

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

MATTHEW CARONE, et al.,

Case No. 12-24-051 (07)
Complex Litigation Unit

Plaintiffs,

v.

MICHAEL D. SULLIVAN, individually,

Defendants.

**ORDER APPROVING THE CONSERVATOR'S INTERIM REPORT,
APPROVING THE CONSERVATOR'S FIFTH DISTRIBUTION TO
PARTNERS AND GRANTING THE CONSERVATOR AND HIS
COUNSEL'S SIXTH APPLICATION FOR ALLOWANCE AND
PAYMENT OF COMPENSATION AND REIMBURSEMENT OF EXPENSES**

THIS MATTER came before the Court on October 31, 2018 at 8:45 a.m. upon hearing to consider the *Conservator's Proposed Fifth Distribution to Partners and Interim Report and Sixth Application for Allowance and Payment of Compensation and Reimbursement of Expenses for the Conservator and Messana, P.A., as Counsel* (the "**Report and Application**") requesting approval of a proposed fifth distribution to partners and payment of fees and reimbursement of costs for the period of October 1, 2016 through December 31, 2017 (the "**Application Period**"), filed by the court-appointed conservator, Philip J. Von Kahle (the "**Conservator**") Conservator of P&S Associates, General Partnership and S&P Associates, General Partnership (the "**Partnerships**"). The Court having reviewed the Report and Application, including the affidavits in support of fees and costs for the Conservator and Messana, PA ("**Messana**"), the detailed time attached thereto, the record, having heard proffer of counsel, giving all parties an opportunity to be heard, and for the reasons stated on the record, it is

ORDERED and **ADJUDGED** as follows:

1. The Conservator's Proposed Distribution to the Net Losers is approved as set forth in Exhibits "A" and "B" to the Report and Application.¹

2. The Conservator is hereby authorized to make the interim distributions to the Partners as proposed in the Report and Application pursuant to Exhibits "A" and "B" attached thereto within a reasonable time after the entry of this Final Non-Appealable Order granting the Report and Application.

3. Consistent with the Court's Final Judgment in the case styled *P&S v. Alves*, case No. 12-028324 (07), the Conservator is authorized to distribute funds directly to the members of Guardian Angel Trust, LLC and to the partners of SPJ Investments, Ltd.

4. The requests for the payment of fees and costs in the Report and Application as to the Conservator are **GRANTED** in all respects.

5. The requests for the payment of fees and costs in the Report and Application as to Messana are **GRANTED** in all respects.

6. Fees in the amount of **\$29,721.25** and costs in the amount of **\$3,961.21** for the Conservator during the Application Period are found to be reasonable considering each and every factor contemplated by *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985) and the principles of *Lewis v. Gramil Corp.*, 94 So. 2d 174, 177 (Fla. 1957).

7. The Conservator is authorized to make distributions in the amount of **29,721.25** for fees and **\$3,961.21** for costs out of the Partnerships' assets forthwith, such distributions being allocated to each of the Partnerships pro rata.

8. Fees in the amount of **\$55,827.00** and costs in the amount of **\$5,788.74** for Messana during the Application Period are found to be reasonable considering each and every

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

factor contemplated by *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985) and the principles of *Lewis v. Gramil Corp.*, 94 So. 2d 174, 177 (Fla. 1957).

9. The Conservator is authorized to make distributions to Messina in the amount of **\$55,827.00** for fees and **\$5,788.74** for costs out of the Partnerships' assets forthwith, such distributions being allocated to each of the Partnerships pro rata.

DONE AND ORDERED in Broward County, Florida this 31st day of October, 2018.

JACK TUTER

OCT 31 2018

Honorable Jack Tuter
Circuit Court Judge

True Copy

Copies furnished to:

Thomas M. Messina, Esq. who is directed to serve same upon all interested parties.