

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

COMPLEX LITIGATION UNIT

CASE NO: CACE 12-034123 (07)

P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership;
and S&P ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership,
PHILIP VON KAHLE as Conservator of P&S
ASSOCIATES, GENERAL PARTNERSHIP, a
Florida limited partnership, and S&P
ASSOCIATES, GENERAL PARTNERSHIP, a
Florida limited partnership,

Plaintiffs,

v.

STEVEN JACOB, et al.,

Defendants.

NOTICE OF TAKING DEPOSITIONS DUCES TECUM

PLEASE TAKE NOTICE that the undersigned attorneys will take the depositions of:

<u>NAME</u>	<u>DATE & TIME</u>	<u>LOCATION</u>
Father Vincent Kelly	December 16, 2015 at 10:00 a.m.	Broad and Cassel One Financial Plaza 100 S.E. 3rd Avenue, Suite 2700 Fort Lauderdale, FL 33394
Kelco Foundation Inc.	December 16, 2015 at 2:00 p.m.	Broad and Cassel One Financial Plaza 100 S.E. 3rd Avenue, Suite 2700 Fort Lauderdale, FL 33394
Vania Alves	December 17, 2015 at 10:00 a.m.	Broad and Cassel One Financial Plaza 100 S.E. 3rd Avenue, Suite 2700 Fort Lauderdale, FL 33394

BROAD and CASSEL

One Biscayne Tower, 21st Floor 2 South Biscayne Blvd. Miami, Florida 33131-1811 305.373.9400

Susan Moss	December 17, 2015 at 2:00 p.m.	Broad and Cassel One Financial Plaza 100 S.E. 3rd Avenue, Suite 2700 Fort Lauderdale, FL 33394
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upon oral examination before a court reporter or any other Notary Public or other officer authorized by law to take depositions in the State of Florida pursuant to the attached Subpoenas for Deposition Duces Tecum.

The oral examinations will continue from day to day until completed. The depositions are being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the applicable and governing rules.

Dated: November 25, 2015.

Respectfully submitted,

/s/ Shane P. Martin

Mark F. Raymond, P.A.

Fla. Bar No.: 373397

mraymond@broadandcassel.com

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Jonathan Etra, P.A.

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Shane P. Martin, Esq.

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BROAD AND CASSEL

One Biscayne Tower, 21st Floor

2 South Biscayne Boulevard

Miami, Florida 33131

Tel.: 305-373-9400

Fax: 305-373-9443

Attorneys for Defendant, Michael Bienes

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 25, 2015, the foregoing document was served via E-mail to: Thomas E. Messina, Esq., Thomas Zeichman, Messina, P.A., 401 East Las Olas Boulevard, Suite 1400, Ft. Lauderdale, FL 33301 (tmessana@messana-law.com, tmessana@bellsouth.net, mwslawfirm@gmail.com, tzeichman@messana-law.com); Leonard K. Samuels, Esq., Etan Mar, Esq., Steven D. Weber, Esq., Berger Singerman LLP, 350 East Las Olas Boulevard, Suite 1000, Ft. Lauderdale, FL 33301 (lsamuels@bergersingerman.com, vleon@bergersingerman.com, emark@bergersingerman.com, lyun@bergersingerman.com, drt@bergersingerman.com, sweber@bergersingerman.com, mvega@bergersingerman.com, zhyman@bergersingerman.com, clamb@bergersingerman.com); Peter G. Herman, Esq., Tripp Scott, 110 S.E. 6th Street, 15th Floor, Ft. Lauderdale, FL 33301 (pgh@trippscott.com, rep@trippscott.com, ele@trippscott.com); Paul V. DeBianchi, Esq., Paul V. DeBianchi, P.A., 111 S.E. 12th Street, Ft. Lauderdale, FL 33316 (Debianchi236@bellsouth.net); Gary A. Woodfield, Esq., Susan B. Yoffee, Esq., Haile, Shaw & Pfaffenberger, P.A., 660 U.S. Highway One, Third Floor, North Palm Beach, FL 33408 (gwoodfield@haileshaw.com, bpetroni@haileshaw.com, eservices@haileshaw.com, syoffee@haileshaw.com, cmarino@haileshaw.com); Matthew Triggs, Esq., Andrew Thomson, Esq. Proskauer Rose LLP, 2255 Glades Road, Suite 421 Atrium, Boca Raton, FL 33431 (mtriggs@proskauer.com, athomson@proskauer.com, florida.litigation@proskauer.com); Robert J. Hunt, Esq., Debra D. Klingsberg, Esq., Hunt & Gross, P.A., 185 Spanish River Boulevard, Suite 220, Boca Raton, FL 33431 (bohunt@huntgross.com, eservice@huntgross.com, Sharon@huntgross.com) and Harry Winderman (harry4334@hotmail.com).

