

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

PHIL J. VON KAHLE, et al.,

Case No. 12-34121(07)
Complex Litigation Unit

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE TRUST, et al.,

Defendants.

NOTICE OF FILING:

**CONSERVATOR'S STATUS CONFERENCE AGENDA
FOR DECEMBER 6, 2013 AT 1:30PM**

Philip J. Von Kahle, as Conservator for P&S, General Partnership and S&P, General Partnership, by and through counsel, hereby gives notice of filing the attached *Conservator's Status Conference Agenda* for December 6, 2013 in the matter of *Matthew Carone, et. al. v. Michael D. Sullivan, individually*, Case No. 12-24051 (07) in the Circuit Court of the 17th Judicial Circuit, in and for Broward County, Florida.

Respectfully submitted this November 27, 2013.

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By: /s/ Thomas M. Messana
Thomas M. Messana
Florida Bar No. 991422

**IN THE CIRCUIT COURT OF THE 17th
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA**
CASE NO.: 12-24051 (07)
COMPLEX LITIGATION UNIT

MATTHEW CARONE, et al.,

Plaintiffs,

v.

MICHAEL D. SULLIVAN, individually,

Defendant.

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**CONSERVATOR'S STATUS CONFERENCE AGENDA
FOR DECEMBER 6, 2013 AT 1:30PM**

Philip J. von Kahle (the “**Conservator**”), as Conservator for P&S Associates, General Partnership (“**P&S**”) and S&P Associates, General Partnership (“**S&P**”) (together, the “**Partnerships**”), by and through undersigned counsel, pursuant to this Court’s July 9, 2013 *Standing Order Setting Monthly Status Conferences* (the “**Standing Order**”), hereby files the Conservator’s Status Conference Agenda for December 6, 2013 at 1:30 pm (the “**Agenda**”), and in support thereof states as follows:

Brief Introduction

1. The Conservator was appointed pursuant to this Court’s January 17, 2013 *Order Appointing Conservator* (“**Conservator Order**”) in the above-captioned action (the “**Conservator Suit**”).

2. The Conservator Suit, and certain related cases, are presently pending before this Court, styled:

- *P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Alves, et al.*, Case No. 12-028324 (07) (the “**Interpleader Action**”);
- *Margaret Smith as General Partner of P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Janet A. Hooker Charitable Trust, e. al.*, Case No. 12-034121 (07) (the “**Net Winner Suit**”); and
- *Margaret Smith as General Partner of P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Michael D. Sullivan, et al.*, Case

No. 12-034123 (07) (the “**Insider Suit**” and together with the Conservator Suit, the “**Lawsuits**”).

3. The Conservator has identified the following matters and requests that this court consider the same at the status conference presently scheduled for December 6, 2013 (the “**Status Conference**”).

The Conservator Suit

4. Conservator’s Interim Report and First Application For Allowance and Payment Of Compensation And Reimbursement of Expenses For the Conservator And Messana, P.A., As Counsel For the Conservator.

- a. Through the Report and Application, the Conservator requests fees in the amount of \$262,842.00 and reimbursement of costs in the amount of \$16,426.98.
- b. Through the Report and Application, Messana, P.A. requests fees in the amount of \$282,797.00 and reimbursement of costs in the amount of \$5,741.22.

5. Status of Distributions – The Conservator will advise the Court on the status of distributions to partners.

6. Budget and Report – The Conservator will provide an updated budget and projections for the Partnerships going forward.

7. U.S. Attorneys’ Recovery Fund – The Conservator’s counsel will advise Court of a Madoff recovery fund overseen by Richard C. Breeden. Mr. Breeden has approximately \$2.35 billion in assets to distribute to Madoff victims. Information and claims forms are available at <http://www.madoffvictimfund.com/>. The claims bar date is February 28, 2014.

The Interpleader Action

8. Service: The Conservator will provide updated service statistics at the Status Conference.

The Net Winner Suit

9. Service: Counsel for the Conservator in the Net Winner Suit will provide updated service statistics at the Status Conference.

10. Case Management Order – Counsel for the Conservator will advise the Court of the proposed Case Management Order and any objections to same so the Court can enter a final Case Management Order. Parties will be given the opportunity to object to provisions of the Case Management Order.

The Insider Suit

11. Service: As of the date of this Agenda, the Conservator has served all defendants.
12. Case Management Order – Counsel for the Conservator will advise the Court of the proposed Case Management Order and any objections to same so the Court can enter a final Case Management Order. Parties will be given the opportunity to object to provisions of the Case Management Order.

Conclusion

13. The above identified matters are not intended to be an exhaustive list of matters the Court may consider at the Status Conference, as the Standing Order provides that the “Agenda shall by no means limit this Court’s authority to enter Orders as it sees fit or preclude parties who attend the Status Conferences from presenting *ore tenus* motions that are not included in the Agenda.” (Standing Order at ¶4).

Respectfully submitted this November 27, 2013.

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