

**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 TO PROHIBIT INTRODUCTION OF WITNESSES OR
EXHIBITS**

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 that the Court prohibit the introduction of any evidence or witnesses by Defendants James and Valerie Judd (collectively, “Defendants”) during trial. In support thereof, Plaintiffs state:

1. Even though trial is set to commence in this matter on November 12, 2014, Plaintiffs have yet to receive comments to the pretrial stipulation, or a witness or exhibit list from Defendants.

2. Defendants have refused to provide any of the aforementioned information or even disclose who they intend to call as a witness during trial. A true and correct copy of

correspondence which confirms Defendants' refusal to provide a witness list is attached hereto as **Exhibit A.**

3. Because Defendants have refused to comply with their obligations in a timely manner, they should be prohibited from introducing any evidence or presenting any testimony at trial.

WHEREFORE Plaintiffs respectfully request that the Court enter an Order, (a) prohibiting Defendants from introducing any witnesses, exhibits or evidence at trial; and (b) awarding Plaintiffs such other and further relief as the Court deems just and proper.

Respectfully submitted,

By: s/Leonard K. Samuels
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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 11th day of November, 2014 upon the following:

Notice has been electronically mailed to:

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By: s/Zachary P. Hyman

EXHIBIT "A"

From: Leonard K. Samuels
Sent: Monday, November 10, 2014 4:54 PM
To: juliankreeger@gmail.com
Cc: Steven D. Weber; Zachary P. Hyman
Subject: Trial

We do not have your witness list or exhibit list. This is to confirm that you have nevertheless refused to tell me who you intend to call as witnesses. We will therefore be objecting to your introduction of any exhibits or your calling any witnesses.

 **BERGER SINGERMAN**

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