/s/ Shane P. Martin _____

Shane P. Martin, Esq.

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

COMPLEX LITIGATION UNIT

CASE NO. 12-034123 (07)

P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; and S&P
ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; PHILIP VON KAHLE as Conservator
of P&S ASSOCIATES,
GENERAL PARTNERSHIP, a
Florida limited partnership; and
S&P ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership,

Plaintiffs,

vs.

STEVEN JACOB, et al.,

Defendants.

SUBPOENA FOR DEPOSITION DUCES TECUM

THE STATE OF FLORIDA:

To All and Singular Sheriffs of the State:

TO: FATHER VINCENT KELLY
4595 Bayview Dr.
Ft Lauderdale, FL 33308

YOU ARE COMMANDED to appear at BROAD AND CASSEL, One Financial Plaza, 100 S.E. 3rd Avenue Suite 2700, Fort Lauderdale, FL 33394, on **December 16, 2015, at 10:00 a.m.**, for deposition. YOU ARE FURTHER commanded to produce the documents listed on the attached **Schedule A** in accordance with the Definitions and Instructions set forth thereon.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items.

BROAD and CASSEL

One Biscayne Tower, 21st Floor 2 South Biscayne Blvd. Miami, Florida 33131-1811 305.373.9400

If you fail to:

- (1) appear as specified;
- (2) furnish the records requested; or
- (3) object to this subpoena, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

Dated this 25th day of November, 2015.

FOR THE COURT

/s/ Shane P. Martin

Shane P. Martin, Esq. (056306)

smartin@broadandcassel.com

yportanova@broadandcassel.com

BROAD AND CASSEL

One Biscayne Tower, 21st Floor

2 South Biscayne Boulevard

Miami, Florida 33131

Telephone: 305.373.9400

Facsimile: 305.373.9443

Counsel for Defendant Michael Bienes

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 470, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

SCHEDULE A

DEFINITIONS AND INSTRUCTIONS

1. The terms “You, “Your,” or “Yours” shall mean Father Vincent Kelly, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on its behalf.

2. The term “Bienes” shall mean Defendant Michael Bienes, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

3. The term “Avellino” shall mean Defendant Frank Avellino, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

4. The term “Sullivan” shall mean Defendant Michael J. Sullivan, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

5. The term “Greg Powell” shall refer to Greg Powell, a former managing general partner of the Partnerships, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

6. The term “Partnership” or “Partnerships” shall mean Plaintiff, P&S Associates, General Partnership, and/or S&P Associates, General Partnership, individually or collectively, as the context or circumstances may call for, or any of their affiliates, predecessors, present or former officers, directors, owners, agents, attorneys, or any other person acting or purporting to act on their behalf.

7. The term “Conservator” shall mean the conservator for the Partnerships, Philip J. Von Kahle, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

8. The term “document” means any written or graphic matter or other means of preserving thought or expression and all tangible things from which information can be processed or transcribed, and shall include the production of documents in the manner in which the documents are ordinarily kept including the following:

(a) Any and all writings, drawings, graphs, charts, photographs, and other data compilations from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form.

(b) Any and all written, typed, recorded, or graphic matter, however produced or reproduced, fixed in a tangible medium of expression, of every kind and regardless where located, and all tangible things from which information can be processed or transcribed, including all originals and non-identical copies whether differing from the original by reason of any notation made on such copy or otherwise including but not limited to any summary schedule, memorandum, note, message, statement, letter, telegram, telex, bulletin, inter and intra-office communication, report, diary, desk or pocket calendar or notebook, day book chronological date

compilation, appointment book pamphlet, periodical, magazine or newspaper articles, advertisement, list, graph, motion, picture, photograph, x-ray or other machine-produced diagnostic picture or depiction of any kind, chart, index, tape, record, drawing, compilation, tabulation, computer printouts, computer-stored memory component or device including but not limited to hard-drives, disks, diskettes, and e-mail, study, analysis, transcript, minutes, books, date sheet, data processing card or tape, phone records, correspondence, ledgers, invoices, worksheets, receipts, returns, prospectuses, financing statements, schedules, affidavits, contracts, canceled checks, checkbooks, check stubs, transcripts, statistics, surveys, releases, aural records or representations of any kind, microfiche, microfilm, mechanical or electric records or representations of any kind, and any other writing or recording in your possession, custody or control or your attorney's possession, custody or control (and any and all drafts, alterations, modifications, changes and/or amendments of any of the foregoing).

