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April 24, 2015

Hand Delivered:

The Honorable Jack Tuter
Broward County Courthouse
201 Southeast Sixth Street, Room 1010B
Fort Lauderdale, Florida 33301

**Re: *Matthew Carone, et al. v. Michael D. Sullivan* Case No. 12-24051 (07)
Proposed Order – Deadline to Object**

Dear Judge Tuter:

Consistent with the Court's oral ruling at the April 23, 2015 hearing, enclosed herewith please find a proposed order granting the Conservator's *Motion to Modify Order Granting Conservator's Motion to Retain and Compensate Berger Singerman, LLP and Messana, P.A. as Special Litigation Counsel in the 'Michael D. Sullivan, et al.' Matter and Approving the Contingency Fee Compensation Agreement* (the "Proposed Order") in the above referenced case.

As required by the Court's oral ruling, copies of this correspondence and the Proposed Order are being provided to the parties-in-interest. **The deadline to file any objections to entry of the Proposed Order is 48 hours.**

I have enclosed a self-addressed stamped envelope for return of a conformed copy of any order you enter hereon. Promptly upon my receipt, I will serve the order upon the parties in interest.

Thank you for your consideration.

Sincerely,



Thomas M. Messana

Enc.
TMM/nb

Cc: Peter Herman, pgh@trippscott.com

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

MATTHEW CARONE, as Trustee for the Carone Marital Trust #2 UTD 1/26/00, Carone Gallery, Inc. Pension Trust, Carone Family Trust, Carone Marital Trust #1 UTD 1/26/00 and Matthew D. Carone Revocable Trust, JAMES JORDAN, as Trustee for the James A. Jordan Living Trust, ELAINE ZIFFER, an individual, and FESTUS AND HELEN STACY FOUNDATION, INC., a Florida Corporation,

Case No. 12-24051 (07)
Complex Litigation Unit

Plaintiffs,

v.

MICHAEL D. SULLIVAN, individually,

Defendant.

**ORDER GRANTING CONSERVATOR'S MOTION TO MODIFY ORDER
GRANTING CONSERVATOR'S MOTION TO RETAIN AND COMPENSATE
BERGER SINGERMAN, LLP and MESSANA, P.A. AS SPECIAL LITIGATION
COUNSEL IN THE 'MICHAEL D. SULLIVAN, ET AL.' MATTER AND
APPROVING THE CONTINGENCY FEE COMPENSATION AGREEMENT**

THIS MATTER came before the Court on April 23, 2015 at 10:00 a.m. upon the *Conservator's Motion to Modify Order Granting Conservator's Motion to Retain and Compensate Berger Singerman, LLP and Messana, P.A. as Special Litigation Counsel in the 'Michael D. Sullivan, et al.' Matter and Approving the Contingency Fee Compensation Agreement* (the "Motion") filed by the Court-Appointed Conservator, Philip Von Kahle. The Court having reviewed the Motion, having heard argument and proffer of counsel, finding that sufficient notice has been given to all partners and parties-in-interest, finding that the proposed increase in the Conservator's Expense Allowance¹ is reasonable and otherwise finding sufficient cause exists to grant the relief requested, it is

ORDERED and **ADJUDGED** as follows:

1. The Motion is GRANTED.

¹ All capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

2. The Conservator's Expense Allowance is hereby increased by \$50,000 on the same terms applicable to the Retention Order.

Done and ordered in Chambers this _____ day of April, 2015.

Honorable Jack Tuter
Circuit Court Judge

Copies furnished to:

Thomas M. Messana, Esq., Messana, PA, 401 East Las Olas Boulevard, Suite 1400, Fort Lauderdale, Florida 33301, who is directed to serve copies on the following:

Philip J. Von Kahle, Conservator, 3613 North 29th Avenue, Hollywood, Florida 33020

The Constervator is directed to serve copies on all other required parties.