

**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 PROTECTIVE ORDER REGARDING DEPOSITION OF
PHILIP VON KAHLE**

Plaintiffs, by and through the undersigned counsel, hereby file this motion requesting entry of a Protective Order relieving “Philip Von Kahle, as Conservator” 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 as to their availability, Defendants served a *Notice of Taking Deposition* on November 5, 2014, seeking to depose “Philip Von Kahle, as Conservator” on Monday, November 10 – two days before trial in this action. *See Exhibit A.*

2. It is too late for Defendants to notice Mr. Von Kahle for deposition now because they failed to take advantage of the many previous opportunities they had to confer on a mutually agreeable date – even after a hearing on September 17 where Mr. Von Kahle’s deposition was raised. Defendants’ attempt to force Mr. Von Kahle to sit for deposition now is not reasonable

notice under Fla. R. Civ. P. Rule 1.310 and appears only meant to harass Plaintiffs and deprive the Partnerships and their partners of funds through punitive litigation, and Defendants should be forced to obtain any testimony from Mr. Von Kahle at trial.

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

Respectfully submitted,

BERGER SINGERMAN LLP
Attorneys for Plaintiffs
1450 Brickell Avenue, Suite 1900
Miami, FL 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: s/Steven D. Weber

Leonard K. Samuels
Florida Bar No. 501610
lsamuels@bergersingerman.com
Etan Mark
Florida Bar No. 720852
emark@bergersingerman.com
Steven D. Weber
Florida Bar No. 47543
sweber@bergersingerman.com
Zachary P. Hyman
Florida Bar No. 98581
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 6th 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
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

Counsel	E-mail Address:
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.	bobhunt@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. Messana, 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@mathewslp.com ; assistant@wjmlawfirm.com
Walter J. Mathews, Esq.	wjm@mathewslp.com

By: s/Steven D. Weber
Steven D. Weber

Exhibit A

P&S Associates, General Partnership at al. v. Janet A. Hooker Charitable Trust

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

CASE NO: 12-34121(07)

Complex Litigation Unit

PHILIP J. VON KAHLE, as Conservator of
P&S ASSOCIATES, GENERAL
PARTNERSHIP, and S&P ASSOCIATES,
GENERAL PARTNERSHIP,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE
TRUST, et al,

Defendants.

NOTICE OF TAKING DEPOSITION

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: Philip von Kahle, as Conservator
DATE: Monday, November 10, 2014 at 10:00 a.m.
LOCATION: Action Video
4000 Hollywood Boulevard, Suite 145 South
Hollywood, FL 33021
(954) 985-4077

upon oral examination before a duly Certified Court Reporter, Notary Public or other officer authorized by law to take depositions in the State of Florida. This oral examination will continue from day to day until completed. This deposition is being taken for the purposes of discovery, for use at trial, or for such other purposes as are permitted under the Rules of Court.

cc: Geoffrey Colliflower (gcolliflower@gmail.com)

Respectfully submitted,

s/ Julian H. Kreeger
JULIAN H. KREEGER, P.A.
Florida Bar No. 098595
Attorneys for Defendants James and
Valerie Judd
Offices at Grand Bay Plaza
2665 Bayshore Drive, Suite 220-14
Miami, Florida 33133
Telephone: 305-373-3101
Facsimile: 305-381-8734

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail upon Leonard Samuels, Esq. of Berger Singerman and counsel identified below registered to receive electronic notifications, and regular U.S. mail upon Pro Se parties on this 4th day of November, 2014 upon the following:

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
Robert J. Hunt, Esq.	bobhunt@huntgross.com
Joanne Wilcomes, Esq.	jwilcomes@mccarter.com
Evan Frederick, Esq.	efrederick@mccaberabin.com
Etan Mark, Esq.	emark@bergersingerman.com ; drt@bergersingerman.com ; lyun@bergersingerman.com
Evan H Frederick, Esq.	efrederick@mccaberabin.com ; janet@mccaberabin.com ; beth@mccaberabin.com
B. Lieberman, Esq.	blieberman@messana-law.com
Jonathan Thomas Lieber, Esq.	jlieber@dobinlaw.com
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.	mfooster@dkdr.com ; cmackey@dkdr.com ; kdominguez@dkdr.com
Michael Casey, Esq.	mcasey666@gmail.com
Richard T. Woulfe, Esq.	pleadings.RTW@bunnellwoulfe.com

Counsel	E-mail address:
Michael R. Casey, Esq.	mcasey666@gmail.com
Brett Lieberman, Esq.	blieberman@messana-law.com
Marc Dobin, Esq.	service@dobinlaw.com
Peter Herman, Esq.	PGH@trippscott.com
Robert J Hunt, Esq.	bohunt@huntgross.com ; sharon@huntgross.com ; eservice@huntgross.com
Ryon M McCabe, Esq.	rmccabe@mccaberabin.com ; janet@mccaberabin.com ; beth@mccaberabin.com
Steven D. Weber, Esq.	sweber@bergersingerman.com ; lwebster@bergersingerman.com ; drt@bergersingerman.com
Thomas J. Goodwin, Esq.	tgoodwin@mccarter.com ; wendt@mccarter.com ; jwilcomes@mccarter.com
Thomas L Abrams, Esq.	tabrams@tabramslaw.com ; fcolumbo@tabramslaw.com
Thomas M. Messana, Esq.	tmessana@messana-law.com ; tmessana@bellsouth.net ; mwslawfirm@gmail.com
Zachary P Hyman, Esq.	zhyman@bergersingerman.com ; DRT@bergersingerman.com ; clamb@bergersingerman.com

By: s/ Julian H. Kreeger
JULIAN H. KREEGER
Florida Bar No. 098595