

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

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

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;
P&S ASSOCIATES, GENERAL PARTNERSHIP,
A Florida limited partnership; and S&P
ASSOCIATES, GENERAL PARTNERSHIP,
A Florida limited partnership,
Plaintiffs,

Vs

JANET A. HOOKER CHARITABLE TRUST, a
Charitable trust, DIANE M. DEN BLEYKER, an
Individual, ETTOH LTD., a Florida limited
Partnership, et al.
Defendants.

MOTION TO DISMISS THE AMENDED COMPLAINT

COME NOW, the Defendants, ABRAHAM NEWMAN, RITA NEWMAN
and GERTRUDE GORDON, by and through the undersigned counsel, and file this
their Motion to Dismiss the Amended Complaint and would state further as
follows:

1. The Plaintiff seeks damages and other relief based upon a Partnership
Agreement incorporated within the Amended Complaint. The Partnership
Agreement specifies a limitation for investor's liability more commonly known as

an *exculpation clause* which limits any recoveries under the contract against individual investors to claims for fraud or fiduciary duty violations. Reference is accordingly made to Article 14.03 of the Partnership Agreement.

2. That the Defendants further move this Honorable Court for a dismissal based upon the applicable Statute of Limitations which bars Plaintiff's claims to a period of four (4) years for any violation of the Florida Fraudulent Transfer's Act or five (5) years under the written agreement in effect between the parties.

3. By the Plaintiff's own admissions within the pleadings, the partnership in question was established as an investment vehicle in the Bernie Madoff Funds which ceased operations and terminated any payments in 2008. Any and all payments that the Plaintiff seeks from the Defendants post 2008 are diminimus in nature and do not satisfy the jurisdictional requirements of this Court.

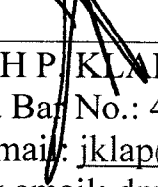
4. The Defendants herein have previously filed a Motion to Dismiss and addressing with particularity the issues raised herein again and adopt the previously filed Motion to Dismiss as though herein filed at length.

WHEREFORE, the Defendants, ABRAHAM NEWMAN, RITA NEWMAN and GERTRUDE GORDON, respectfully move this Honorable Court for an Order of Dismissal of the Amended Complaint together with such other and further relief as this Honorable Court may deem proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was
SENT VIA E-MAIL to: SEE SERVICE LIST ATTACHED; this 5 day of
December, 2013.

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