

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

MARGARET J. SMITH,  
as Managing General Partner of  
P&S ASSOCIATES, GENERAL PARTNERSHIP,  
a Florida limited partnership, and  
S&P ASSOCIATES, GENERAL PARTNERSHIP,  
a Florida limited partnership; and  
P&S ASSOCIATES, GENERAL PARTNERSHIP,  
a Florida limited partnership; and  
S&P ASSOCIATES, GENERAL PARTNERSHIP,  
a Florida limited partnership,

CASE NO.: 12-034121 (07)  
Complex Litigation Unit

Plaintiffs,

V.

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

Defendants.

\_\_\_\_\_ /

**DEFENDANT HERBERT IRWIG REVOCABLE TRUST’S  
OBJECTION TO PROPOSED CASE MANAGEMENT ORDER**

Defendant, HERBERT IRWIG REVOCABLE TRUST (“Irwig” or “Defendant”), by and through undersigned case management order files this objection to the proposed Case Management Order that Plaintiffs are in the process of submitting and states as follows:

1. Undersigned counsel has attempted to negotiate a proposed Case Management Order with counsel of record, but due to the number of Defendants involved, obtaining consensus on this scheduling issue has become impossible.

2. On November 14, 2013, the Irwig Trust filed its Motion to Dismiss Amended Complaint. Plaintiffs' counsel has indicated that it opposes this Court ruling on the Motion to Dismiss Amended Complaint without a hearing. The Irwig Trust respectfully requests a hearing in January 2014 on the Motion to Dismiss Amended Complaint. The Irwig Trust (and other Defendants who filed motions to dismiss) will be prejudiced if they have to wait for a hearing until Spring 2014 when Plaintiffs are targeting a hearing on the motion for summary judgment. There is no reason why the motions to dismiss cannot be decided sooner. The statute of limitations defense is apparent on the face of the Amended Complaint.

3. Requiring the Irwig Trust (and other Defendants who filed motions to dismiss) to file motions for summary judgment in early January 2014, puts them in an unfair position. The Irwig Trust will have two untenable choices. First, the Irwig Trust (and similarly situated Defendants) would be forced to incur legal fees in connection with preparing motions for summary judgment while their motions to dismiss are pending. If the motions to dismiss are subsequently granted in whole or in part, this will have caused the Irwig Trust to expend unnecessary attorney's fees. Second, by waiting for a ruling on the motion to dismiss, the Irwig Trust should not be deemed to have missed the deadline for filing a motion for summary judgment (and lose the ability to file a motion for summary judgment).

4. Finally, The Irwig Trust requests for the Court to shorten the deadlines pursuant to the Complex Litigation Unit Procedures for filing response briefs and replies (so as to expedite this litigation). If the parties use all the days allowed by the Complex Litigation Unit Procedures for briefing, then this case will not be completed in the year 2014 as repeatedly directed by the Court.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27<sup>th</sup> day of November, 2013 a true and correct copy of the foregoing was **SENT VIA THE COURT'S CASE MANAGEMENT (CM/ECF) SYSTEM** to: LEONARD K. SAMUELS, Esq., ETAN MARK, Esq., STEVEN D. WEBER, Esq., and ZACHARY P. HYMAN, Esq., c/o Berger Singerman, Attorneys for Plaintiffs, 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, Florida 33301: lsamuels@bergersingerman.com ; emark@bergersingerman.com ; [sweber@bergersingerman.com](mailto:sweber@bergersingerman.com); [zhyman@bergersingerman.com](mailto:zhyman@bergersingerman.com); DRT@bergersingerman.com ; VLeon@bergersingerman.com ; ERIC N. ASSOULINE, Esq., c/o Assouline & Berlowe, P.A., Attorneys for Ersica P. Gianna, 213 E. Sheridan Street, Suite 3, Dania Beach, Florida 33004: ena@assoulineberlowe.com ; and [ah@assoulineberlowe.com](mailto:ah@assoulineberlowe.com); JULIAN H. KREEGER, Esq., Attorneys for James Bruce Judd and Valeria Judd, 2665 S. Bayshore Drive, Suite 220-14, Miami, Florida 33133-5402: [juliankreeger@gmail.com](mailto:juliankreeger@gmail.com); JOSEPH P. KLAPHOLZ, Esq., Attorney for Abraham Newman, Rita Newman & Gertrude Gordon, c/o Joseph P. Klapholz, P.A., 2500 Hollywood Boulevard, Suite 212, Hollywood, Florida 33020: jklap@klapholzpa.com ; [dml@klapholzpa.com](mailto:dml@klapholzpa.com); PETER G. HERMAN, Esq., c/o Tripp Scott Law Offices, 110 S.E. Sixth Street, Suite 1500, Fort Lauderdale, Florida 33301: [PGH@trippscott.com](mailto:PGH@trippscott.com); MICHAEL C. FOSTER, Esq., and ANNETTE M. URENA, Esq., c/o Daniels Kashtan, 4000 Ponce de Leon Blvd., Suite 800, Coral Gables, Florida 33146: [Mfoster@dkdr.com](mailto:Mfoster@dkdr.com); [aurena@dkdr.com](mailto:aurena@dkdr.com); MICHAEL R. CASEY, Esq., 1831 N.E. 38<sup>th</sup> Street, #707, Oakland Park, Florida 33308: [mcasey666@gmail.com](mailto:mcasey666@gmail.com); MARC S. DOBIN, Esq. and JONATHAN T. LIEBER, Esq., c/o Dobin Law Group, 500 University Blvd., Suite 205, Jupiter, Florida 33458: [jlieber@dobinlaw.com](mailto:jlieber@dobinlaw.com); [service@dobinlaw.com](mailto:service@dobinlaw.com); THOMAS M. MESSANA, Esq., and BRETT LIEBERMAN, Esq., c/o Messana P.A., 401 East Las Olas Blvd., Suite 1400, Fort Lauderdale, Florida 33301: [tmessana@messana-law.com](mailto:tmessana@messana-law.com); [blieberman@messana-law.com](mailto:blieberman@messana-law.com); RICHARD T. WOULFE, Esq., c/o Bunnell & Woulfe, P.A., One Financial Plaza, Suite 1000, 100 S.E. Third Avenue, Fort Lauderdale, Florida 33394: [kmc@bunnellwoulfe.com](mailto:kmc@bunnellwoulfe.com); JOANNE WILCOMES, Esq., c/o McCarter & English, L.L.P., 100 Mulberry Street, Four Gateway Center, Newark, NJ 07102: [jwilcomes@mccarter.com](mailto:jwilcomes@mccarter.com); THOMAS L. ABRAMS, Esq., c/o Gamberg and Abrams, 1776 N. Pine Island Road, Suite 309, Plantation, Florida, 33322: [tabrams@tabramslaw.com](mailto:tabrams@tabramslaw.com); DEBRA D.

