

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA
CASE NO. 12-034123 (07)
Complex Litigation Unit

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

vs.

MICHAEL D. SULLIVAN, et al.,
Defendants.

DEFENDANT'S FRANK AVELLINO AMENDED SIXTH AFFIRMATIVE DEFENSE

As and for his amended sixth affirmative defense, Defendant Frank Avellino asserts that to the extent Plaintiffs sustained any damages, other persons or entities, may have caused or contributed to such damages. These other persons or entities include, without limitation, Michael Sullivan, Steven Jacob, Steven F. Jacob, CPA & Associates, Inc., Greg Powell, Matthew Carone, Kelco Foundation, Vincent Kelly and individual investors of the Partnerships who are still being revealed during discovery. Defendant denies there was any wrongdoing by himself individually or in conspiracy with any other persons, but for purposes of this affirmative defense, relies upon the allegations made by Plaintiffs in their Fifth Amended Complaint for the factual basis to assert that other persons may have caused or contributed to such damages. Defendant Avellino is entitled to a reduction of any amount of damages assessed, either in whole or in part, based upon Section 768.31, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 2015, the foregoing document is being served on those on the attached service list by electronic service via the Florida Court E-Filing Portal in compliance with Fla. Admin Order No. 13-49.

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