

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,

Defendants.

**ORDER APPROVING THE CONSERVATOR'S INTERIM REPORT,
APPROVING THE CONSERVATOR'S THIRD DISTRIBUTION TO
PARTNERS AND GRANTING THE CONSERVATOR, HIS COUNSEL'S
FOURTH APPLICATION FOR ALLOWANCE
AND PAYMENT OF COMPENSATION AND REIMBURSEMENT OF EXPENSES**

THIS MATTER came before the Court on November 30, 2015 at 10:15 a.m. upon hearing to consider the *Proposed Third Distribution to Partners and Conservator's Interim Report and Fourth Application for Allowance and Payment of Compensation and Reimbursement of Expenses for the Conservator and Messana, P.A., as Counsel for the Conservator* (the "Report and Application") requesting approval of a proposed second distribution to partners; payment of fees and reimbursement of costs for the period of October 1, 2015 through September 30, 2015 (the "Application Period"), filed by the court-appointed conservator, Philip J. Von Kahle (the "Conservator") Conservator of P&S Associates, General Partnership and S&P Associates, General Partnership (the "Partnerships"). The Court having reviewed the Report and Application, including the affidavit in support of fees and costs for the Conservator and affidavit in support of fees and costs for Messana, PA ("Messana"), the detailed time attached thereto, the record including any supplemental filings, having heard proffer of

counsel, giving all parties an opportunity to be heard, and for the reasons stated on the record, it is

ORDERED and **ADJUDGED** as follows:

1. The Conservator's Proposed Distribution to the Net Losers is approved as set forth in Exhibits "A" and "B" to the Report and Application.
2. The Conservator is hereby authorized to make the interim distributions to the Partners as proposed in the Report and Application pursuant to Exhibits "A" and "B" attached thereto within a reasonable time after the entry of this Final Non-Appealable Order granting the Report and Application and the receipt of the Sixth Interim Distribution from Picard.
3. Consistent with the Court's Final Judgment in the case styled *P&S v. Alves*, case No. 12-028324 (07), the Conservator is authorized to distribute funds directly to the members of Guardian Angel Trust, LLC and to the partners of SPJ Investment, Ltd.
4. The requests for the payment of fees and costs in the Report and Application as to the Conservator are **GRANTED** in all respects.
5. The requests for the payment of fees and costs in the Report and Application as to Messina are **GRANTED** in all respects.
6. Fees in the amount of \$152,100.00 and costs in the amount of \$3,544.12 for the Conservator during the Application Period are found to be reasonable considering each and every factor contemplated by *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985) and the principles of *Lewis v. Gramil Corp.*, 94 So. 2d 174, 177 (Fla. 1957).
7. The Conservator is authorized to make distributions to Moecker in the amount of \$152,100.00 for fees and \$3,544.12 for costs out of the Partnerships' assets forthwith, such distributions being allocated to each of the Partnerships pro rata.

8. Fees in the amount of \$115,762.50 and costs in the amount of \$3,904.30 for Messana during the Application Period are found to be reasonable considering each and every factor contemplated by *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985) and the principles of *Lewis v. Gramil Corp.*, 94 So. 2d 174, 177 (Fla. 1957).

9. The Conservator is authorized to make distributions to Messana in the amount of \$115,762.50 for fees and \$3,904.30 for costs out of the Partnerships' assets forthwith, such distributions being allocated to each of the Partnerships pro rata.

10. The Conservator and Messana shall have 5 days from entry of this Order to file affidavits which attest to the reasonableness of the number of hours and hourly rate in the Application.

DONE AND ORDERED in Broward County, Florida this ____ day of November, 2015.

Honorable Jack Tuter
Circuit Court Judge

Copies furnished to:

Thomas M. Messana, Esq. who is directed to serve same upon all interested parties.