

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

CASE NO. 12-034123 (07)

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

Plaintiffs,

vs.

MICHAEL D. SULLIVAN, et al.

Defendants.

**DEFENDANT'S, FRANK AVELLINO, RESPONSE
TO PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS**

Defendant, Frank Avellino ("Avellino"), by and through his undersigned counsel, files Response to Plaintiff's First Request for Admissions served on February 23, 2015 as follows:

1. Between 2002 and 2009, Michael D. Sullivan caused You to receive \$307,790.84 that previously came from S&P and/or P&S.

Response: Denied. Michael D. Sullivan & Associates, Inc. transferred \$260,159.16 to 27 Cliff, LLC between March 10, 2004 and January 30, 2008. Despite making a reasonable inquiry, Avellino has no knowledge of the source of such funds. The remainder of this request is denied.

2. Between 2002 and 2009, Michael D. Sullivan caused \$307,790.84 to be transferred to 27 Cliff, LLC at your direction in exchange for those individuals who You provided Michael D. Sullivan's contact information to and who ultimately invested in S&P and/or P&S.

Response: Denied. Michael D. Sullivan & Associates, Inc. transferred \$260,159.16 to 27 Cliff, LLC between March 10, 2004 and January 30, 2008. The remainder of this request is denied.

3. You received funds that Michael D. Sullivan caused to be transferred to 27 Cliff, LLC.

Response: Denied.

4. Between 2003 and 2004, Michael D. Sullivan caused \$65,000 to be transferred to Christ Church United Methodist Church at your direction in exchange for those individuals who You provided Michael D. Sullivan's contact information to and who ultimately invested in S&P and/or P&S.

Response: Avellino is unable to answer this request. He lacks the recollection of the specifics of such events. Further, he has made a reasonable inquiry but lacks the documents, information or records to enable him to admit or deny this request.

5. Michael D. Sullivan caused \$50,000 to be transferred to Richard Wills at Your direction in exchange for those individuals who You provided Michael D. Sullivan's contact information to and who ultimately invested in S&P and/or P&S.

Response: Avellino is unable to answer this request. He lacks the recollection of the specifics of such events. Further, he has made a reasonable inquiry but lacks the documents, information or records to enable him to admit or deny this request.

6. Prior to 2009, You knew that Michael D. Sullivan caused funds to be paid to Michael Bienes that previously came from S&P and/or P&S.

Response: Denied.

7. Prior to 2009, You knew that Michael D. Sullivan caused people aside from You to receive funds that previously came from S&P and/or P&S, on account of their referring investors into S&P and/or P&S.

Response: Denied.

8. Prior to 2009, you knew that Michael D. Sullivan caused funds to be paid to Michael Bienes in exchange for those individuals and/or entities who Bienes provided Michael D. Sullivan's contact information to and who ultimately invested in S&P and/or P&S.

Response: Denied.

9. Prior to 2009, You knew that Michael D. Sullivan caused funds to be paid to Michael Bienes in exchange for those individuals and/or entities who Michael Bienes provided Michael D. Sullivan's contact information to and who ultimately invested in S&P and/or P&S.

Response: Denied.

10. Prior to 2009, You knew that Michael D. Sullivan caused funds to be paid to Father Vincent T. Kelly or an entity related to Father Vincent T. Kelly in exchange for individuals or entities who Father Vincent T. Kelly provided Michael D. Sullivan's contact information to and who ultimately invested in S&P and/or P&S.

Response: Denied.

11. Prior to 2009, You knew that Michael D. Sullivan caused funds to be paid to Steven F. Jacob in exchange for individuals or entities who he provided Michael D. Sullivan's contact information to and who ultimately invested in S&P and/or P&S.

Response: Denied.

12. Prior to 2009, You knew that Michael D. Sullivan caused funds to be paid to Steven J. Jacob, CPA & Associates, Inc. in exchange for individuals or entities who Steven F. Jacob provided Michael D. Sullivan's contact information to and who ultimately invested in S&P and/or P&S.

Response: Denied.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of March, 2015, 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.

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