(c) Any and all files in which any documents are maintained, including file folders or file jackets, and adjacent or related exhibit folders in which any documents are filed or maintained.

(d) Any and all documents contained on hard drives or other electronic media that you or any of your attorneys have located on the Internet, whether or not you or your attorneys have yet printed the documents.

(e) Any and all documents located now or in the past on any computer memory device within your possession, custody, or control, or within the possession, custody, or control of your attorneys. "Possession, custody, or control" as used herein shall have the same meaning as in Fla. R. Civ. P. 1.350(a).

(f) Any and all documents of any kind within your possession, custody, or control, or within the possession, custody, or control of any of your attorneys.

9. The terms "person," "individual," and "entity" are used interchangeably and each shall mean, but not be limited to: any natural person or fictitious entity whether or not it is incorporated or registered, or trust, or suretyship, institution, or government or government agency or political subdivision, be it foreign or domestic, or board, committee, group, or organization comprised of any of the foregoing or combination thereof, whether they be now or previously existing.

10. The term "materials" shall be deemed to include all documents, letters, memoranda, notes and any other written communication and written notes of all oral communications, whether in person or by telephone, and every record of every type, including but not limited to, information stored on any electromagnetic storage device, any written, printed, typed recorded or graphic matter, however produced or reproduced or stored, and all drafts, notes or preparatory material concerned with said document, and every additional copy of such record or document where such copy contains any commentary, notations, or other change whatsoever that does not appear on the original or other copy of the document produced. Also included in this definition is any summary of a document or documents called for hereafter.

11. If any document the identification of which is sought by these requests has been destroyed, then state the date and circumstances of its destruction, and identify the person who destroyed the document and the person who ordered its destruction.

12. The terms “relate to” “relates to” and “relating to” mean, without limitation, consisting of, reflecting, referring to, embodying, mentioning, discussing, or concerning, directly or indirectly, or having any logical or factual connection with the subject matter identified in a specific request.

13. The term “communications” means every disclosure, transfer or exchange of information whether written or oral or by telephone, text message, e-mail, personal delivery or otherwise.

14. “And” and “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of this Subpoena Duces Tecum all documents or materials that might otherwise be construed to be outside its scope.

DOCUMENTS REQUESTED

YOU ARE HEREBY COMMANDED to produce at your deposition the following documents:

1. All documents, including without limitation, written or sworn statements You provided to Plaintiffs’ counsel or that Plaintiffs’ counsel provided You or Your counsel, including without limitation any settlement agreement entered into between You, Plaintiffs, or the Conservator.

2. All documents that evidence, refer, or relate to Bienes or Avellino’s purported involvement in the Partnerships.

3. All documents that evidence, refer, or relate to any investors or general partners that Bienes or Avellino purportedly brought into or solicited to invest in the Partnerships.

4. All documents that evidence, refer, or relate to reliance by any investors or general partners on Bienes or Avellino to invest in the Partnerships.

5. All documents relating to BLMIS or Bernard Madoff provided to You by either Bienes or Avellino.

6. All documents that evidence, refer, or relate to any statements or actions by either Bienes or Avellino in preventing or discouraging any investor or general partner of the Partnerships from withdrawing their funds from the Partnership.

7. All documents that evidence, refer, or relate to purported efforts by Bienes or Avellino to solicit investors for the Partnerships.

8. All documents that evidence, refer, or relate to monies provided to Bienes or Avellino by the Partnerships or by You or any entity owned or controlled by You.

9. All documents that evidence, refer, or relate to any agreement or understanding by any person, by the Partnerships, or by You or an entity You control to pay Bienes or Avellino any money relating to the Partnerships or otherwise.

10. All documents that evidence, refer, or relate to communications between You and either one of the Partnerships or any person acting or purporting to act on their behalf.

11. All documents that evidence, refer, or relate to communications between You and the Conservator.

12. All documents that evidence, refer, or relate to any investments You made in either of the Partnerships.

13. All documents that evidence, refer, or relate to communications between You and any attorney for or acting on behalf of either of the Partnerships.

14. Any and all agreements that You entered into with either of the Partnerships and any agreements that were proposed between You and either of the Partnerships.

15. All documents, agreements, materials or communications exchanged between You and any other person or entity that relate in any way to either of the Partnerships or Your investments in either of the Partnerships.