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I HEREBY CERTIFY that on this 27<sup>th</sup> day of November, 2013 a true and correct copy of the foregoing was **SENT VIA U.S. MAIL** to the following *pro se* litigants: JANET A. HOOKER CHARITABLE TRUST, 1600 Market Street, 29<sup>th</sup> Floor, Philadelphia, Pennsylvania, 19103; DIANE M. DEN BLEYKER, 9 Fawn Lane, Clarkesville, Georgia, 30523-0355; RICHARD F. and BETTE WEST, 4157 N. Indian River Drive, Hernando, Florida, 34442-4542; ROBERT A. UCHIN REV. TRUST, 501 SW 7<sup>th</sup> Avenue, Fort Lauderdale, Florida, 33315; GREGG WALLICK, 11901 SW 3<sup>rd</sup> Street, Plantation, Florida, 33325; JOHN and LOIS COMBS, 5145 Matousek St., Stuart, Florida, 34997-2429; EDNA A. PROFE. REV. LIV. TRUST, 1755 NE 52<sup>nd</sup> Street, Fort Lauderdale, Florida, 33334; ANN and MICHAEL SULLIVAN, 2590 NE 41<sup>st</sup> Street, Fort Lauderdale, Florida, 33308; HOLY GHOST FATHERS INTERNATIONAL FUND #2, c/o Fr. Spangenberg, CSSP 11428 Amherst Avenue, Wheaton, Maryland, 20902; LISA RYAN, 26084 Hendrie Blvd., Huntington Woods, Michigan, 48070-

1243; HOLY GHOST FATHERS HG-MOMBASA, c/o Rev. James Delaney, CSSP, 691 West Side Avenue, Jersey City, New Jersey, 07304; HOLY GHOST FATHERS INTERNATIONAL FUND #1, c/o Fr. Spangenberg, CSSP, 1411 Amherst Avenue, Wheaton, Maryland, 20902. PREVIOUS ATTEMPTS TO SERVE THE FOLLOWING *PRO SE* LITIGANTS HAVE BEEN UNSUCCESSFUL DUE TO INVALID U.S. MAILING ADDRESSES PROVIDED BY THE PLAINTIFF'S ATTORNEYS: JULIANNE M. JONES, CATHERINA B. & BERRY C. SMITH, JESSE A. & LOIS GOSS. WE WILL CONTINUE OUR ENDEAVORS TO OBTAIN VALID U.S. MAILING ADDRESSES FOR THESE INDIVIDUALS.

DANIEL W. MATLOW, P.A.  
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**By:** /s/ Daniel W. Matlow  
Daniel W. Matlow, Esquire  
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