

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

**Case No: 12-034123(07)
Complex Litigation Unit**

P&S ASSOCIATES, GENERAL PARTNERSHIP,
a Florida limited partnership; and S&P
ASSOCIATES, GENERAL PARTNERSHIP, a
Florida limited partnership, PHILIP VON KAHLE
as Conservator of P&S ASSOCIATES, GENERAL
PARTNERSHIP, a Florida limited partnership, and
S&P ASSOCIATES, GENERAL PARTNERSHIP,
a Florida limited partnership

Plaintiffs,

v.

MICHAEL D. SULLIVAN, an individual,
STEVEN JACOB, an individual, MICHAEL D.
SULLIVAN & ASSOCIATES, INC., a Florida
corporation, STEVEN F. JACOB, CPA &
ASSOCIATES, INC., a Florida corporation,
FRANK AVELLINO, an individual, MICHAEL
BIENES, an individual, KELCO FOUNDATION,
INC., a Florida Non Profit Corporation, VINCENT
T. KELLY, an individual, VINCENT BARONE, an
individual, EDITH and SAM ROSEN, individuals,
PREMIER MARKETING SERVICES, INC., a
Florida Corporation, and SCOTT HOLLOWAY, an
individual,

Defendants.

CASE MANAGEMENT ORDER

THIS CAUSE came before the court on December 6 2013, for a Case Management
Conference pursuant to the court's notice and order. Lead counsel were present or participated

by telephone. After reviewing the Joint Case Management Report, the stipulation of the parties to the trial date set forth below, and being otherwise fully informed, it is

THEREFORE, ORDERED AND ADJUDGED that unless later modified by order of this court, the following schedule of events shall control the management and proceedings in this case.

COMMUNICATION WITH THE COURT AND AMONG THE PARTIES

1. The parties are represented by the following who shall be designated "Lead Trial Counsel":

Leonard Samuels, Esq. and Thomas M. Messana for Plaintiffs P&S Associates, General Partnership; S&P Associates, General Partnership; and Philip von Kahle as Conservator of P&S Associates, General Partnership and S&P Associates General Partnership;

Peter G. Herman, Esq. for Defendants Steven Jacob; and Steven F. Jacob CPA & Associates, Inc.;

Paul V. DeBianchi, Esq., Andrew Thomson, and Matthew Triggs for Defendants Vincent P. Kelly and Kelco Foundation, Inc.;

Harry Winderman for Defendant Michael D. Sullivan;

Gary Woodfield for Defendant Frank Avellino;

Jonathan Etra, Esq. for Michael Bienes;

Bob Hunt, Esq. for Scott W. Holloway.

2. **Courtesy copies of all motions and memoranda related thereto shall be delivered to the court immediately upon being filed with the Clerk of the Court.** All communications with the Court must be delivered to the following address:

The Honorable Jeffrey E. Streitfeld
201 S.E. 6th Street
Room 920A

Fort Lauderdale, Florida 33301

MOTIONS, DISCOVERY, ALTERNATIVE DISPUTE RESOLUTION AND TRIAL

3. Any motions for leave to amend the pleadings to add additional parties or otherwise, shall be filed on or before January 31, 2014, and heard on or before February 7, 2014.

4. Any motions to dismiss or other preliminary or pre-discovery motions shall be filed and briefed on or before March 7, 2014.

5. The parties are directed to comply in all respects with the Complex Litigation Procedures located at: www.17th.flcourts.org.

6. This case shall be ready for trial in December, 2014.

7. The jury/non-jury trial of this case shall occur during the 4th Quarter 2014 trial period beginning September 29, 2014 with **Calendar Call** on Friday September 12, 2014. The parties estimate the trial will be completed in 3 days.

8. The Final Case Management Conference is scheduled for August 1, 2014 at 1:30 p.m. in Courtroom To be announced. The parties shall prepare and provide at the final case management conference a joint pre-trial statement complying with CLP 9.2.

9. The parties shall have until June 25, 2014 to conduct and conclude fact discovery. It is further ordered that the setting of the discovery deadline will not limit any party from filing summary judgment motions during the period, but any such motions should be narrowly drawn to address only issues on which discovery has been completed. If there are still motions pending after the discovery period, the court will set a briefing schedule at that time.

10. In all respects, the presumptive limitations on discovery contained in the Complex Litigation Division Procedures shall apply.

11. The plaintiff(s) shall designate the experts expected to be called at trial and provide all information specified in CLP 7.5 by April 25, 2014. The defendant(s) shall designate

the experts expected to be called at trial and provide all information specified in CLP 7.5 by May 17, 2014.

12. A third party responding shall then designate its experts and provide all information specified in CLP 7.5 by May 30, 2014.

13. Dispositive motions shall be filed by June 2, 2014.

14. Motions *in limine* shall be filed by July 15, 2014.

15. The parties shall mediate this dispute before June 13, 2014 with the mediator of their choice. Plaintiff shall advise the Court of the precise date of the mediation no later than one week beforehand. Plaintiff is ordered to advise the court, in writing, of the outcome of the mediation no later than five (5) days following the conclusion of the mediation conference (optional).

16. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the court's ADA Coordinator, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, FL 33301, 954.831.7743 within two (2) working days of your receipt of this order. If you are hearing or voice impaired, call 954.831.7743.

DONE AND ORDERED in chambers at Broward, Florida this 12 day of December, 2013.


CIRCUIT COURT JUDGE

cc: counsel of record/parties pro se