991422

**IN THE CIRCUIT COURT OF THE 17th
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA
CASE NO.: 12-24051 (07)
COMPLEX LITIGATION UNIT**

MATTHEW CARONE, et al.,

Plaintiffs,

v.

MICHAEL D. SULLIVAN, individually,

Defendant.

_____ /

**CONSERVATOR'S AMENDED STATUS
CONFERENCE AGENDA FOR NOVEMBER 1, 2013
AT 1:30PM¹**

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 this Court’s July 9, 2013 *Standing Order Setting Monthly Status Conferences* (the “**Standing Order**”), hereby files the Conservator’s Amended Status Conference Agenda for November 1, 2013 at 1:30pm (the “**Agenda**”), and in support thereof states as follows:

Brief Introduction

1. The Conservator was appointed pursuant to this Court’s January 17, 2013 *Order Appointing Conservator* (“**Conservator Order**”) in the above-captioned action (the “**Conservator Suit**”).

2. The Conservator Suit, and certain related cases, are presently pending before this Court, styled:

- *P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Alves, et al.*, Case No. 12-028324 (07) (the “**Interpleader Action**”);
- *Margaret Smith as General Partner of P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Janet A. Hooker Charitable Trust, e. al.*, Case No. 12-034121 (07) (the “**Net Winner Suit**”); and

¹ Amended to include *Steven Jacob and Steven F. Jacob, Inc.’s Motion to Dismiss or in the Alternative for a more Definite Statement* in the Insider Suit..

- *Margaret Smith as General Partner of P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Michael D. Sullivan, et al.*, Case No. 12-034123 (07) (the “**Insider Suit**” and together with the Conservator Suit, the “**Lawsuits**”).

3. The Conservator has identified the following matters and requests that this court consider the same at the status conference presently scheduled for November 1, 2013 (the “**Status Conference**”).

The Conservator Suit

4. **Conservator’s Motion to Retain and Compensate Barry Mukamal and Marcum LLP as an Expert Witness in the Interpleader Action.** Presently a trial is set for November 19, 2013 on certain issues in the Interpleader Action which necessitate retention of an expert witness.

The Interpleader Action

5. **Service:** The Conservator will provide updated service statistics at the Status Conference.

6. **Conservator’s Motion to Join the Partners of SPJ Investments, Ltd and the Members of Guardian Angel Trust, LLC.**

7. **Conservator’s Motion to Extend Time to Serve the Summons and Complaint.**

8. **Defendant, Sylvia M. Barbosa n/k/a Sylvia M. Fuchs, Motion to Enlarge Time in Which to Respond to Complaint filed dated September 17, 2013.**

9. **Defendant, Sylvia M. Barbosa n/k/a Sylvia M. Fuchs, Motion to Enlarge Time in Which to Respond to Complaint filed dated October 22, 2013.**

The Net Winner Suit

10. **Service:** Counsel for the Conservator in the Net Winner Suit will provide updated service statistics at the Status Conference.

11. **Plaintiff’s Motion for Extension of Time to Serve Summons and Complaint.**

12. **Plaintiff’s Motion to Amend Complaint.**

13. **Defendant, Congregation of the Holy Ghost – Western Providence’s Motion for Summary Judgment and Incorporated Memorandum of Law** and any related responses and replies thereto and which the Conservator believes is moot in light of the Motion to Amend.

14. **Ettoh, Ltd.’s Motion to Dismiss** and any related responses and replies thereto.

The Insider Suit

15. **Service:** As of the date of this Agenda, the Conservator has served all defendants.

16. **Steven Jacob and Steven F. Jacob, Inc.’s Motion to Dismiss or in the Alternative for a more Definite Statement.**

Conclusion

17. The above identified matters are not intended to be an exhaustive list of matters the Court may consider at the Status Conference, as the Standing Order provides that the “Agenda shall by no means limit this Court’s authority to enter Orders as it sees fit or preclude parties who attend the Status Conferences from presenting *ore tenus* motions that are not included in the Agenda.” (Standing Order at ¶4).

Respectfully submitted this October 28, 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
Brett D. Lieberman, Esq.
Florida Bar No. 69583