

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

CASE NO.: 12-034121 (07)

Complex Litigation Unit

PHILIP J. VON KAHLE as Conservator of
P&S ASSOCIATES, GENERAL
PARTNERSHIP, and S&P ASSOCIATES,
GENERAL PARTNERSHIP,

vs.

JANET A. HOOKER CHARITABLE TRUST,
et al.,

Defendants.

_____ /

**THE CONSERVATOR'S MOTION TO EXTEND TIME TO
SERVE THE SUMMONS AND COMPLAINT**

Plaintiffs file this Motion to Extend Time to Serve the Summons and Complaint (the "Motion"), and in support thereof states as follows:

1. Under Fla. R. Civ. P. 1070(j), by Order Granting Conservator's Motion to Extend Time to Serve the Summons and Complaint dated November 4, 2013, this Court extended the deadline to serve process on (i) Diane M. Den Bleyker, (ii) John J. Crowley, (iii) Jonathan Crowley, (iv) Berry C. Smith, and (v) Catherine B. Smith to December 27, 2013.

2. The Conservator has taken considerable measures to determine the proper and updated information necessary to serve the over thirty Defendants in this action. Indeed, the Conservator has served the vast majority of the Defendants in this action, and has also recently served Catherine B. Smith. However, despite the Conservator's best efforts, four of the five Defendants remain unserved, due in part to outdated contact information.

3. With respect to each of the remaining above individuals, the Conservator's current efforts to serve them are as follows:

- a) Defendant Diane M. Den Bleyker – the Conservator has located multiple addresses and properties that appear to be owned by Ms. Den Bleyker. The Conservator has attempted service on Ms. Den Bleyker on multiple occasions, in different locations (including in different states), and she appears to be avoiding service in this action. Accordingly, the Conservator plans to serve Ms. Den Bleyker by publication and intends to file a motion seeking authorization to do so.
- b) Defendant Jonathan Crowley - the Conservator has identified multiple addresses for Mr. Crowley and has made multiple attempts to serve Mr. Crowley, including a newly found address. Due the diligent attempts to serve Mr. Crowley, the Conservator plans to serve Mr. Crowley by publication, and the Conservator intends to file a motion seeking authorization to do so.
- c) Defendant Berry Smith - appears to be deceased and the Conservator is searching for an estate.
- d) Defendant Jonathan J. Crowley - appears to be deceased and the Conservator is searching for an estate.

4. Due to the Conservator's diligent efforts to serve the above individuals and the Conservator's forthcoming motion to serve certain above individuals by publication, the Conservator respectfully requests that the Court extend the deadline for timely service of the Summons and Complaint upon the parties pursuant to Fla. R. Civ. P. 1070(j) to February 21, 2014. Such an extension of time will provide the Conservator with sufficient time to serve the individuals by publication, if allowed by the Court.

WHEREFORE, the Conservator requests that the Court enter an Order extending the deadline to serve process upon (i) Diane M. Den Bleyker, (ii) John J. Crowley, (iii) Jonathan Crowley, and (iv) Berry C. Smith until February 21, 2014, pursuant to Fla. R. Civ. P. 1070(j), and granting such other relief as the Court deems just and proper.

Dated: December 20, 2013

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail upon counsel identified below registered to receive electronic notifications and regular U.S. mail upon *Pro Se* parties this 20th day of December, 2013, upon the following:

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