16. All documents or materials in Your possession, custody, or control that relate in any way to either of the Partnerships or to the Conservator.

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

COMPLEX LITIGATION UNIT

CASE NO. 12-034123 (07)

P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; and S&P
ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; PHILIP VON KAHLE as Conservator
of P&S ASSOCIATES,
GENERAL PARTNERSHIP, a
Florida limited partnership; and
S&P ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership,

Plaintiffs,

vs.

STEVEN JACOB, et al.,

Defendants.

SUBPOENA FOR DEPOSITION DUCES TECUM

THE STATE OF FLORIDA:

To All and Singular Sheriffs of the State:

TO: KELCO FOUNDATION, INC.
4595 Bayview Dr.
Ft. Lauderdale, FL 33308

YOU ARE COMMANDED to appear at BROAD AND CASSEL, One Financial Plaza, 100 S.E. 3rd Avenue Suite 2700, Fort Lauderdale, FL 33394, on **December 16, 2015, at 2:00 p.m.**, for deposition. For purposes of the deposition, KELCO FOUNDATION shall designate, pursuant to Rule 1.310(b)(6), Florida Rules of Civil Procedure, one or more of its officers, directors, managing agents, or other person to testify on its behalf concerning the matters upon which examination will be made as set forth on the attached **Schedule A**. KELCO FOUNDATION IS FURTHER commanded to produce at its deposition the documents listed on the attached **Schedule B** in accordance with the Definitions and Instructions provided thereon.

BROAD and CASSEL

One Biscayne Tower, 21st Floor 2 South Biscayne Blvd. Miami, Florida 33131-1811 305.373.9400

These items will be inspected and may be copied at that time. You will not be required to surrender the original items.

If you fail to: (1) appear as specified; (2) furnish the records requested; or (3) object to this subpoena, you may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

Dated this 25th day of November, 2015.

FOR THE COURT

/s/ Shane P. Martin

Shane P. Martin, Esq. (056306)

smartin@broadandcassel.com

yportanova@broadandcassel.com

BROAD AND CASSEL

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2 South Biscayne Boulevard

Miami, Florida 33131

Telephone: 305.373.9400

Facsimile: 305.373.9443

Counsel for Defendant Michael Bienes

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 470, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

SCHEDULE A

The matters upon which examination will be made are:

1. Any and all facts concerning settlement or other agreements or understandings entered into between Kelco Foundation, on the one hand, and the Plaintiffs in the above-styled action or the Conservator Philip Von Kahle, on the other.
2. Any and all facts concerning Defendant Bienes or Defendant Avellino's purported involvement in, management of, or control of (a) P&S Associates, General Partnership ("P&S") or (b) S&P Associates, General Partnership ("S&P").
3. Any and all facts concerning any consideration or monies provided to Defendant Bienes or Defendant Avellino by the P&S, S&P, or by Kelco Foundation or any entity owned or controlled by Kelco Foundation, including any Kelco Foundation employees or representatives.
4. Any and all facts concerning any investment that Kelco Foundation or its principal(s) made in either P&S or S&P.
5. Any and all facts regarding Kelco Foundation's knowledge of, dealings with, or communications with BLMIS or Bernard Madoff.

SCHEDULE B

DEFINITIONS AND INSTRUCTIONS

1. The terms “You, “Your,” or “Yours” shall mean Kelco Foundation, or any of its agents, employees, attorneys, representatives, or anyone acting or purporting to act on its behalf.

2. The term “Bienes” shall mean Defendant Michael Bienes, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

3. The term “Avellino” shall mean Defendant Frank Avellino, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

4. The term “Sullivan” shall mean Defendant Michael J. Sullivan, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

5. The term “Greg Powell” shall refer to Greg Powell, a former managing general partner of the Partnerships, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

6. The term “Partnership” or “Partnerships” shall mean Plaintiff, P&S Associates, General Partnership, and/or S&P Associates, General Partnership, individually or collectively, as the context or circumstances may call for, or any of their affiliates, predecessors, present or former officers, directors, owners, agents, attorneys, or any other person acting or purporting to act on their behalf.

7. The term “Conservator” shall mean the conservator for the Partnerships, Philip J. Von Kahle, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

8. The term “document” means any written or graphic matter or other means of preserving thought or expression and all tangible things from which information can be processed or transcribed, and shall include the production of documents in the manner in which the documents are ordinarily kept including the following:

(a) Any and all writings, drawings, graphs, charts, photographs, and other data compilations from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form.

