

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT OF FLORIDA,  
IN AND FOR BROWARD COUNTY

CASE NO.: 12-034123 (07)

P&S ASSOCIATES, GENERAL  
PARTNERSHIP, etc., et al.,

Plaintiffs,

v.

MICHAEL D. SULLIVAN, et al.,

Defendants.

---

**NOTICE OF INTENT TO SERVE SUBPOENA UNDER RULE 1.351  
FOR PRODUCTION OF DOCUMENTS WITHOUT DEPOSITION**

YOU ARE HEREBY NOTIFIED that after fifteen (15) days from the date of service of this notice, if no objection is served upon the undersigned as required by Rule 1.351, F.R.C.P., the undersigned will issue the attached subpoena directed to the Records Custodian for The Festus & Helen Stacy Foundation.

**HAILE, SHAW & PFAFFENBERGER, P.A.**

*Attorneys for Defendant Avellino*  
660 U.S. Highway One, Third Floor  
North Palm Beach, FL 33408  
Phone: (561) 627-8100  
Fax: (561) 622-7603  
[gwoodfield@haileshaw.com](mailto:gwoodfield@haileshaw.com)  
[bpetroni@haileshaw.com](mailto:bpetroni@haileshaw.com)  
[eservices@haileshaw.com](mailto:eservices@haileshaw.com)  
[syoffee@haileshaw.com](mailto:syoffee@haileshaw.com)  
[cmarino@haileshaw.com](mailto:cmarino@haileshaw.com)

By:     /s/     Gary A. Woodfield  
Gary A. Woodfield, Esq.  
Florida Bar No. 563102  
Susan Yoffee, Esq.  
Florida Bar No. 511919

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10th day of December 2013, the foregoing document is being served on those on the attached service list by electronic service via the Florida Court E-Filing Portal in compliance with Fla. Admin Order No. 13-49.

By: /s/ Gary A. Woodfield  
Gary A. Woodfield, Esq.  
Florida Bar No. 563102  
Susan Yoffee, Esq.  
Florida Bar No. 511919

SERVICE LIST

THOMAS M. MESSANA, ESQ.  
MESSANA, P.A.  
SUITE 1400  
401 EAST LAS OLAS BOULEVARD  
FORT LAUDERDALE, FL 33301  
[tmessana@messana-law.com](mailto:tmessana@messana-law.com)  
*Attorneys for P & S Associates General Partnership*

ETHAN MARK, ESQ.  
BERGER SIGNERMAN  
350 EAST LAS OLAS BOULEVARD, SUITE 1000  
FORT LAUDERDALE, FL 33301  
[emark@bergersingerman.com](mailto:emark@bergersingerman.com)  
*Attorneys for Plaintiff*

PETER G. HERMAN, ESQ.  
TRIPP SCOTT, P.A.  
15<sup>TH</sup> FLOOR  
110 SE 6<sup>TH</sup> STREET  
FORT LAUDERDALE, FL 33301  
[pgh@trippscott.com](mailto:pgh@trippscott.com)  
*Attorneys for Defendant Steven F. Jacob  
and Steven F. Jacob CPA & Associates, Inc.*

JONATHAN ETRA, ESQ.  
MARK F. RAYMOND, ESQ.  
SHANE MARTIN, ESQ.  
BROAD AND CASSEL  
One Biscayne Tower, 21<sup>ST</sup> Floor  
2 South Biscayne Blvd.  
Miami, FL 33131  
[mraymond@broadandcassel.com](mailto:mraymond@broadandcassel.com)  
[ssmith@broadandcassel.com](mailto:ssmith@broadandcassel.com)  
[jetra@broadandcassel.com](mailto:jetra@broadandcassel.com)  
[msouza@broadandcassel.com](mailto:msouza@broadandcassel.com)  
[smartin@broadandcassel.com](mailto:smartin@broadandcassel.com)  
[msanchez@broadandcassel.com](mailto:msanchez@broadandcassel.com)  
*Attorneys for Defendant, Michael Beines*

ROBERT J. HUNT, ESQ.  
DEBRA D. KLINGSBERG, ESQ.  
HUNT & GROSS, P.A.  
185 NW Spanish River Boulevard  
Suite 220  
Boca Raton, FL 33431-4230  
[bobhunt@huntgross.com](mailto:bobhunt@huntgross.com)  
[dklingsberg@huntgross.com](mailto:dklingsberg@huntgross.com)  
[eService@huntgross.com](mailto:eService@huntgross.com)  
[Sharon@huntgross.com](mailto:Sharon@huntgross.com)  
*Attorneys for Defendant, Scott W. Holloway*

MATTHEW TRIGGS, ESQ.  
ANDREW B. THOMSON, ESQ.  
PROSKAUER ROSE, LLP  
2255 Glades Road  
Suite 421 Atrium  
Boca Raton, FL 33431-7360  
[mtriggs@proskauer.com](mailto:mtriggs@proskauer.com)  
[florida.litigation@proskauer.com](mailto:florida.litigation@proskauer.com)  
[athomson@proskauer.com](mailto:athomson@proskauer.com)  
*Attorneys for Defendants Kelco Foundation, Inc.  
and Vincent T. Kelly*

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT OF FLORIDA,  
IN AND FOR BROWARD COUNTY

CASE NO.: 12-034123 (07)

P&S ASSOCIATES, GENERAL  
PARTNERSHIP, etc., et al.,

Plaintiffs,

v.

MICHAEL D. SULLIVAN, et al.,

Defendants.

---

**SUBPOENA DUCES TECUM WITHOUT DEPOSITION**  
(Records May Be Mailed in Lieu of Deposition)

To: Records Custodian  
The Festus & Helen Stacy Foundation  
5110 N. Federal Highway  
Suite 100  
Fort Lauderdale, FL 33308

YOU ARE COMMANDED to appear at Haile, Shaw & Pfaffenberger, P.A., 660 U.S. Highway One, Third Floor, North Palm Beach, FL 33418, or other mutually convenient location, on \_\_\_\_\_, 201\_\_ at 10:00 AM., and to have with you at that time and place the following:

**See Attached Exhibit A.**

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.

If you fail to:

- (1) appear as specified; or



## EXHIBIT A

Any and all records evidencing, relating and/or referring to: (1) any due diligence conducted by The Festus & Helen Stacy Foundation (the "Foundation") or by Pat Kelly on behalf of the Foundation of the S & P Associates, General Partnership, P & S Associates, General Partnership and S & P Associates, General Partnership (hereinafter collectively "the Partnerships") from 1992 to the present time; and (2) any referral fees, commissions, management fees, gifts, charitable contributions and/or kickbacks the Foundation received from Michael Sullivan and/or the Partnerships for the Foundation, or any of its principals, directors, including, but not limited to Doug Stepleton and Sean Stepleton, bringing any persons or entities (including themselves) to the Partnerships as investors from 1992 to the present time.