

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

CASE NO.: 12-034121 (07)

P & S ASSOCIATES, GENERAL PARTNERSHIP,
a Florida limited partnership; and S&P
ASSOCIATES, GENERAL PARTNERSHIP, a
Florida limited partnership, *et al.*,

Plaintiffs,

v.

JANET A. HOOKER CHARITABLE TRUST, a
charitable trust, *et al.*,

Defendants.

_____ /

PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER

Plaintiffs, P&S Associates, General Partnership (“P&S”), S&P Associates, General Partnership (“S&P”) (S&P and P&S are collectively referred to as the “Partnerships”), and Philip Von Kahle as Conservator on behalf of P&S and S&P (the “Conservator” and collectively with the Partnerships, “Plaintiffs”), by and through the undersigned counsel, hereby file this motion requesting entry of a Protective Order relieving Dick Haslam of any obligation to appear at a deposition unilaterally noticed by Defendants James and Valerie Judd (collectively, “Defendants”). In support thereof, Plaintiffs state:

1. Without consulting with Plaintiffs, on November 4, 2014, Defendants served a *Notice of Taking Deposition* seeking to depose Dick Haslam, as Conservator of the Partnerships, on November 7, 2014. Mr. Haslam was previously given authority to act on the Conservator’s behalf during mediation with Defendants.

2. It seems clear that Defendants are seeking yet again to litigate the existence of an alleged settlement agreement -- even though this Court previously denied Defendants’ Motion to

Enforce Settlement Agreement, and the parties' communications prove that no settlement agreement ever existed.

3. As Defendants are seeking to improperly re-litigate their previously denied, baseless Motion to Enforce Settlement Agreement through the deposition of Mr. Haslam, a protective order should be entered relieving Mr. Haslam of any obligation to appear for that deposition.

4. To the extent that Defendants are seeking to depose the Conservator of the Partnerships, any such notice is properly directed towards Philip Von Kahle, the Conservator of S&P and P&S, and Plaintiffs ask that Defendants coordinate with them before scheduling any such deposition.

WHEREFORE Plaintiffs respectfully request that the Court enter an Order, (a) striking Defendants Notice of Taking Deposition of Dick Haslam, as Conservator; (b) relieving Dick Haslam from any obligation to appear for deposition pursuant to Defendants' Notice of Taking Deposition; (c) ordering Defendants to confer with Plaintiffs regarding the scheduling of any deposition with Philip Von Kahle; and (c) awarding Plaintiffs such other and further relief as the Court deems just and proper.

Respectfully submitted,

By: s/Zachary P. Hyman

Zachary P. Hyman
Florida Bar No. 98581
Attorneys for Plaintiffs
BERGER SINGERMAN LLP
350 East Las Olas Boulevard, Suite 1000
Fort Lauderdale, Florida 33301
Telephone: (954) 525-9900
Fax: (954) 523-2872
lsamuels@bergersingerman.com
emark@bergersingerman.com
sweber@bergersingerman.com
zhyman@bergersingerman.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail upon counsel identified below registered to receive electronic notifications this 5th day of November, 2014 upon the following:

Notice has been electronically mailed to:

Counsel	E-mail Address:
Ana Hesny, Esq.	ah@assoulineberlowe.com ; ena@assoulineberlowe.com
Eric N. Assouline, Esq.	ena@assoulineberlowe.com ; ah@assoulineberlowe.com
Annette M. Urena, Esq.	aurena@dkdr.com ; cmackey@dkdr.com ; service-amu@dkdr.com
Daniel W. Matlow, Esq.	dmatlow@danmatlow.com ; assistant@danmatlow.com
Debra D. Klingsberg, Esq.	dklingsberg@huntgross.com
Joanne Wilcomes, Esq.	jwilcomes@mccarter.com
Etan Mark, Esq.	emark@bergersingerman.com ; drt@bergersingerman.com ; lyun@bergersingerman.com
Ryon M. Mccabe, Esq.	rmccabe@mccaberabin.com ; e-filing@mccaberabin.com ; beth@mccaberabin.com
Evan H. Frederick, Esq.	efrederick@mccaberabin.com ; e-filing@mccaberabin.com
B. Lieberman, Esq.	blieberman@messana-law.com
Jonathan Thomas Lieber, Esq.	jlieber@dobinlaw.com

Counsel	E-mail Address:
Mariaelena Gayo-Guitian, Esq.	mguitian@gjb-law.com
Barry P. Gruher, Esq.	bgruher@gjb-law.com
William G. Salim, Jr., Esq.	wsalim@mmsslaw.com
Domenica Frasca, Esq.	dfrasca@mayersohnlaw.com ; service@mayersohnlaw.com
Joseph P. Klapholz, Esq.	jklap@klapholzpa.com ; dml@klapholzpa.com ;
Julian H. Kreeger, Esq.	juliankreeger@gmail.com
L Andrew S Riccio, Esq.	ena@assoulineberlowe.com ; ah@assoulineberlowe.com
Leonard K. Samuels, Esq.	lsamuels@bergersingerman.com ; vleon@bergersingerman.com ; drt@bergersingerman.com
Marc S Dobin, Esq.	service@dobinlaw.com ; mdobin@dobinlaw.com ;
Michael C Foster, Esq.	mfoster@dkdr.com ; cmackey@dkdr.com ; kdominguez@dkdr.com
Richard T. Woulfe, Esq.	pleadings.RTW@bunnellwoulfe.com ; kmc@bunnellwoulfe.com
Louis Reinstein, Esq.	pleading@LJR@bunnellwoulfe.com
Peter Herman, Esq.	PGH@trippscott.com
Robert J. Hunt, Esq.	bohunt@huntgross.com ; sharon@huntgross.com ; eservice@huntgross.com
Steven D. Weber, Esq.	sweber@bergersingerman.com ; lwebster@bergersingerman.com ; drt@bergersingerman.com
Thomas J. Goodwin, Esq.	tgoodwin@mccarter.com ; nwendt@mccarter.com ; jwilcomes@mccarter.com
Thomas L. Abrams, Esq.	tabrams@tabramslaw.com ; fcolumbo@tabramslaw.com
Thomas M. Messina, Esq.	tmessana@messana-law.com ; tmessana@bellsouth.net ; mwslawfirm@gmail.com
Zachary P. Hyman, Esq.	zhyman@bergersingerman.com ; DRT@bergersingerman.com ; clamb@bergersingerman.com
Nadira Joseph	njoseph@moecker.com
D. Patricia Wallace, Esq.	pwallace@mathewslip.com ; assistant@wjmlawfirm.com
Walter J. Mathews, Esq.	wjm@mathewslip.com

By: s/Zachary P. Hyman