(b) Any and all written, typed, recorded, or graphic matter, however produced or reproduced, fixed in a tangible medium of expression, of every kind and regardless where located, and all tangible things from which information can be processed or transcribed, including all originals and non-identical copies whether differing from the original by reason of any notation made on such copy or otherwise including but not limited to any summary schedule, memorandum, note, message, statement, letter, telegram, telex, bulletin, inter and intra-office communication, report, diary, desk or pocket calendar or notebook, day book chronological date compilation, appointment book pamphlet, periodical, magazine or newspaper articles,

advertisement, list, graph, motion, picture, photograph, x-ray or other machine-produced diagnostic picture or depiction of any kind, chart, index, tape, record, drawing, compilation, tabulation, computer printouts, computer-stored memory component or device including but not limited to hard-drives, disks, diskettes, and e-mail, study, analysis, transcript, minutes, books, date sheet, data processing card or tape, phone records, correspondence, ledgers, invoices, worksheets, receipts, returns, prospectuses, financing statements, schedules, affidavits, contracts, canceled checks, checkbooks, check stubs, transcripts, statistics, surveys, releases, aural records or representations of any kind, microfiche, microfilm, mechanical or electric records or representations of any kind, and any other writing or recording in your possession, custody or control or your attorney's possession, custody or control (and any and all drafts, alterations, modifications, changes and/or amendments of any of the foregoing).

(c) Any and all files in which any documents are maintained, including file folders or file jackets, and adjacent or related exhibit folders in which any documents are filed or maintained.

(d) Any and all documents contained on hard drives or other electronic media that you or any of your attorneys have located on the Internet, whether or not you or your attorneys have yet printed the documents.

(e) Any and all documents located now or in the past on any computer memory device within your possession, custody, or control, or within the possession, custody, or control of your attorneys. "Possession, custody, or control" as used herein shall have the same meaning as in Fla. R. Civ. P. 1.350(a).

(f) Any and all documents of any kind within your possession, custody, or control, or within the possession, custody, or control of any of your attorneys.

9. The terms "person," "individual," and "entity" are used interchangeably and each shall mean, but not be limited to: any natural person or fictitious entity whether or not it is incorporated or registered, or trust, or suretyship, institution, or government or government agency or political subdivision, be it foreign or domestic, or board, committee, group, or organization comprised of any of the foregoing or combination thereof, whether they be now or previously existing.

10. The term "materials" shall be deemed to include all documents, letters, memoranda, notes and any other written communication and written notes of all oral communications, whether in person or by telephone, and every record of every type, including but not limited to, information stored on any electromagnetic storage device, any written, printed, typed recorded or graphic matter, however produced or reproduced or stored, and all drafts, notes or preparatory material concerned with said document, and every additional copy of such record or document where such copy contains any commentary, notations, or other change whatsoever that does not appear on the original or other copy of the document produced. Also included in this definition is any summary of a document or documents called for hereafter.

11. If any document the identification of which is sought by these requests has been destroyed, then state the date and circumstances of its destruction, and identify the person who destroyed the document and the person who ordered its destruction.

12. The terms “relate to” “relates to” and “relating to” mean, without limitation, consisting of, reflecting, referring to, embodying, mentioning, discussing, or concerning, directly or indirectly, or having any logical or factual connection with the subject matter identified in a specific request.

13. The term “communications” means every disclosure, transfer or exchange of information whether written or oral or by telephone, text message, e-mail, personal delivery or otherwise.

14. “And” and “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of this Subpoena Duces Tecum all documents or materials that might otherwise be construed to be outside its scope.

DOCUMENTS REQUESTED

YOU ARE HEREBY COMMANDED to produce at your deposition the following documents:

1. All documents, including without limitation, written or sworn statements You provided to Plaintiffs’ counsel or that Plaintiffs’ counsel provided to You or Your counsel, including without limitation any settlement agreement entered into between You, Plaintiffs, or the Conservator.

2. All documents that evidence, refer, or relate to Bienes or Avellino’s purported involvement in the Partnerships.

3. All documents that evidence, refer, or relate to any investors or general partners that Bienes or Avellino purportedly brought into or solicited to invest in the Partnerships.

4. All documents that evidence, refer, or relate to reliance by any investors or general partners on Bienes or Avellino to invest in the Partnerships.

5. All documents relating to BLMIS or Bernard Madoff provided to You by either Bienes or Avellino.

6. All documents that evidence, refer, or relate to any statements or actions by either Bienes or Avellino in preventing or discouraging any investor or general partner of the Partnerships from withdrawing their funds from the Partnership.

