

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

CASE NO.: 12-34121 CACE (07)
Complex Litigation Unit

MARGARET SMITH, et al.,

Plaintiff(s),

vs.

JANET A. HOOKER CHARITABLE TRUST, et al.,

Defendant(s).

**DEFENDANTS, SAM ROSEN AND EDITH ROSEN'S
FIRST REQUEST FOR PRODUCTION UPON PLAINTIFF**

Defendants, SAM ROSEN and EDITH ROSEN, by and through its undersigned counsel, pursuant to Fla.R.Civ.P. 1.350, and all other applicable law, serves this their First Request for Production upon Plaintiff, for purposes of discovery and to be used to the full extent permitted by the Rules of Evidence at trial or other proceedings. The response to this request is to be served upon the Plaintiff's attorney, Thomas M. Messina, Esq., tmessana@messana-law.com, Attorneys for Philip J. Von Kahle, the Conservator of the P & S Associates, General Partnership and the S & P Associates, General Partnership ("Plaintiff's Attorney"); and Leonard K. Samuels, Esq., Ethan Mark, Esq., Steven D. Weber, Esq., lsamuels@bergersingerman.com, emark@bergersingerman.com, sweber@bergersingerman.com, drt@bergersingerman.com, Vleon@bergersingerman.com, lwebster@bergersingerman.com, Berger Singerman, 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, Florida: 33301 within the time permitted under the Fla.R.Civ.P.

DEFINITIONS

1. Whenever any company or partnership name is used herein, that name includes: (a) all predecessors, successors, subsidiaries, parents or affiliates of the named company or partnership; (b) all officers, directors, partners, agents and employees of the name company or

partnership; and (c) all officers, directors, partners, agents and employees of any predecessor, successor, subsidiary, parent, or affiliate of the named company or partnership.

2. "Plaintiff" means the Plaintiff, and any employee, agent or attorney of Plaintiff and any other person acting for or on behalf of Plaintiff, or under Plaintiff's authority or control.

3. "Defendant" means the Defendant in this action or any employee or agent of it or its attorneys, and any other person acting for or on behalf of Defendant, or under Defendant's authority or control.

4. "Document" means any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or transcribed, including but not limited to, correspondence, messages, telegrams, contracts, memoranda, studies, surveys, charts, reports, minutes, notes, diaries, schedules, canceled checks, graphs, photographs, releases, newspaper or magazine articles, books, financial statements, ledgers, transcripts, affidavits, tapes, tape recordings, and phonograph records, whether originals, copies or drafts, however produced or reproduced.

5. "Communication" means any oral statement, dialogue, discussions, conversation or agreement.

6. "Person" means any natural person, individual, proprietorship, partnership, corporation, association, joint proprietorship, venture firm, other business enterprise, governmental body, or other entity.

7. "You", "your" or "yours" refers to the party to whom these interrogatories and request for production is directed and includes that parties agents, representatives and attorneys.

8. As used herein, the singular and masculine form or noun or pronoun shall embrace and shall be read and applied as, the plural or feminine or neuter, as circumstances make appropriate.

TIME PERIOD

Unless otherwise indicated, each request specified herein refers to documents which were prepared or which refer or relate to the period from January 1, 1993 up to and including the present.

DOCUMENTS TO PRODUCE

1. All documents which relate to the claim against Sam Rosen.
2. All documents which relate to the claim against Edith Rosen.
3. All documents which reflect any monies paid to the partnership by or on behalf of Sam Rosen.

4. All documents which reflect any monies paid to the partnership by or on behalf of Edith Rosen.

5. All documents which support or relate to the allegations in the Complaint that Sam Rosen invested \$140,000.00 in the Partnership and received \$191,142.13 from the Partnership.

6. All documents which support or relate to the allegations in the Complaint that Edith Rosen invested \$139,000.00 in the Partnership and received \$253,956.18 from the Partnership.

7. All documents which reflect and/or evidence the investment of any funds by Sam Rosen and Edith Rosen individually or as husband and wife.

8. Any and all correspondence or other documents, including but not limited to documents to and from the Partnership, Sam Rosen, Edith Rosen and or Sam and Edith Rosen.

9. Any documents and/or receipts relating to any accounts of Sam Rosen, Edith Rosen and/or Sam and Edith Rosen.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via E-mail and U.S. Mail to: Thomas M. Messana, Esq., tmessana@messana-law.com, Attorneys for Philip J. Von Kahle, the Conservator of the P & S Associates, General Partnership and the S & P Associates, General Partnership ("Plaintiff's Attorney"), MESSANA, P.A., 401 East Las Olas Boulevard, #1400, Fort Lauderdale, FL 33301; Leonard K. Samuels, Esq., Ethan Mark, Esq., Steven D. Weber, Esq., lsamuels@bergersingerman.com, emark@bergersingerman.com, sweber@bergersingerman.com, drt@bergersingerman.com, Vleon@bergersingerman.com, lwebster@bergersingerman.com, Berger Singerman, 350 East Las Olas Boulevard, Suite 1000, Fort Lauderdale, Florida; 33301; and to all parties on the attached Service List as noted, on this 27 day of August, 2013.

Respectfully submitted,
GAMBERG & ABRAMS

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By: 

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Florida Bar No. 764329

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

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By: 
/s/Thomas L. Abrams
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