

IN THE CIRCUIT COURT OF THE  
17<sup>TH</sup> 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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**ORDER APPROVING CONSERVATOR'S REPORT AND GRANTING THE  
CONSERVATOR AND HIS COUNSEL'S FEE APPLICATION  
(BEGINNING OF THE CASE THROUGH JULY 31, 2013)**

THIS MATTER came before the Court on December 6, 2013 at 1:30 p.m. at a status conference to consider the *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* (the "Report and Application") requesting payment of fees and reimbursement of costs from the commencement of the case through July 31, 2013 (the "Application Period"), filed by the Court-Appointed 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"), having heard proffer of counsel, giving all parties an opportunity to be heard, having heard only the limited objection by counsel to Steven Jacob, which objection is without merit, and for the reasons stated on the record, it is

**ORDERED** and **ADJUDGED** as follows:

1. The requests for the payment of fees and costs in the Report and Application as to the Conservator are **GRANTED** in all respects.
2. The requests for the payment of fees and costs in the Report and Application as to Messana are **GRANTED** in all respects.

3. The fees and costs, in the amount of \$262,842.00 for fees and in the amount of \$16,426.98 for costs, of the Conservator and his employees at Michael Moecker and Associates, Inc. ("Moecker") 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).

4. The Conservator is authorized to make distributions to Moecker in the amount of \$262,842.00 for fees and in the amount of \$16,426.98 for costs out of the Partnerships' assets forthwith, such distributions being allocated to each of the Partnerships pro rata.

5. The fees and costs, in the amount of \$282,797.00 for fees and in the amount of \$5,741.22 for costs, of 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).

6. The Conservator is authorized to make distributions to Messana in the amount \$282,797.00 for fees and in the amount of \$5,741.22 for costs out of the Partnerships' assets forthwith, such distributions being allocated to each of the Partnerships pro rata.

7. To the extent any objection has not been withdrawn, it is overruled in its entirety.

Done and ordered in Chambers this \_\_\_\_\_, 2013.

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Honorable Jeffrey E. Streitfeld  
Circuit Court Judge

JEFFREY E. STREITFELD

DEC 09 2013

A TRUE COPY

Copies furnished to:

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