7. All documents that evidence, refer, or relate to purported efforts by Bienes or Avellino to solicit investors for the Partnerships.

8. All documents that evidence, refer, or relate to monies provided to Bienes or Avellino by the Partnerships or by You or any entity owned or controlled by You.

9. All documents that evidence, refer, or relate to any agreement or understanding by any person, by the Partnerships, or by You or an entity You control to pay Bienes or Avellino any money relating to the Partnerships or otherwise.

10. All documents that evidence, refer, or relate to communications between You and either one of the Partnerships or any person acting or purporting to act on their behalf.

11. All documents that evidence, refer, or relate to communications between You and the Conservator.

12. All documents that evidence, refer, or relate to any investments You made in either of the Partnerships.

13. All documents that evidence, refer, or relate to communications between You and any attorney for or acting on behalf of either of the Partnerships.

14. Any and all agreements that You entered into with either of the Partnerships and any agreements that were proposed between You and either of the Partnerships.

15. All documents, agreements, materials or communications exchanged between You and any other person or entity that relate in any way to either of the Partnerships or Your investments in either of the Partnerships.

16. All documents or materials in Your possession, custody, or control that relate in any way to either of the Partnerships or to the Conservator.

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ASSOCIATES, GENERAL
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partnership; PHILIP VON KAHLE as Conservator
of P&S ASSOCIATES,
GENERAL PARTNERSHIP, a
Florida limited partnership; and
S&P ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership,

Plaintiffs,

vs.

STEVEN JACOB, et al.,

Defendants.

SUBPOENA DUCES TECUM FOR DEPOSITION

THE STATE OF FLORIDA:

To All and Singular Sheriffs of the State:

TO: Vania Alves
4800 Bayview Dr.
Apt 501
Ft. Lauderdale, FL 33308

YOU ARE COMMANDED to appear at BROAD AND CASSEL, One Financial Plaza,
100 S.E. 3rd Avenue Suite 2700, Fort Lauderdale, FL 33394, on **December 17, 2015, at 10:00**
a.m., for deposition. YOU ARE FURTHER commanded to produce the documents listed on the
attached **Schedule A** in accordance with the Definitions and Instructions provided thereon.

These items will be inspected and may be copied at that time. You will not be required to
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Dated this 25th day of November, 2015.

FOR THE COURT

/s/ Shane P. Martin

Shane P. Martin, Esq. (056306)

smartin@broadandcassel.com

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BROAD AND CASSEL

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Facsimile: 305.373.9443

Counsel for Defendant Michael Bienes

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 470, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

SCHEDULE A

DEFINITIONS AND INSTRUCTIONS

1. The terms “You, “Your,” or “Yours” shall mean Vania Alves, or any of her agents, employees, attorneys, representatives, or anyone acting or purporting to act on her behalf.

2. The term “Bienes” shall mean Defendant Michael Bienes, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

3. The term “Avellino” shall mean Defendant Frank Avellino, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

4. The term “Sullivan” shall mean Defendant Michael J. Sullivan, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

5. The term “Greg Powell” shall refer to Greg Powell, a former managing general partner of the Partnerships, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

6. The term “Partnership” or “Partnerships” shall mean Plaintiff, P&S Associates, General Partnership, and/or S&P Associates, General Partnership, individually or collectively, as the context or circumstances may call for, or any of their affiliates, predecessors, present or former officers, directors, owners, agents, attorneys, or any other person acting or purporting to act on their behalf.

7. The term “Conservator” shall mean the conservator for the Partnerships, Philip J. Von Kahle, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

8. The term “document” means any written or graphic matter or other means of preserving thought or expression and all tangible things from which information can be processed or transcribed, and shall include the production of documents in the manner in which the documents are ordinarily kept including the following:

(a) Any and all writings, drawings, graphs, charts, photographs, and other data compilations from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form.

(b) Any and all written, typed, recorded, or graphic matter, however produced or reproduced, fixed in a tangible medium of expression, of every kind and regardless where located, and all tangible things from which information can be processed or transcribed, including all originals and non-identical copies whether differing from the original by reason of any notation made on such copy or otherwise including but not limited to any summary schedule, memorandum, note, message, statement, letter, telegram, telex, bulletin, inter and intra-office communication, report, diary, desk or pocket calendar or notebook, day book chronological date compilation, appointment book pamphlet, periodical, magazine or newspaper articles, advertisement, list, graph, motion, picture, photograph, x-ray or other machine-produced

diagnostic picture or depiction of any kind, chart, index, tape, record, drawing, compilation, tabulation, computer printouts, computer-stored memory component or device including but not limited to hard-drives, disks, diskettes, and e-mail, study, analysis, transcript, minutes, books, date sheet, data processing card or tape, phone records, correspondence, ledgers, invoices, worksheets, receipts, returns, prospectuses, financing statements, schedules, affidavits, contracts, canceled checks, checkbooks, check stubs, transcripts, statistics, surveys, releases, aural records or representations of any kind, microfiche, microfilm, mechanical or electric records or representations of any kind, and any other writing or recording in your possession, custody or control or your attorney's possession, custody or control (and any and all drafts, alterations, modifications, changes and/or amendments of any of the foregoing).

(c) Any and all files in which any documents are maintained, including file folders or file jackets, and adjacent or related exhibit folders in which any documents are filed or maintained.

(d) Any and all documents contained on hard drives or other electronic media that you or any of your attorneys have located on the Internet, whether or not you or your attorneys have yet printed the documents.

(e) Any and all documents located now or in the past on any computer memory device within your possession, custody, or control, or within the possession, custody, or control of your attorneys. "Possession, custody, or control" as used herein shall have the same meaning as in Fla. R. Civ. P. 1.350(a).

(f) Any and all documents of any kind within your possession, custody, or control, or within the possession, custody, or control of any of your attorneys.

9. The terms "person," "individual," and "entity" are used interchangeably and each shall mean, but not be limited to: any natural person or fictitious entity whether or not it is incorporated or registered, or trust, or suretyship, institution, or government or government agency or political subdivision, be it foreign or domestic, or board, committee, group, or organization comprised of any of the foregoing or combination thereof, whether they be now or previously existing.

10. The term "materials" shall be deemed to include all documents, letters, memoranda, notes and any other written communication and written notes of all oral communications, whether in person or by telephone, and every record of every type, including but not limited to, information stored on any electromagnetic storage device, any written, printed, typed recorded or graphic matter, however produced or reproduced or stored, and all drafts, notes or preparatory material concerned with said document, and every additional copy of such record or document where such copy contains any commentary, notations, or other change whatsoever that does not appear on the original or other copy of the document produced. Also included in this definition is any summary of a document or documents called for hereafter.

11. If any document the identification of which is sought by these requests has been destroyed, then state the date and circumstances of its destruction, and identify the person who destroyed the document and the person who ordered its destruction.

12. The terms “relate to” “relates to” and “relating to” mean, without limitation, consisting of, reflecting, referring to, embodying, mentioning, discussing, or concerning, directly or indirectly, or having any logical or factual connection with the subject matter identified in a specific request.

13. The term “communications” means every disclosure, transfer or exchange of information whether written or oral or by telephone, text message, e-mail, personal delivery or otherwise.

14. “And” and “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of this Subpoena Duces Tecum all documents or materials that might otherwise be construed to be outside its scope.

DOCUMENTS REQUESTED

YOU ARE HEREBY COMMANDED to produce at your deposition the following documents:

1. All documents, including without limitation, written or sworn statements You provided to Plaintiffs’ counsel or that Plaintiffs’ counsel provided You or Your counsel, including without limitation any settlement agreement entered into between You, Plaintiffs, or the Conservator.

2. All documents that evidence, refer, or relate to Bienes or Avellino’s purported involvement in the Partnerships.

3. All documents that evidence, refer, or relate to any investors or general partners that Bienes or Avellino purportedly brought into or solicited to invest in the Partnerships.

4. All documents that evidence, refer, or relate to reliance by any investors or general partners on Bienes or Avellino to invest in the Partnerships.

5. All documents relating to BLMIS or Bernard Madoff provided to You by either Bienes or Avellino.

6. All documents that evidence, refer, or relate to any statements or actions by either Bienes or Avellino in preventing or discouraging any investor or general partner of the Partnerships from withdrawing their funds from the Partnership.

7. All documents that evidence, refer, or relate to purported efforts by Bienes or Avellino to solicit investors for the Partnerships.

8. All documents that evidence, refer, or relate to monies provided to Bienes or Avellino by the Partnerships or by You or any entity owned or controlled by You.

9. All documents that evidence, refer, or relate to any agreement or understanding by any person, by the Partnerships, or by You or an entity You control to pay Bienes or Avellino any money relating to the Partnerships or otherwise.

10. All documents that evidence, refer, or relate to communications between You and either one of the Partnerships or any person acting or purporting to act on their behalf.

11. All documents that evidence, refer, or relate to communications between You and the Conservator.

12. All documents that evidence, refer, or relate to any investments You made in either of the Partnerships.

13. All documents that evidence, refer, or relate to communications between You and any attorney for or acting on behalf of either of the Partnerships.

14. Any and all agreements that You entered into with either of the Partnerships and any agreements that were proposed between You and either of the Partnerships.

15. All documents, agreements, materials or communications exchanged between You and any other person or entity that relate in any way to either of the Partnerships or Your investments in either of the Partnerships.

16. All documents or materials in Your possession, custody, or control that relate in any way to either of the Partnerships or to the Conservator.

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

COMPLEX LITIGATION UNIT

CASE NO. 12-034123 (07)

P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; and S&P
ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited
partnership; PHILIP VON KAHLE as Conservator
of P&S ASSOCIATES,
GENERAL PARTNERSHIP, a
Florida limited partnership; and
S&P ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership,

Plaintiffs,

vs.

STEVEN JACOB, et al.,

Defendants.

SUBPOENA DUCES TECUM FOR DEPOSITION

THE STATE OF FLORIDA:

To All and Singular Sheriffs of the State:

**TO: SUSAN MOSS
2860 NE 19th Street
Pompano Beach, FL 33062**

YOU ARE COMMANDED to appear at BROAD AND CASSEL, One Financial Plaza, 100 S.E. 3rd Avenue Suite 2700, Fort Lauderdale, FL 33394, on December 16, 2015, at 10:00 a.m., for deposition. YOU ARE FURTHER commanded to produce the documents listed on the attached **Schedule A** in accordance with the Definitions and Instructions provided thereon.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items.

BROAD and CASSEL

One Biscayne Tower, 21st Floor 2 South Biscayne Blvd. Miami, Florida 33131-1811 305.373.9400

If you fail to: (1) appear as specified; (2) furnish the records requested; or (3) object to this subpoena, you may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

Dated this 25th day of November, 2015.

FOR THE COURT

/s/ Shane P. Martin

Shane P. Martin, Esq. (056306)

smartin@broadandcassel.com

yportanova@broadandcassel.com

BROAD AND CASSEL

One Biscayne Tower, 21st Floor

2 South Biscayne Boulevard

Miami, Florida 33131

Telephone: 305.373.9400

Facsimile: 305.373.9443

Counsel for Defendant Michael Bienes

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2. The term “Bienes” shall mean Defendant Michael Bienes, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

3. The term “Avellino” shall mean Defendant Frank Avellino, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

4. The term “Sullivan” shall mean Defendant Michael J. Sullivan, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

5. The term “Greg Powell” shall refer to Greg Powell, a former managing general partner of the Partnerships, or any of his agents, employees, attorneys, representatives, or anyone acting or purporting to act on his behalf.

6. The term “Partnership” or “Partnerships” shall mean Plaintiff, P&S Associates, General Partnership, and/or S&P Associates, General Partnership, individually or collectively, as the context or circumstances may call for, or any of their affiliates, predecessors, present or former officers, directors, owners, agents, attorneys, or any other person acting or purporting to act on their behalf.

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(b) Any and all written, typed, recorded, or graphic matter, however produced or reproduced, fixed in a tangible medium of expression, of every kind and regardless where located, and all tangible things from which information can be processed or transcribed, including all originals and non-identical copies whether differing from the original by reason of any notation made on such copy or otherwise including but not limited to any summary schedule, memorandum, note, message, statement, letter, telegram, telex, bulletin, inter and intra-office communication, report, diary, desk or pocket calendar or notebook, day book chronological date compilation, appointment book pamphlet, periodical, magazine or newspaper articles, advertisement, list, graph, motion, picture, photograph, x-ray or other machine-produced

diagnostic picture or depiction of any kind, chart, index, tape, record, drawing, compilation, tabulation, computer printouts, computer-stored memory component or device including but not limited to hard-drives, disks, diskettes, and e-mail, study, analysis, transcript, minutes, books, date sheet, data processing card or tape, phone records, correspondence, ledgers, invoices, worksheets, receipts, returns, prospectuses, financing statements, schedules, affidavits, contracts, canceled checks, checkbooks, check stubs, transcripts, statistics, surveys, releases, aural records or representations of any kind, microfiche, microfilm, mechanical or electric records or representations of any kind, and any other writing or recording in your possession, custody or control or your attorney's possession, custody or control (and any and all drafts, alterations, modifications, changes and/or amendments of any of the foregoing).

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